



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 146

WASHINGTON, MONDAY, JUNE 26, 2000

No. 82

## Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. THURMOND).

### PRAYER

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

This morning, Lord, we ask You for a very special gift. This gift is one we know You want to give. It is for the awareness of the power of prayer for each other. You have told us in the Scriptures that there are blessings You grant only when we care enough to pray for each other. We also know that our attitudes are changed when we pray for each other. We listen better and conflicts are resolved. We discover answers to problems together because prayer has made it easier to work out solutions.

Also, when we pray for each other, You affirm our mutual caring by releasing supernatural power. Working together becomes more pleasant and more productive. Knowing this, we make a renewed commitment to pray for the people around us, those with whom we disagree politically, and those with whom we sometimes find it difficult to work. If we pledge that we are one Nation under God, help us to exemplify to our Nation what it means to be one Senate family with unity in diversity, held together with the bonds of loyalty to You and our Nation, in consistent daily prayer for Your best for each other. In the name of our Lord. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON KYL, a Senator from the State of Arizona, led the Pledge of Allegiance, as follows:

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Arizona is recognized.

### SCHEDULE

Mr. KYL. Mr. President, today the Senate will be in a period of morning business until 3 p.m. Following morning business, the Senate will resume consideration of the Labor, Health and Human Services appropriations bill. Senator MCCAIN's amendment regarding protection of children using the Internet is the pending amendment, and it is hoped that all debate on that amendment can be completed by mid-day tomorrow. It is hoped that those Senators who have amendments will come to the floor as soon as possible to offer and debate their amendment. Votes may occur early tomorrow morning and Senators should adjust their schedules accordingly.

I thank my colleagues for their attention.

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

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

The legislative clerk proceeded to call the roll.

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

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

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business until

the hour of 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the Senator from Illinois, Mr. DURBIN, or his designee, shall be in control of the time until 2 p.m.

The Senator is recognized.

### PNTR

Mr. HOLLINGS. Mr. President, here we go again, treating foreign trade as foreign aid, failing to compete, and giving away our technology and production. The permanent normal trade relations with China—PNTR—vote is not about access to China. The agreement doesn't provide open access, and even as a member of the WTO, China's market doesn't become open. Japan has been a member of the WTO for 5 years and her market remains closed. PNTR is certainly not about jobs in America, but about production and jobs in China. As headlined in the Wall Street Journal, corporate America is in a foot race to invest and produce in China. PNTR is not about exports. Today's \$70 billion deficit in the balance of trade with China is bound to increase. Nor will PNTR maintain our "lead" in technology. Already we have a \$3.2 billion deficit in technology trade with China that threatens to reach \$5 billion this year. PNTR is not about environment and labor. It took the democratic United States 200 years to get around to labor and environmental protections. Emerging countries, like us in the beginning, will sacrifice labor and environment to produce and build. PNTR is not about human rights. Human rights will be abused by a communist government in order to control a population of 1.3 billion. PNTR is not about undermining the communist regime in China. The communist regime knows what it's doing and unambiguously favors PNTR. Finally, PNTR is not about China obeying its agreements, but the United States enforcing ours.

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



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We are in a desperate circumstance. For 50 years we have readily sacrificed our manufacturing sector to spread capitalism and defeat communism. But our security rests as if on a three legged stool. The one leg of values is strong. America is admired the world around for its stand for human rights and individual freedom. The second leg of military power is unquestioned. The third leg of economic strength has become fractured. We have gone from 41% of our work force in manufacture at the end of World War II to 14 percent. Manufacture provides the salary and benefits that produce a middle class. This middle class is not only the strength of an economy, but the strength of a democracy. As Akio Morita of Sony stated: "That world power that loses its manufacturing capacity will cease to be a world power."

"Permanent" is the objectionable part of PNTR. The issue is not whether we will trade with China—we will. But the annual renewal of our trade relations affords us an opportunity to once more get the attention of our leadership as to an impending disaster. It's not just trade. The U.S. influence in world diplomacy is threatened. The 6th Fleet and the hydrogen bomb are no longer a threat. Today, economic power counts. Money talks. The domestic market is the principal weapon in the global competition. We have the richest, but refuse to use it, all because of some nonsense that a trade war may ensue. We are in a trade war and don't know it. It shows the lack of understanding of the global economy, of the global competition.

To begin with, the global competition is keen. With the fall of the Wall, 4 billion people have entered the work force. With technology transferred on a computer chip, financed by satellite, one can produce anything anywhere. In the age of robots, skilled production is readily available. The most productive automobile plant in the world, according to J.D. Power, is not in Detroit, but in Mexico. Years ago as Governor, I was admonished to let the emerging countries produce the textiles and the shoes; the United States would produce the airplanes and computers. Today, the competition produces the textiles, the shoes, the airplanes and the computers. All countries have as a goal obtaining technology and producing technology. All protect their domestic agriculture. All, except the United States, protect their local market from foreign imports. And all, except the United States, enjoy government financing. The European aircraft sold in the United States is government financed. The Japanese car taking over the United States market is financed and protected—and sold for less than cost. Most importantly, the goal of U.S. trade is profits. The goal of global competition is market share. While the competition cares little about a standard of living, the U.S. burdens its production with a high standard. Before "Jones Manufacturing" can open its

doors it must have a minimum wage, Social Security, Medicare, Medicaid, clean air, clean water, a safe working place, safe machinery, plant closing notice, parental leave—and almost ergonomics. Corporate taxes in the U.S. are a cost of production; whereas, the competition's value added tax is rebated at export. The global competition saves while we consume. They willingly pay \$4.50 for a gallon of gasoline but we go "ape" when a gallon reaches \$2.00. The global competition is organized and directed. We are totally disorganized. There are 28 agencies and departments engaged in trade decisions and we have allowed the financing of our debt to control trade decisions. Former Prime Minister of Japan, Hashimoto, threatened one afternoon at Columbia University to stop buying our bonds if we insisted on enforcing our dumping laws. The stock market fell 200 points within an hour and the dumping law against Japan was not enforced. Finally, all countries in international trade use access to their markets as a bargaining chip. Refusing to compete, we cry, "be fair; be fair; level the playing field". Moral suasion has little affect in business. We continue to lose our technology and production. It has gotten so bad that the foreign corporation in a controlled economy now preys on the domestic bloodied from open competition. Volvo buys Mack Truck. Daimler-Benz seizes Chrysler. And the European Union denies the MCI-Sprint merger so the Deutsche Telekom can buy Sprint.

As the United States moves now to set the parameters of trade with 1.3 billion producers of agriculture and products, we need time. We need understanding. The \$300 billion trade deficit, costing the economy 1% growth, must be reversed. The PNTR vote is not against China, but to get the attention of the United States. We need to set trade policy and start competing. We need to realize that we are competing with ourselves. In the early 1970s our banks financing foreign investment began making a majority of their profits outside of the United States. They organized think-tanks, consultants, and entities such as the Trilateral Commission to promote the "free trade" line. Corporate America, making a bigger profit on foreign production, changed from nationals to multinationals. The campuses, sustained by corporate multinationals, all teach "free trade". The retailers, enjoying a bigger profit on the imported article, shout "free trade". The newspaper editorialists, financed by retail advertising, exult "free trade". And then there's the lawyer. One country, Japan, pays their lawyers more to lobby Congress than the combined salaries of all the Members of Congress. By way of pay, Japan is better represented in Washington than the people of the United States. Article 1, Section 8 of the Constitution provides "that Congress shall have the power to regulate commerce with foreign nations", but

this power has been forsaken to the multinationals and foreign competition. PNTR will only continue this outrage. Trade with China will continue. But the only leverage we have left with China, the only chance for Congress to assume its responsibility for trade, is this annual review. "Permanent" must be stricken from Permanent Normal Trade Relations.

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

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

Mr. KYL. Mr. President, I ask unanimous consent that I be permitted to speak on Republican time at this point, and should a member of the other party wish to later utilize minutes remaining on their time that they be permitted to do so.

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

#### ENERGY POLICY

Mr. KYL. Mr. President, the reason I wanted to speak this afternoon is to address the issue of energy policy and gasoline prices.

It seems now that we are in the finger-pointing mode trying to blame one another for what is in effect a market condition; that is, the increasing rise in the price of gasoline.

My point this morning is that it should come as no surprise to any of us that gas prices have gone up. Why is this so?

First of all, thanks to Senator PETE DOMENICI, the chairman of the Energy and Water Subcommittee of the Appropriations Committee, who yesterday in response to a question on a national TV program made, I think, the most succinct statement on this, we have the basic answer. He said, "The chickens have come home to roost."

He said that after 7 years of the Clinton-Gore administration policy, which is in effect no policy with respect to improving our energy situation, "The chickens have come home to roost."

While we have enjoyed a great time of prosperity in this country, we have been doing nothing to ensure that we would be able to provide the energy resources—the oil and gas on which our economy runs—at the time when our economy is up and running, as it is now; and, therefore, we should not be surprised that the demand for this product has outstripped the supply. He is correct in that.

Thanks to Senator MURKOWSKI, who chairs the Energy and Natural Resources Committee in the Senate, we have the statistics which back up this statement.

Since 1992, U.S. oil production is down 17 percent, but consumption is up

14 percent. That is the basic fact right there. Demand is up significantly but production in this country is down significantly. The reason production is down is because of the specific policies of this administration.

It should come as no surprise to us that when demand is greater and supply is less, the price is going to go up. Only those who do not understand the free market would fail to appreciate this fact and point the finger at someone else.

Imports, we learned from Senator MURKOWSKI, are now at 56 percent of our total supply and growing rapidly. In fact, they are in the neighborhood of about 62 percent during some months—specifically during this period of time.

By comparison, in 1973, during the time of the Arab oil embargo, we imported about 35 percent of foreign oil.

Remember how we were complaining at that point about how dependent upon these OPEC supplies we were—35 percent then and up to 62 percent now.

We are approaching twice as much dependency on foreign oil supplies as we had during the time of the great oil embargo of the early 1970s.

At current prices, I might add, the United States spends \$300 million a day on imported oil. That is over \$100 billion per year on foreign oil, which, incidentally, is about one-third of our entire trade deficit.

This puts into clear perspective the amount of our reliance on these foreign sources.

Are the people who supply this oil from abroad our friends when it comes to the supplying of this particular product? Are they working with us to keep the prices down? No. We know, as matter of fact, in this area even that our friends are willing to take advantage of the great demand and thirst for this product in the United States.

The OPEC nations, which include our friend to the south, Mexico, and other countries in this hemisphere, but most especially the countries in the Middle East led by our friend, Saudi Arabia, have restricted the supply so as to drive the cost of the product up.

It is real simple. When we don't have control over the supply that our friends do, they will take advantage of us. Frankly, we can't blame them. That is part of the way the market operates. We would object that they have gathered together in the form of a monopoly or oligopoly, and they are controlling the price. But it is their ability to do that on the foreign market. We understand that. We should not be surprised by it. But we should be committed to doing something about it.

For 7 years, this administration not only has not done anything about it; it has gotten us more and more deeply in the hole of reliance on foreign oil.

I have a friend back home—a rancher. The Presiding Officer will probably appreciate this kind of western humor, since he likes to collect these items. He said he has an attitude. He said: When you are trying to get out of a

hole, the first thing you do is stop digging.

I submit that we are going to keep digging the hole deeper and deeper if we don't stop this reliance on foreign oil, and if we don't start doing something about increasing our supply here at home.

It turns out that we have plenty of opportunities, which I will get to in just a moment.

One other fact that I think is important to note is that 36 refineries have closed since 1992. We have had no new refineries built in this country since 1976. It is not only the fact that we have less oil being produced in the United States, but also that less oil product is being refined in this country primarily because of the stringency of environmental regulations.

What has been the administration's policy? Its energy policy says that we should have a mix of energy sources. But let's look at the facts.

We have the lowest production in this country since world War II. We are importing more oil than ever before. We have regulations and taxes designed basically to close the oil industry. The President himself vetoed a bill to open so-called ANWR in 1995 with 16 billion barrels of oil—that is about a 30-year supply of imports from Saudi Arabia—and has instead advocated increasing royalty rates, which, of course, would make foreign investment even more attractive to U.S. companies and cause them to not want to produce oil here in this country.

I get letters from constituents who say we should close down any offshore drilling or any drilling of oil in the Alaska reserve. I think these people need to appreciate that there was an area cut out of the wilderness area in Alaska and designated specifically for the production of oil. It is a very small area. We created a vast new wilderness on the North Slope of Alaska. It is a beautiful area. I have been there. But we created a very small island in there in effect that does not have any particular environmental benefit compared to the areas around it. We said in that particular area we would explore for oil. It is in that area that we are talking about producing this 16 billion barrels of oil.

I have been to that area. I suggest anybody who believes we should not pursue the exploration for oil in that area ought to visit it. I think they will see two things. First, we have found a way to drill for oil that is very environmentally safe and benign. In effect, in a very small area about the size of this Senate Chamber, up to 10 wells can be drilled at a depth of about 10,000 feet with another 10, 15, or more thousand feet of drilling horizontally to a point of oil. We have a very small area where the oil drilling is actually evident from the surface of the Earth but a very large area underneath from which the oil is taken. This is done in an extraordinarily environmentally safe way. You cannot even tell, when you are on the surface, what is being done.

We can explore for and obtain oil from these sites, such as the Alaska oil, as well as offshore sites, using the same technology without environmental damage. However, the administration has precluded us from doing so.

Now, we have a great deal of coal, much low sulfur. The cleanest coal in the lower 48 States was locked up when the President declared the large area of Montana a national monument and, therefore, we could not take advantage of the low-sulfur coal that is located in that area.

Nuclear power is the cleanest of all, but this administration has been opposed to nuclear power. In fact, there have been no new power plants, and the President, of course, vetoed the nuclear waste disposal bill. This is essential for the further development of nuclear power.

With respect to hydropower, we have a Secretary of Interior who says he was to be the first Secretary to tear down dams. We cannot produce hydropower without dams.

With respect to natural gas, vast areas of coal development in both the OCS and the Rocky Mountain area have been closed to natural gas.

The bottom line is this administration's policy is not conducive to the development of new sources of energy in the United States, even environmentally safe, environmentally benign sources. Instead, virtually every policy this administration has pursued has had the effect of reducing U.S. oil production and increasing our reliance upon foreign sources. All that does is enable those foreign sources to take advantage of this reliance by reducing their production and jacking up the price. American consumers are paying the result of that at the pump.

I have one or two other statistics. Since the start of the Clinton-Gore administration, according to Senator MURKOWSKI's figures, domestic oil production in the United States has fallen by 17 percent for the reasons I articulated. We can't, with that level of reduction in U.S. oil production, maintain a level which enables the U.S. to control our own destiny in terms of the price of oil. We are already spending over \$100 billion per year on foreign oil, about a third of our trade deficit.

As a result of these facts, I have joined with Senator LOTT, our majority leader, and others, in introducing the National Energy Security Act of 2000, S. 2557, the goal of which is to roll back our dependence on foreign oil to a level below 50 percent.

In conclusion, there has been a lot of finger pointing. Some say it is the result of taxes. I support, at least temporarily—in fact, I would support permanently—removing the 18.4-percent Federal gas tax. People say that is only a drop in the bucket. It is almost 20 cents on the price of a gallon of gas. That is not peanuts if you have to fill your car as much as a lot of folks do.

The EPA has been changing its mind about additives. In some parts of the

country that has increased the cost of a gallon of gasoline.

We have fewer refineries, as I indicated.

Most of all, it is "the chickens are coming home to roost" answer that Senator DOMENICI provided; namely, that we have decreased the United States oil production at the same time we are relying more and more on foreign oil. The net result of that should come as no surprise to anyone. We are going to have to pay higher prices at the gas pumps as a result.

It is time that the United States had a clear strategy, a good energy policy, that promoted the development of oil resources in the United States in a safe and environmentally clean way. That can be done. I believe under a new administration which is focused on developing an energy strategy that will suit the American people, it will be done.

I thank Senator THOMAS for making some of his time available to talk about this important subject.

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

Mr. THOMAS. Mr. President, I thank the Senator from Arizona.

Quite often we have difficulties, we have problems, and we really don't think about the policy that has created it—or in this case, the lack of policy.

I think it is very important that as we have the great growth of energy use in this country, that we take a look at our policy and not let ourselves become captives of overseas production.

#### M/V "MIST COVE"

Mr. THOMAS. I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 3903, and the Senate then proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (H.R. 3903) to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMAS. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3903) was read the third time and passed.

#### OCEANS ACT OF 2000

Mr. THOMAS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 568, S. 2327.

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

The legislative clerk read as follows:

A bill (S. 2327) to establish a Commission on Ocean Policy, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3620

(Purpose: To establish a Commission on Ocean Policy, and for other purposes)

Mr. THOMAS. Mr. President, Senator HOLLINGS has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for Mr. HOLLINGS, proposes an amendment numbered 3620.

Mr. THOMAS. I ask unanimous consent 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.")

Mr. MCCAIN. Mr. President, I rise in support of S. 2327, the Oceans Act of 2000. This bill would establish a Commission on Ocean Policy to assess the problems that face our nation's coastal regions. Over half of the U.S. population lives in these areas and they are the source of one third of our gross domestic product. Clearly, the current problems faced in our coastal areas cannot be left unattended. Senator HOLLINGS, the ranking member on the Commerce Committee, has worked hard on this legislation. I am pleased that the Committee was able to report this bill in the most expeditious manner.

The Commission will examine current programs and policies related to coastal and Great Lakes regions, and determine whether the problems in such areas are adequately addressed by current laws, regulations, and public policy. The 1966 Stratton Commission, also the result of the hard work of Senators HOLLINGS, STEVENS, and INOUE, led to the establishment of the National Oceanic and Atmospheric Administration and the enactment of the Coastal Zone Management Act. While the Stratton Commission provided an invaluable service to our nation, over thirty years have passed since that landmark study. Now it is necessary to reexamine the programs, policies, and state of America's coastal areas.

The Commission established by this bill will issue recommendations to the President and Congress to develop an effective and efficient national policy for our coastal regions. Mr. President, it is time for a comprehensive review of the policies that affect so many Americans.

I thank Senator HOLLINGS for his hard work and determination to address this issue. Mr. President, I urge the Senate to pass the Oceans Act of 2000.

Mr. HOLLINGS. Mr. President, I rise today in support of Senate passage of S. 2327, the Oceans Act of 2000. The bill calls for an action plan for the twenty-first century to explore, protect, and make better use of our oceans and

coasts. Its passage is, quite simply, the most important step we can take today to ensure an effective, coordinated and comprehensive ocean policy to guide us into the new millennium.

I thank my colleagues in the Commerce Committee for their support, in particular, Senators SNOWE, KERRY, and STEVENS, for their cosponsorship and their efforts over the last several weeks to bring this bill to the floor. Following in the Commerce Committee tradition with respect to ocean issues, this has been a bipartisan process. I also thank the other cosponsors of the legislation, Senators BREAU, INOUE, BOXER, LAUTENBERG, MURKOWSKI, LIEBERMAN, AKAKA, FEINSTEIN, CLELAND, MOYNIHAN, MURRAY, REED, SARBANES, SCHUMER, WYDEN, LANDRIEU, MURKOWSKI, CHAFEE, and ROTH for their continued support. Finally, I want to express my appreciation to the numerous industry, environmental, and academic groups who agree that the time has come for this bill.

Mr. President, it is critical that we enact the Oceans Act of 2000 this year as we pass through the gateway to a new millennium. The oceans are again beginning to receive the attention they received in 1966 when we enacted legislation to establish a Commission on Marine Science, Engineering, and Resources (known as the Stratton Commission for its chairman Julius Stratton) to recommend a comprehensive national program to explore the oceans, develop marine and coastal resources, and conserve the sea. The Stratton Commission's report and recommendations have shaped U.S. ocean policy for three decades, and resulted in the creation of the National Oceanic and Atmospheric Administration (NOAA) under Presidential Reorganization Plan Number Four, as well as most of the major marine conservation status NOAA implements. These include the National Marine Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, and the Coastal Zone Management Act.

Where the Stratton Commission performed its work with vision and integrity, the world has changed in myriad ways since 1966. Ocean and coastal issues are growing more popular day by day, but we are able to make the necessary headway to ensure they get the attention and priority they deserve. Consider the following quote from the National Research Council's report entitled *Striking a Balance, Improving Stewardship of Marine Areas*:

The findings of the Marine Board studies have revealed a strong interest in the nation's coastal and marine areas by present and potential offshore industries, coastal states responsible for resource development and environmental preservation of their offshore regions, and the ocean research community. Little has been done, however, to devise a comprehensive regulatory or management framework for current or future activities in federal and state waters or on or under the seabed in the U.S. Exclusive Economic Zone. The need for a regulatory and

management framework is likely to increase in the future . . . No mechanism exists for establishing a common vision and a common set of objectives . . .

Establishing an independent national Ocean Commission in the year 2000 could comprehensively evaluate concerns that cannot be viewed effectively through current federal processes or through privately-commissioned studies. These include concerns about providing appropriate priority and funding for critical ocean conservation and management issues, as well as whether the ocean management regimes that have developed over the last 30 years are duplicative and uncoordinated, resulting in costly or time-consuming requirements that may provide little incremental environmental benefit.

The essential elements of the legislation before the Senate today remain the same as the Committee-reported version, with further amendments to reinforce the importance of science in supporting the Commission's activities. The Oceans Act of 2000 would establish a 16-member high level national Commission, similar to the Stratton Commission, to examine ocean and coastal activities and report within 18 months on recommendations for a national policy. The Commission members would be selected from individuals nominated by majority and minority representatives in both houses of Congress. Eligible individuals include a truly balanced group of experts representing state and local governments, academia, ocean-related industries and public interest groups.

The Act would become effective at the end of this year, enabling the current Administration to complete the interagency ocean initiative resulting from the hard work done by the ocean community for the 1998 International Year of the Ocean. It will also allow the incoming Administration time to evaluate the Commission nominees and make appointments. Once the Commission completes its recommendations to the President and to Congress, it will then be the President's turn to report to Congress how he will respond to these recommendations. As in 1966, the real work will begin after the Commission completes its report. History has taught us that Congressional support and participation is essential to ensuring the long-term success of this truly national ocean effort. We are off to a very good start. The current bill enjoys wide support in the Senate and from industry, conservation groups, scientists, and states, all of whom have sent numerous letters of support over the past several months. Most recently, we have received letters of support from the Chairman of the National Academy of Sciences' National Research Council, the fifty-three member institutions that are part of the Consortium for Oceanographic Research and Education, as well as fourteen major telecommunications and information technology groups.

Mr. President, this legislation is both appropriate and long overdue. By the

end of this decade about 60% of Americans will live along our coasts, which account for less than 10% of our land area. I am amazed that in this era, when we've invested billions of dollars in exploring other planets, we know so little about the ocean and coastal systems upon which we and other living things depend. Large storms events like Hurricane Floyd and Hugo, driven by ocean-circulation patterns, pose the ultimate risk to human health and safety. El Nino-related climate events have led to increased incidence of malaria in some countries. Harmful algal blooms have been linked to deaths of sea lions in California and manatees in Florida, and we are still searching to understand their effects on humans. The oceans are home to 80% of all life forms on Earth, but only 1% of our biotechnology R&D budget will focus on marine life forms. Mr. President, the oceans are integral to our lives but we are not putting a high enough priority on finding ways to learn more about them, and what they may hold for our future.

The Stratton Commission stated in 1969: "How fully and wisely the United States uses the sea in the decades ahead will affect profoundly its security, its economy, its ability to meet increasing demands for food and raw materials, its position and influence in the world community, and the quality of the environment in which its people live." Those words are as true today as they were 30 years ago. It is time to look towards the next 30 years. As a nation, we must consider the challenges and opportunities that lie ahead and ensure the development of an integrated national ocean and coastal policy to deal with them well into the next millennium. I urge the Senate to pass this legislation.

Ms. SNOWE. Mr. President, today the Senate is considering S. 2327, the Oceans Act of 2000. I am pleased to support this bill, which will have a major influence on the direction of U.S. ocean policy, management, and research for many years to come.

In 1966, Congress established the Stratton Commission through the enactment of the Marine Resources and Engineering Development Act. The Stratton Commission provided a comprehensive evaluation of the role of the ocean to the United States and provided a series of recommendations regarding ocean and coastal policy for the future.

After over 30 months of meetings, hearings, and correspondence, the Commission produced the 1969 report, "Our Nation and the Sea". The document made a significant impact on coastal and ocean policy, leading to the creation of the National Oceanic and Atmospheric Administration in 1970 and the National Coastal Zone Management Program in 1972.

Now, over thirty years after publication of the original Stratton Commission report, it is time to reexamine current U.S. programs and legislation

that affect the oceans, Great Lakes, and coastal zones. Our coastal regions and ocean resources are under increasing pressures. In the United States, more than 53 percent of the population is living in coastal regions that comprise only 17 percent of the contiguous U.S. land area. Additionally, the coastal population is increasing by 3,600 people per day, with a projected coastal increase of 27 million people by the year 2015.

The increasing pressures on the coast are being mirrored in the oceans. Valuable commercial activities such as shipping and maritime transportation, oil and gas production, and fishing impact the oceans and Great Lakes. Additionally, environmental stresses, such as pollution and increased water temperatures potentially due to global climate change, are exacerbating existing problems.

The Oceans Act of 2000 will create a Commission on Ocean Policy to examine a variety of ocean and Great Lakes issues. Protection of the marine environment, prevention of marine pollution, enhancement of maritime commerce and transportation, response to natural hazards, and preservation of the United States' role as a leader in ocean and coastal activities will all be reviewed. The Commission will be composed of 16 members that represent state and local governments, ocean-related industries, academic and technical institutions, and relevant public interest organizations. The members will be nominated by Congress and appointed by the President.

The Commission will be responsible for submitting a report to Congress and the President, within 18 months, containing their recommendations. These recommendations will focus on the development of a comprehensive, cost-effective policy to address pressing ocean and coastal issues. It will provide important guidance to policy makers on how to shape the future direction of ocean policy for the United States.

Mr. President, I would like to recognize Senator HOLLINGS, the author of the bill, for his work creating the original Stratton Commission and for his leadership on this issue. In addition, Senator STEVENS and Senator INOUE, both original cosponsors of the legislation, were involved with the work of the Stratton Commission, and I look forward to working with them and the other members of the Commerce Committee on the Oceans Act of 2000. Finally, I would like to thank Senator MCCAIN, the Chairman of the Committee and Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for their support of this measure.

Mr. THOMAS. I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3620) was agreed to.

The bill (S. 2327), as amended, was considered read the third time and passed, as follows:

S. 2327

*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 "Oceans Act of 2000".

#### SEC. 2. PURPOSE AND OBJECTIVES.

The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote—

(1) the protection of life and property against natural and manmade hazards;

(2) responsible stewardship, including use, of fishery resources and other ocean and coastal resources;

(3) the protection of the marine environment and prevention of marine pollution;

(4) the enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;

(5) the expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities;

(6) the continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities, including investments and technologies designed to promote national energy and food security;

(7) close cooperation among all government agencies and departments and the private sector to ensure—

(A) coherent and consistent regulation and management of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities;

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities; and

(D) enhancement of partnerships with State and local governments with respect to ocean and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the State and local level; and

(8) the preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

#### SEC. 3. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.

##### (b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental

ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(2) NOMINATIONS.—The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(B) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources, Transportation and Infrastructure, and Science.

(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the Ranking Members of the House Committees on Resources, Transportation and Infrastructure, and Science.

(3) CHAIRMAN.—The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for—

(A) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(B) the use and expenditure of funds available to the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

(c) RESOURCES.—In carrying out its functions under this section, the Commission—

(1) is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act, and each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information (other than information described in section 552(b)(1)(A) of title 5, United States Code) to the Commission, upon the request of the Commission;

(2) may enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and

(3) in consultation with the Ocean Studies Board of the National Research Council of the National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

(d) STAFFING.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be sub-

ject to confirmation by a majority of the members of the Commission.

##### (e) MEETINGS.—

(1) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it:

(A) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(2) INITIAL MEETING.—The Commission shall hold its first meeting within 30 days after all 16 members have been appointed.

(3) REQUIRED PUBLIC MEETINGS.—The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States:

(A) The Northeast (including the Great Lakes).

(B) The Southeast (including the Caribbean).

(C) The Southwest (including Hawaii and the Pacific Territories).

(D) The Northwest.

(E) The Gulf of Mexico.

##### (f) REPORT.—

(1) IN GENERAL.—Within 18 months after the establishment of the Commission, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy.

(2) REQUIRED MATTER.—The final report of the Commission shall include the following assessment, reviews, and recommendations:

(A) An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate platforms and technologies.

(B) A review of existing and planned ocean and coastal activities of Federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of Federal efforts.

(C) A review of the cumulative effect of Federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with State ocean and coastal management regimes.

(D) A review of the known and anticipated supply of, and demand for, ocean and coastal resources of the United States.

(E) A review of and recommendations concerning the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities.

(F) A review of opportunities for the development of or investment in new products,

technologies, or markets related to ocean and coastal activities.

(G) A review of previous and ongoing State and Federal efforts to enhance the effectiveness and integration of ocean and coastal activities.

(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

(I) A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

(3) CONSIDERATION OF FACTORS.—In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.

(4) LIMITATIONS.—The recommendations of the Commission shall not be specific to the lands and waters within a single State.

(g) PUBLIC AND COASTAL STATE REVIEW.—

(1) NOTICE.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that a draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) INCLUSION OF GOVERNORS' COMMENTS.—The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.

(h) ADMINISTRATIVE PROCEDURE FOR REPORT AND REVIEW.—Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review, or submission of the report required by subsection (e) or the review of that report under subsection (f).

(i) TERMINATION.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section a total of \$6,000,000 for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

#### SEC. 4. NATIONAL OCEAN POLICY.

(a) NATIONAL OCEAN POLICY.—Within 120 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

(b) COOPERATION AND CONSULTATION.—In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

#### SEC. 5. BIENNIAL REPORT.

Beginning in September, 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing of all existing Federal programs related to ocean and coastal activities, including a description of each program, the current funding for the program, linkages to other Federal programs, and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

#### SEC. 6. DEFINITIONS.

In this Act:

(1) MARINE ENVIRONMENT.—The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters;

(B) the continental shelf; and

(C) the Great Lakes.

(2) OCEAN AND COASTAL RESOURCE.—The term "ocean and coastal resource" means any living or non-living natural, historic, or cultural resource found in the marine environment.

(3) COMMISSION.—The term "Commission" means the Commission on Ocean Policy established by section 3.

#### SEC. 7. EFFECTIVE DATE.

This Act shall become effective on January 20, 2001.

### FISHERMEN'S PROTECTIVE ACT AMENDMENTS OF 1967

Mr. THOMAS. I ask unanimous consent the Senate proceed to consideration of Calendar No. 569, H.R. 1651.

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

The legislative clerk read as follows:

A bill (H.R. 1651) to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, Transportation, with an amendment.

[Omit the part in boldface brackets and insert the part printed in italic]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### TITLE I—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

##### SEC. 101. SHORT TITLE.

This title may be cited as the "Fishermen's Protective Act Amendments of 1999".

##### SEC. 102. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) IN GENERAL.—Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "2000" and inserting "2003".

(b) CLERICAL AMENDMENT.—Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking "Secretary of the Interior" and inserting "Secretary of Commerce".

#### TITLE II—YUKON RIVER SALMON

##### SEC. 201. SHORT TITLE.

This title may be cited as the "Yukon River Salmon Act of 1999".

##### SEC. 202. YUKON RIVER SALMON PANEL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There shall be a Yukon River Salmon Panel (in this title referred to as the "Panel").

(2) FUNCTIONS.—The Panel shall—

(A) advise the Secretary of State regarding the negotiation of any international agreement with Canada relating to management of salmon stocks originating from the Yukon River in Canada;

(B) advise the Secretary of the Interior regarding restoration and enhancement of such salmon stocks; and

(C) perform other functions relating to conservation and management of such salmon stocks as authorized by this or any other title.

(3) DESIGNATION AS UNITED STATES REPRESENTATIVES ON BILATERAL BODY.—The Secretary of State may designate the members of the Panel to be the United States representatives on any successor to the panel established by the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995, if authorized by any agreement establishing such successor.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Panel shall be comprised of six members, as follows:

(A) One member who is an official of the United States Government with expertise in salmon conservation and management, who shall be appointed by the Secretary of State.

(B) One member who is an official of the State of Alaska with expertise in salmon conservation and management, who shall be appointed by the Governor of Alaska.

(C) Four members who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River, who shall be appointed by the Secretary of State in accordance with paragraph (2).

(2) APPOINTEES FROM ALASKA.—(A) The Secretary of State shall appoint the members under paragraph (1)(C) from a list of at least three individuals nominated for each position by the Governor of Alaska.

(B) In making the nominations, the Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries.

(C) The Governor of Alaska may make appropriate nominations to allow for appointment of, and the Secretary of State shall appoint, under paragraph (1)(C)—

(i) at least one member who is qualified to represent the interests of Lower Yukon River fishing districts; and

(ii) at least one member who is qualified to represent the interests of Upper Yukon River fishing districts.

(D) At least one of the members appointed under paragraph (1)(C) shall be an Alaska Native.

(3) ALTERNATES.—(A) The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under paragraphs (1)(A) and (C), who meets the same qualifications, to serve in the absence of the Panel member.

(B) The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under subsection (b)(1)(B), who meets the same qualifications, to serve in the absence of that Panel member.

(c) TERM LENGTH.—Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Panel members and alternate Panel members shall be eligible for reappointment.



(e) DECISIONS.—Decisions of the Panel shall be made by the consensus of the Panel members appointed under subparagraphs (B) and (C) of subsection (b)(1).

(f) CONSULTATION.—In carrying out their functions, Panel members may consult with such other interested parties as they consider appropriate.

#### SEC. 203. ADVISORY COMMITTEE.

(a) APPOINTMENTS.—The Governor of Alaska may establish and appoint an advisory committee of not less than eight, but not more than 12, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least two of the advisory committee members shall be Alaska Natives. Members of the advisory committee may attend all meetings of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the Panel.

(b) COMPENSATION.—The members of such advisory committee shall receive no compensation for their services.

(c) TERM LENGTH.—Members of such advisory committee shall serve two-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Members of such advisory committee shall be eligible for reappointment.

#### SEC. 204. EXEMPTION.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel or to an advisory committee established under section 203.

#### SEC. 205. AUTHORITY AND RESPONSIBILITY.

(a) RESPONSIBLE MANAGEMENT ENTITY.—The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada.

(b) EFFECT OF DESIGNATION.—The designation under subsection (a) shall not be considered to expand, diminish, or otherwise change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) RECOMMENDATIONS OF PANEL.—In addition to recommendations made by the Panel to the responsible management entities in accordance with any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, the Department of Commerce, the Department of State, the North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

#### SEC. 206. ADMINISTRATIVE MATTERS.

(a) COMPENSATION.—Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS-15 of the General Schedule when engaged in the actual performance of duties.

(b) TRAVEL AND OTHER NECESSARY EXPENSES.—Travel and other necessary expenses shall be paid by the Secretary of the Interior for all Panel members, alternate Panel members, and members of any advisory committee established under section 203 when engaged in the actual performance of duties.

(c) TREATMENT AS FEDERAL EMPLOYEES.—Except for officials of the United States Government, all Panel members, alternate Panel members, and members of any advisory committee established under section 203 shall

not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

#### SEC. 207. YUKON RIVER SALMON STOCK RESTORATION AND ENHANCEMENT PROJECTS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Commerce, may carry out projects to restore or enhance salmon stocks originating from the Yukon River in Canada and the United States.

(b) COOPERATION WITH CANADA.—If there is in effect an agreement between the Government of the United States and the Government of Canada for the conservation of salmon stocks originating from the Yukon River in Canada that includes provisions governing projects authorized under this section, then—

(1) projects under this section shall be carried out in accordance with that agreement; and

(2) amounts available for projects under this section—

(A) shall be expended in accordance with the agreement; and

(B) may be deposited in any joint account established by the agreement to fund such projects.

#### SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior to carry out this title \$4,000,000 for each of fiscal years 2000, 2001, 2002, and 2003, of which—

(1) such sums as are necessary shall be available each fiscal year for travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee established by paragraph C.2 of the memorandum of understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada (recorded January 28, 1985), and members of an advisory committee established and appointed under section 203, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(2) such sums as are necessary shall be available for the United States share of expenses incurred by the Joint Technical Committee and any panel established by any agreement between the Government of the United States and the Government of Canada for restoration and enhancement of salmon originating in Canada;

(3) up to \$3,000,000 shall be available each fiscal year for activities by the Department of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to \$1,200,000 shall be available each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 207(b); and

(4) \$600,000 shall be available each fiscal year for cooperative salmon research and management projects in the portion of the Yukon River drainage located in the United States that are recommended by the Panel.

#### TITLE III—FISHERY INFORMATION ACQUISITION

##### SEC. 301. SHORT TITLE.

This title may be cited as the "Fisheries Survey Vessel Authorization Act of 1999".

##### SEC. 302. ACQUISITION OF FISHERY SURVEY VESSELS.

(a) IN GENERAL.—The Secretary, subject to the availability of appropriations, may in accordance with this section acquire, by pur-

chase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

(b) VESSEL REQUIREMENTS.—Any vessel acquired and equipped under this section must—

(1) be capable of—

(A) staying at sea continuously for at least 30 days;

(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

(2) have a hull that meets the International Council for Exploration of the Sea standard regarding acoustic quietness.

(c) AUTHORIZATION.—To carry out this section there are authorized to be appropriated to the Secretary **[\$60,000,000.] \$60,000,000 for each of fiscal years 2002 and 2003.**

#### TITLE IV—MISCELLANEOUS

##### SEC. 401. USE OF AIRCRAFT PROHIBITED.

Section 7(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971e(a)) is amended—

(1) by striking "or" after the semicolon in paragraph (1);

(2) by striking "fish." in paragraph (2) and inserting "fish; or"; and

(3) by adding at the end the following:

"(3) for any person, other than a person holding a valid Federal permit in the purse seine category—

"(A) to use an aircraft to locate or otherwise assist in fishing for, catching, or retaining Atlantic bluefin tuna; or

"(B) to catch, possess, or retain Atlantic bluefin tuna located by use of an aircraft."

##### SEC. 402. FISHERIES RESEARCH VESSEL PROCUREMENT.

Notwithstanding section 644 of title 15, United States Code, and section 19.502-2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size. Any such procurement shall require, as an award criterion, that at least 40 percent of the value of the total contract for the construction and outfitting of each craft be obtained from responsible small business concerns either directly or through subcontracting.

AMENDMENT NO. 3621

(Purpose: To strike the 40 percent SBA set-aside for the fish research vessel procurement)

Mr. THOMAS. Senator SNOWE has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for Ms. SNOWE, proposes an amendment numbered 3621:

On page 13, beginning with "Any" in line 23, strike through line 2 on page 14.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3621) was agreed to.

Ms. SNOWE. Mr. President, I rise in support of H.R. 1651, the Fishermen's Protective Act Amendments of 1999. This bill makes a number of conservation and management improvements to several important fisheries laws. First, it amends the Fishermen's Protective Act of 1967 to extend current law from



fiscal year 2000 to fiscal year 2003 so that reimbursement may be provided to owners of U.S. fishing vessels illegally detained or seized by foreign countries. In 1998, there were not any claims filed under this law, but in 1996 and 1997, U.S. vessel owners were reimbursed over \$290,000 based on 261 claims for illegal transit fees charged by Canada. Because this provision of the law has expired, the bill will ensure that U.S. vessels who are illegally seized or fined are able to seek reimbursement.

Second, the bill establishes a panel to advise the Secretaries of State and Interior on Yukon River Salmon management issues in Alaska. In 1985, the United States and Canada signed the Pacific Salmon Treaty. This treaty established a framework with which to bilaterally manage their shared salmon stocks. Ten years later, the countries signed an interim agreement regarding management of the stock of salmon in the Yukon River. The United States implemented the agreement on Yukon River salmon through the Fisheries Act of 1995, creating a Yukon River salmon panel and advisory committee.

When the interim agreement expired in 1998, it was unclear whether the advisory panel was still authorized to recommend salmon restoration measures. This bill codifies the Yukon River Salmon Panel, established under the 1995 interim agreement, to advise the Secretary of State on Yukon River Salmon management, advise the Secretary of Interior on enhancement and restoration of the salmon stocks, and perform other activities that relate to the conservation and management of Yukon River salmon stocks. H.R. 1651, as amended, also authorizes \$4 million a year for each of fiscal years 2000 through 2003. Up to \$3 million of these funds can be used by the Departments of Commerce and Interior for survey, restoration, and enhancement projects related to Yukon River salmon. In addition, the reported bill authorizes \$600,000 for cooperative salmon research and management projects in the United States portion of the Yukon River drainage area that have been recommended by the Panel.

Third, the bill, as amended by the Commerce Committee, authorizes \$60 million for each of the fiscal years 2002 and 2003 for the Secretary of Commerce to acquire two fishery research vessels. These vessels are one of the most important fishery management tools available to federal scientists. Because they conduct the vast majority of fishery stock assessments, their reliability is critical to fishery management. Species abundance, recruitment, age class composition, and responses to ecological change and fishing pressure can all be studied with these research platforms. The information obtained using them is critical for the improvement of the regulations governing fisheries management.

In New England, there is only one NOAA research vessel—the *Albatross IV*. This vessel is 38 years old, at the

end of its useful life, and practically obsolete. Despite this, the vessel continues to collect the survey data that is used for management decisions regarding valuable Northeast fisheries stocks, including cod, haddock and herring. A replacement vessel is crucial to maintaining the existing ability to collect the long term fisheries, oceanographic, and biological data necessary to improve fishery management decisions. According to the Commerce Department, the deterioration of the *Albatross IV* has created an urgent need for a replacement vessel in the Northeast.

Finally, the bill also addresses the use of spotter aircraft in the New England-based Atlantic bluefin tuna (ABT) fishery. Mr. President, in 1998, the Highly Migratory Species Advisory Panel, established under the Magnuson-Stevens Fishery Conservation and Management Act, unanimously requested and advised the Secretary of Commerce to prohibit the use of spotter aircraft in the General and Harpoon categories of the ABT fishery. The use of these planes can accelerate the catch rates and closures in the General and Harpoon categories. In turn, the accelerated catch rates can have an adverse impact on the scientific and conservation objectives of the highly migratory species fishery management plan and the communities that depend on the fishery. Moreover, the use of such aircraft has resulted in an unsafe and often hostile environment in the ABT fishery.

Over two years ago, NMFS issued a proposed rule to adopt the Advisory Panel recommendation. Unfortunately, NMFS has delayed the rule time and again, and ultimately failed to finalize it. Consequently, it has become necessary to take legislative action on the issue. This bill adopts the Commerce Secretary's Advisory Panel recommendation and prohibits the use of spotter aircraft in the General and Harpoon categories of the Atlantic bluefin tuna fishery.

I thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support, especially with regard to the provisions related to the NOAA fishery research vessels and the Atlantic bluefin tuna fishery. Both of these provisions are quite important in New England. I would also like to express my appreciation to Senator MCCAIN, the Chairman of the Commerce Committee and Senator HOLLINGS, the ranking member of the Committee for their bipartisan support of this measure. I urge the Senate to pass H.R. 1651, as amended.

Mr. THOMAS. Mr. President, I ask unanimous consent the committee amendment, as amended be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendments were ordered to be engrossed and the bill was read the third time and passed.

## ENERGY COSTS

Mr. THOMAS. Mr. President, we are focusing today on energy and energy costs, which is something of which each of us is certainly aware. I suspect there is more exposure to gasoline prices than any other particular price. As we drive down Main Street in our hometowns, on every block we see a big sign showing the price of gasoline, and it certainly changes.

I wanted to go back a little, however. As the Senator from Arizona mentioned, there is a background here. I think there are several reasons, of course, why we have the price difficulties we have now. It is a complex story. It has to do with global supply and demand. It has to do with technological change and environmental consciousness, the shifting of consumer tastes, and social order. It also, of course, has a great deal to do with restrictions and regulations that have been imposed.

But one of the other things it has to do with is the availability and access to public lands. About 54 percent of the surface of this country belongs to the Federal Government. Most of that, of course, lies in the West. The State ownership in my State of Wyoming is about 50 percent of the total. It goes up to as high as 90 percent of the total in Nevada and Alaska and other States. So the idea of multiple use and access to these lands becomes a very important factor, not only for resources such as oil and gas, but equally important and perhaps even more important, often, for recreation, access for hunting and fishing recreation. We have seen, in recent months, an even more focused effort on the part of this administration to reduce access to public lands, to make it more difficult for the people who own those public lands to have an opportunity to utilize them.

After all, I happen to be the chairman of the Subcommittee on National Parks. The purpose of a national park, of course, is not only to preserve the resource, the national treasure, but to make it available for the people who own it to use it; that is, the taxpayers of this country. It is true, parks are quite different than BLM lands, quite different than Forest Service lands, but the principle is still there; that we ought to preserve that resource and at the same time have multiple use so its owners can enjoy it for recreation, can enjoy it for hunting or fishing, so the economy of this country and the economy of this particular State can be enhanced by the multiple use of those resources.

As we move into different ways of prospecting for oil and different ways of mining, different ways of using snowmobiles and so on, we find we have a better opportunity, as time goes by, to use those resources without causing damage.

Particularly towards the end of this administration, and it has been stated very clearly by the Secretary of Interior and Assistant Secretaries of Interior, they are going to make a mark here. The President has indicated he would like to change his legacy to be like that of Theodore Roosevelt, who did all these things for public lands. The Secretary himself said: If the Congress is not going to do this, we will go ahead and do it without them.

That is a real challenge to one of the strong principles of this Government, the principle of divided government. We have it divided in the Constitution so we have the executive branch, we have the legislative branch, and we have the judicial branch. We have that separation for a very important reason. That is so none of those three branches is able to assume all the responsibility and all of the authority—and, frankly, very little of the accountability.

What we have seen in the last few months is a movement by the administration to go out on its own and make a bunch of regulations and do things, under the Antiquities Act, which reduce the availability of the lands for people who own them to enjoy them; for example, setting aside 40 million acres of forest lands as roadless. There are several problems with that. I don't particularly have any problem with some of that. We have lots of forest lands in my State, and I am glad we do. My parents' property, their ranch, where I grew up, was right next-door to a national forest. There is nothing I care more for.

But the fact is, we ought to have a system for deciding how we handle these lands. Instead of using the forest plan which is what the system is supposed to be, for instance, in the Black Hills we spent 7 years and \$7 million doing a forest plan, and now the bureaucrats here in Washington decide we are going to have a national roadless area, without accommodating the people with an opportunity to discuss it for each of the forests, and without coming to the Congress.

Now there are a series of meetings going on which the Forest Service talks about a lot, but I have attended some of those and the fact is when you go, they are not able to tell you really what the plan is. So no one has a chance to react. So what we have, in effect, is the opportunity to avoid this.

The people I have heard from, who feel very strongly about it—some happen to be disabled persons, some happen to be veterans—say: Wait a minute, we don't need a road everywhere. But we need enough roads to have access so people who cannot walk 17 miles with a pack on their back still have the opportunity to take advantage of that resource that is so important. So I think that is one of the things that is very difficult.

The Bureau of Land Management also put out a ruling on off-road usage. I don't have any problem with that either. We ought not to have four-wheel-

ers going everywhere. We ought not to have roads going everywhere. But we ought to have a plan so people can have access by at least having a road for access. You don't need five roads; I understand that. So there needs to be a plan.

The Antiquities Act is a very important act. In fact, it was very important to my State of Wyoming with respect to the Devils Tower and the Grand Teton National Park; it gives the President the authority to set aside certain lands in special use. Relatively little of that has happened over the last few years, but this President in the last 6 months has set aside hundreds of thousands of acres, without the involvement of anyone. That is not the system. This is the same administration that wants to do an environmental impact statement on everything that is done, so you could have public input. I am for that. I pushed very hard to have the opportunity for local governments to be involved in the decisions that are made and impact their States. There are no such decisions here, just one made by this administration.

Now we have what is called a CARE Act, to take \$3.5 billion from offshore royalties and have it as mandatory spending, where the Congress has nothing to do with deciding how use of that money is planned, \$1 billion a year to be used for the acquisition of more and more Federal lands. We feel very strongly about that in the West. It doesn't mean there are not pieces of land that need to be acquired, need to be set aside—no one opposes that. But the fact is, if you want to acquire more land in Wyoming, which is already 50 percent Federal owned, why not go ahead and acquire it and then release an equal value of Federal lands somewhere else so you don't have a net gain. That is a reasonable thing to do and we intend to pursue that, in terms of this CARE Act.

The endangered species, again, who argues with endangered species, trying to protect the critters? The fact is, however, there has been no involvement in the listing of the animals; there has been very little opportunity to find a recovery plan. We have had grizzly bears listed now for 10 years around Yellowstone Park. The numbers have far exceeded the goal that was set. But you can talk about habitat forever and they continue to be there. We just have to manage this public land so it is available and useful.

The Clean Water Act, nonpoint-source clean water, has also been used to manage land.

That is where we are. Interestingly, the latest one has been the proposal to ban snowmobiles from Yellowstone Park—in fact, from 27 parks. Again, I don't argue that there needs to be more management of these vehicles so you ought to do something about the noise, ought to do something about the air emissions, ought to do something about separating them so we have a

snow team over here, we can have cross-country skiers over here, without interfering with each other. The fact is, the Park Service over 20 years has never done anything to manage this thing.

Now all of a sudden they say: It is not going the way it ought to, so we are going to ban it for everyone. That is not a good way to manage a resource.

We find an increasing bureaucratic self-declaration that they are going to do these things, and if the Congress does not like it, that is too bad. That is not the way this Government is designed to work. Quite frankly, we cannot let that happen.

How does this tie into energy? As I mentioned before, almost 55 percent of public land in the West belongs to the Federal Government. Most of the opportunities for resource development have been on these Federal lands in the West. They have been a very important part of the State economies. They have been a very important part of the natural production.

Over the last several years, it has become more and more difficult, because of regulations and rules, for people to go on these lands and produce resources, even though they very clearly, under the law, have to reclaim the land, whether it is mining or oil wells. We have an increased demand for energy on the one hand and a reduction in production on the other, and we are certainly a victim of overseas production.

Americans consume over 130 billion gallons of gasoline, almost four times as much as 50 years ago. Consumption has grown at a rate of 1.5 percent. That translates to about 8.4 million barrels a day, which is 45 percent of the total oil production. There is increased usage, a reduction in domestic production, and we are at the mercy of OPEC.

It is also interesting that in 1999, the tax component of gasoline was approximately 40 cents a gallon, or about 34 percent of the total cost. Interestingly enough, the price component of a gallon of gas, crude oil, and taxes is about equal: 18.5 cents is Federal and 20 cents is the average State tax that is levied on top.

We also find ourselves with additional restrictions and regulations, put on this year, with making some changes in our policy if we are to deal with this increased demand. Obviously, there are a number of things that ought to be done over time.

We ought to take a look at consumption and continue pushing for high-mileage vehicles and reduce demand.

We need to take a look at domestic production so we are not totally dependent on imported energy.

We need to take a long look at the regulations and see if there are alternatives and whether they can be more economical, and whether, in fact, what we are doing has been thoroughly thought through. I am not sure that has been the case.

I have no objection to taking a long look at the pricing of gasoline as well. It is interesting that there is such a great disparity in prices in different parts of the country. Perhaps there is a good, logical reason for that. If so, we should know about it.

I hope our energy policy does not become totally political. The fact is, we have not had an energy policy in this administration. We have held hearings in our committee, not only with this Secretary of Energy, but the previous two Secretaries of Energy. One says: Yes, we are going to have a policy. The fact is, we do not. The fact is, we have not been able to fully utilize coal. We have not been able to take advantage of nuclear power by stalling in getting our nuclear waste stored. There are a lot of things we need to do and, indeed, should do. It is unfortunate we have not had the cooperation from this administration.

#### SOCIAL SECURITY

Mr. THOMAS. Mr. President, I wish to talk about a conversation I heard yesterday on the Sunday talk shows. It is too bad that on the Sunday talk shows the issues are not more clearly defined.

This talk show was on Social Security and options, which are clearly legitimate options. The options separate the points of view of the parties and the candidates. I am talking about taking a portion of the Social Security program, as it now exists for an individual, and putting it into his or her private account and investing it in the private sector in equities or in bonds or a combination of the two. The return stays with this person because it is their account.

Out of the 12.5 percent that each of us pay—and each of these young people will pay in the first job they have, and if something does not happen by the time they are ready for benefits, there will be none. We have to make some changes.

One of the changes we can make, of course, is to increase taxes. There is not a lot of enthusiasm for that. For many people, Social Security is the highest tax: 12.5 percent right off the top.

The second change is we could reduce benefits. Not many people are interested in reducing benefits.

The third change is to take those dollars that are put into the so-called trust fund and invest them for a higher return. Under the law, those dollars can only be invested in Government securities which, in this case, is a very low return.

We are talking about taking those same dollars that belong to you and to me and putting them in individual accounts. They can be invested, and the earnings would be part of that person's Social Security payment.

Yesterday, the implication was that would be a part of it, and then we have to fix up Social Security and replace

all the money that is put in these private accounts. That is not the fact. The fact is, they are still part of Social Security, but they are yours. You make a decision how they are invested, and then you get your 10 percent, as it always is, plus the return to the 2 percent on top of that, and that represents your benefits.

The lady yesterday representing the Clinton administration indicated we would have to replace all those dollars and go ahead with Social Security as it is. That is just not the fact.

This is an opportunity for us to increase the return, to ensure those dollars and those benefits will be there when the time comes for someone to receive them, and to do that without increasing taxes, without reducing benefits, but by simply taking advantage of the opportunity of a better return on the investment.

A couple of Senators are going to be here shortly. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### GAS PRICE CRISIS

Mrs. HUTCHISON. Mr. President, I rise today to talk about an issue that has been discussed by Senator THOMAS, and others, just before I came to the floor. It is also an issue that every American who drives a car has on his or her mind.

No one could fail to see the impact the high price of gasoline at the pump is having on hard-working Americans and American families at the end of June who are looking to take their family vacations. They hope to do it by car. I hope they can, too. But we have a situation with regard to gas prices that has occurred for a number of reasons. And because Congress and this administration have not acted, we have a worse situation than ever.

I will talk a little bit about some of the causes of this. But I do not think we have to dwell on the causes all day because I think we can do something proactive that will begin to be a solution—both a short-term solution and a long-term solution.

First, the causes. Clearly, we have an incredible dependence on foreign oil today. Seven years ago, we had about a 46-percent dependence on foreign oil; today, it is 56 percent; and it is projected to be 65 percent of our oil needs by 2020. So I think it is incumbent on all of us in public office to try to take short-term steps to solve the immediate crisis, particularly in the Midwest, but not without taking long-term action as well.

We have a bill that is pending at the desk today. It is the National Energy

Security Act. It would take some steps, putting some things on the table that would make a difference for our country and for the working people of our country who depend on gasoline.

Let's look at some of the causes for the gas price crisis now being seen in the Midwest and elsewhere. The Congressional Research Service has attribute 25 cents of every gallon of gasoline at the pump in certain parts of the Midwest to the reformulated gas phase 2 requirement that the EPA is insisting on imposing beginning June first of this year. These additional costs are the result of the added expense of adjusting the refining process for the new gasoline requirement, particularly when the gasoline is required to be blended with ethanol, as is the case in the Midwest. In addition, there are added costs of transporting the ethanol, which cannot be moved via pipeline, to the sites where the gasoline is blended and distributed. Other additives, such as MTBE, are readily available at the refineries and so you have reduced transportation costs. You can put the MTBE—which was the requirement in the past—in at the refinery and send it to places such as Illinois, Wisconsin, and Michigan—the places that are suffering right now—but the ethanol has to be carried from the agricultural areas, where it is grown, put into a new system in the refineries, and then shipped back to the Midwest. So you are talking about time, shortages, and costs that have added 25 cents per gallon. CRS estimates that an additional 25 cents of the increase in Midwest gas prices is attributable to recent problems with oil and gas pipelines that feed the upper Midwest, which have come at a time when gasoline stocks nationwide are particularly low and when the demand for gasoline is on the rise.

With regard to the EPA requirements, we had hoped the EPA would say, OK, we are facing a crisis right now, so maybe for this summer we can relax those new EPA regulations and go with what has been the regulation of the past.

Secondly, it is very important to realize that each State and many local governments impose additional taxes on gasoline at the pump. It just so happens that many of the midwestern States and cities within those States have higher taxes than the average in the country. The average combined federal and state gasoline excise tax is about 40 cents per gallon. In Chicago, Illinois, however, it is 61.3 cents per gallon. In Milwaukee, Wisconsin, it is 47.2 cents per gallon. So we can see that there are wide differences across the country in taxes of gasoline.

I commend the Governors of these States who are seeing the crisis and responding immediately. The Governor of Indiana has put a moratorium on the State sales tax on gasoline. The Governor of Illinois is calling a special session of the legislature to review taking similar action.

The Federal Government should assist these and other States by repealing, for a time, the 18.4 cents-per-gallon Federal gas tax. If we suspend this Federal tax through Labor Day of this year, that will give relief in addition to the State taxes selected States are giving, and it will give us time to catch up with the EPA regulations and some of the other transportation problems that have caused the rise in gasoline prices. We should follow the lead of these midwestern Governors. That may also encourage other States to follow suit by responding in a similar fashion and giving the American people some much needed relief at the pump.

I would not for one minute suggest we should take the money from that gasoline tax and take it away from the highway trust fund. We need to keep the highway trust fund whole so we can continue to make the improvements in safety and highway construction necessary for the States that depend on those funds.

The on-budget Federal surplus is estimated to be about \$60 billion this year. The estimates are going up because in fact we are getting more and more of a surplus. We know we want tax relief for hard-working Americans, and this is in fact tax relief for hard-working Americans, including truckers who are suffering under the increases in diesel fuel costs.

We read stories about our own Coast Guard not being able to patrol the waters, where they are supposed to be doing drug interdiction and patrolling for summer safety. They can't afford the fuel because the prices have gone up so much. We need to give relief across the board, and we need to give tax relief for hard-working Americans.

I am today introducing legislation granting a temporary repeal, through Labor Day, of the entire Federal gasoline and diesel tax. The bill will also ensure that the highway trust fund is made whole. This bill will give hard-working Americans immediate tax relief during the peak summer driving months, those who have to drive to work or who are going to take a family vacation this summer. At the same time we in Congress must act to take the longer term steps that we must take to have an energy policy in this country that makes sense.

Let's talk about that for a minute. This administration is not only adhering to the regulations that make it so hard to drill for oil and gas in our own country, causing hundreds of thousands of jobs to go overseas, but they are also insisting on increasing the oil royalty rates. I fought the increase in oil royalty rates last year and the year before because I was very much afraid we were going to add so much to cost that our domestic drillers would go overseas. In fact, that is exactly what has happened. We are continuing, through this administration, to have increases in oil royalty rates at a time when oil prices have spiked to \$30 a barrel.

The fact is, we can't survive on \$10-a-barrel oil and we can't sustain the

economy on \$30-a-barrel oil. That does not make sense for our country. What we need is price stability within a reasonable and sustainable range. The numbers show we are more and more dependent on foreign oil because we make it so hard for the little guys, the marginal well producers, to make it in our country. The big guys are leaving our country in droves because it is more efficient to go elsewhere to drill for oil and gas.

As a matter of fact, just to cite a few real numbers, when oil was \$10 a barrel, the little oil and gas producers went out of business in droves: 150,000 marginal oil and gas wells closed—that is out of a total of 600,000—65,000 good paying jobs were lost in this country; communities were devastated.

In one example, in Midland-Odessa, the unemployment rate doubled in 1 year from 5 to 10 percent. School district revenues were hit by \$150 million, causing a virtual halt to any new hiring, and in some cases school districts were having to let teachers go in the middle of the term because they could not pay their salaries for the rest of the year. They had to close classrooms because of this crisis when the price of oil was \$10 a barrel.

For some reason, when we were having that kind of problem, people weren't as tuned in. What has happened is, when we lost the 150,000 marginal wells, we lost the ability in 15-barrel-a-day wells to match the amount of oil we import from Saudi Arabia every day, because it adds up. We can produce 20 percent of the needs of oil in our country with these 15-barrel-a-day wells.

Just to put that in perspective, a well in Alaska produces on average about 600 barrels a day; a well offshore, over 1,000 barrels a day. We are talking 15 barrels a day for marginal wells.

What I would like to do is have a trigger. If the price goes below \$14 a barrel for these 15-barrel-a-day drillers, let us have a tax credit so they will be able to stay in business and keep those jobs, not cap the wells, so that when the price goes up to \$17 per barrel or more, those people have stayed in business and will keep producing. That is one part of a long-term strategy that would bring us up to 50-percent capacity for our oil needs every day.

This problem is not going to get better. Dr. Daniel Yergin, the Pulitzer Prize-winning author who is probably the most credible independent oil economist, told a group of Senators and Members of Congress just last week that one of the problems we are facing is an increasing demand because of an increasingly hot economy worldwide.

We know our economy in America is very strong, but that is also the case around the world. That causes more demand on our energy resources. So if we are going to have a policy that we would be dependent on foreign oil only 50 percent, we are going to have to produce oil in our own country and we are going to have to have those little

barrels that add up, those little wells that produce 15 barrels a day, that add up to hundreds of thousands of jobs in our country, that support our schools. We are going to have to keep those people in business because they can't make it at \$10 a barrel, but they can make it on \$17 a barrel.

So if we will treat them like farmers and when we don't have markets, or when the prices are so low that a farmer can't make it, we will try to keep them stable and level. That is what we have been doing in this country for a long, long time. I would like to see us treat our small oil producers in the same way because if there is anything that is crucial to the security of our country, it is at least being able to produce 50 percent of the energy needs of our country in order to have some stabilizing effect. When we depend so much on foreign oil, what happens is they can shut down the supply whenever they want to, and the OPEC countries have clearly done that. That causes a spike because of low supply, high demand, overregulation in our own country, and the unwillingness of this administration to say we are in a crisis. Let's work together to do something about it.

Senator LOTT, Senator MURKOWSKI, Senator DOMENICI, Senator NICKLES, Senator BREAUX, Senator BINGAMAN, and Senator LANDRIEU have all been very proactive in trying to put forward a program that would give us short-term relief and long-term relief for energy in our country. I do want the short-term relief of the 18-cent Federal tax to be paused until after Labor Day for our independent truckers, for our families going on vacation, and for the working people of our country who must use cars to go to and from work. I want that relief, but we must tie it to long-term relief because, if we don't, if things stabilize for the short term, we are still going to be under the thumb of foreign interests; we are still going to face the possibility that another crisis will come. Why not anticipate it and do something proactive now that will provide long-term relief as well as short-term relief?

I am introducing legislation that will provide the short-term relief. We must tie that in with the long-term relief if we are going to do what is right for this country. The National Energy Security Act is pending before the Senate. I hope we will take the action that has certainly been called for with the crisis we are facing. But let's take a longer-term view. Let's try to put some long-term energy policies in place because, certainly, this administration has failed to do so.

If this administration would step up to the line and say: Of course, we are not going to increase our royalty rates at a time like this and say we need a little more time before the phase II ethanol regulations take effect in the major cities—let's try to tamp down this crisis. Let's help the Governors of the Midwest, who are taking State

taxes off gasoline for this summer, and take the Federal gasoline tax off as well, make the highway trust fund whole by giving tax relief to hard-working Americans, and let's realize that the security of our country depends on our being able to provide for our own energy needs. It is clear that no matter what we do for our neighboring countries that supply most of the oil and gas we consume in this country, they don't seem to pay back. I think the fact that they will not up their production to meet the demand is wrong; nevertheless, I am not going to whine about it. I am going to take positive action that puts America in charge of our own destiny. That is the responsibility of this Congress, and that is what this Congress must do.

Hopefully, the President will follow our lead and we can do something that is right for America, even if other countries we have helped in the past will not give us a break. We can do what is right for ourselves, and I hope we will.

Thank you, Mr. President.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I note the presence of the Senator from Alabama. I am sure he is here because he would like to speak as in morning business. I know we are going to go to an appropriations bill. I think the bill is open to amendment. In any event, I don't think the Senate would object.

I ask unanimous consent that I may have up to 20 minutes to discuss two matters and, following that, Senator SESSIONS have 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Madam President, the first thing I want to do is congratulate the distinguished Senator from Texas for her speech today. Before she leaves, I say that I summarize the problem we have today in a way that maybe down in your country, with Texas in mind, they might say it this way: The chickens have come home to roost.

The truth is, we have no energy policy, and until something like a crisis occurs, nobody seems to worry about it—in particular, this administration. We have had a ride economically—up, up, and away. Part of it is because oil prices from foreign countries was so cheap, and America was reducing some of its own, and we just decided that there was no worry about becoming more and more dependent on foreign oil.

Look at the facts. While we have had this booming economy, I might suggest to everyone that the unit utilization of petroleum products that make this economy go has come down—not because of anything we did but the high-tech industry uses a little bit less. Nonetheless, we have grown so much that we use far more—as much as 14

percent more—petroleum products now than we did a few years ago. Guess what happened. The foreign countries became our source of supply in ever larger proportions. We were happy-go-lucky when Mexico was starving on \$11-a-barrel oil that we were buying from them. They could not pay their debts; we were just gobbling it up, and the American producer was disappearing. The price was so low we closed down the opportunity to drill.

The litany of what this administration has done so we will produce less domestic oil is as long as this sheet of paper; from saying that in big areas in which you could look for oil 10 years ago, you can't look for it anymore because something is more important. Not very much is more important than our growing dependence, as the greatest industrial might in the world, upon the dictates of foreign countries who sell us that tremendous product, without which we fail. At least from what I can tell for the next 35 or 40 years, there is no substitute for it.

I heard recently that this administration has somewhat of a defense because they are going to say: We asked you for some renewable energy research money and you didn't give it to us. I say right here before the Senate that we will take every single proposal this administration has made for renewables—wind, solar, and the like—and submit it to experts. And we will ask them: Would that have changed the crisis of dependence on foreign oil? And, if so, how much? Do you know what it would be? Zero. We don't use those kinds of energies in automobiles anyway.

Frankly, we are getting answers that the way for America to go is to put more in renewable sources and the like. We ought to do that. But if anybody thinks that is a solution to America's growing dependence on foreign oil, they had better take a long sleep because when they finally wake up, they are going to be absolutely surprised that our dependence grew while they took a nap.

The truth of the matter is we had better sit down with the President and decide how we are going to start fixing this.

I want to say right now that it is in the worst condition it could be—less American production; more of our land taken out of production; and more demand from the foreign countries; and they have finally found out how to enforce their agreements. They did not cheat the last couple of times on each other; that is, if Saudi Arabia agreed to X number of millions of barrels, they didn't sell it to someone on the side to flood the market, nor did Mexico, nor did any country in South America.

They are putting just so much oil on a world market that demands more. What do you think happens? The price goes up. It is now past \$30 a barrel. It was as low as \$10 a barrel. But, in the meantime, nothing is being done for the American producer—large and

small—to substantially increase their domestic production.

I am informed enough not to want to leave false impressions. We do not have the wherewithal to totally eliminate dependence. Look at our great Nation. We are going to be dependent on Saudi Arabia, Mexico, and a few other countries that produce for a long time after I have left the Senate, if I am successful in staying here 2 more terms. I don't know how long my good friend, the Senator from Texas, expects to be here. But we are going to be dependent.

Let me predict the next thing. We are going to have brownouts in America, which means the electricity supply to a region of the country cannot quite supply enough because we are exchanging it between areas. Then there will be another hue and cry: Who did that to us?

Just like the answer of this administration today—that it is gouging. They may find some gouging. But that is not going to fix this energy problem.

We are going to have brownouts because we have not been producing enough electricity. We are scared to death to produce it anyway, other than through natural gas, which is the cleanest fuel around. Yet it is a carbon dioxide producer and is a small portion of the problem that we have in the ambient air and the so-called greenhouse effect.

While we hide under the desk and don't want to even discuss nuclear power—which currently supplies 21 percent—it has literally zero greenhouse gases. Eighty-four percent of France's electricity is nuclear. Their ambient air is as clean as a whistle. They are not frightened one bit to have interim storage of nuclear waste.

Here sits the greatest industrial Nation on Earth in a total logjam over the issue of moving forward with just a little bit of the nuclear energy and saying let's temporarily store it, while Europe is doing it without any difficulty and no fear.

Where are we going to get the electricity in the future?

The problem with greenhouse gases is so severe, according to some, that we aren't going to be able to build any coal-burning plants until we clean it up more. Are we going to do every single one in the future with natural gas? Then the citizens are going to wake up and say: What did you do to natural gas prices? Our bill went up in our homes, and now we are coming to Congress and asking them to do something about it.

If you decide to produce all the electricity needs in the future with natural gas, you are going to put a huge demand on American natural gas. Who knows where the price will go? Yet we have literally an abundance of natural gas in the offshore regions of America. We are frightened to death to drill any more wells. Those who do not want to change that one bit because they are scared of environmental things have won their way, and we are not open to the production of natural gas as much as we should.

I close today by saying I believe 7½ years of doing nothing has "come home to roost." We are just going to get around the corner maybe with this election. But I submit this great Nation is in for two big problems: Where do we get our electric-generating power in the future? What do we do about nuclear energy?

We ought to do much about it instead of falling under the table when a small percentage will raise their concerns. We ought to increase the domestic supply of oil so that the world knows we haven't gone to sleep by opening as many areas as we can.

#### HUMAN GENOMES

Mr. DOMENICI. Madam President, isn't it interesting. I came to the floor today to discuss a completely different subject. I want to do so briefly. It is very difficult to do this because, frankly, there is a great story about it in the United States today.

The National Institutes of Health announced that they have just about mapped the human genome, which means in the future, at a minimum, every known dreaded disease of mankind will be located in our chromosome system by the mapping of the human genome. Where scientists used to take 25 years and devote an entire science department to try to locate where multiple sclerosis came from within the human body, in short order all of those dreaded diseases will be defined in reference to the genetics of the human body, and mutations of that will be discovered as the reason for the diseases. What an exciting thing.

I have not been part of the ceremony, but I started the genome program in Congress. I am very thrilled to find that it has resulted in what we predicted in 1996 and 1997.

I want to tell the Senate a rather interesting story of how the genome got into the National Institutes of Health and how today it is still one-third in the Department of Energy.

A very good scientist who worked for the National Institutes of Health named Dr. Charles DeLisi had been urging the National Institutes of Health to get started with a genome program. He had described its greatness in terms of it being the most significant wellness program mankind had ever seen—wellness. They defied his request and would not proceed. He said: I quit.

He meandered over to the Department of Energy, which had done a lot of research on genetics because they were charged with discerning the effect of radiation from the two atomic bombs that had been dropped on Japan. He joined their department.

He came to see the Senator from New Mexico, who worked for the laboratories hard and long, and said: Why don't we start a genome program in the Department of Energy since the National Institutes will not do it?

I am trying to recap for my future by writing it, and I am putting it together.

But what actually happened was I proposed that the genome program start, and that it start in the Department of Energy.

Guess what happened. The National Institutes of Health heard about it. All of their reluctance disappeared because somebody was about to give the genome project to the Department of Energy. What an easy patsy they became.

They came to the office. Then we went to see Lawton Chiles, the Senator from Florida, who appropriated the science part of this budget. They said: Let's do it together—a little bit for DOE, and a whole lot for NIH. I said: Whatever it takes, let's do it.

Within the next year—1997—we funded the first genome money without a Presidential request. It had come forth, I think, in the Labor-Health and Human Services bill that will be before us today at somewhere around \$20 million, maybe \$29 million.

We funded it for another year. Finally, the President of the United States funded it in his budget in the third year of its existence. Ever since then, it has been funded in a President's budget and by us. It is up around \$129 million or \$130 million. I think it is something like that. But they predicted that within 15 years they would map the entire chromosome structure of the human being. Today, they made an announcement. I don't think they are really totally finished. But there is competition afield as to how to use it, and the private sector group is purportedly moving more rapidly.

The NIH and another group of scientists announced at the White House to the American people and the world we have essentially mapped the chromosome system of a human being. We now know the site, the location, the map is there, for discerning what the genes contain with reference to human behavior and human illness.

I predict, as I did at least five times before committees of the Senate from the years 1987 to about 1994, where I appeared more often than any other committee urging we fund the genome project, we are ready today to say the map is there; let's get with it and start using it. We will have breakthroughs of enormous proportions with reference to humankind's illnesses.

I am neither scientific enough nor philosophical enough to know what else it will bring. When we do something of this nature, we bring other questions. There will be problems of abuse, of genetic mapping to decipher people in a society prone to cancer and who therefore will not be hired, unethical research using mutations in ways not good for humankind.

Incidentally, we were aware of that problem from the beginning. Senator Mark Hatfield said: Let's set aside 5 percent—that is my recollection—of the funding to use for education and ethical purposes to try to make sure

we are on track. I have not followed that well enough. I am not exactly sure how that is going. We still have some legislating to do in the area regarding uses in research, and legislating with reference to an insurance company taking a whole group of people and saying: We are not insuring you because we know something about your genetics.

Those are serious problems. They are bigger than the problem itself. They could make America angry at this program. We don't want to do that. We want the American people happy that we have put this into the hands of human beings, for wellness purposes. That is our desire, so that people not get dread diseases, or we find out how to cure them when they get them. Genome mapping ought to be heralded as something we did right. I don't know where it goes.

I close today by thanking Dr. Charles DeLisi for bringing this idea from the NIH to my office. Senator Lawton Chiles, now deceased, is the one to whom NIH ran, saying, let's get something going. He and I worked on these projects well together. We got it going in an appropriations bill. I thank him, and I thank many Senators who worked on this, principally in the committee, whose legislation is pending. That is the subcommittee that did most of the work and helped it along, more than any other group in the Congress.

I am delighted to have a chance to speak today.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I love to hear the story Senator DOMENICI tells about helping to make this human genome project a reality. He shared it with me some time ago. It is one of those success stories we can feel good about. It does provide opportunities for health improvement in America in an extraordinary way.

We heard recently remarks by the head of the National Cancer Institute who described one form of leukemia that had been diagnosed, and that certain types of treatments cured 60 percent of the leukemias and 40 percent were not cured; they didn't know why. But after the human genome study, they found out there were actually two different kinds of leukemias, and the treatment served one and not another.

A lot of good breakthroughs are on the horizon, I am convinced.

#### ENERGY POLICY

Mr. SESSIONS. Madam President, I will share a few remarks at this time about the rise in gasoline prices that are impacting American families. I recently pumped the gas at a gas station in Alabama. I talked to a lot of people. I talked to a young lady who commuted 50 miles plus, every day, to go to college. She talked to me about working part-time and going to college, how much the gasoline prices were eating

into her weekly budget, and what she was trying to do to keep those prices down.

It does impact Americans. Gasoline increases hurt our Nation's productivity. It is a transfer of wealth that could be spent on computers, education, better equipment, shoes, food, housing, that has to be spent on a substance for which we previously had paid less. That is a diminishment of our national wealth. It is important and should not be treated lightly.

Over a year ago, we had gasoline in many States, depending on the amount of tax those States imposed, selling at close to \$1 a gallon.

Senator HUTCHISON noted most of our gasoline comes from foreign sources. In fact, the Energy Information Agency reports that we are buying 56 percent of our oil on the world market.

Just last year, we were buying oil at \$10 a barrel, transporting it across the ocean, refining it, shipping it to gasoline stations and 7-11 type stores, for sale all over America. One could go down to a gas station and buy that gasoline for around \$1 a gallon, and 40 cents of that dollar was taxes. So the gas was actually 60 cents a gallon.

People say the oil companies are all evil and horrible, but I think those numbers are pretty good. Madam President, 24 hours a day at virtually any town intersection in America, anyone could buy gasoline, if we take the tax off, for around 60 cents a gallon. That is a remarkable achievement. Go to the same gas station and buy a bottle of water; you will probably pay \$3 or more a gallon. The little bottles of water cost 70, 80, 90 cents a bottle. Still there has been a remarkable increase in gasoline prices over the last 12 months.

How did we go from \$1 to \$1.50, \$1.60, \$1.70, \$1.80, and even \$2 a gallon for gasoline? What happened? How did it happen? If we are going to set good policy, we ought to ask ourselves that question.

The main issue is that OPEC wanted more money. The oil-producing group, the cartel, so to speak—Middle East countries including Saudi Arabia along with Venezuela, and others—that overwhelmingly supply the oil to meet world demand, got together and decided they wanted more money. They made a political decision they were going to do certain things, as Senator DOMENICI said, to drive up the price of gasoline. The world economy was coming up, so Asia was using more gasoline, other nations were using more gasoline. So they simply quit producing as much. They reduced their production, and they didn't cheat on one another. It actually worked. They created a worldwide shortage.

The price for a barrel of gasoline, at \$11 a year or so ago, rose to over \$30 a barrel. It hovers around \$30 a barrel now and is more than double today what it was last year at this time. That has driven up the cost of gasoline.

First, we have to understand that. In addition, we are now in a summer vaca-

tion time cycle. People take their trips. We use more gasoline in the summer than at any other time. That is another complication. Increased demand creates upward price pressure.

There have been problems with pipelines, and I don't dispute that. Gasoline companies, pipeline companies, the distributors, and the people who actually run the gasoline stations, set the prices as they choose, some of those businesses are catching this rise and perhaps trying to make a few extra cents. It does not surprise me that is the case.

Fundamentally, we have a shortage of supply in this world. The OPEC nations have done that through political action. It is very serious for our economy. There will be a negative impact on our Nation.

How did that happen? When political activities occur, you can only respond, basically, politically. It seems to me, this administration has not been alert at all to the problems we are facing. The Clinton-Gore administration has not understood energy policy. It has effected a series of small steps, really no-growth extremist steps, that have debilitated our own American oil and gas industry, leaving us more vulnerable to a determined OPEC cartel that demands higher prices. That is basically what happened to us.

How are we going to defeat that? It is going to really take political action to use our power against it. Frankly, there are some people in this country—most people who are sophisticated know this—who believe we ought to have higher gas prices. That is the Clinton-Gore Administration's policy for America. They believe if gasoline prices go up, we will drive less, we will buy their kind of small cars, windmills will become more popular, solar panels will be more popular, and that kind of thing will happen. They believe we ought to have higher energy prices.

I believe we ought to support alternative energy sources, but I do not believe we ought to be taxing American people to encourage them to alter their lifestyles, taking money out of their pockets, making them pay more money for gasoline for these agendas. I am concerned about that.

With regard to how it is impacting America, I think it is a fairly simple matter. What is really happening in this country is we are paying 20 cents, 30 cents, 40 cents more a gallon because of OPEC price increases. That is, in effect, a tax on American consumers by OPEC. In effect, when you go to the gasoline station and you buy a gallon of gas, if it is 10 cents, 20 cents, 30 cents, 40 cents more because of their prices they are charging, we are paying them that much more. It is not an economic thing; it is done by their political monopoly cartel power because of our failure to produce energy domestically.

We need to do better to produce more energy in this country. I have to say we have a policy in our Nation, by this administration, that is contrary to

that idea. For example, if we are going to increase energy production in America, we need to promote production and exploration. One of the ways we could do this is to open up areas of federal land with proven oil reserves.

We have, in Alaska, an ANWR region with huge supplies of oil. In fact, that region of Alaska, is about the size of the State of North Carolina, and the size of the area where the oil would be produced is about the size of Dulles airfield. It is a very small area, but within that small area they can produce huge reserves of oil. This administration has steadfastly, through vetoes, refused to allow oil production there even though a majority of this Senate has voted for it, as I recall. They do not dare because they think it might have some environmental impact.

Experience shows that today's oil and gas production technology has a minimal negative environmental impact and in ANWR it affects a tiny area. So they have taken that source of oil—oil which could help us compete effectively in the world and stop the transfer of our wealth to Saudi Arabia and give us greater bargaining power—off the table.

There are huge reserves of natural gas in the Gulf of Mexico—huge reserves. Natural gas is one of the cleanest burning fuels we have. Much of our electricity generation is being transferred from coal and other fuels to natural gas because it burns so much cleaner and it is relatively inexpensive. Vice President GORE, in his speeches in New Hampshire during the primary campaign, said that not only did he oppose any further drilling for natural gas in the Gulf of Mexico, but he wanted to cut back on those leases already approved for drilling. I think that is an extremist position. They drill for gas right within the Mobile Bay, my home town. It is a clean substance, compared to oil. Even if it leaks, it evaporates rapidly. It doesn't have the sludge that oil does.

To stop production of gas in the Gulf of Mexico is an extremist position and one which will make us more vulnerable to Saudi Arabia and OPEC. It is not acceptable.

This administration refuses to allow production of oil in the Rocky Mountain area where as much as 60 percent of the land is owned by the Federal Government. They virtually shut off drilling in those areas.

There has been growing interest in coalbed methane production, in which you can drill a well into coal seams and bring out methane gas, a very clean burning gas. New technology has made the production of this clean fuel economically viable, but through environmental regulations which even the EPA does not support, this fledgling energy production source is at risk.

Finally, this administration has steadfastly opposed the use of nuclear power, which Senator DOMENICI mentioned. They refuse to allow us to store waste nuclear fuel, spent uranium fuel



rods, in a remote desert tunnel in Nevada, where we used to blow up atom bombs on the surface. It ought to be done. By refusing to allow spent fuel to be safely stored, it compromises our ability to produce more of our energy by nuclear power which produces absolutely zero air pollution. It is a nonpolluting source of power.

France already generates 80 percent of their power by nuclear power. Japan is moving in that direction. We have to realize we need to do more with nuclear power. In fact, in this country, over 20 percent of our power comes from nuclear. But we have not ordered and brought on-line a new plant in over 20 years.

Those are the actions which must be done. The policies this administration support are wrong, the consequence of these policies are clear: shortage of energy and higher prices. That is what will occur. That is what is occurring. I think we need strong leadership from this administration to deal with this problem now.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. I ask unanimous consent to speak in morning business.

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

#### STORMS IN NORTH DAKOTA

Mr. DORGAN. Madam President, today Governor Schafer, from my State of North Dakota, has made a request of President Clinton in the form of a disaster declaration request as a result of substantial damage that has occurred in North Dakota from some huge storms that have rumbled across our State in recent weeks. About a week ago, late in the afternoon, in the Fargo-Moorhead region of North Dakota-Minnesota, huge thunderstorms rolled across the northern plains and dumped 7 to 8 inches of rain on that flat land in the Red River Valley in a matter of 8 hours—7 to 8 inches of rain in 8 hours. This occurred only a week after some regions just 80 to 90 miles North of there received 17 to 18 inches of rain in a very short period of time: 24 to 36 hours. There was an enormous quantity of rain.

These two storm events occurred in the Red River Valley, which is as flat as a table top. There is not a hill in sight. The result was dramatic sheet flooding in every direction. I recently took a tour of some affected regions in northeastern North Dakota—Grand Forks County and Walsh County and other areas, and small communities like Langdon, Mekinock, and a range of other communities. Communities in the region were hit with more moisture than anyone had ever seen in their lifetime in such a short period of time.

As a result, flat fields were totally inundated with water. Roads and railroad lines were washed away. There was one area I traversed in which they had a box culvert that weighed about 2

to 3 tons. The force of the water—which, incidentally, totally inundated these fields—washed out a 2-ton box culvert, and nobody could find it. It was gone. How does one lose a 2-ton box culvert? Yet it was gone.

It is hard to imagine these flooding events unless one sees them personally. We have had two of them in two weeks in the eastern part of North Dakota, and they have been devastating. As a result, the Governor has made a disaster declaration request of the President, a request which I fully support and upon which I hope the President will act with dispatch this week. FEMA is continuing in both of these areas—northeastern North Dakota and also the Fargo region—to do their damage assessments. Sufficient work has been done on the damage assessments for us to know we are going to require some Federal assistance.

Some people say: Why is there Federal help available in the form of disaster assistance? Precisely because there are some events which occur—floods, tornadoes, earthquakes, fires, and so on—that are so large and so significant and cause so much damage that State and local governments cannot possibly deal with the resulting damage.

That is why the rest of the country says: You have had some trouble, let us give you a helping hand. That is what happened during the 1997 floods from the Red River in the Red River Valley which most everyone will remember. That is what happened with the Los Angeles earthquake. That is what happened when the Southern United States experienced substantial tornado and hurricane damage.

We regret we have to come again with a request for disaster assistance, but we do. It is not of our making. It is an act of nature that is quite unusual. I have not, in all of my life, seen a circumstance where, in a period of 24 to 36 hours, we had 17 to 18 inches of rainfall in a very small area. We are a semiarid State. We get 17 inches of rain in a year in North Dakota on average. Yet a week ago today, Fargo and Moorhead received 7 to 8 inches of rain in a matter of 8 hours and, as I said, 90 miles north of there, they received 17 to 18 inches in some parts in a matter of 24 to 36 hours. One can imagine the devastation that causes.

We are trying to wrap up a supplemental appropriations bill probably by tomorrow evening. The hope is that it gets filed tomorrow evening. Both sides want to get it to the President for his signature by the end of this week. It will be attached to the military construction bill.

I am working with my colleagues on the Appropriations Committee to make certain these flood events are mentioned in the context of that supplemental bill. I expect FEMA already has the resources with which to deal with this, if and when the President declares a disaster.

I wanted to bring to my colleagues' attention the request the Governor of

North Dakota has made. My expectation is the President will move quickly to respond to it, and my concern is that we do everything we can not only to deal with the issue of infrastructure damage to public buildings, and there is substantial damage in those areas—roads, buildings, water and sewage systems—but also that we are able to be helpful to family farmers, many of whom have lost virtually all of their crops, crops they dutifully planted this spring with such great hope and now have been completely decimated by these sheet floods.

My colleagues and I who come from this region of the country will continue to work on all of these issues. We are joined by our colleagues from the State of Minnesota because all this occurs on the North Dakota-Minnesota border.

#### ENERGY

Mr. DORGAN. Madam President, I want to talk about the issue of energy supplies and the debate over energy. I noticed today a number of Senators came to the floor of the Senate, and they waved their arms and raised their voices a bit and railed about energy: Lord, we should know what is going on here, they say. We have the OPEC cartel, yes, but we also have an administration that does not have an energy policy, and woe is us.

This is not brain surgery. This is not complicated at all. We have a cartel called OPEC that controls a substantial amount of the oil that is exported to this country, and they decided to decrease production. When they did, prices began to go up.

More than that, we also have the largest oil companies in this country and around the world merging. Exxon, Amoco, BP, are all merging. We have larger oil companies and a circumstance of a cartel supplier, and now people who go to the gas pumps are paying higher and higher energy prices.

I do not hear any discussion about whether the energy companies may have played a role in this. Does anybody understand how, when you get larger, you also have the opportunity to manipulate prices? I think you do.

Is a major part of this problem the OPEC cartel? You bet your life it is. But I think another part of this problem is we do not understand pricing policies of energy companies that have become larger and larger. We need to know that. That is why I fully support the Federal Trade Commission's investigation, and why I believe the Justice Department ought to be part of the same investigation.

I find it interesting, as the oil companies become larger and continue to oppose ethanol production, Congress has still not done nearly enough to promote the kind of energy supplies that are renewable—wind energy and others. We ought to get, in my judgment, a wake-up call from these oil prices that we are held hostage by the OPEC cartel. We are a growing economy and

produce and use a substantial amount of energy, but we are far too dependent on OPEC countries.

If one looks at production of energy, it does not matter who is in the White House—a Republican or Democratic administration—we see that same line, and the line is not going up, it is marginally going down. We need an energy policy that is a Republican and Democratic energy policy, not one about which one side continues to wave and rail about the other side. We need a bipartisan energy strategy that recognizes this country should not be beholden to an OPEC cartel for its energy supplies. Not to do so means we put ourselves at risk, we put our economies at risk, and put the American people at risk when, in some cases, they cannot purchase the energy they need.

#### A PRESCRIPTION DRUG BENEFIT IN MEDICARE

Mr. DORGAN. Madam President, I want to talk about the subject that is going to be front and center in the Congress this week, the issue of a prescription drug benefit and Medicare. There are stories in today's papers—the Washington Post, the New York Times, and others—in which the chairman of the National Republican Congressional Committee is quoted as saying that there is a belief that his party, meaning Congressional Republicans, need to do something on the issue of prescription drugs. He says, "It's a great issue—no question it polls well."

Another member from the other side of the aisle said: "We're going to use the marketplace pressure to solve the problem, which is much better than the government program."

In other words, the majority party feels they have to bring a bill to the floor addressing the need for prescription drug coverage because the issue polls well. So they are going to bring an illusory bill to the floor of the House this week that requires private insurance companies to offer an insurance policy that helps people pay for their prescription drugs. The catch is that the insurance companies say they cannot offer such a policy. Officials from two companies have come to my office and told me that, to offer a policy with \$1,000 in benefits, it would cost \$1,200.

I come from a rural State. In rural States, a recent study shows that rural Medicare beneficiaries pay 25 percent more out-of-their own pockets for prescription drugs than do urban beneficiaries. Of course, rural areas are shrinking. Many have seen the movie "Four Weddings and a Funeral." In rural areas of my State, ministers tell me they have four funerals for every wedding because the population is getting older and the younger people are moving out.

And those senior citizens living in rural areas are the ones who are paying the highest prices for prescription drugs.

And many of them cannot afford the drugs they need. They have heart trouble, diabetes, and a range of other problems. Their doctors say: You need to take this miracle medicine, this life-saving drug, to help you live a better life. And they say to their doctors: I can't afford it.

We need to do two things. First, we need to add a prescription drug benefit to the Medicare program, and second, we need to put downward pressure on drug prices.

I thought I might, with my colleagues' consent, show on the floor of the Senate a couple of pill bottles that illustrate part of the problem. Here are two bottles for a prescription drug called Zocor used to lower cholesterol. This is the same tablet, in the same strength, made by the same company, probably made in the same manufacturing plant. If you buy Zocor in Canada, it costs \$1.82 per pill. But if you buy the same drug—the same pill, made by the same company—in the United States, it costs \$3.82 per pill.

Let me say that again. If you are a Canadian, you pay \$1.82 for Zocor; if you are an American, you pay \$3.82, more than twice as much. Why? Because the big drug manufacturers have decided they want to charge the American consumer more than twice as much.

One other example, if I might. Here are bottles of Zoloft. Zoloft is a common prescription drug used to fight depression. If you buy this medication in Canada—the same pill, in the same strength, by the same drug company—it costs \$1.28 per pill. But if you buy it in North Dakota, it costs \$2.34 per pill. The Canadian pays \$1.28; the American pays \$2.34, 83 percent more.

I have other examples, but I think you get the point: American consumers pay the highest prices in the world for their prescription drugs. These are the prices that our current marketplace have achieved. Why should an American citizen have to go to Canada to buy a drug that was produced in the United States in order to pay half the price that is charged in the United States? The answer is that they should not have to do that.

I think these examples illustrate why, when those on the other side of the aisle say "we're going to use the marketplace pressure to solve the problem," this marketplace approach just is not going to work. We need a real prescription drug benefit added to the Medicare program. What we do not need is an illusion of a benefit where we tell private insurance companies to sell a policy they say they can't underwrite and won't sell.

That is not good public policy. Maybe the polls show that Medicare prescription drug coverage is a popular issue, but you do not solve a problem, no matter how popular an issue, by coming up with a solution that does not work.

We need to add a prescription drug benefit to the Medicare program in a

way that is sensible and thoughtful and workable. And, second, as we do that, we need to put some downward pressure on prescription drug prices.

It is not fair, right, or reasonable that the American consumer ought to pay double the price for the same drug, put in the same bottle, manufactured by the same company. That is not fair. The common medications that senior citizens so often need—to treat their heart problems, diabetes, arthritis, and so many other difficulties—have been increasing in cost at a dramatic rate.

I am not talking about creating price controls, but we need to do something to put some downward pressure on prices. One thing we should do is pass legislation that I have introduced, along with Senator SNOWE, Senator WELLSTONE and others, that will allow American consumers to have access to these drugs from anywhere in the world, as long as they are FDA-approved with safe manufacturing standards. This legislation, the International Prescription Drug Parity Act, will allow Americans to access these drugs from anywhere in the world at a lower price.

If we eliminate the legal obstacles that currently exist and allow pharmacists to purchase these medications from other countries on behalf of their American customers, the pharmaceutical industry will be forced to re-price their drugs in this country.

In short, I wanted to come to the floor to make the point that we must put a prescription drug benefit in the Medicare program, but we must do it in a way that works. We should not do this just so some will be able to go home to their states and say: We passed prescription drug coverage, didn't we? That might provide some self-satisfaction but it does nothing for the millions of Medicare beneficiaries who need prescription drug coverage. And finally, as we develop this legislation, we need to acknowledge that drug pricing is unfair in this country and do something to put some downward pressure on prescription drug prices.

#### ANNIVERSARY OF THE U.N. CHARTER

Mr. GRAMS. Madam President, fifty-five years ago, the members of the United Nation's founding delegation met in San Francisco for the signing ceremony that created the U.N. There was great anticipation and a collective enthusiasm for this new, global institution. Delegates spoke of hope, of expectation, of the promise of peace. President Truman echoed the thoughts of those founding members when he told the delegates they had, "created a great instrument for peace and security and human progress in the world." Fifty-five years later, the United Nations is struggling to meet its potential.

As Chairman of the International Operations Subcommittee which has U.N. oversight responsibilities and having been appointed by the President to

serve two terms as a Congressional Delegate to the U.N., I have focused significant attention on the United Nations. On the anniversary of the signing of the U.N. Charter, I think it is appropriate to take time for us all to reflect on that important institution.

The U.N. is making headway in implementing reforms, and I believe that is due in a large part to the efforts of the U.S. Congress. According to GAO, the U.N. has made substantial progress in restructuring its leadership and operations. It has also created a performance-oriented human capital system. Unfortunately, however, there is no system in place within the U.N. to monitor and evaluate program results and impact. In other words, the U.N. undertakes numerous activities on social, economic, and political affairs, but the Secretariat cannot reliably assess whether these activities have made a difference in people's lives and whether they have improved situations in a measurable way. I look forward to working with the U.N. to make sure in the future it will not just believe it is contributing to positive change, it will know it is doing so. As Secretary-General Annan noted, "a reformed United Nations will be a more relevant United Nations in the eyes of the world."

In the area of peacekeeping, the U.N. is clearly in crisis because many countries, including the U.S., keep calling on the U.N. to take on missions it is not capable of fulfilling. The U.N. can play a useful role in building coalitions to address matters of international security, as we saw in the Persian Gulf War. Moreover, the U.N. has the ability to effectively conduct traditional peacekeeping operations, such as those in Cyprus and the Sinai Peninsula. Unlike NATO and other regional military forces, however, the U.N. is only successful when it takes on limited missions where a political settlement has already been reached, hostilities have ceased, and all parties agree to the U.N. peacekeeping role. The U.S. must be careful not to set up the U.N. for failure. We risk ruining the U.N.'s credibility if we insist on a more robust peace making role for U.N. forces. In Sierra Leone, a feel-good U.N. operation with no impact on keeping civilians safe and with "peacekeepers" held as hostages sounds a lot like a replay of U.N. forces in Bosnia. I had hoped the U.N. learned its lessons since that terrible time.

As we celebrate the anniversary of the signing of the U.N. Charter, we should celebrate the success of the U.N. without turning a blind eye to its failings. We should recommit ourselves to making sure the U.N. continues to reform. We should make sure our nation doesn't push the U.N. to do more than it can do effectively. If we do nothing, and in fifty-five more years the United Nations collapses under its own weight, then we will have only ourselves to blame.

#### VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Madam President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 26, 1999:

Kevin S. Bonner, 28, Chicago, IL;

Danny R. Davis, 35, Chicago, IL;

Sharon Duberry, 35, Gary, IN;

Weldon Ellingson, 79, Cedar Rapids, IA;

William Ernest, 34, Philadelphia, PA;

Marilyn Freestone, 57, Cedar Rapids, IA;

Estella Martinez, 40, San Antonio, TX;

Willie Palmer, 29, Baltimore, MD;

Ruben Ruvalcaba, 22, San Antonio, TX;

Anthony Scott, 22, Bridgeport, CT;

Carlos Sermiento, 22, Dallas, TX;

Chau Tran, 17, Lansing, MI;

Julio A. Vincencio, 18, Chicago, IL;

Mose Penn Warner, 82, Louisville, KY.

In addition, Mr. President, since the Senate was not in session on June 24 and June 25, I ask unanimous consent that the names be printed in the RECORD of some of those who were killed by gunfire last year on June 24th and June 25.

June 24: James Bailey, 21, Kansas City, MO; Kurt Chappell, 38, Cincinnati, OH; Philemon Epepa, 48, Houston, TX; Dana Fowlkes, 28, Baltimore, MD; Deslond Glenn, 17, Fort Worth, TX; Antonio Hernandez, 32, Houston, TX; John Kerr, 28, Memphis, TN; Max James Langley, 74, Mesquite, TX; Angelo Lard, 32, Detroit, MI; Mary Jane Noonan, 37, New Orleans, LA; Tull Rea, Sr., 89, Dallas, TX; Edwin A. Vazquez, 23, Chicago, IL; Unidentified male, 20, Newark, NJ.

June 25: Mona Lisa Castro, 28, Fort Worth, TX; Joe T. Harp, Pine Bluff, AR; Lavar R. Knight, 19, Chicago, IL; Millard Courtney Sauls, 25, Washington, DC; Latrice Spencer, 22, Louisville, KY; Fred Warren, 18, Miami-Dade County, FL; Quintrale Williams, 38, New Orleans, LA; Unidentified male, 16, Chicago, IL.

#### REMEMBERING THE FORGOTTEN: KOREA 1950-1953

Mr. ROCKEFELLER. Madam President, yesterday was the 50th anniversary of the beginning of the Korean War, an often overlooked, yet very important event in history. "Forgotten" is a term used too often about the Ko-

rean War; for veterans and their families, the war is very real, and something they can never forget.

Officially, the war was the first military effort of the United Nations, but American involvement was dominant throughout the conflict. Thousands of Americans traveled to a distant land to help defend the rights of strangers threatened by hostile invasion. Unfortunately, many who fought bravely to aid the Koreans lost their lives while waging the war.

Today, I want to pay homage to all who served in this war. The troops from the United States and the 20 other United Nations countries who provided aid to the South Koreans deserve our great acclaim every day, but even more so on this special anniversary. These great countries united to preserve the rights of South Korea, a small democracy threatened by the overwhelming power of the Communist government. South Korea did not have sufficient military resources to protect its interests. Fortunately, the United Nations member countries were not about to sit back and watch North Korea, with the aid of China and the Soviet Union, annihilate the democracy in the south.

On June 25, 1950, troops from Communist-ruled North Korea invaded South Korea, meeting little resistance to their attack. A few days later, on the morning of July 5th—still Independence Day in the United States—Private Kenny Shadrack of Skin Fork, West Virginia, became the war's first American casualty. Kenny was the first, but many more West Virginians were destined to die in the conflict—in fact, more West Virginians were killed in combat during the three years of the Korean War than during the 10 years that we fought in Vietnam. In one of the bloodiest wars in history, 36,940 more Americans would lose their lives before it was all over. In addition, more than 8,000 Americans are still missing in action and unaccounted for.

Five years ago, we dedicated the Korean War Memorial on the Mall in Washington, DC. This stirring tribute to the veterans of this war poignantly symbolizes the hardships of the conflict.

The Memorial depicts, with stainless steel statues, a squad of 19 soldiers on patrol. The ground on which they advance is reminiscent of the rugged Korean terrain that they encountered, and their wind-blown ponchos depict the treacherous weather that ensued throughout the war. Our soldiers landed in South Korea poorly equipped to face the icy temperatures of 30 degrees below zero, their weaponry outdated and inadequate. As a result of the extreme cold, many veterans still suffer today from cold-related injuries, including frostbite, cold sensitization, numbness, tingling and burning, circulatory problems, skin cancer, fungal infections, and arthritis. Furthermore, the psychological tolls of war have caused great hardship for many veterans.

As a background to the soldiers' statues at the Memorial, the images of 2,400 unnamed men and women stand etched into a granite wall, symbolizing the determination of the United States workforce and the millions of family members and friends who supported the efforts of those at war. Looking at the steadfast, resolute faces of these individuals invokes in the viewer a deep admiration and appreciation for their importance to the war effort.

Author James Brady, a veteran of the Korean War, spoke for all those who served in the war when he wrote, "We were all proudly putting our lives on the line for our country. But I would later come to realize that the Korean War was like the middle child in a family, falling between World War II and Vietnam. It became an overlooked war." Mr. Brady conveys the sentiments of many of the veterans who served in this war and underscores our need to give these veterans the recognition they are long overdue.

Today, I salute the courage of those who stood up for democracy while fighting for the freedom of strangers. Through their unselfish display of determination and valor in the battles they endured, they sent an important message to future generations. I thank our Korean War veterans; their bravery reminds us of the value we put on freedom, while their sacrifices remind us that, as it says at the Korean War Memorial, "Freedom is not free."

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, June 23, 2000, the Federal debt stood at \$5,646,605,711,994.02 (Five trillion, six hundred forty-six billion, six hundred five million, seven hundred eleven thousand, nine hundred ninety-four dollars and two cents).

One year ago, June 23, 1999, the Federal debt stood at \$5,594,432,000,000 (Five trillion, five hundred ninety-four billion, four hundred thirty-two million).

Five years ago, June 23, 1995, the Federal debt stood at \$4,887,614,000,000 (Four trillion, eight hundred eighty-seven billion, six hundred fourteen million).

Twenty-five years ago, June 23, 1975, the Federal debt stood at \$525,118,000,000 (Five hundred twenty-five billion, one hundred eighteen million) which reflects a debt increase of more than \$5 trillion—\$5,121,487,711,994.02 (Five trillion, one hundred twenty-one billion, four hundred eighty-seven million, seven hundred eleven thousand, nine hundred ninety-four dollars and two cents) during the past 25 years.

#### TRIBUTE TO LUCY CALAUTTI

Mr. DORGAN. Madam President, here in Washington, DC, administrations come and go, Members of Congress and their staff pass through at an

increasing pace. It often seems that many of the people that we know are on their way to someplace else.

With all this change, we cherish the points of stability in our lives, and among these are the professional staff members who have been with us for the long haul. These are the people who could have gone elsewhere and earned more money, but they chose to stay and work in public service. They are the silent heroes here in Congress. They keep the process moving; their invisible stamp is upon all our work in public policy. We depend upon them more than we like to say.

Lucy Calautti is one of those key staff members who makes things happen here in the United States Senate.

Lucy has worked with me for over 25 years, first in my role as an elected State official in our State Capitol in North Dakota, then in the U.S. House of Representatives and now the U.S. Senate. During much of that time she has been my Chief of Staff.

Lucy goes about her work with an energy, focus, and high-spirited competence that people who deal with her have come to know well. For me, Lucy has been a treasure. I have had the great luxury of knowing that when I leave the office to travel to North Dakota, the work here will continue to be directed by a real leader.

Lucy is a true original. She is practical and idealistic, a patriot and an ardent advocate of women's rights. When she graduated from high school in Queens, New York in the 1960s, she went right into the Navy to serve her country. That was not exactly the most popular thing to do back then. When she left the service she came to North Dakota and enrolled in North Dakota State University to get her Masters degree.

I hired Lucy in 1974, and during all of those years she has brought passion and conviction to her work. No problem has been too small or too big. If it concerned the people of North Dakota and our country, then Lucy would tackle it until it got resolved.

One of Lucy's passions has been Major League Baseball. For years she and her husband, Kent, have taken a weekend or two in February to catch a part of Spring training in Florida. It's true she has suffered over the years as an ardent New York Mets fan. But for years I have watched the autographed baseballs on her desk form a rising pyramid in their plastic cases. I had a sense where this stack was heading.

And now, not surprisingly, Lucy is going to leave my office this week to become the head of Government Relations for Major League Baseball. I am sad, but I am happy, too. America's national pastime is gaining a tireless advocate here in Washington. No one deserves this opportunity more than Lucy, and no one could do a better job.

Such passages are common here in Washington, but that does not make them any easier. I just wanted to take a few moments to express my apprecia-

tion to Lucy Calautti, on behalf of all the people of my state, for a job well done. We wish her well.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4577, which the clerk will report.

The legislative clerk read as follows:

A 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.

Pending:

McCain amendment No. 3610, to enhance protection of children using the Internet.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 3625

(Purpose: To implement pilot programs for antimicrobial resistance monitoring and prevention)

Mr. COCHRAN. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. KENNEDY, and Mr. FRIST, proposes an amendment numbered 3625.

Mr. COCHRAN. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 27, before the colon on line 4, insert the following: ", and of which \$25,000,000 shall be made available through such Centers for the establishment of partnerships between the Federal Government and academic institutions and State and local public health departments to carry out pilot programs for antimicrobial resistance detection, surveillance, education and prevention and to conduct research on resistance mechanisms and new or more effective antimicrobial compounds."

Mr. COCHRAN. Madam President, I offer this amendment to H.R. 4577, the Labor, Health and Human Services, and Education appropriations bill to implement pilot programs for antimicrobial resistance monitoring and prevention.

Antimicrobial resistance has become a worldwide problem. Emerging, drug-resistant infections threaten the health and stability of countries across the world. Diseases such as malaria and tuberculosis have become resistant to treatment in many countries, and we are beginning to see these drug-resistant infections reemerging in the United States.

Here in the U.S., resistance is developing in both large, urban areas and rural communities. We are seeing widespread resistance develop to common drugs such as Penicillin. Some microbes are even becoming resistant to our last line of therapy, Vancomycin. We are approaching the point where such common ailments as a sore throat or an ear infection could become life threatening. The problem is not limited to a certain line of microbes. We are seeing the development of resistance in all major groups of microorganisms—viruses, fungi, parasites, and bacteria.

We must address this problem on several levels. We must build our public health infrastructure for both surveillance of and response to resistance and outbreaks. We need to educate practitioners and patients in the responsible use of antimicrobials, and we need to continue to invest in research on the mechanisms of resistance and the development of new treatment.

This amendment begins to address the global threat posed by antimicrobial resistant infections. We must aggressively act over the course of the next several years to avert the situation of a half century ago when infectious diseases were the greatest threat to human health.

Specifically, this amendment provides \$25 million to be available through such centers as the Centers for Disease Control and Prevention for the establishment of partnerships between the Federal Government and academic institutions and State and local public health departments to carry out pilot programs for antimicrobial resistance detection, surveillance, education, and prevention, and to conduct research on resistance mechanisms and new or more effective antimicrobial compounds.

For the information of the Senate, authorizing legislation is being introduced and referred to the Health, Education, Labor and Pensions Committee. The purpose of the new legislation, which is being sponsored here in the Senate by the Senator from Tennessee, Dr. FRIST, and the Senator from Massachusetts, Mr. KENNEDY, will provide a framework of legislative authorization for activities and appropriations of dollars such as that reflected by this appropriations bill amendment. I also am pleased to have the cosponsorship on this specific amendment of Senator KENNEDY and Senator FRIST, as well.

I am hopeful the majority leader will be able to permit us to announce that a vote will occur on this amendment as the next order of business for the Senate. It will not likely occur today but probably tomorrow at sometime to be announced by the leader. I hope we will be able to make that announcement for the information of all Senators very soon.

The funding that is provided as an addition to that included in the bill for microbial research into resistance to diseases, viruses, and illnesses is a

matter that is emerging as one of the most serious challenges we face in medical science today. I am hopeful the Senate will approve this amendment and increase the funding for this important area of inquiry.

Madam President, I ask unanimous consent to proceed as in morning business to discuss two related pieces of legislation for the Department of Education that I will introduce today.

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

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 2788 and S. 2789 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

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

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. COCHRAN. I object, Madam President.

The PRESIDING OFFICER. Objection is heard.

Mr. COCHRAN. I will find out what is going on, and I may withdraw my objection. So I will reserve the right to object at this point, and I will ask the distinguished Senator a question or two.

There is a consent request that I am told was being circulated on both sides of the aisle to have a vote on the pending amendment that I have offered at a time certain. In fact, it would occur at 9:40 a.m. tomorrow and would provide for some remarks to be made before the vote. I would like to know whether or not we can expect to get consent to that proposed agreement before permitting the amendment to be set aside and proceeding to another amendment and possibly never getting back to the pending amendment. That is the purpose for my concern.

Mr. REID. Madam President, we have the proposed unanimous consent agreement here and we are giving it every consideration. I thought it would be more appropriate, in that we are trying to move the bill along, to try to get some amendments offered and get them out of the way. We have dozens of amendments on this bill of which we need to try to dispose. We in the minority certainly have no problem with having a vote in the morning. It is just that we have some people to check with before we agree to the unanimous consent request. We would be happy to schedule votes on my amendments. We are not trying to avoid votes. We are happy to get votes.

Mr. COCHRAN. Why don't we get consent on the agreement—

Mr. REID. Because I don't have authority to offer my approval of the agreement at this time.

Mr. COCHRAN. I don't have the authority to set aside my amendment and proceed to other matters until we get consent. So we have a problem.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I also want to make sure everyone understands that we are trying to offer amendments to move the bill along. We don't want people to be complaining that people are trying to slow up movement of this bill. There is no problem at all with having the vote sometime tomorrow. As you know, there are scores of amendments that are going to be offered. We need to have a number of votes. What about if we had that vote at noon tomorrow rather than 9:40? Would the Senator agree to that?

Mr. COCHRAN. Madam President, I don't have any indication from our leadership as to what alternatives would be available to substitute for the consent being circulated.

Mr. REID. If my friend will check, that would be good.

Mr. COCHRAN. We will find out an answer and get back to you.

Mr. HARKIN. If the Senator will yield, I just saw the unanimous-consent request, I might say, and there is a part in there—I don't mind the time, but there is a clause that says "with no second-degree amendments in order." I am checking to find out whether or not that is going to be standard fare for the remainder of this bill. I support the Senator's amendment, but if we have a unanimous consent where some don't get an opportunity to offer second degrees and others do—we ought to play under the same rules is what I am saying. I ask the minority whip whether or not we are going to do that.

Mr. REID. Madam President, that certainly is a question. That is one of the reasons we were holding off agreeing to this. I say to my friend from Mississippi, it appears we can agree to his amendment. It appears what is happening here is the majority wants a vote sometime tomorrow morning. If we agree to the Senator's amendment, how about having a vote on one of my amendments in the morning?

Mr. COCHRAN. If the Senator will yield, he is negotiating with the wrong guy. He is down the hall. I will show you the direction how to get there. I am the author of this amendment and that is about as high as I get in this discussion. I appreciate Senator REID's support for the amendment, and also Senator HARKIN's support. If it were up to the three of us, we could probably get this worked out.

Mr. REID. Maybe we can have our very competent staff walk down the hall and discuss that. In the meantime, I will speak about my amendment, and if it is appropriate at a subsequent time to offer it, I will do so.

I also extend my appreciation to the Senator from Mississippi, who is always so cordial and easy to work with. I recognize that we all have things to do, sometimes over which we have no control. It happens to me all the time.

I have spent a lot of time in hospitals in the last 10 or so years because of the illness of my wife. She is doing very fine now, but she has spent a lot of time in the hospital. Last August, she spent 18 days in the hospital. Prior to that, she spent a month in the hospital.

During her hospitalizations, the one thing I recognized more than anything else was the extremely important work of nurses. I understand how we depend on the doctors and that they are lifesavers, to say the least. But the personnel who are underappreciated and undercompensated are nurses. They work so hard and do so much for so little. We need to do more to protect nurses, and the amendments that I am going to offer, when I have that opportunity, relate to nurses.

First of all, I am going to offer an amendment that is going to recognize how dangerous nurses' work is. Nurses spend every day of their lives afraid that they are going to be stuck by mistake with a needle.

One of my amendments would allow the Secretary of Labor to amend OSHA's blood-borne pathogen standard to require that employers use needleless or safe needles and to require that employers create a sharp injury log to keep detailed information about on-the-job needle-stick injuries.

My second amendment would establish a new clearinghouse within the National Institutes of Occupational Safety and Health to collect data on engineered safety technology designed to prevent the risk of needle sticks. I have worked with the Senator from California, Mrs. BOXER, for a number of years on this problem. This amendment would relate directly to that problem.

Keep in mind that needle sticks occur routinely. About 600,000 needle sticks occur in America every year—not 60,000, not 600—600,000. Every 39 seconds, a nurse in America is accidentally stuck with a needle. This is a tremendously difficult problem. We could give example after example. I know we don't want to do that. But I am going to give a couple of examples.

In October 1997, a woman from Reno, NV, by the name of Lisa Black, a registered nurse, was nursing a man who had a terminal case of AIDS when a needle that had been used on him accidentally stuck her. Today, she is a very sick woman. She is infected not only with HIV, but she also has hepatitis C. Lisa Black, who was a totally healthy person prior to that day in October 1997 when she was accidentally stuck in the hand with a needle, now takes 22 pills a day to keep her HIV infection from progressing to full-blown AIDS and to delay the effects of hepatitis C.

Karen Daley is a nurse from Massachusetts. In fact, she is presently in a

nurses association in Massachusetts. She had been a nurse for more than 20 years when she sustained a needle-stick injury when she reached her gloved hand into a needle box to dispose of the needle from which she had drawn blood. She was stuck with another needle.

Just last week, in testimony before the House Subcommittee on Workforce Protection, Karen Daley described how the needle-stick injury caused her to contract both hepatitis C and HIV, which changed her life. I quote from part of her testimony.

In the first year of my treatment I took a daily regimen that consisted of 21 pills a day and an injection that caused a wide range of side effects, among them: weight loss, nausea, loss of appetite, hair loss, headaches, skin rashes, severe fatigue and bone marrow depression. To say these side effects interfered with my normal day-to-day routine is a gross understatement. The single moment when my injury occurred 18 months ago has changed many other things for me. In addition to the emotional turmoil it has created for myself, my family, my friends, my colleagues—it has cost me much more than I can ever describe in words. As a result of my injury, I have given up direct nursing practice, work that I love.

Karen Daley did everything in her power and took all the necessary precautions—including wearing gloves and following proper procedures—to reduce risk of exposure to bloodborne pathogens. Her injury did not occur because she was careless or distracted or not paying attention to what she was doing.

These needlesticks just occur. Karen Daley has good reason to believe that had a safer needle and disposal system been in place at her hospital, she would not be sick today. According to the CDC, eighty percent of all needlestick injuries can be prevented through the use of safer needles.

Senator BOXER and I have introduced legislation that would dramatically reduce the risk of needlestick injuries by requiring hospitals and health-care facilities to use safe needles and keep better track of needlestick injuries.

When I offered this bill as an amendment last year, many of my colleagues, including the chairman of the HELP Committee, assured me that they were concerned about this problem and were committed to working on it.

Another year has passed, and still, nothing has been accomplished.

In the year since I offered this amendment, there have been approximately 600,000 accidental needle wounds—that is one injury every 39 seconds.

If we don't do something this coming year, there will be 600,000 more needle sticks, and a number of them will wind up as did Karen Daley and Lisa Black—infected with HIV, hepatitis C, and other debilitating diseases.

The actual number of needlestick injuries is probably much higher, because these injuries are considered to be widely under-reported. Several studies show needlestick under-reporting rates of between 40 and 90 percent.

We could have over 1 million needle sticks every year instead of every 39 seconds and every 15 seconds. Some people do not report their injuries.

The longer we wait, the more people—nurses, housekeeping staff, and anyone who handles blood, blood products, and biological samples—will be at risk of contracting a number of debilitating, if not deadly, diseases.

There are more than a score of diseases we know of to which nurses and other related personnel are subject to being infected. I mentioned HIV. Hepatitis B and C and malaria may be transferred from just a speck of blood—a very small amount of blood.

Despite the fact that safer devices have been available since the 1970s and that we know that more than 80 percent of needlestick injuries can be prevented through their use, fewer than 15 percent of U.S. hospitals have switched over to these safer devices, except in states that have enacted laws requiring them.

My amendments would ensure that the necessary tools—better information and better medical devices—are made available to front-line health care workers in order to reduce the injuries and deaths that result from needle sticks.

My amendment would establish a new clearinghouse within NIOSH to collect data on engineering safety technology designed to help prevent the risk of needle sticks, would allow the Secretary of Labor to amend OSHA's blood-borne pathogen standard to require employers to use needleless or safe needles, and would require that employers create a sharp injury log to keep data on on-the-job needle-stick injuries.

The companion measure Senator BOXER and I sponsored in the House received overwhelming support. To date, it has 181 cosponsors. In the Senate, we also have support for our legislation, in addition to Senator BOXER and the Senator offering the amendment at this time.

Protecting the health and safety of our front-line health care workers should not be a partisan issue.

I urge my colleagues to work with me to have the amendments agreed to so that injuries and deaths from needle-stick injuries can be avoided.

Again, having spent time in hospitals and seeing how hard the nurses work, I had not realized that in America every 15 to 30 seconds women or men working as nurses stab themselves accidentally and subject themselves to these terrible diseases.

I ask the Senator from Mississippi if we have any word from down the hall yet.

Mr. COCHRAN. Madam President, if the Senator will yield, I am advised that we have not received any word from down the hall yet. I am not in a position to consent to the request at this time.

Mr. REID. I understand that.

I say to the Senator from Iowa, who was not on the floor at the time, that

I want him to understand we are doing the best we can, along with the majority, about this bill. Remember that I had two amendments to offer, but we weren't able to offer them because of a procedural problem.

I hope we can move this bill along quicker. There are lots of amendments.

I think the Senator has already talked to the Appropriations Committee, and we would agree to getting a list of who wants to offer amendments so we have a finite number. We are doing what we can.

Mr. HARKIN. I respond by saying to my whip that we are trying to get a finite list of amendments together so we know how many we have. Hopefully, we can dispose of those in the next couple of days.

We are definitely open for business. I want to start moving amendments. Hopefully, we will get an agreement shortly to offer amendments to be lined up to vote tomorrow.

Mr. REID. My friend has done such a tremendous job of comanaging this very difficult piece of legislation. We agree to accept the amendment of the Senator from Mississippi and vote on my amendment.

Madam President, Senator BOXER is to be listed as cosponsoring this bill. As I have stated, she has been stalwart in working with this. She is the main sponsor of the underlying amendment, the bill last year. We are both working on this amendment. She should be listed as a cosponsor.

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

#### THE BREAST AND CERVICAL CANCER TREATMENT ACT OF 1999

Mr. HARKIN. Madam President, I would like to take this opportunity to speak about S. 662, the Breast and Cervical Cancer Treatment Act of 1999. I urge the distinguished majority leader, Senator LOTT, to act quickly to bring this bill to the floor. We have no excuse for delay in providing life-saving treatment to women who have been diagnosed with breast and cervical cancer.

As many of you in this body know, this is an issue I take very seriously. My only two sisters both had breast cancer and died from the disease. Sadly, they contracted breast cancer at a time when regular mammograms and improved treatment methods were not widely used or available.

Over the past several years, we have made a great deal of progress against breast cancer, but there is still a long way to go. In particular, we've been able to secure significant increases in funding of research to understand the causes and find treatments for breast cancer.

Look how far we have come. Almost a decade ago, when I looked into the issue of breast cancer research, I discovered that barely \$90 million was spent on breast cancer research.

That is why in 1992, I offered an amendment to dedicate \$210 million in

the Defense Department budget for breast cancer research. This funding was in addition to the funding for breast cancer research conducted at the National Institutes of Health. My amendment passed and—overnight—it doubled federal funding for breast cancer research.

Since then, funding for breast cancer research has been included in the Defense Department budget every year.

Today, I am proud to say, between the DoD and NIH, over \$600 million is being spent on finding a cure for this disease.

Scientific researchers are making exciting discoveries about the causes of breast cancer and its prevention, detection, diagnosis, treatment, and control. These insights are leading to real progress in our war against this devastating disease. We know better than ever before how a healthy cell can become cancerous, how breast cancer spreads, why some tumors are more aggressive than others, and why some women suffer more severely and are more likely to die of the disease.

For example, discovery of the BRCA1 gene has led us to better identify women who are at risk of breast cancer, so the disease can be caught early and treated. And of course the development of cancer-fighting drugs like tamoxifen owes a great deal to our federal research investment.

But our success in building our research enterprise will be pointless if breakthroughs in diagnosis, treatment, and cures are not available to the public.

That is why, a decade ago, as chairman of the Senate Labor, Health and Human Services, and Education Appropriations Subcommittee, I worked to create a program, run by the Centers for Disease Control and Prevention, to provide breast and cervical cancer screening for low-income, uninsured women.

This program is run nationwide and is tremendously successful. In Iowa, almost 9,000 women have been screened.

Nationally, more than one million low-income American women have been screened. Of these, more than 6,000 were diagnosed with breast cancer and 500 with cervical cancer.

This program is a great success. But it is only the first step. Congress must now provide the next critical piece: funding for treatment services once a woman has been diagnosed with breast or cervical cancer. Too often, women diagnosed through this program are left to scramble to find treatment solutions.

I recently heard about this terrible problem from one of my constituents. Her name is Barbara. Five years ago, Barbara was diagnosed with breast cancer through the CDC's program. Uninsured, she struggled to find treatment. Several doctors refused to treat her because she lacked insurance. Eventually, through a hodgepodge of sources and some volunteer services in Iowa she was able to receive chemotherapy.

But today, she owes over \$70,000 in medical bills. She writes, "My bills are so high I often wonder if I should quit treatment so I will not saddle myself and my family with so much debt."

Barbara is one of the lucky ones. Many women who have been diagnosed through this program do not get treated at all.

The Breast and Cervical Cancer Treatment Act has 70 Senate cosponsors from both parties.

Its companion bill, H.R. 4386, has passed the House of Representatives with a vote of 421-1. There is no excuse for any further delay in the Senate. We should get this legislation through, combine it with the House bill, and get it to the President for his signature as soon as possible.

I note for the record, the original cosponsor of this bill was our now departed colleague, Senator John Chafee. He was the original sponsor. It has 70 cosponsors. Those who worked so long with John Chafee admired him so much. I think it would be a fitting tribute to him to get this bill through as soon as possible and get it to the President for his signature.

This is S. 662, the Breast and Cervical Cancer Treatment Act of 1999. As I said, its companion bill passed the House 421-1. I think we should pass it as soon as possible. That is why I am taking this time to talk about it, to encourage our distinguished majority leader to bring it to the floor as soon as possible.

#### THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. HARKIN. Madam President, this morning I was invited to the White House for a truly historic announcement. Through the collaboration of government and private sector efforts, scientists have completed the first rough map of the human gene. I believe history will prove this the most significant scientific development of our generation. Its implications for improving the health and well-being of people are truly astounding.

Today's announcement was especially fulfilling for me. In 1989, when I served as chair of the subcommittee responsible for this bill, I began the funding for the Human Genome Center at NIH, and the race to map the genome began in earnest. At that time, many criticized the move, saying it was a waste of time and money and couldn't be done in our lifetimes.

I listened very carefully to Dr. James Watson, the Nobel Prize winner who first discovered the double helix of our DNA, and he was the first director of the genome center. He talked to us at great length about the possibilities of not only mapping the human genome but sequencing the entire human genomic code. At that time a lot of us were captivated by this concept, that we could actually have the blueprint of



life that hitherto has been known to no human being, but only to the Almighty.

By breaking down this human genetic code, sequencing every one of the 3 billion pairs that every human has, it would, as Dr. Watson said, provide more than a blueprint, but it would provide the source of research that could very rapidly bring to a close our search for an end to some of the more debilitating diseases that have afflicted mankind for thousands of years. Knowing the genetic code, researchers will now be able to more precisely determine the genetic markers that people have that predispose them to one disease or another.

It was Dr. James Watson who really got the policymakers here in the Congress excited about and interested in this human genome project. I happened at that time to be the chair of the subcommittee. As Dr. Watson explained to us what this would do, I had probably just enough engineering background and mathematics background to get a feel for what this could possibly mean. As a result, we began to fund the human genome project and center.

Today's announcement also demonstrates the importance of our drive to double funding for medical research. Senator SPECTER and I are committed to this effort. The bill provides the third installment of a \$2.7 billion increase, the largest ever of a 5-year plan, to double funding for NIH. The completion of mapping the human genome will yield tremendous advances in the search for medical breakthroughs in heart disease, cancer, Alzheimer's. We are on the way to learning more than we ever thought possible to cure human diseases. The reward will be reflected in the faces of MS, multiple sclerosis, patients who may live longer and better lives because research isolated the gene that causes their dread disease. We will see it in the faces of Parkinson's patients who will experience an improved quality of life from a drug targeted to their individual genome type. And we will see it in the faces of cancer patients whose lives may one day be saved by gene therapy.

Yet as we celebrate this great milestone, we must be looking to the challenges ahead. I, of course, look forward to the day when genetic discrimination will be illegal, both at the workplace and in insurance. Genomic technologies have the potential to lead to better diagnosis and treatment and ultimately to the prevention and cure of many diseases and disabilities. But without antidiscrimination protections, Americans will forego early diagnosis and treatment for fear of discrimination in health insurance and employment.

So we cannot let discrimination or the fear of discrimination threaten our ability to conduct the very research we need to understand, treat, and prevent genetic diseases. That is why Senator DASCHLE, Senator KENNEDY, Senator

DODD, and I have introduced the Genetic Nondiscrimination in Health Insurance and Employment Act. Our legislation would provide greatly needed protections against genetic discrimination in both employment and insurance and prohibit inappropriate disclosure of that information. I urge all my colleagues to join in passing anti-genetic-discrimination legislation to allow the research of the human genome project to reach its full potential.

In conclusion, I offer my heartiest congratulations and appreciation to every individual who worked on this project. There is no higher calling than this work, saving human lives. These outstanding scientists and researchers made this historic day possible. Not only did they meet their timetable, they beat it, and that is what I call real success.

In that vein I want to pay special tribute to Dr. James Watson whose pioneering efforts made today's breakthrough possible and who, at one critical point in this human genome project several years ago, made the decision with the new types of supercomputers we had to ratchet up the number of base pairs that they would be investigating and sequencing, to a much higher level than was ever done before. Because of that, we were able to complete the sequencing of the human gene now rather than 10 or 15 years from now.

I also commend Dr. Francis Collins, the head of the human genome project at NIH. His brilliant and charismatic leadership of the project has been the engine driving this effort.

I might say Dr. Collins headed not only the effort here in the United States, but this has been a multinational effort, and this morning, at the White House, we had Prime Minister Blair on closed circuit television. He was in London. He had his scientists around him. They had provided great support for our project, as had the French and the Germans, the Swiss, the Chinese, the Japanese, and a number of others. They had all provided help and support for sequencing this human gene. Dr. Francis Collins led this international effort.

Finally, I also pay tribute to Dr. Craig Venter, a former NIH scientist now the head of a private entity called Celera Genomics. It is the private sector firm that has been central to today's breakthrough. Dr. Venter, again, at a critical point, came up with a new way of discovering and sequencing more base pairs in a shorter period of time than had ever been done before. Again, because of his insight and his leadership and efforts, and his own private enterprise, he was able to help us reach this day a lot sooner.

I think that also points out the benefit of the tremendous relationship we have had in this country between public-sector-funded basic research and private-sector-funded research. Most—I would not say all—of the basic research done in this country is funded publicly

by our taxpayers through the money that we appropriate here in the Congress. There is some basic research done by the drug companies, that is true. But in most of the research done in the private sector they take the basic research that is funded publicly and determine whether or not there is something there that can be made into a drug or therapeutic or intervention or diagnostic tool that can be used in the private sector, in the real world, to help either to stop the onset of a certain illness, to cure it once it has onset, or to make the illness less invasive and less detrimental to the normal life of a person.

With this marriage, we have in the United States cultivated a very unique body of health research. Today's announcement, with the public and private sector together, illustrated that.

Again, my congratulations to Dr. Venter for his leadership in the private sector.

Mr. REID. Will the Senator yield?

Mr. HARKIN. Yes, I am delighted to yield.

Mr. REID. Madam President, as this week progresses, we are going to be busier and busier and there will be less time to say what I want to say.

I said at our subcommittee hearing how much I admire and respect the work Senator HARKIN and Senator SPECTER do in the subcommittee. The audience there was very small. Hopefully, the audience here is bigger. I want everyone to understand what great work Senator HARKIN has done with Senator SPECTER on this subcommittee.

This year—and the President made an announcement today—we have a surplus of \$217 billion. We have not had that in recent years. This subcommittee, in spite of the fact it has been fighting for money, has done wonderful things dealing with the National Institutes of Health. They have been the leaders in stem cell research. They held hearings. That work being done on stem cell research, together with the work being done on the human genome, is the same as the work we did with computers and the Internet. What we did 10 years ago with the computer is nothing compared to what we can do now, and the same is going to be true when we understand the genomes each of us has, together with stem cell research and some of the other things being done as the result of the funding of this subcommittee.

When the history books are written, the work the two Senators have done in funding this very important research is going to be a big chapter. There is hope, as the Senator mentioned. The people who have multiple sclerosis, diabetes, Alzheimer's, and Parkinson's are going to benefit from the work done with the funding of this subcommittee.

I hope the Senator from Iowa knows how much he is appreciated. This is as important as anything we have ever done in this Congress. Half the people

in the rest homes in America today are there because of two things: Parkinson's and Alzheimer's. Think what it will mean for not only the people who are sick but their loved ones. Think how good it will be if we can do something to delay the onset of these two diseases or, when the miracle does come, we can cure them. Think how important it will be for them and their families. In addition to that, think how important it will be for the American taxpayers. Billions of dollars go into taking care of people who have these two diseases.

On behalf of the people of the State of Nevada, and I think I can speak for the people of this country, the Senator is appreciated. I hope he understands that. It is great work. We hear so much negative in the press about no one will cooperate with anything. What this subcommittee does is an example of what the rest of the Congress should do. The work of the Senator from Pennsylvania and the Senator from Iowa has been good. I want the Senator to know how much I appreciate what he has done.

Mr. HARKIN. Madam President, I thank the Senator for his kind words. I was thinking as he was talking on this specific project, the human genome project, it is true I happened to be chairman at that time and we started funding it because of what Dr. Watson was able to get across to us when he explained what this would mean down the road. I must say, when I turned over the gavel to Senator SPECTER in 1995, there was not even a bump in the road. We always worked together on this. When he took over as chairman, we continued our strong support for NIH and our strong support for the human genome project.

As the Senator from Nevada said, it has truly been good bipartisan teamwork. I do not mean to say only the two of us. The members of the committee have been very much involved in this through the years.

Looking back now and seeing what has happened gives me goose bumps because when we first started this I checked with some people to find out what it would mean to sequence the human genes. We knew we could map it, but to sequence the 3 billion base pairs of genes, of cold human genome, I asked them how long: Maybe 25 years; maybe we will get it done in 25 years, maybe longer.

Even then they did not know if they could really get them all sequenced. So I would talk with Dr. Watson about it, and he would say: No, it may take us that long, but we should start on it; we should not put it off any longer; we should start on it.

I thought when we first started this it was going to take literally 20 years, as an outside estimate. As I said in my remarks, there came a time when Dr. Watson and some of his team figured out a better way of sequencing these genes, and that collapsed the timeframe right there. It took money. The

whole effort in the human genome project has been people and money. If one has the people and the money, one can get it done. It took people to do it, but it took money to buy the big computers. The faster the computers got, the better it was. And along came Craig Venter with a different concept on how to do this, and that again collapsed the timeframe.

To think we started this project literally a decade ago, in 1990, and here we are 10 years later. Having the entire human genome sequenced is just mind boggling. It really is the Rosetta stone. Before that, they did not know how to read the Egyptian hieroglyphics. When they found the Rosetta stone, they could break the code.

That is what this is. It is going to provide the best tool researchers all over the world have ever had. The beauty of it is that any scientist anywhere in the world can go on the Internet right now and get all the information they need. Every sequence is now in the public domain. It is not being held privately. Any researcher can get access to it.

I say to my friend from Nevada, I cannot wait for the next 10 years to see what is going to happen. We are going to see an explosion of new findings researchers are going to come up with that are truly going to be mind boggling.

In the next 10 years, mark my words—I probably will not be here; maybe the Senator from Nevada will be here—by gosh, we are going to look back and say the first decade of the 21st century was the decade when we truly understood disease and illness, the things the Senator from Nevada talked about—Alzheimer's, multiple sclerosis, Parkinson's disease. Not only will we understand it, we will know how to go right in there and fix it 10 years from now. Mark my words.

Mr. REID. Madam President, I say to my friend from Iowa—I did not do a very good job of describing it—had someone told Senator HARKIN and I 10 years ago what is now possible with the Internet through computers, we would not have believed it. We simply would not have believed it. I know I would not have.

Mr. HARKIN. I did not have the capacity to understand it.

Mr. REID. But now the progress that has been made is unbelievable. What I tried to say—and the Senator from Iowa described it better than I—the same is going to apply to medicine. Ten years from now, people will think this conversation of ours was so amateurish.

Mr. HARKIN. Archaic.

Mr. REID. I thank the Senator.

Mr. HARKIN. Madam 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.

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

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending Cochran amendment regarding antimicrobial resistance monitoring agents be laid aside to recur as the pending business at 9:40 a.m. and there be 5 minutes for closing remarks tomorrow morning with a vote to occur on the amendment at 9:45 a.m. with no second-degree amendments in order.

I further ask unanimous consent that following that vote, the Senate resume consideration of the McCain amendment regarding the Internet.

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

Mr. JOHNSON. Mr. President, I supported the amendment to create a Medicare prescription drug benefit under the Medicare program offered by my colleague, Senator ROBB from Virginia, to the Labor, Health and Human Resources and Education Appropriations bill.

Despite the Senate defeating this amendment largely along a party line vote of 44 to 53, I vow to continue the fight with my colleagues to push the Senate for further debate on prescription drug proposals and pass a meaningful prescription drug bill this year. The millions of needy seniors and those with disabilities receiving Medicare deserve nothing less.

Some of my colleagues have argued that this was not the time, nor the proper legislative process by which we should pass a Medicare prescription drug proposal. Mr. response to that accusation, is when is the proper time then? When are we in Congress going to listen to the constituents like those that I have spoken to from Wessington Springs and Custer, South Dakota? This is not, nor should be a partisan issue. This is not, nor should be an issue that gives greater deliberation to the pleas of party politics than pleas of needy seniors.

Constituents in my home state of South Dakota, have been telling me for years that they are struggling to make ends meet and need help affording their prescription drugs. I introduced my first bill on this issue well over a year ago in the Senate, and since then debate surrounding how to provide Medicare beneficiaries with access to affordable prescription drugs has produced several proposals from both Democrats and Republicans.

Yet, this is the first time that the Senate has taken the time during the 106th Congress to have a floor vote on this issue. I am cautiously optimistic that we will continue to see debate on this critically important matter, and may indeed find compromise between the two parties to help our senior citizens better afford their expensive prescription drug medications.

I am in constant contact with South Dakotans who have expressed their difficulty in choosing between paying for medication, or buying food and paying

utilities. I want to assure them that the Senate will not wait any longer and will pass legislation this session to provide immediate relief to the thousands of senior citizens in South Dakota and across the nation who are having difficulty affording life-saving medication.

Even if we can't reach an agreement on a Medicare prescription drug plan this year, there are several steps we can take now that would provide some relief to seniors who face rising prescription drug costs. All three of the bills that I have sponsored, including the Prescription Drug Fairness For Seniors Act, the International Prescription Drug Parity Act, and the Generic Pharmaceutical Access and Choice For Consumers Act, if enacted this year, would provide immediate relief to millions of Americans across the country. Equally so, these bills would require no additional taxpayer dollars nor new government program."

While they may not be the magic bullet that meets all of the long term needs of providing Medicare prescription drug coverage, they would provide a mechanism for immediate relief from rising drug costs. Working together, reaching across the aisle, we can use this time of unparalleled prosperity to do the right thing by our seniors. We should do it this year for their sake, and for the sake of the future of Medicare.

#### MORNING BUSINESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### ADDITIONAL STATEMENTS

##### RECOGNITION OF THE FEDERAL CREDIT UNION ACT ANNIVERSARY

• Mr. GRAMS. Mr. President, I rise today, on the 66th anniversary of the National Credit Union Act being signed into law by President Franklin D. Roosevelt, to salute the Nation's credit unions and acknowledge their important contributions.

Prior to 1934, collective pools of employees gathered their assets to assist them in acquiring credit and improving their financial futures. The first credit union in the United States was established in 1909, as the only financial institution available to low-income workers who wanted to save their wages and receive short-term consumer loans.

In the spring of 1925, the Minneapolis postal employees collectively began Minnesota's first credit union with 15 workers attending the initial meeting. Started with a total of \$146.25 in assets, the Minneapolis Postal Employees Credit Union, now called the US Fed-

eral Credit Union, has survived through times of economic hardship such as the Depression of the 1930s and World War II.

Today, the Federal Credit Union System has well over \$300 billion in assets, and some 67 million Americans enjoy membership in credit unions nationwide. Credit unions bring together people with common employers, ethnic backgrounds, or geographic areas. They have positively impacted economic growth in the United States by increasing Americans' access to credit through a system of cooperative organizations which have helped stabilize America's credit structure.

The credit union philosophy of "people helping people" continues to provide many rural and economically depressed areas with the financial tools and confidence necessary for success. In my state of Minnesota, more than 195 credit unions not only provide mortgages, loans, and financial savings opportunities, but also bring their communities together to raise money for programs such as "Credit Unions for Kids." This effort is a collaboration of credit unions and business partners benefitting 170 Children's Miracle Network-affiliated hospitals serving 14 million kids nationwide.

Minnesota credit unions also provide funds for the Minnesota Credit Union Foundation, a non-profit corporation organized to serve charitable, scientific and educational purposes with special emphasis on credit union-related activities. Funds are used to provide disaster relief efforts for credit union members, develop credit unions in emerging nations, and supply scholarships to educational training programs.

Mr. President, as a member of a credit union myself, I would like to thank America's credit unions on this anniversary for their constant and continuous efforts to assist the men and women of their communities overcome life's financial obstacles and build a more secure future for themselves and their families.●

##### IN HONOR OF PAUL McLAUGHLIN

• Mr. KERRY. Mr. President, I rise today to join the City of Boston, the residents of Massachusetts, and members of the law enforcement community across the country in recognizing the loss of Paul McLaughlin. Paul was a committed prosecutor who lived his life for others, and on September 25, 1995, he was shot while getting into his car after work. This weekend Boston memorializes its loss with the dedication of the Paul McLaughlin Boys and Girls Club in Dorchester's Savin Hill neighborhood and I join the city in this important day of recognition.

Paul came from a long, distinguished line of Bostonians. His grandfather, Edward Sr., was the Boston Fire Commissioner as well as a member of the State Legislature in the 1920's, and his father, Edward Jr., was President of the Boston City Council, an Assistant U.S.

Attorney, and Lt. Governor under Governor Volpe. A graduate of Boston Latin School, Dartmouth College and Suffolk Law School, Paul was admitted to the bar in 1981 and his early work included time at the Cambridge District Court and the Public Protection Bureau. Paul was the consummate professional, and his reputation soon led to serving on the Attorney General's staff in 1991, where he was assigned to drug and gang cases in Suffolk Superior Court. During one five year stretch he compiled an impressive 73 percent conviction rate, winning 98 of 134 Superior Court cases.

In a fitting tribute to Paul's commitment to working for a better community for all of us, especially our children, the site for the McLaughlin Boys and Girls Club is one of Boston's Ten Most Wanted drug houses. On Saturday, June 24th, the McLaughlin Family joined with Mayor Thomas M. Menino and members of the Colonel Daniel Marr Boys & Girls Club in honoring Paul's life by opening a remarkable new facility in his name in Dorchester's Savin Hill neighborhood. The Paul R. McLaughlin Youth Center will perpetuate Paul's legacy of selfless service to his community by serving 2,600 children in one of the state's most successful youth programs. The structure that used to be the source of drugs and despair will now be a beacon of hope for the whole city.

Mr. President, I join the people of Dorchester, West Roxbury and Jamaica Plain in mourning the loss of their neighbor and friend. My thoughts go out to Paul's colleagues, friends and family. Together, we realize how fortunate we are to have worked with and known an individual of his caliber. Today the City of Boston memorializes this loss, and I join everyone in honoring his life by opening the Paul R. McLaughlin Youth Center.●

##### TRIBUTE TO THOMAS BURACK

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Thomas Burack of Dunbarton, New Hampshire, for receiving the "Cotton Cleveland Leadership Award" for 2000.

A renowned and engaging speaker, he is often found addressing business groups and honoring professionals who have made outstanding accomplishments. It seems only fitting, then, that he should be honored with this award which celebrates the accomplishments of an outstanding individual who has demonstrated involvement and commitment to community service as well as the ability to encourage and develop leadership in others.

A graduate of the 1997 Leadership New Hampshire class, he practices law at the firm of Sheehan, Phinney, Bass, and Green, P.A. Over the past ten years, he has donated both time and experience to the Dartmouth Environmental Network, the New Hampshire Land and Community Heritage Commission, the Audubon Society of New

Hampshire and the WasteCap Resource Conservation Network.

A recipient of the Harry S. Truman Scholarship, Thomas Burack is also the founding President of the Truman Scholars Association and a member of the Board of Trustees of the George C. Marshall Foundation of Lexington, Virginia.

Thomas Burack has proven himself to be an outstanding citizen, volunteer and a resource to his surrounding community. It is an honor to represent him in the United States Senate.●

#### TRIBUTE TO RYAN BELANGER FOR HIS HEROIC RESCUE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to an individual who has distinguished himself in the State of New Hampshire by performing the outstanding heroic act of saving the life of a resident of the town of Bedford.

Ryan Belanger acted selflessly on April 9th, 2000, to rescue resident Paula Halla, only moments before her car exploded. Paula's car had been struck off the road by a tree that fell during a storm, leaving her trapped in the burning vehicle anxiously awaiting rescue crews.

Belanger, who noticed the vehicle after also striking the fallen tree, checked on the passengers in his vehicle and immediately rushed to the aid of Paula. Without hesitation, Ryan Belanger began to attempt to put out the fire, and pulled Paula from the burning car only moments before it exploded.

Citing his late grandfather's influence and love of life, Belanger stated, "He was my father, and made me who I am. If it wasn't for him, I wouldn't have pulled that lady out of the car." Had Ryan not acted with haste, Paula would have most likely been killed in the incident. Instead, she escaped with minor bruises and cuts.

I am honored to recognize a true American hero, and to commend him on his successful efforts to rescue a fellow resident of the state. He quickly rescued Paula Halla from her vehicle, saving her life. He is an inspiration to the town of Bedford, his home town of Manchester, and the state and nation as a whole. I applaud his courage and perseverance in the daring rescue. It is truly an honor and a pleasure to represent him in the United States Senate.●

#### TRIBUTE TO EILEEN KENNEDY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Eileen Kennedy, a business reporter for the Nashua Telegraph, for receiving the United States Small Business Administration's 2000 "Women in Business Advocate of the Year" award.

Eileen's hard work and dedication clearly placed her at the top, as this was the first time a reporter has been selected for this award. Through

profiling local small business women, she has demonstrated compassion and understanding for the difficulties they face, and has acted as an advocate of their accomplishments.

A staff reporter at the Nashua Telegraph since May 1998, Eileen has frequently written on issues involving high-tech businesses, with particular attention paid to those owned and managed by women. She has effectively educated the surrounding community on small business leaders throughout the state.

As a former small business owner in the state, I commend Eileen Kennedy for her contribution. It is truly an honor to represent them in the United States Senate.●

#### TRIBUTE TO CAROLYN MARTIN

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Carolyn Martin of the Keene Sentinel for being honored as the 2000 "Small Business Journalist of the Year" by the United States Small Business Administration.

Carolyn not only covers news and feature stories, but underscores the unique needs and accomplishments of small businesses and the men and women who lead them as well. Over the past year, she has helped increase public awareness of small business issues and reported on community service aimed at enhancing small business opportunity and growth.

Carolyn brings many qualifications with her to the job, as she has worked as a print and broadcast journalist in Annapolis, Maryland, and Mobile, Alabama. She also served as the senior communications officer with the American Association for the Advancement of Science and was Vice President of Community Development for the Chamber of Commerce in Mobile, Alabama.

As a former small business owner in the state, I commend Carolyn for her hard work and dedication. It is truly an honor to represent her in the United States Senate.●

#### TRIBUTE TO JOSEPH C. LEDDY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Joseph C. Leddy, CEO of Work Opportunities Unlimited, Inc., for being named the 2000 "Small Business Person of the Year" by the United States Small Business Administration.

Joseph founded the company in 1982, where it began as a local leader in the field of vocational training and employment placement. Presently, it brings in approximately \$12 million a year and employs over 500 people in 27 offices throughout four New England states.

Work Opportunities Unlimited assists individuals with disabilities, veterans, young adults, at-risk youth and others with locating employment, and has used previous Small Business Ad-

ministration funding to catapult their business to the forefront of the field.

In addition to his work with Work Opportunities Unlimited, Joseph has held numerous positions in the Department of Education, worked as a Blind Rehabilitation Specialist with the Veterans Association and taught at New Hampshire Technical College.

A valuable resource to the state and to New England, it is my honor and a great pleasure to represent Joseph Leddy in the United States Senate.●

#### TRIBUTE TO THE TOWN OF SALEM

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Salem on its 250th anniversary, an important and historic milestone.

Since being incorporated as a town on May 11, 1750, Salem has provided its residents with a safe place to raise families in a convenient location on the border of New Hampshire and Massachusetts. This thriving community boasts countless recreational opportunities. Canobie Lake attracts boaters, fishermen and those just looking for a peaceful place to relax. People from all over New England flock to Canobie Park to enjoy a day of games and fun during the summer months, and those who are looking for a little history can visit America's Stonehenge.

Salem's 26,000 residents have seen a great amount of change throughout its 250 years. The town is now home to numerous industrial firms, and will soon welcome Cisoq to the growing number of businesses that call Salem home. Salem also offers numerous shopping outlets, most notably the Mall at Rockingham Park, with opportunities for great tax-free shopping.

Salem is also home to some very talented athletes. Olympic Women's Hockey Gold Medalist Katie King was a multi-sport star at Salem High before the world took notice in Nagano in 1998. And Salem High's softball team is a perennial state power, taking the state title once again this year.

Salem is also a very politically active town as it recently opened its Republican Town Committee offices. Also, the town has come together to celebrate its 250th anniversary, celebrating with events that began with a tremendous First Night party to mark the year 2000 and will culminate with a party on the Fourth of July. Once again, I want to congratulate the town of Salem on its 250th anniversary. It is an honor to serve its citizens in the United States Senate.●

#### TRIBUTE TO THE BELKNAP COUNTY ECONOMIC DEVELOPMENT GROUP

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Belknap County Economic Development Group for receiving the 2000 United States Small Business Administration's New Hampshire "Financial Services Advocate of the Year" award.

Financial service advocates play an integral role in the success of a small business, particularly in their assistance with access to credit. The Belknap County Economic Development Group is no exception. They have been assisting small businesses in surrounding communities with great success since 1992.

Initially formed to address economic issues plaguing the area at the time, it later expanded to assisting small businesses struggling to get off the ground. It currently operates a revolving loan fund and two micro-lending programs, as well as provides technical assistance and counseling.

As a former small business owner in the state, I commend the Belknap County Economic Development Group for their hard work and dedication. It is truly an honor to represent them in the United States Senate.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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.)

#### MESSAGES FROM THE HOUSE

At 1:14 p.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution in which it requests the concurrence of the Senate:

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements.

At 4:36 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, without amendment:

S. 1309. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

#### MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements; to the Committee on Foreign Relations.

#### 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-9405. A communication from the Acting Assistant Secretary for Fish and Wildlife, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Importation or Shipment of Injurious Wildlife: Zebra Mussel (*Dreissena polymorpha*)" (RIN 1018-AF88) received on June 6, 2000; to the Committee on Environment and Public Works.

EC-9406. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "10 CFR Part 50: Appendix K, "ECCS Evaluation Models" (RIN3150-AG26) received on June 1, 2000; to the Committee on Environment and Public Works.

EC-9407. A communication from the Director of the Office of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Fee Schedules; 100% Fee Recovery, FY 2000" (RIN3150-AG50) received on June 7, 2000; to the Committee on Environment and Public Works.

EC-9408. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency transmitting, twenty-two items relative to chemical safety; to the Committee on Environment and Public Works.

EC-9409. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio (FRL6600-8) received on May 24, 2000; to the Committee on Environment and Public Works.

EC-9410. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Nitrogen Oxides Allowance Requirements (FRL6702-3), "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Alabama; Correction (FRL6708-6), "Approval and Promulgation of Implementation Plans; Indiana" (FRL6708-5), "Approval and Promulgation of Implementation Plans: Indiana (FRL6708-2), "Revocation of the Selenium Criterion Maximum Concentration for the Final Water Quality Guidance for Great Lake System (FRL6707-7) received on May 30, 2000; to the Committee on Environment and Public Works.

EC-9411. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Approval and Promulgation of Maintenance Plan and Designation of Area for Air Quality Planning Purposes for Carbon Monoxide; State of Arizona" (FRL6601-7), "Oil Pollution Prevention and Response: Non-Transportation-Related Facilities" (FRL6707-6 received May 31, 2000; to the Committee on Environment and Public Works.

EC-9412. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the

report of five rules entitled "Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Environmental Services Department" (FRL6710-5), "Clean Air Act Final Approval of Operating Permit Program Revisions; Metropolitan Government of Nashville-Davidson County Tennessee" (FRL6710-9), "Clean Air Act full Approval of Operating Permit Program; Georgia" (FRL6711-2), "Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District" (FRL6709-1), "State of West Virginia: Final Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program" (FRL6710-3) received on June 1, 2000; to the Committee on Environment and Public Works.

EC-9413. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Organobromines Production Waste; Petroleum Refining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restriction; Final Rule and Correcting Amendments" (FRL6711-4) received on June 5, 2000; to the Committee on Environment and Public Works.

EC-9414. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation" (FRL6712-2) received on June 6, 2000; to the Committee on Environment and Public Works.

EC-9415. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, one item relative to guidance for implementation of the general duty clause Clean Air Act section 112(r)(1); to the Committee on Environment and Public Works.

EC-9416. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Approval and Promulgation of State Air Quality for Designated Facilities and Pollutants; West Virginia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators" (FRL6716-2), "Clean Air Act Full Approval of Operating Permit Program; State of Montana (FRL6714-4) received on June 6, 2000; to the Committee on Environment and Public Works.

EC-9417. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan for Utah: Transportation Control Measures" (FRL6711-9) received on June 9, 2000; to the Committee on Environment and Public Works.

EC-9418. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio and Kentucky (FRL6717-1), Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Arizona; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators" (FRL6717-7a), "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Colorado, Montana, South Dakota, Utah, Wyoming, Control of Emissions from Existing Hospital/

Medical/Infectious Waste Incinerators" (FRL6717-3), "Clean Air Act Full Approval of Operating Permit Program: Forsyth County (North Carolina)" FRL6712-5) "Reopening of Comment Period and Delaying of Effective Date of Revisions to the Interim Enhanced Surface Water Treatment Rule (IESWTR), The State 1 Disinfectants and Disinfection Byproducts Rule (State 1 DBPR) and Revisions to State Primacy Requirements to Implement the Safe Drinking Water Act (SDWA) Amendments" FRL6715-4) received on June 14, 2000; to the Committee on Environment and Public Works.

EC-9419. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, the report of four items relative to asbestos; to the Committee on Environment and Public Works.

EC-9420. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, the report of four items; to the Committee on Environment and Public Works.

EC-9421. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Effluent Guidelines, Pretreatment Standards, and New Source Performance Standards for the Transportation Equipment Cleaning Point Source Category" (FRL6720-6), "NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors" (FRL6720-9), "Approval and Promulgation of Implementation Plans; State of Kansas" (FRL6720-8), received on June 19, 2000; to the Committees on Environment and Public Works.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. 2508: A bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

S. 2719: A bill to provide for business development and trade promotion for Native Americans, and for other purposes.

#### 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. LEAHY (by request):

S. 2783. A bill entitled the "21st Century Law Enforcement and Public Safety Act"; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2784. A bill entitled "Santa Rosa and San Jacinto Mountains National Monument Act of 2000"; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 2785. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Finance.

By Mr. DASCHLE (for Mr. BAUCUS):

S. 2786. A bill to authorize the Secretary of the Interior to carry out a plan to rehabilitate Going-to-the-Sun Road located in Glacier National Park, Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself, Mr. HATCH, Mr. LEAHY, Mr. ABRAHAM, Mr. KENNEDY, Mr. SPECTER, Mr. KOHL, Mr. ROTH, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Ms. SNOWE, Mr. SCHUMER, Mr. DEWINE, Mrs. MURRAY, Mr. ASHCROFT, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. LAUTENBERG, Mr. SANTORUM, Mr. REID, Ms. COLLINS, Mr. REED, Mrs. HUTCHISON, Mr. DODD, Mr. L. CHAFEE, Mr. KERRY, Mr. AL-LARD, Mr. ROBB, Mr. WELLSTONE, Mr. SARBANES, Mr. DASCHLE, Mr. BRYAN, Ms. MIKULSKI, Mr. SMITH of Oregon, Mr. JOHNSON, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. LEVIN, Mr. BYRD, Mr. CLELAND, Mr. DORGAN, Mr. EDWARDS, Mr. HOLLINGS, Mr. BREAUX, Mr. KERREY, Mr. HARKIN, Mr. BAYH, Mr. GRAHAM, and Mr. BAUCUS):

S. 2787. A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 2788. A bill to establish a strategic planning team to develop a plan for the dissemination of research on reading; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN:

S. 2789. A bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FITZGERALD:

S. 2790. A bill instituting a Federal fuels tax holiday; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2791. A bill instituting a Federal fuels tax suspension; to the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 2783. A bill entitled the "21st Century Law Enforcement and Public Safety Act"; to the Committee on the Judiciary.

##### THE 21ST CENTURY LAW ENFORCEMENT AND PUBLIC SAFETY ACT

Mr. LEAHY. Mr. President, as ranking member of the Senate Committee on the Judiciary, I am pleased to introduce at the request of the Administration "The 21st Century Law Enforcement and Public Safety Act." This bill reflects the continuing aggressive approach of this Administration and this Department of Justice, under the leadership of Attorney General Janet Reno, to keep the both the violent and property crime rates in this country going down.

Under the Attorney General's leadership and the programs established by the Violent Crime Control and Law Enforcement Act of 1994, the nation's serious crime rate has declined for eight straight years. We are seeing the lowest recorded rates in many years. Murder rates have fallen to their lowest levels in three decades. Even juvenile crime rates have also been falling. According to the FBI's latest crime statistics release, on May 7, 2000, in just the last year, there has been a seven percent decline in reported serious violent and property crime from 1998 to-

tals. Both murder and robbery registered eight percent drops, while forcible rape and aggravated assault figures each declined by seven percent from 1998. This is cause for commendation for the Attorney General and our Federal, State and local law enforcement officers, to whom all Americans owe an enormous thanks for a job well done.

This Administration has not rested on its laurels, however. Instead, the Administration has crafted the bill I introduce on their behalf today. It contains a number of good ideas to which the Judiciary Committee and the Congress should pay attention. Unfortunately, the Committee and the Congress has spent more time on symbolic issues, such as a proposed amendments to the Constitution to protect the flag and crime victims than to other concrete steps we could take to combat crime and school violence. Indeed, the majority in Congress has stalled any conference action on the Hatch-Leahy juvenile justice legislation, S. 254, which passed the Senate by a substantial majority in May, 1999.

The Administration's bill contains five titles focusing on various aspects of crime. Title I contains proposals for supporting local law enforcement and promoting crime-fighting technologies, including expanding the purpose of COPS grants by funding an increase in the number of prosecutors as well as police; authorizing grants to improve the technology used for investigations in underserved rural areas—less than 25,000 people; and extending the Leahy-Campbell Bulletproof Vest Partnership Grant Act.

Title II contains many proposals for breaking the cycle of drugs and violence. Title III would promote investigative and prosecutorial tools for fighting terrorism and international crime. Title IV would reauthorize certain VAWA programs and provide other assistance to victims of crime and consumer fraud. In addition, this title contains important proposals to prevent and punish abuse and neglect of the elderly and other residents in nursing homes and health care facilities and environmental crimes. The last title would strengthen federal criminal laws to combat white collar crime, including in correction facilities and involving the theft of government property.

While I have concerns with certain parts of the bill, such as proposals for increases in mandatory minimum penalties, a new death penalty provision and broad administrative subpoena authority, I support many other parts, such as the Extension of Bulletproof Vest Partnership Grant Act to assist law enforcement in Vermont and across the nation obtain bulletproof vests and stay safe on the job.

Again, I commend the Attorney General and the Administration for this important legislation and their efforts to keep Americans safe from crime.

By Mrs. FEINSTEIN:

S. 2784. A bill entitled "Santa Rosa and San Jacinto Mountains National Monument Act of 2000"; to the Committee on Energy and Natural Resources.

SANTA ROSA AND SAN JACINTO MOUNTAINS  
NATIONAL MONUMENT ACT OF 2000

• Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today to designate the Santa Rosa/San Jacinto mountain range in southern California as a National Monument. This bill was introduced by Congresswoman MARY BONO earlier in the year. An almost identical version of this bill was passed out of the House Resources Committee earlier in the week.

The Santa Rosa and San Jacinto Mountains contain nationally significant biological, cultural, recreational, geological, educational, and scientific values. This includes magnificent vistas, unique wildlife and mountains which rise from the desert floor to an elevation of almost eleven thousand feet. These mountains provide a picturesque backdrop for Coachella Valley communities and support a wide array of recreational opportunities.

The bill designates this environmentally sensitive area as a monument and instructs the Department of Interior and the Forest Service to craft a management plan. The bill protects the rights of individual land owners, Native American tribes, and all lands outside the monument boundary. It protects the environment and preserves property rights. The bill has bipartisan support and supported by most of the local community.

This bill is quite timely. Three hundred and fifty-five thousand acres of the Sequoia National Forest were designated a national monument by President Clinton on April 15. Over the sixty-day period preceding the designation, many members of the affected community expressed significant opposition to the monument designation. I came to believe that when possible, Congress is in the best position to decide monument and other land use designations and can best ensure that stakeholders affected by such a designation have ample opportunity to provide input, influence the process and understand the designation.

I believe this bill is the proper way to protect this majestic national resource. •

By Mr. BIDEN (for himself, Mr. HATCH, Mr. LEAHY, Mr. ABRAHAM, Mr. KENNEDY, Mr. SPECTER, Mr. KOHL, Mr. ROTH, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Ms. SNOWE, Mr. SCHUMER, Mr. DEWINE, Mrs. MURRAY, Mr. ASHCROFT, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. LAUTENBERG, Mr. SANTORUM, Mr. REID, Ms. COLLINS, Mr. REED, Mrs. HUTCHISON, Mr. DODD, Mr. L. CHAFEE, Mr. KERRY, Mr. ALLARD, Mr. ROBB, Mr. WELLSTONE, Mr. SARBANES, Mr. DASCHLE, Mr. BRYAN, Ms.

MIKULSKI, Mr. SMITH of Oregon, Mr. JOHNSON, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. LEVIN, Mr. BYRD, Mr. CLELAND, Mr. DORGAN, Mr. EDWARDS, Mr. HOLLINGS, Mr. BREAUX, Mr. KERREY, Mr. HARKIN, Mr. BAYH, Mr. GRAHAM, and Mr. BAUCUS):

S. 2787. A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes; to the Committee on the Judiciary.

THE VIOLENCE AGAINST WOMEN ACT OF 2000

Mr. BIDEN. Mr. President, I am pleased to introduce today, with Senator HATCH, the Violence Against Women Act of 2000. And I thank Senator HATCH, the principal cosponsor of the original Act, for working with me over the past year to produce a bipartisan, streamlined bill that we are confident will enjoy the support of Senators from both sides of the aisle. Indeed, we already have a total of 50 cosponsors—many of them Republicans—as original cosponsors of this legislation.

The enactment of the Violence Against Women Act in 1994—bipartisan legislation cosponsored by 67 Senators from both parties—signaled the beginning of a national and historic commitment to the women and children in this country victimized by family violence and sexual assault.

The legislation changed our laws, strengthened criminal penalties, facilitated enforcement of protection orders from state to state, and committed \$1.6 billion over six years to police, prosecutors, battered women shelters, a national domestic violence hotline, and other measures designed to crack down on batterers and offer the support and services that victims need in order to leave their abusers.

And this federal commitment has paid off: the latest Department of Justice statistics show that overall, violence against women by intimate partners is down, falling 21% from 1993 (just prior to the enactment of the original Act) to 1998.

The programs contained in the original Act were authorized only through fiscal year 2000. So unless Congress acts, programs to run the battered women's shelters, the national domestic violence hotline, the STOP grants to help law enforcement and prosecutors combat domestic violence and to provide victims services, grants to address domestic violence in rural communities—all of these will expire this year. These programs are popular, and more importantly, ladies and gentlemen, the Violence Against Women Act is working.

And it's not just me calling for this law to be reauthorized.

It's police chiefs in every state. It's Attorneys General. Sheriffs. District attorneys. The American Bar Association. Women's groups. Nurses. Battered women's shelters. Family Court judges.

States, counties, cities, and towns across the country are creating a seamless network of services for victims of

violence against women—from law enforcement to legal services, from medical care and crisis counseling, to shelters and support groups.

The Violence Against Women Act has made, and is making, a real difference in the lives of millions of women and children by providing much needed funds at the local level to—and let me just give you a few examples:

Give police officers more specialized training both to deal swiftly and surely with abusers and to become more sensitive toward victims, as well as to provide them with better evidence-gathering and information-sharing equipment and skills;

Train prosecutors and judges on the unique aspects of cases involving violence against women;

Hire victim advocates and counselors and provide an array of services, including 24-hour hotlines, emergency transportation, medical services, and specialized programs to reach victims of violence against women from all walks of life; and

Open new and expand existing shelters for victims of violence against women and their children.

The Violence Against Women Act funds 1,031 shelters and 82 safe houses in all 50 states, the District of Columbia, and Puerto Rico. But tens of thousands of women and children are still turned away every year.

Together—at the federal, state, and local levels—we have been steadily moving forward, step by step, along the road to ending this violence once and for all. But there is more that we can do, and more that we must do.

The Biden-Hatch Violence Against Women Act of 2000 would accomplish three basic things:

First, the bill would reauthorize through Fiscal Year 2005 the key programs included in the original Violence Against Women Act. These include the STOP grants, the Pro-Arrest grants, Rural Domestic Violence and Child Abuse Enforcement Grants, the National Domestic Violence Hotline, and rape prevention and education programs.

This also means reauthorizing the court-appointed special advocate program (CASA), and other programs in the Victims of Child Abuse Act.

Second, the bill would extend the Violent Crime Reduction Trust Fund through Fiscal Year 2005. Funding for the trust fund expires this year. This dedicated funding source—paid for by the savings generated by reducing the federal workforce by more than 300,000 employees—provides all the grant money for additional police officers, prosecutors, and battered women shelters. It is these funds that provide the specialized domestic violence training for law enforcement and prosecutors.

The Trust Fund is the source of funding for all the victim services, including counseling, legal services, nursing and hospital services, especially designed for victims of domestic violence and sexual assault.



Of course, the Trust Fund's significance extends beyond the Violence Against Women Act. The trust fund has provided the funds for a host of successful law enforcement initiatives, ranging from drug courts; the weed and seed programs that exist in every state to drive drugs from our cities; and funding for prisons, the FBI, the Drug Enforcement Agency, and Boys and Girls clubs. And the list goes on.

In order to replicate the successes we have achieved under the original Violence Against Women Act, and in order to continue to pursue these other important law enforcement programs, it is imperative that we: (1) extend the Violent Crime Reduction Trust Fund for an additional five years, and (2) that we fully fund the Trust Fund.

Third, the Violence Against Women Act of 2000 makes some targeted improvements that our experience with the original Act has shown to be necessary. Let me give you just a few examples.

**Civil Legal Assistance Grants:** Our bill would create a separate grant program to help victims of domestic violence, stalking, and sexual assault who need legal assistance because of that violence, to obtain access to legal services at little to no cost.

This provision would also establish a database of legal assistance providers to be maintained and used by the National Domestic Violence Hotline, so that victims who call the hotline can be directed to a legal service provider immediately.

**Improving Full Faith & Credit Enforcement of Protection Orders:** My bill would help states and tribal courts improve interstate enforcement of civil protection orders, as required by the original Violence Against Women Act. The program would prioritize the development and enhancement of data collection and sharing systems to promote tracking and enforcement of protection orders across the nation.

**Transitional Housing:** The bill would also authorize the Department of Health and Human Services to make grants to provide short-term housing assistance and short-term support services to individuals and their dependents who are homeless or in need of transitional housing or other housing assistance as a result of fleeing a situation of domestic violence, and for whom emergency shelter services are unavailable or insufficient.

**Safe Havens for Children:** The bill would authorize a new two-year pilot grant program to be administered by the Department of Justice aimed at reducing the opportunity for domestic violence to occur during the transfer of children for visitation purposes by expanding the availability of supervised visitation for victims of domestic violence, sexual assault, and child abuse. We all know that women are at greatest risk of assault at the time when children are transferred between parents.

I also would like to take this opportunity to point out that the Supreme

Court's recent decision in *United States v. Morrison*, 120 S. Ct. 1740 (2000), invalidated a single provision of the original Act, the "civil rights remedy" that permitted a victim of gender-motivated violence to sue her attacker in federal court. No other provision in the original Act—or, for that matter, in the Violence Against Women Act of 2000—is affected by the Supreme Court's decision.

Finally, I would like to comment on where we are and how we got here.

The bill Senator HATCH and I are introducing today is a streamlined version of S. 51, the legislation I originally introduced at the beginning of the 106th Congress.

Since I first introduced S. 51, I have consulted extensively with Senator HATCH and with many other individuals, inside and outside of the Senate, and on both sides of the aisle, in an effort to narrow the legislation to produce a bill that every Senator, regardless of party, can enthusiastically support.

In the course of that effort, I agreed to drop a number of items that quite frankly, I think were worth doing, and made other concessions. I did that because I believe it is critical, in the waning days of this legislative session, to achieve a strong bipartisan consensus on the essential elements that must be included in this bill. I am convinced that we have reached that consensus, and that the bill we now propose reflects the priorities of a substantial majority of Senators.

For far too long, law enforcement, prosecutors, the courts, and the community at large treated domestic abuse as a "private family matter," looking the other way when women suffered abuse at the hands of their supposed loved ones. Thanks in part to the original Act, violence against women is no longer a private matter, and the time when a woman has to suffer in silence because the criminal who is victimizing her happens to be her husband or boyfriend has passed.

The bill I introduce today will renew the commitment we made as a nation in 1994 to combat family violence, sexual assault, and stalking. I urge all of you to support it.

I ask unanimous consent 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. 2787

*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 "Violence Against Women Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Accountability and oversight.

#### TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

Sec. 101. Full faith and credit enforcement of protection orders.

Sec. 102. Role of courts.

Sec. 103. Reauthorization of STOP grants.

Sec. 104. Reauthorization of grants to encourage arrest policies.

Sec. 105. Reauthorization of rural domestic violence and child abuse enforcement grants.

Sec. 106. National stalker and domestic violence reduction.

Sec. 107. Amendments to domestic violence and stalking offenses.

Sec. 108. Grants to reduce violent crimes against women on campus.

#### TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

Sec. 201. Legal assistance for victims.

Sec. 202. Shelter services for battered women and children.

Sec. 203. Transitional housing assistance for victims of domestic violence.

Sec. 204. National domestic violence hotline.

Sec. 205. Federal victims counselors.

Sec. 206. Study of State laws regarding insurance discrimination against victims of violence against women.

Sec. 207. Study of workplace effects from violence against women.

Sec. 208. Study of unemployment compensation for victims of violence against women.

Sec. 209. Enhancing protections for older women from domestic violence and sexual assault.

#### TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

Sec. 301. Safe havens for children pilot program.

Sec. 302. Reauthorization of runaway and homeless youth grants.

Sec. 303. Reauthorization of victims of child abuse programs.

Sec. 304. Report on effects of parental kidnapping laws in domestic violence cases.

#### TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 401. Education and training in appropriate responses to violence against women.

Sec. 402. Rape prevention and education.

Sec. 403. Education and training to end violence against and abuse of women with disabilities.

Sec. 404. Community initiatives.

Sec. 405. Development of research agenda identified by the Violence Against Women Act of 1994.

#### TITLE V—BATTERED IMMIGRANT WOMEN

Sec. 501. Short title.

Sec. 502. Findings and purposes.

Sec. 503. Improved access to immigration protections of the Violence Against Women Act of 1994 for battered immigrant women.

Sec. 504. Improved access to cancellation of removal and suspension of deportation under the Violence Against Women Act of 1994.

Sec. 505. Offering equal access to immigration protections of the Violence Against Women Act of 1994 for all qualified battered immigrant self-petitioners.

Sec. 506. Restoring immigration protections under the Violence Against Women Act of 1994.

Sec. 507. Remedying problems with implementation of the immigration provisions of the Violence Against Women Act of 1994.

Sec. 508. Technical correction to qualified alien definition for battered immigrants.

- Sec. 509. Access to Cuban Adjustment Act for battered immigrant spouses and children.
- Sec. 510. Access to the Nicaraguan Adjustment and Central American Relief Act for battered spouses and children.
- Sec. 511. Access to the Haitian Refugee Fairness Act of 1998 for battered spouses and children.
- Sec. 512. Access to services and legal representation for battered immigrants.

#### TITLE VI—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND

- Sec. 601. Extension of Violent Crime Reduction Trust Fund.

#### SEC. 2. DEFINITIONS.

In this Act—

(1) the term “domestic violence” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2); and

(2) the term “sexual assault” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

#### SEC. 3. ACCOUNTABILITY AND OVERSIGHT.

(a) **REPORT BY GRANT RECIPIENTS.**—The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this Act or an amendment made by this Act to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.

(b) **REPORT TO CONGRESS.**—The Attorney General or Secretary of Health and Human Services, as applicable, shall report annually to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a), including the information contained in any report under that subsection.

#### TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

##### SEC. 101. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.

(a) **IN GENERAL.**—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—

(1) in the heading, by adding “**AND ENFORCEMENT OF PROTECTION ORDERS**” at the end;

(2) in section 2101(b)—

(A) in paragraph (6), by inserting “(including juvenile courts)” after “courts”; and

(B) by adding at the end the following:

“(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.”; and

(3) in section 2102—

(A) in subsection (b)—

(i) in paragraph (1), by striking “and” at the end;

(ii) in paragraph (2), by striking the period at the end and inserting “, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);”;

(iii) by adding at the end the following:

“(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neigh-

boring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

“(4) will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.”; and

(B) by adding at the end the following:

“(c) **DISSEMINATION OF INFORMATION.**—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.”.

(b) **PROTECTION ORDERS.**—

(1) **FILING COSTS.**—Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-5) is amended—

(A) in the heading, by striking “**filing**” and inserting “**and protection orders**” after “**charges**”; and

(B) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

“(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or”;

(ii) in paragraph (2)(B), by striking “2 years” and inserting “2 years after the date of enactment of the Violence Against Women Act of 2000”; and

(C) by adding at the end the following:

“(c) **DEFINITION.**—In this section, the term ‘protection order’ has the meaning given the term in section 2266 of title 18, United States Code.”.

(2) **ELIGIBILITY FOR GRANTS TO ENCOURAGE ARREST POLICIES.**—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(A) in subsection (c), by striking paragraph (4) and inserting the following:

“(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction.”; and

(B) by adding at the end the following:

“(d) **DEFINITION.**—In this section, the term ‘protection order’ has the meaning given the

term in section 2266 of title 18, United States Code.”.

(3) **APPLICATION FOR GRANTS TO ENCOURAGE ARREST POLICIES.**—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-1(a)(1)(B)) is amended by inserting before the semicolon the following: “or, in the case of the condition set forth in subsection 2101(c)(4), the expiration of the 2-year period beginning on the date of enactment of the Violence Against Women Act of 2000”.

(4) **REGISTRATION FOR PROTECTION ORDERS.**—Section 2265 of title 18, United States Code, is amended by adding at the end the following:

“(d) **REGISTRATION.**—

“(1) **IN GENERAL.**—A State or Indian tribe according full faith and credit to an order by a court of another State or Indian tribe shall not notify the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State or tribal jurisdiction unless requested to do so by the party protected under such order.

“(2) **NO PRIOR REGISTRATION OR FILING REQUIRED.**—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding any requirement that the order be registered or filed in the enforcing State or tribal jurisdiction.

“(e) **NOTICE.**—A protection order that is otherwise consistent with this section shall be accorded full faith and credit and enforced notwithstanding the failure to provide notice to the party against whom the order is made of its registration or filing in the enforcing State or Indian tribe.

“(f) **TRIBAL COURT JURISDICTION.**—For purposes of this section, a tribal court shall have full civil jurisdiction over domestic relations actions, including authority to enforce its orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe and in which at least 1 of the parties is an Indian.”.

(c) **TECHNICAL AMENDMENT.**—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the item relating to part U, by adding “**AND ENFORCEMENT OF PROTECTION ORDERS**” at the end.

##### SEC. 102. ROLE OF COURTS.

(a) **COURTS AS ELIGIBLE STOP SUBGRANTEES.**—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (a), by striking “Indian tribal governments,” and inserting “State and local courts (including juvenile courts), Indian tribal governments, tribal courts,”; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting “, judges, other court personnel,” after “law enforcement officers”; and

(ii) in paragraph (2), by inserting “, judges, other court personnel,” after “law enforcement officers”; and

(iii) in paragraph (3), by inserting “, court,” after “police”; and

(2) in section 2002—

(A) in subsection (a), by inserting “State and local courts (including juvenile courts),” after “States,” the second place it appears;

(B) in subsection (c), by striking paragraph (3) and inserting the following:

“(3) of the amount granted—

“(A) not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;

“(B) not less than 30 percent shall be allocated to victim services; and

“(C) not less than 5 percent shall be allocated for State and local courts (including juvenile courts); and”; and

(C) in subsection (d)(1), by inserting “court,” after “law enforcement.”

(b) **ELIGIBLE GRANTEEES; USE OF GRANTS FOR EDUCATION.**—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by inserting “State and local courts (including juvenile courts), tribal courts,” after “Indian tribal governments,”;

(2) in subsection (b)—

(A) by inserting “State and local courts (including juvenile courts),” after “Indian tribal governments”;

(B) in paragraph (2), by striking “policies and” and inserting “policies, educational programs, and”;

(C) in paragraph (3), by inserting “parole and probation officers,” after “prosecutors,”; and

(D) in paragraph (4), by inserting “parole and probation officers,” after “prosecutors,”;

(3) in subsection (c), by inserting “State and local courts (including juvenile courts),” after “Indian tribal governments”;

(4) by adding at the end the following:

“(e) **ALLOTMENT FOR INDIAN TRIBES.**—Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.”

#### **SEC. 103. REAUTHORIZATION OF STOP GRANTS.**

(a) **REAUTHORIZATION.**—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (18) and inserting the following:

“(18) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part T \$185,000,000 for each of fiscal years 2001 through 2005.”

(b) **GRANT PURPOSES.**—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (b)—

(i) in paragraph (5), by striking “racial, cultural, ethnic, and language minorities” and inserting “underserved populations”;

(ii) in paragraph (6), by striking “and” at the end;

(iii) in paragraph (7), by striking the period at the end and inserting “; and”;

(iv) by adding at the end the following:

“(8) supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault and domestic violence.”; and

(B) by adding at the end the following:

“(c) **STATE COALITION GRANTS.**—

“(1) **PURPOSE.**—The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

“(2) **GRANTS TO STATE COALITIONS.**—The Attorney General shall award grants to—

“(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.); and

“(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

“(3) **ELIGIBILITY FOR OTHER GRANTS.**—Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).”;

(2) in section 2002(b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(B) in paragraph (1), by striking “4 percent” and inserting “5 percent”;

(C) in paragraph (4), as redesignated, by striking “\$500,000” and inserting “\$600,000”; and

(D) by inserting after paragraph (1) the following:

“(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/3 of the total amount made available under this paragraph for each fiscal year;

“(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/3 of the total amount made available under this paragraph for each fiscal year”;

(3) in section 2003—

(A) in paragraph (7), by striking “geographic location” and all that follows through “physical disabilities” and inserting “race, ethnicity, age, disability, religion, alienage status, language barriers, geographic location (including rural isolation), and any other populations determined to be underserved”; and

(B) in paragraph (8), by striking “assisting domestic violence or sexual assault victims through the legal process” and inserting “providing assistance for victims seeking necessary support services as a consequence of domestic violence or sexual assault”; and

(4) in section 2004(b)(3), by inserting “, and the membership of persons served in any underserved population” before the semicolon.

#### **SEC. 104. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.**

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (19) and inserting the following:

“(19) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part U \$65,000,000 for each of fiscal years 2001 through 2005.”

#### **SEC. 105. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.**

(a) **REAUTHORIZATION.**—Section 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.”; and

(2) by adding at the end the following:

“(3) **ALLOTMENT FOR INDIAN TRIBES.**—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.”

#### **SEC. 106. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.**

(a) **REAUTHORIZATION.**—Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:

#### **“SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this subtitle \$3,000,000 for each of fiscal years 2001 through 2005.”

(b) **TECHNICAL AMENDMENT.**—Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031 note) is amended by inserting “and implement” after “improve”.

#### **SEC. 107. AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES.**

(a) **INTERSTATE DOMESTIC VIOLENCE.**—Section 2261 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) **OFFENSES.**—

“(1) **TRAVEL OR CONDUCT OF OFFENDER.**—A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

“(2) **CAUSING TRAVEL OF VICTIM.**—A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).”

(b) **INTERSTATE STALKING.**—Section 2261A of title 18, United States Code, is amended to read as follows:

#### **“§ 2261A. Interstate stalking**

“Whoever—

“(1) with the intent to kill, injure, harass, or intimidate another person, engages within the special maritime and territorial jurisdiction of the United States in conduct that places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 2266) to, that person or a member of the immediate family (as defined in section 115) of that person; or

“(2) with the intent to kill, injure, harass, or intimidate another person, travels in interstate or foreign commerce, or enters or leaves Indian country, and, in the course of or as a result of such travel, engages in conduct that places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 2266) to, that person or a member of the immediate family (as defined in section 115) of that person, shall be punished as provided in section 2261(b).”

(c) **INTERSTATE VIOLATION OF PROTECTION ORDER.**—Section 2262 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) **OFFENSES.**—

“(1) **TRAVEL OR CONDUCT OF OFFENDER.**—A person who travels in interstate or foreign commerce, or enters or leaves Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or

physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

"(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b)."

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended to read as follows:

**"§ 2266. Definitions**

"In this chapter:

"(1) BODILY INJURY.—The term 'bodily injury' means any act, except one done in self-defense, that results in physical injury or sexual abuse.

"(2) ENTER OR LEAVE INDIAN COUNTRY.—The term 'enter or leave Indian country' includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.

"(3) INDIAN COUNTRY.—The term 'Indian country' has the meaning stated in section 1151 of this title.

"(4) PROTECTION ORDER.—The term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

"(5) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning stated in section 2119(2).

"(6) SPOUSE OR INTIMATE PARTNER.—The term 'spouse or intimate partner' includes—

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

"(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.

"(7) STATE.—The term 'State' includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States.

"(8) TRAVEL IN INTERSTATE OR FOREIGN COMMERCE.—The term 'travel in interstate or foreign commerce' does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member."

**SEC. 108. GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.**

Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

(1) in subsection (f)(1), by inserting "by a person with whom the victim has engaged in

a social relationship of a romantic or intimate nature," after "cohabited with the victim,"; and

(2) in subsection (g), by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "each of fiscal years 2001 through 2005".

**TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE**

**SEC. 201. LEGAL ASSISTANCE FOR VICTIMS.**

(a) IN GENERAL.—The purpose of this section is to enable the Attorney General to award grants to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) DEFINITIONS.—In this section:

(1) DOMESTIC VIOLENCE.—The term "domestic violence" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

(2) LEGAL ASSISTANCE FOR VICTIMS.—The term "legal assistance" includes assistance to victims of domestic violence, stalking, and sexual assault in family, criminal, immigration, administrative, or housing matters, protection or stay away order proceedings, and other similar matters. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504 of Public Law 104-134.

(3) SEXUAL ASSAULT.—The term "sexual assault" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

(c) LEGAL ASSISTANCE FOR VICTIMS GRANTS.—The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

(d) GRANT TO ESTABLISH DATABASE OF PROGRAMS THAT PROVIDE LEGAL ASSISTANCE TO VICTIMS.—

(1) IN GENERAL.—The Attorney General may make a grant to establish, operate, and maintain a national computer database of programs and organizations that provide legal assistance to victims of domestic violence, stalking, and sexual assault.

(2) DATABASE REQUIREMENTS.—A database established with a grant under this subsection shall be—

(A) designed to facilitate the referral of persons to programs and organizations that provide legal assistance to victims of domestic violence, stalking, and sexual assault; and

(B) operated in coordination with—

(i) the national domestic violence hotline established under section 316 of the Family Violence Prevention and Services Act; and

(ii) any comparable national sexual assault hotline or other similar resource.

(e) EVALUATION.—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$35,000,000 for each of fiscal years 2001 through 2005.

(2) ALLOCATION OF FUNDS.—Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(3) NONSUPPLANTATION.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

**SEC. 202. SHELTER SERVICES FOR BATTERED WOMEN AND CHILDREN.**

(a) STATE SHELTER GRANTS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking "populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" and inserting "populations underserved because of race, ethnicity, age, disability, religion, alienage status, geographic location (including rural isolation), or language barriers, and any other populations determined by the Secretary to be underserved".

(b) STATE MINIMUM; REALLOTMENT.—Section 304 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended—

(1) in subsection (a), by striking "for grants to States for any fiscal year" and all that follows and inserting the following: "and available for grants to States under this subsection for any fiscal year—

"(1) Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States shall each be allotted not less than 1/8 of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made; and

"(2) each State shall be allotted for payment in a grant authorized under section 303(a), \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.";

(2) in subsection (c), in the first sentence, by inserting "and available" before "for grants"; and

(3) by adding at the end the following:

"(e) In subsection (a)(2), the term "State" does not include any jurisdiction specified in subsection (a)(1)."

(c) SECRETARIAL RESPONSIBILITIES.—Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking "an employee" and inserting "1 or more employees";

(2) by striking "of this title." and inserting "of this title, including carrying out evaluation and monitoring under this title."; and

(3) by striking "The individual" and inserting "Any individual".

(d) **RESOURCE CENTERS.**—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended—

(1) in subsection (a)(2), by inserting “on providing information, training, and technical assistance” after “focusing”; and

(2) in subsection (c), by adding at the end the following:

“(8) Providing technical assistance and training to local entities carrying out domestic violence programs that provide shelter, related assistance, or transitional housing assistance.

“(9) Improving access to services, information, and training, concerning family violence, within Indian tribes and Indian tribal agencies.

“(10) Providing technical assistance and training to appropriate entities to improve access to services, information, and training concerning family violence occurring in underserved populations.”.

(e) **CONFORMING AMENDMENT.**—Section 309(6) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(6)) is amended by striking “the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands” and inserting “the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States”.

(f) **REAUTHORIZATION.**—Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—

“(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this title \$175,000,000 for each of fiscal years 2001 through 2005.

“(2) **SOURCE OF FUNDS.**—Amounts made available under paragraph (1) may be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211).”;

(2) in subsection (b), by striking “under subsection 303(a)” and inserting “under section 303(a)”;

(3) in subsection (c), by inserting “not more than the lesser of \$7,500,000 or” before “5”; and

(4) by adding at the end the following:

“(f) **EVALUATION, MONITORING, AND ADMINISTRATION.**—Of the amounts appropriated under subsection (a) for each fiscal year, not more than 1 percent shall be used by the Secretary for evaluation, monitoring, and administrative costs under this title.”.

(g) **STATE DOMESTIC VIOLENCE COALITION GRANT ACTIVITIES.**—Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended—

(1) in subsection (a)(4), by striking “underserved racial, ethnic or language-minority populations” and inserting “underserved populations described in section 303(a)(2)(C)”;

(2) in subsection (c), by striking “the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands” and inserting “the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States”.

#### **SEC. 203. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.**

Title III of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

##### **“SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.**

“(a) **IN GENERAL.**—The Secretary shall award grants under this section to carry out programs to provide assistance to individuals, and their dependents—

“(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and

“(2) for whom emergency shelter services are unavailable or insufficient.

“(b) **ASSISTANCE DESCRIBED.**—Assistance provided under this section may include—

“(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and

“(2) short-term support services, including payment of expenses and costs associated with transportation and job training referrals, child care, counseling, transitional housing identification and placement, and related services.

“(c) **TERM OF ASSISTANCE.**—An individual or dependent assisted under this section may not receive assistance under this section for a total of more than 12 months.

“(d) **REPORTS.**—

“(1) **REPORT TO SECRETARY.**—

“(A) **IN GENERAL.**—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

“(B) **CONTENTS.**—Each report shall include information on—

“(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

“(ii) the number of months each individual or dependent received the assistance;

“(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

“(iv) the type of support services provided to each individual or dependent assisted under this section.

“(2) **REPORT TO CONGRESS.**—The Secretary shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

“(1) \$25,000,000 for each of fiscal years 2001 through 2003; and

“(2) \$30,000,000 for each of fiscal years 2004 and 2005.”.

#### **SEC. 204. NATIONAL DOMESTIC VIOLENCE HOTLINE.**

(a) **REAUTHORIZATION.**—Section 316(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)) is amended by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$2,000,000 for each of fiscal years 2001 through 2005.”.

(b) **REPORT REQUIREMENT.**—Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

“(f) **REPORT BY GRANT RECIPIENT.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Violence Against Women Act of 2000, each recipient of a grant under this section shall prepare and submit to the Secretary a report that contains—

“(A) an evaluation of the effectiveness of the activities carried out by the recipient with amounts received under this section; and

“(B) such other information as the Secretary may prescribe.

“(2) **NOTICE AND PUBLIC COMMENT.**—The Secretary shall—

“(A) publish in the Federal Register a copy of the report submitted by the recipient under this subsection; and

“(B) allow not less than 90 days for notice of and opportunity for public comment on the published report.”.

#### **SEC. 205. FEDERAL VICTIMS COUNSELORS.**

Section 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1910) is amended by striking “(such as District of Columbia)—” and all that follows and inserting “(such as District of Columbia), \$1,000,000 for each of fiscal years 2001 through 2005.”.

#### **SEC. 206. STUDY OF STATE LAWS REGARDING INSURANCE DISCRIMINATION AGAINST VICTIMS OF VIOLENCE AGAINST WOMEN.**

(a) **IN GENERAL.**—The Attorney General shall conduct a national study to identify State laws that address discrimination against victims of domestic violence and sexual assault related to issuance or administration of insurance policies.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the findings and recommendations of the study required by subsection (a).

#### **SEC. 207. STUDY OF WORKPLACE EFFECTS FROM VIOLENCE AGAINST WOMEN.**

The Attorney General shall—

(1) conduct a national survey of plans, programs, and practices developed to assist employers and employees on appropriate responses in the workplace related to victims of domestic violence, stalking, or sexual assault; and

(2) not later than 18 months after the date of enactment of this Act, submit to Congress a report describing the results of that survey, which report shall include the recommendations of the Attorney General to assist employers and employees affected in the workplace by incidents of domestic violence, stalking, and sexual assault.

#### **SEC. 208. STUDY OF UNEMPLOYMENT COMPENSATION FOR VICTIMS OF VIOLENCE AGAINST WOMEN.**

The Secretary of Labor, in consultation with the Attorney General, shall—

(1) conduct a national study to identify State laws that address the separation from employment of an employee due to circumstances directly resulting from the experience of domestic violence by the employee and circumstances governing that receipt (or nonreceipt) by the employee of unemployment compensation based on such separation; and

(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report describing the results of that study, together with any recommendations based on that study.

#### **SEC. 209. ENHANCING PROTECTIONS FOR OLDER WOMEN FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT.**

(a) **DEFINITION.**—In this section, the term “older individual” has the meaning given the

term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(b) PROTECTIONS FOR OLDER INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN PRO-ARREST GRANTS.—Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

“(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals (as is defined in section 102 of the Older Americans Act of 1965) (42 U.S.C. 3002)).”

(c) PROTECTIONS FOR OLDER INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN STOP GRANTS.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001(b)—

(A) in paragraph (7) (as amended by section 103(b) of this Act), by striking “and” at the end;

(B) in paragraph (8) (as added by section 103(b) of this Act), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(9) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support and counseling services to such older individuals.”; and

(2) in section 2003(7) (as amended by section 103(b) of this Act), by inserting after “any other populations determined to be underserved” the following: “, and the needs of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are victims of family violence”.

(d) ENHANCING SERVICES FOR OLDER INDIVIDUALS IN SHELTERS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) (as amended by section 202(a)(1) of this Act) is amended by inserting after “any other populations determined by the Secretary to be underserved” the following: “, and the needs of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are victims of family violence”.

### TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

#### SEC. 301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

(a) IN GENERAL.—The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, child abuse, or sexual assault.

(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent

to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) APPLICANT REQUIREMENTS.—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) REPORTING.—

(1) IN GENERAL.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) GUIDELINES.—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section

\$15,000,000 for each of fiscal years 2001 and 2002.

(f) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.

#### SEC. 302. REAUTHORIZATION OF RUNAWAY AND HOMELESS YOUTH GRANTS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended by striking paragraph (4) and inserting the following:

“(4) PART E.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part E \$22,000,000 for each of fiscal years 2001 through 2005.”

#### SEC. 303. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.

(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

“(a) AUTHORIZATION.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle \$12,000,000 for each of fiscal years 2001 through 2005.”

(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—Section 224 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024) is amended by striking subsection (a) and inserting the following:

“(a) AUTHORIZATION.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle \$2,300,000 for each of fiscal years 2001 through 2005.”

(c) GRANTS FOR TELEVISED TESTIMONY.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) and inserting the following:

“(7) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part N \$1,000,000 for each of fiscal years 2001 through 2005.”

(d) DISSEMINATION OF INFORMATION.—The Attorney General shall—

(1) annually compile and disseminate information (including through electronic publication) about the use of amounts expended and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and

(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.

#### SEC. 304. REPORT ON EFFECTS OF PARENTAL KIDNAPPING LAWS IN DOMESTIC VIOLENCE CASES.

(a) IN GENERAL.—The Attorney General shall—

(1) conduct a study of Federal and State laws relating to child custody, including custody provisions in protection orders, the Parental Kidnaping Prevention Act of 1980, and



the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and

(2) submit to Congress a report describing the results of that study, including the effects of implementing or applying model State laws, and the recommendations of the Attorney General to reduce the incidence or pattern of violence against women or of sexual assault of the child.

(b) SUFFICIENCY OF DEFENSES.—In carrying out subsection (a) with respect to the Parental Kidnaping Prevention Act of 1980, and the amendments made by that Act, the Attorney General shall examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from jurisdictional requirements of that Act and the amendments made by that Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$200,000 for fiscal year 2001.

(d) CONDITION FOR CUSTODY DETERMINATION.—Section 1738A(c)(2)(C)(ii) of title 28, United States Code, is amended by striking "he" and inserting "the child, a sibling, or parent of the child".

#### **TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN**

##### **SEC. 401. EDUCATION AND TRAINING IN APPROPRIATE RESPONSES TO VIOLENCE AGAINST WOMEN.**

(a) AUTHORITY.—The Secretary of Health and Human Services, in consultation with the Attorney General, may award grants in accordance with this section to public and private nonprofit entities that, in the determination of the Secretary, have—

(1) nationally recognized expertise in the areas of domestic violence and sexual assault; and

(2) a record of commitment and quality responses to reduce domestic violence and sexual assault.

(b) PURPOSE.—Grants under this section may be used for the purposes of developing, testing, presenting, and disseminating model programs to provide education and training in appropriate and effective responses to victims of domestic violence and sexual assault (including, as appropriate, the effects of domestic violence on children) for individuals (other than law enforcement officers and prosecutors) who are likely to come into contact with such victims during the course of their employment, including—

(1) caseworkers, supervisors, administrators, administrative law judges, and other individuals administering Federal and State benefits programs, such as child welfare and child protective services, Temporary Assistance to Needy Families, social security disability, child support, medicaid, unemployment, workers' compensation, and similar programs; and

(2) medical and health care professionals, including mental and behavioral health professionals such as psychologists, psychiatrists, social workers, therapists, counselors, and others.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$5,000,000 for each of fiscal years 2001 through 2003.

##### **SEC. 402. RAPE PREVENTION AND EDUCATION.**

(a) IN GENERAL.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following:

##### **"SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.**

"(a) PERMITTED USE.—The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for—

"(1) educational seminars;

"(2) the operation of hotlines;

"(3) training programs for professionals;

"(4) the preparation of informational material;

"(5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;

"(6) education to increase awareness about drugs used to facilitate rapes or sexual assaults; and

"(7) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

"(b) COLLECTION AND DISSEMINATION OF INFORMATION ON SEXUAL ASSAULT.—The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section, \$50,000,000 for each of fiscal years 2001 through 2005.

"(2) NATIONAL RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not more than the greater of \$1,000,000 or 2 percent of such amount shall be available for allotment under subsection (b).

"(d) LIMITATIONS.—

"(1) SUPPLEMENT NOT SUPPLANT.—Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a).

"(2) STUDIES.—A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.

"(3) ADMINISTRATION.—A State may not use more than 5 percent of the amount received by the State under this section for each fiscal year for administrative expenses."

(b) REPEAL.—Section 40151 of the Violence Against Women Act of 1994 (108 Stat. 1920), and the amendment made by such section, is repealed.

##### **SEC. 403. EDUCATION AND TRAINING TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.**

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health

and Human Services, may award grants to States and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) PRIORITIES.—In awarding grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—

(1) the nature, definition, and characteristics of domestic violence, stalking, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of domestic violence, stalking, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal anti-discrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) USES OF GRANTS.—Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$5,000,000 for each of fiscal years 2001 through 2005.

##### **SEC. 404. COMMUNITY INITIATIVES.**

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (G), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) groups that provide services to individuals with disabilities;" and

(2) by striking subsection (h) and inserting the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$5,000,000 for each of fiscal years 2001 through 2005."

##### **SEC. 405. DEVELOPMENT OF RESEARCH AGENDA IDENTIFIED BY THE VIOLENCE AGAINST WOMEN ACT OF 1994.**

(a) IN GENERAL.—The Attorney General shall—

(1) direct the National Institute of Justice, in consultation and coordination with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a research agenda based on the recommendations contained in the report entitled "Understanding Violence Against Women" of the National Academy of Sciences; and

(2) not later than 1 year after the date of enactment of this Act, in consultation with



the Secretary of the Department of Health and Human Services, submit to Congress a report which shall include—

(A) a description of the research agenda developed under paragraph (I) and a plan to implement that agenda;

(B) recommendations for priorities in carrying out that agenda to most effectively advance knowledge about and means by which to prevent or reduce violence against women.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) such sums as may be necessary to carry out this section.

#### **TITLE V—BATTERED IMMIGRANT WOMEN SEC. 501. SHORT TITLE.**

This title may be cited as the “Battered Immigrant Women Protection Act of 2000”.

#### **SEC. 502. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser's control; and

(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) PURPOSES.—The purposes of this title are—

(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and

(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.

#### **SEC. 503. IMPROVED ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR BATTERED IMMIGRANT WOMEN.**

(a) INTENDED SPOUSE DEFINED.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

“(50) The term ‘intended spouse’ means any alien who meets the criteria set forth in section 204(a)(1)(A)(iii)(II)(aa)(BB), 204(a)(1)(B)(ii)(II)(aa)(BB), or 240A(b)(2)(A)(i)(III).”.

(b) IMMEDIATE RELATIVE STATUS FOR SELF-PETITIONERS MARRIED TO U.S. CITIZENS.—

(1) SELF-PETITIONING SPOUSES.—

(A) BATTERY OR CRUELTY TO ALIEN OR ALIEN'S CHILD.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended to read as follows:

“(iii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classifica-

tion of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that—

“(aa) the marriage or the intent to marry the United States citizen was entered into in good faith by the alien; and

“(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

“(II) For purposes of subclause (I), an alien described in this subclause is an alien—

“(aa)(AA) who is the spouse of a citizen of the United States;

“(BB) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

“(CC) who was a bona fide spouse of a United States citizen within the past 2 years and—

“(aaa) whose spouse died within the past 2 years;

“(bbb) whose spouse lost or renounced citizenship status related to an incident of domestic violence; or

“(ccc) who demonstrates a connection between the legal termination of the marriage and battering or extreme cruelty by the United States citizen spouse;

“(bb) who is a person of good moral character;

“(cc) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry; and

“(dd) who has resided with the alien's spouse or intended spouse.”.

(2) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

“(iv) An alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent. For purposes of this clause, residence includes any period of visitation.”.

(3) FILING OF PETITIONS.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended by adding at the end the following:

“(v) An alien who is the spouse, intended spouse, or child of a United States citizen living abroad and who is eligible to file a petition under clause (iii) or (iv) shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clauses (iii) or (iv).”.

(c) SECOND PREFERENCE IMMIGRATION STATUS FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMANENT RESIDENTS.—

(1) SELF-PETITIONING SPOUSES.—Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read as follows:

“(ii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and if the alien demonstrates to the Attorney General that—

“(aa) the marriage or the intent to marry the lawful permanent resident was entered into in good faith by the alien; and

“(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

“(II) For purposes of subclause (I), an alien described in this paragraph is an alien—

“(aa)(AA) who is the spouse of a lawful permanent resident of the United States; or

“(BB) who believed that he or she had married a lawful permanent resident of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such lawful permanent resident of the United States; or

“(CC) who was a bona fide spouse of a lawful permanent resident within the past 2 years and—

“(aaa) whose spouse lost status due to an incident of domestic violence; or

“(bbb) who demonstrates a connection between the legal termination of the marriage and battering or extreme cruelty by the lawful permanent resident spouse;

“(bb) who is a person of good moral character;

“(cc) who is eligible to be classified as a spouse of an alien lawfully admitted for permanent residence under section 203(a)(2)(A) or who would have been so classified but for the bigamy of the lawful permanent resident of the United States that the alien intended to marry; and

“(dd) who has resided with the alien's spouse or intended spouse.”.

(3) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to read as follows:

“(iii) An alien who is the child of an alien lawfully admitted for permanent residence, or who was the child of a lawful permanent resident who lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent. For purposes of this clause, residence includes any period of visitation.”.

(4) FILING OF PETITIONS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following:

“(iv) An alien who is the spouse, intended spouse, or child of a lawful permanent resident living abroad is eligible to file a petition under clause (ii) or (iii) shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clauses (ii) or (iii).”.

(d) GOOD MORAL CHARACTER DETERMINATIONS FOR SELF-PETITIONERS AND TREATMENT OF CHILD SELF-PETITIONERS AND PETITIONS

INCLUDING DERIVATIVE CHILDREN ATTAINING 21 YEARS OF AGE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) by redesignating subparagraphs (C) through (H) as subparagraphs (E) through (J), respectively;

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

“(C) Notwithstanding section 101(f), an act or conviction that is waivable with respect to the petitioner for purposes of a determination of the petitioner’s admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the petitioner to be of good moral character under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) if the Attorney General finds that the act or conviction was connected to the alien’s having been battered or subjected to extreme cruelty.

“(D)(i)(I) Any child who attains 21 years of age who has filed a petition under clause (iv) of section 204(a)(1)(A) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date assigned to the self-petition filed under clause (iv) of section 204(a)(1)(A). No new petition shall be required to be filed.

“(II) Any individual described in subclause (I) is eligible for deferred action and work authorization.

“(III) Any derivative child who attains 21 years of age who is included in a petition described in clause (ii) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date as that assigned to the petitioner in any petition described in clause (ii). No new petition shall be required to be filed.

“(IV) Any individual described in subclause (III) and any derivative child of a petition described in clause (ii) is eligible for deferred action and work authorization.

“(ii) The petition referred to in clause (i)(III) is a petition filed by an alien under subparagraph (A)(iii), (A)(iv), (B)(ii) or (B)(iii) in which the child is included as a derivative beneficiary.”; and

(3) in subparagraph (J) (as so redesignated), by inserting “or in making determinations under subparagraphs (C) and (D),” after “subparagraph (B).”

(e) ACCESS TO NATURALIZATION FOR DIVORCED VICTIMS OF ABUSE.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended—

(1) by inserting “, or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty,” after “United States” the first place such term appears; and

(2) by inserting “(except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent)” after “has been living in marital union with the citizen spouse”.

**SEC. 504. IMPROVED ACCESS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.**

(a) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT

RESIDENTS.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended to read as follows:

“(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—

“(A) AUTHORITY.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

“(i)(I) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a United States citizen (or is the parent of a child of a United States citizen and the child has been battered or subjected to extreme cruelty by such citizen parent);

“(II) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a lawful permanent resident (or is the parent of a child of an alien who is or was a lawful permanent resident and the child has been battered or subjected to extreme cruelty by such permanent resident parent); or

“(III) the alien has been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen’s or lawful permanent resident’s bigamy;

“(ii) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application, and the issuance of a charging document for removal proceedings shall not toll the 3-year period of continuous physical presence in the United States;

“(iii) the alien has been a person of good moral character during such period, subject to the provisions of subparagraph (C);

“(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraphs (1)(G) or (2) through (4) of section 237(a) (except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver), and has not been convicted of an aggravated felony; and

“(v) the removal would result in extreme hardship to the alien, the alien’s child, or the alien’s parent.

“(B) PHYSICAL PRESENCE.—Notwithstanding subsection (d)(2), for purposes of subparagraph (A)(i)(II) or for purposes of section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence if the alien demonstrates a connection between the absence and the battering or extreme cruelty perpetrated against the alien. No absence or portion of an absence connected to the battering or extreme cruelty shall count toward the 90-day or 180-day limits established in subsection (d)(2). If any absence or aggregate absences exceed 180 days, the absences or portions of the absences will not be considered to break the period of continuous presence. Any such period of time excluded from the 180-day limit shall be excluded in computing the time during which the alien has been physically present for purposes of the 3-year requirement set forth in section 240A(b)(2)(B) and section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

“(C) GOOD MORAL CHARACTER.—Notwithstanding section 101(f), an act or conviction that would be waivable with respect to the alien for purposes of a determination of the

alien’s admissibility under section 212(a) or is waivable with respect to the alien for purposes of the alien’s deportability under section 237(a) shall not bar the Attorney General from finding the alien to be of good moral character under subparagraph (A)(i)(III) or section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), if the Attorney General finds that the act or conviction was connected to the alien’s having been battered or subjected to extreme cruelty and determines that a waiver would be or is otherwise warranted.

“(D) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.”

(b) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

“(4) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—

“(A) IN GENERAL.—The Attorney General shall grant parole under section 212(d)(5) to any alien who is a—

“(i) child of an alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); or

“(ii) parent of a child alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

“(B) DURATION OF PAROLE.—The grant of parole shall extend from the time of the grant of relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to the time the application for adjustment of status filed by aliens covered under this paragraph has been finally adjudicated. Applications for adjustment of status filed by aliens covered under this paragraph shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c). Failure by the alien granted relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) may result in revocation of parole.”

(c) EFFECTIVE DATE.—Any individual who becomes eligible for relief by reason of the enactment of the amendments made by subsections (a) and (b), shall be eligible to file a motion to reopen pursuant to section 240(c)(6)(C)(iv). The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 587). Such portions of the amendments made by subsection (b) that relate to section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall take effect as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953 et seq.).

**SEC. 505. OFFERING EQUAL ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR ALL QUALIFIED BATTERED IMMIGRANT SELF-PETITIONERS.**

(a) **ELIMINATING CONNECTION BETWEEN BATTERY AND UNLAWFUL ENTRY.**—Section 212(a)(6)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)(ii)) is amended—

(1) by striking subclause (I) and inserting the following:

“(I) the alien qualifies for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(i); and”;

(2) in subclause (II), by striking “, and” and inserting a period; and

(3) by striking subclause (III).

(b) **ELIMINATING CONNECTION BETWEEN BATTERY AND VIOLATION OF THE TERMS OF AN IMMIGRANT VISA.**—Section 212(a)(9)(B)(iii)(IV) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)(IV)) is amended by striking “who would be described in paragraph (6)(A)(ii)” and all that follows before the period and inserting “who is described in paragraph (6)(A)(ii)”.

(c) **BATTERED IMMIGRANT WAIVER.**—Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by adding at the end the following: “The Attorney General in the Attorney General’s discretion may waive the provisions of section 212(a)(9)(C)(i) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), (v), or (vi) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B), in any case in which there is a connection between—

“(1) the aliens having been battered or subjected to extreme cruelty; and

“(2) the alien’s—

“(A) removal;

“(B) departure from the United States;

“(C) reentry or reentries into the United States; or

“(D) attempted reentry into the United States.

(d) **DOMESTIC VIOLENCE VICTIM WAIVER.**—

(1) **WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.**—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended by inserting at the end the following:

“(7) **WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.**—

“(A) **IN GENERAL.**—The Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship—

“(i) upon a determination that—

“(I) the alien was acting in self-defense;

“(II) the alien was found to have violated a protection order intended to protect the alien; or

“(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime—

“(aa) that did not result in serious bodily injury; and

“(bb) where there was a connection between the crime and the alien’s having been battered or subjected to extreme cruelty.

“(B) **CREDIBLE EVIDENCE CONSIDERED.**—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.”.

(2) **CONFORMING AMENDMENT.**—Section 240A(b)(1)(C) of the Immigration and Nation-

ality Act (8 U.S.C. 1229b(b)(1)(C)) is amended by inserting “(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)” after “237(a)(3)”.

(e) **MISREPRESENTATION WAIVERS FOR BATTERED SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.**—

(1) **WAIVER OF INADMISSIBILITY.**—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: “or, in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who would otherwise qualify for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), the alien demonstrates extreme hardship to the alien or the alien’s United States citizen, lawful permanent resident, or qualified alien parent or child”.

(2) **WAIVER OF DEPORTABILITY.**—Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended—

(A) in clause (i), by inserting “(I)” after “(j)”;

(B) by redesignating clause (ii) as subclause (II); and

(C) by adding after clause (i) the following:

“(ii) is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who qualifies for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).”.

(f) **BATTERED IMMIGRANT WAIVER.**—Section 212(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(g)(1)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by adding “or” at the end; and

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

“(C) qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B), relief under section 240A(b)(2), or relief under section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).”.

(g) **WAIVERS FOR VAWA ELIGIBLE BATTERED IMMIGRANTS.**—Section 212(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(h)(1)) is amended—

(1) in subparagraph (B), by striking “and” and inserting “or”;

(2) by adding at the end the following:

“(C) the alien qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A), classification under clause (ii) or (iii) of section 204(a)(1)(B), relief under section 240A(b)(2) or relief under section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and”.

(h) **PUBLIC CHARGE.**—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

“(p) In determining whether an alien described in subsection (a)(4)(C)(i) is inadmissible under subsection (a)(4) or ineligible to receive an immigrant visa or otherwise to adjust to the status of permanent resident by reason of subsection (a)(4), the consular officer or the Attorney General shall not consider any benefits the alien may have re-

ceived that were authorized under section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1641(c)).”.

(i) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives covering, with respect to the fiscal year 1997 and each fiscal year thereafter—

(1) the policy and procedures of the Immigration and Naturalization Service under which an alien who has been battered or subjected to extreme cruelty who is eligible for suspension of deportation or cancellation of removal can request to be placed, and be placed, in deportation or removal proceedings so that such alien may apply for suspension of deportation or cancellation of removal;

(2) the number of requests filed at each district office under this policy;

(3) the number of these requests granted reported separately for each district; and

(4) the average length of time at each Immigration and Naturalization office between the date that an alien who has been subject to battering or extreme cruelty eligible for suspension of deportation or cancellation of removal requests to be placed in deportation or removal proceedings and the date that the immigrant appears before an immigration judge to file an application for suspension of deportation or cancellation of removal.

**SEC. 506. RESTORING IMMIGRATION PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.**

(a) **REMOVING BARRIERS TO ADJUSTMENT OF STATUS FOR VICTIMS OF DOMESTIC VIOLENCE.**—

(1) **IMMIGRATION AMENDMENTS.**—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (a), by inserting “or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or” after “into the United States.”; and

(B) in subsection (c), by striking “Subsection (a) shall not be applicable to” and inserting the following: “Other than an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or B(iv) of section 204(a)(1), subsection (a) shall not be applicable to”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall apply to applications for adjustment of status pending on or made on or after January 14, 1998.

(b) **REMOVING BARRIERS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS OF DOMESTIC VIOLENCE.**—

(1) **NOT TREATING SERVICE OF NOTICE AS TERMINATING CONTINUOUS PERIOD.**—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by striking “when the alien is served a notice to appear under section 239(a) or” and inserting “(A) except in the case of an alien who applies for cancellation of removal under subsection (b)(2) when the alien is served a notice to appear under section 239(a), or (B)”.

(2) **EXEMPTION FROM ANNUAL LIMITATION ON CANCELLATION OF REMOVAL FOR BATTERED SPOUSE OR CHILD.**—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following:

“(C) Aliens in removal proceedings who applied for cancellation of removal under subsection (b)(2).”.

(3) **EFFECTIVE DATE.**—The amendments made by paragraphs (1) and (2) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform

and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 587).

(4) MODIFICATION OF CERTAIN TRANSITION RULES FOR BATTERED SPOUSE OR CHILD.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended—

(A) by striking the subparagraph heading and inserting the following:

“(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN.—”; and

(B) in clause (i)—

(i) in subclause (IV), by striking “or” at the end;

(ii) in subclause (V), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(VI) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of this Act).”.

(5) EFFECTIVE DATE.—The amendments made by paragraph (4) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).

(C) ELIMINATING TIME LIMITATIONS ON MOTIONS TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended by adding at the end the following:

“(iv) SPECIAL RULE FOR BATTERED SPOUSES AND CHILDREN.—There is no time limit on the filing of a motion to reopen, and the deadline specified in subsection (b)(5)(C) for filing such a motion does not apply—

“(I) if the basis for the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or section 240A(b)(2); and

“(II) if the motion is accompanied by a cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that has been or will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1229-1229c).

(2) DEPORTATION PROCEEDINGS.—

(A) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

(i) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

(ii) if the motion is accompanied by a suspension of deportation application to be filed with the Attorney General or by a copy of

the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.

(B) APPLICABILITY.—Subparagraph (A) shall apply to motions filed by aliens who—

(i) are, or were, in deportation proceedings under the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) have become eligible to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by—

(I) subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953 et seq.); or

(II) this title.

#### SEC. 507. REMEDYING PROBLEMS WITH IMPLEMENTATION OF THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(A) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP STATUS ON SELF-PETITION.—

(1) RECLASSIFICATION.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) (as amended by section 503(b)(3) of this title) is amended by adding at the end the following:

“(vi) For the purposes of any petition filed under clause (iii) or (iv), the denaturalization, loss or renunciation of citizenship, death of the abuser, divorce, or changes to the abuser's citizenship status after filing of the petition shall not adversely affect the approval of the petition, and for approved petitions shall not preclude the classification of the eligible self-petitioning spouse or child as an immediate relative or affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on the approved self-petition under such clauses.”.

(2) LOSS OF STATUS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) (as amended by section 503(c)(4) of this title) is amended by adding at the end the following:

“(v)(I) For the purposes of any petition filed or approved under clause (ii) or (iii), divorce, or the loss of lawful permanent resident status by a spouse or parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and, for an approved petition, shall not affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii) or (iii).

“(II) Upon the lawful permanent resident spouse or parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service and pending or approved under clause (ii) or (iii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after divorce or termination of parental rights.”.

(3) DEFINITION OF IMMEDIATE RELATIVES.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended by adding at the end the following: “For purposes of this clause, an alien

who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) of this Act remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.”.

(b) ALLOWING REMARRIAGE OF BATTERED IMMIGRANTS.—Section 204(h) of the Immigration and Nationality Act (8 U.S.C. 1154(h)) is amended by adding at the end the following: “Remarriage of an alien whose petition was approved under section 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii) or marriage of an alien described in section 204(a)(1)(A) (iv) or (vi) or 204(a)(1)(B)(iii) shall not be the basis for revocation of a petition approval under section 205.”.

#### SEC. 508. TECHNICAL CORRECTION TO QUALIFIED ALIEN DEFINITION FOR BATTERED IMMIGRANTS.

Section 431(c)(1)(B)(iii) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)(iii)) is amended to read as follows:

“(iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).”.

#### SEC. 509. ACCESS TO CUBAN ADJUSTMENT ACT FOR BATTERED IMMIGRANT SPOUSES AND CHILDREN.

(a) IN GENERAL.—The last sentence of the first section of Public Law 89-732 (November 2, 1966; 8 U.S.C. 1255 note) is amended by striking the period at the end and inserting the following: “, except that such spouse or child who has been battered or subjected to extreme cruelty may adjust to permanent resident status under this Act without demonstrating that he or she is residing with the Cuban spouse or parent in the United States. In acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953 et seq.).

#### SEC. 510. ACCESS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT FOR BATTERED SPOUSES AND CHILDREN.

Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1101 note) is amended—

(1) in clause (i)—

(A) by striking “For purposes” and inserting “Subject to clauses (ii), (iii), and (iv), for purposes”; and

(B) by striking “or” at the end of subclause (IV);

(C) by striking the period at the end of subclause (V) and inserting “; or”; and

(D) by adding at the end the following:

“(VI) is at the time of filing of an application under subclause (I), (II), (V), or (VI) the spouse or child of an individual described in subclause (I), (II), or (V) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subclause (I), (II), or (V).”; and

(2) by adding at the end the following:

“(iii) CONSIDERATION OF PETITIONS.—In acting on a petition filed under subclause (VI) or (VII) of clause (i) the provisions set forth in section 204(a)(1)(H) shall apply.

“(iv) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—For purposes of the application of subclauses (VI) and (VII) of clause (i),

a spouse or child shall not be required to demonstrate that he or she is residing with the spouse or parent in the United States.”.

**SEC. 511. ACCESS TO THE HAITIAN REFUGEE FAIRNESS ACT OF 1998 FOR BATTERED SPOUSES AND CHILDREN.**

(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105-277; 112 Stat. 2681-538) is amended to read as follows:

“(B)(i) the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a);

“(ii) at the time of filing or the application for adjustment under subsection (a) or this subsection the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subsection (a); and

“(iii) in acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).”.

(b) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—Section 902(d) of such Act is amended—

(1) in paragraph (1), by striking “The status” and inserting “Subject to paragraphs (2) and (3), the status”; and

(2) by adding at the end the following:

“(3) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—A spouse, or child may adjust to permanent resident status under paragraph (1) without demonstrating that he or she is residing with the spouse or parent in the United States.”.

**SEC. 512. ACCESS TO SERVICES AND LEGAL REPRESENTATION FOR BATTERED IMMIGRANTS.**

(a) LAW ENFORCEMENT AND PROSECUTION GRANTS.—Section 2001(b) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (1), by inserting “, immigration and asylum officers, immigration judges,” after “law enforcement officers”;

(2) in paragraph (8) (as amended by section 209(c) of this Act), by striking “and” at the end;

(3) in paragraph (9) (as added by section 209(c) of this Act), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(10) providing assistance to victims of domestic violence and sexual assault in immigration matters.”.

(b) GRANTS TO ENCOURAGE ARRESTS.—Section 2101(b)(5) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)(5)) is amended by inserting before the period the following: “, including strengthening assistance to domestic violence victims in immigration matters”.

(c) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.—Section 40295(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953; 42 U.S.C. 13971(a)(2)) is amended to read as follows:

“(2) to provide treatment, counseling, and assistance to victims of domestic violence and child abuse, including in immigration matters; and”.

(d) CAMPUS DOMESTIC VIOLENCE GRANTS.—Section 826(b)(5) of the Higher Education Amendments of 1998 (Public Law 105-244; 20 U.S.C. 1152) is amended by inserting before the period at the end the following: “, including assistance to victims in immigration matters”.

**TITLE VI—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND**

**SEC. 601. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.**

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

“(1) for fiscal year 2001, \$6,025,000,000;

“(2) for fiscal year 2002, \$6,169,000,000;

“(3) for fiscal year 2003, \$6,316,000,000;

“(4) for fiscal year 2004, \$6,458,000,000; and

“(5) for fiscal year 2005, \$6,616,000,000.”.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

**“SEC. 310002. DISCRETIONARY LIMITS.**

“For the purposes of allocations made for the discretionary category under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term ‘discretionary spending limit’ means—

“(1) with respect to fiscal year 2001—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

“(B) for the violent crime reduction category, \$6,025,000,000 in new budget authority and \$5,718,000,000 in outlays;

“(2) with respect to fiscal year 2002—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

“(B) for the violent crime reduction category, \$6,169,000,000 in new budget authority and \$6,020,000,000 in outlays;

“(3) with respect to fiscal year 2003—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

“(B) for the violent crime reduction category, \$6,316,000,000 in new budget authority and \$6,161,000,000 in outlays;

“(4) with respect to fiscal year 2004—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

“(B) for the violent crime reduction category, \$6,459,000,000 in new budget authority and \$6,303,000,000 in outlays; and

“(5) with respect to fiscal year 2005—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

“(B) for the violent crime reduction category, \$6,616,000 in new budget authority and \$6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Def-

icit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.”.

Mr. HATCH. Mr. President, I rise today with my colleague and friend, Senator JOSEPH BIDEN, to introduce one of the most significant pieces of legislation that the Senate will consider this year, the Violence Against Women Act of 2000. This historic bill reauthorizes the Violence Against Women Act programs that would otherwise expire at the end of this fiscal year. This new bill is the result of bipartisan cooperation over the last year and combines the best provisions of S. 245, the Violence Against Women Act of 1999, which I introduced last year, and of S. 51, Senator BIDEN's Violence Against Women Act II.

Six years ago, recognizing the importance and need to protect the women and children in this country from domestic violence, stalking, and sexual assault, senators from both parties supported the original Violence Against Women Act in 1994. This legislation has made a critical difference in the lives of countless families in my state of Utah and across the country.

The Violence Against Women Act strengthened our laws, empowered law enforcement, facilitated access to protective orders, established and funded both battered women shelters and a national domestic violence hotline, and most importantly led to the overall protection of America's women and children.

Well, we must ask ourselves, “Was it worth it? Did our efforts make a difference?” I stand here today to answer those questions with a resounding “yes.”

The most recent Department of Justice statistics show that violence against women by intimate partners is down 21 percent across the board from just before the original bill's enactment. The Department of Justice has prosecuted hundreds of cases involving interstate domestic violence, interstate stalking, and interstate violations of protection orders. Through funding provided by the Act, the Department of Health and Human Services has provided grant funds to shelter more than 300,000 women and their dependents each year, while the National Domestic Violence Hotline has responded to approximately 500,000 calls. In all, the original Violence Against Women Act provided \$1.6 billion in grant funds supporting the work of law enforcement officials, prosecutors, the courts, victim advocates, and intervention and prevention programs to address domestic violence at all levels.

Although the Violence Against Women Act has been widely successful, domestic violence continues to plague our homes, our communities, and our country. The national statistics are sobering:

Nearly one-third of women murdered each year are killed by their intimate partners.

Violence by intimates accounts for over 20 percent of all violent crime against women.

Approximately one million women are stalked each year.

Women were raped and sexually assaulted 307,000 times in 1998 alone.

Thus, I believe we should ask ourselves today, "Should we continue and strengthen our efforts to combat violence against women?" Once again, I stand here today to answer this question with a resounding "yes." We must continue our efforts to protect our women and children from the devastating effects of domestic violence, stalking, and sexual assault.

The Violence Against Women Act of 2000 will reauthorize through fiscal year 2005 the grant programs that will enable the federal, state, and local governments to persist in their efforts to prosecute offenders and provide vital services to the victims of domestic violence. I would like to point out that the recent Supreme Court case *United States v. Morrison*, 120 S. Ct. 1740 (2000), simply invalidated the "civil remedy" provision, which allowed a victim of gender-motivated violence to sue her attacker in federal court. The case did not affect the ability of Congress to reauthorize the Violence Against Women Act, nor did the case affect any other aspect of the Act.

There are several new, important, and worthwhile programs in this bill. One in particular, the transitional housing program, had its inception in my own state of Utah. Dedicated professionals in my State, working in the field, brought to my attention the fact that shelters often fail to provide adequate help to persons escaping the horror of domestic violence. In states like Utah, the spread-out location and the few number of shelters makes it difficult to serve the entire population in need of refuge from domestic violence. Furthermore, shelters are often inadequate for anything more than a few weeks. The transitional housing program remedies the situation by allowing some supplemental and short term housing for persons escaping domestic violence.

It is absolutely imperative that we achieve strong, bipartisan support for this bill. We are approaching the end of our legislative session—we need to take the politics out of the process and reauthorize this Act. Senator BIDEN and I have worked long and hard on this—we are confident that our bill represents not only the interests of both Republicans and Democrats, but that it truly represents the interests of the American family. I intend to move this bill through the Senate Judiciary Committee promptly and intend to do all I can to ensure it becomes law this year.

Finally, I would conclude by expressing my gratitude to Senator BIDEN for his tireless efforts to get this legislation written and passed. No one in the Senate has a longer and greater history of dedication to combating violence against women.

I would also like to express my appreciation to Senator SPENCER ABRAHAM from Michigan. He has given much of his time and attention to this bill, particularly on the immigration provisions. I am grateful for his efforts.

Mr. LEAHY. Mr. President, I support the Violence Against Women Act of 2000 (VAWA II). As we head into the 21st century, violence against women continues to affect millions of women and children in this country. Whether you live in a big city or a rural town, domestic violence can be found anywhere.

I witnessed the devastating effects of domestic violence early on in my career, when I was the Vermont State's Attorney for Chittenden County. In those days, long before the passage of the Violence Against Women Act (VAWA), there were not support programs and services in place to assist victims of these types of crimes. Today, because of the hard work and dedication of those in Vermont and around the country who work on these problems every day, an increasing number of women and children are seeking services through domestic violence programs and at shelters around the nation.

Since the passage of VAWA in 1994, I have been privileged to work with groups such as the Vermont Network Against Domestic Violence and Sexual Assault and the Vermont Center for Crime Victim Services who have worked to help put a stop to violence against women and provided assistance to those who have fallen victim to it. I am proud today to support the Violence Against Women Act of 2000, a Federal initiative designed to continue the success of VAWA by reauthorizing Federal programs to prevent violence against women.

Six years ago, VAWA passed Congress as part of the Violent Crime Control and Law Enforcement Act. That Act combined tough law enforcement strategies with safeguards and services for victims of domestic violence and sexual assault. I am proud to say that Vermont was the first State in the country to apply for and receive funding through VAWA. Since VAWA was enacted, Vermont has received almost \$7 million in VAWA funds.

This funding has enabled Vermont to develop specialized prosecution units and child advocacy centers throughout the state. Lori Hayes, Executive Director of the Vermont Center for Crime Victim Services, and Marty Levin, Coordinator of the Vermont Network Against Domestic Violence and Sexual Assault, have been especially instrumental in coordinating VAWA grants in Vermont. Their hard work has brought Vermont grant funding for encouraging arrest policies as well as for combating rural domestic violence and child abuse. These grants have made a real difference in the lives of those who suffer from violence and abuse. Reauthorization of these vital programs in VAWA II will continue to build on these successes.

We have tolerated violence against women for far too long and this bill continues to move us toward reducing violence against women by strengthening law enforcement through the extension of STOP grants, which encourage a multi-disciplinary approach to improving the criminal justice system's response to violence against women. With support from STOP grants, law enforcement, prosecution, courts, victim advocates and service providers work together to ensure victim safety and offender accountability.

The beneficial effects of STOP grants are evident throughout Vermont. From the Windham County Domestic Violence Unit to the Rutland County Women's Network and Shelter, STOP grants have resulted in enhanced victim advocacy services, increased safety for women and children, and increased accountability of perpetrators. The Northwest Unit for Special Investigations in St. Albans, Vermont, has established a multi-disciplinary approach to the investigation of adult sexual assault and domestic violence cases with the help of STOP funds. By linking victims with advocacy programs at the time of the initial report, the Unit finds that more victims get needed services and support and thus find it easier to participate in the investigation and subsequent prosecution. The State's Attorney's Office, which has designated a prosecutor to participate in the Unit, has implemented a new protocol for the prosecution of domestic violence cases. The protocol and multi-disciplinary approach are credited with an 80 percent conviction rate in domestic violence and sexual assault cases.

Passing VAWA II will continue grants which strengthen pro-arrest policies and enforcement of protection orders. In a rural state like Vermont, law enforcement agencies greatly benefit from cooperative, inter-agency efforts to combat and solve significant problems. Last year, approximately \$850,000 of this funding supported Vermont efforts to encourage arrest policies.

Vermont will also benefit from the extension of Rural Domestic Violence and Child Victimization Enforcement Grants under VAWA II. These grants are designed to make victim services more accessible to women and children living in rural areas. I worked hard to see this funding included in the original VAWA in 1994, and I am proud that its success has merited an increased authorization for funding in VAWA II. Rural Domestic Violence and Child Victimization Enforcement Grants have been utilized by the Vermont Network Against Domestic Violence and Sexual Assault, the Vermont Attorney General's Office, and the Vermont Department of Social and Rehabilitation Services to increase community awareness, to develop cooperative relationships between state child protection agencies and domestic violence programs, to expand existing multi disciplinary task forces to include allied



professional groups, and to create local multi-use supervised visitation centers.

This bill will also reauthorize the National Stalker and Domestic Violence Reduction Grant. This important grant program assists in the improvement of local, state and national crime databases for tracking stalking and domestic violence.

As we work to prevent violence against women, we must not forget those who have already fallen victim to it. This bill recognizes that combating violence against women includes assistance measures as well as preventive ones, providing assistance to victims of domestic and sexual violence in a number of ways.

The National Domestic Violence Hotline, which has already assisted over 180,000 callers, will be able to continue its crucial operation. Much like the state hotline that the Vermont Network Against Domestic Violence and Sexual Assault helped to establish in Vermont, the National Hotline reaches victims who otherwise have nowhere to turn.

I am particularly pleased to see that VAWA II will also authorize a new grant program for civil legal assistance. In the past, funding for legal services for victims of domestic violence was dependent on a set-aside in the STOP grant appropriation. This separate grant authorization will allow victims of violence, stalking and sexual assault, who would otherwise be unable to afford professional legal representation, to obtain access to trained attorneys and advocacy services. These grants would support training, technical assistance and support for cooperative efforts between victim advocacy groups and legal assistance providers.

As enacted, the Violence Against Women Act has funded programs that provide shelter to battered women and children. I am pleased to see that VAWA II expands this funding, so that facilities such as the Women Helping Battered Women Shelter in Burlington, Vermont, will continue to be able to serve victims in their most vulnerable time in need of shelter.

In addition to this funding, I am excited to see the addition of a provision for transitional housing assistance in VAWA II. This grant for short-term housing assistance and support services for homeless families who have fled from domestic violence environments was one of the biggest priorities for my State and I am pleased to see its inclusion in this legislation.

Despite the overwhelming benefits of this legislation, I do think there are some problems with this bill and it is my hope that we can work to fix them. For example, this legislation does not go far enough in providing the comprehensive housing assistance that state and victim's coalitions need in combating this problem. In Vermont, the availability of affordable housing is at an all time low. Providing victims of domestic violence with a safe place to

reside after a terrifying experience should be a priority. I would like to see additional support for groups that addresses the need for funding for underserved populations. I had proposed a more extensive program of transitional housing assistance than we were able to keep in the bill. It is my hope that we can continue to work to expand these transitional living opportunities in the coming weeks as Congress takes up this bill.

Another area of concern that I wish to see addressed in this bill is the absence of a redefinition of "domestic violence" to include "dating relationships" in its provisions and grants. As written, VAWA II amends the definition of "domestic violence" for grants to reduce violence against women on campus to include dating relationships. I would like to see this definition amended to include all women. The Bureau of Justice Statistics report indicates that more than four in every 10 incidents of domestic violence involves non-married persons, and further, that the highest rate of domestic violence occurs among young people aged 16-24. Yet, VAWA, as currently enacted, does not authorize prosecution of their offenders. We cannot ignore this increasingly at risk segment of the population.

I was also pleased to see a new provision in VAWA II that would enhance protections for older women from domestic violence and sexual assault. Last year I introduced the Seniors Safety Act which would enhance penalties for crimes against seniors. This provision in VAWA II is an important complement to that legislation and I am glad to see we have been able to generate wide support.

The bill is also designed to help young victims of crime through funding for the establishment of safe and supervised visitation centers for children in order to reduce the opportunity for domestic violence. Grants will also be extended to continue funding agencies serving homeless youth who have been or who are at risk of abuse and to continue funding for victims of child abuse, including money for advocates, training for judicial personnel and televised testimony.

Many of the most successful services for victims start at the local level, such as Vermont's model hotline on domestic violence and sexual assault. The Violence Against Women Act II recognizes these local successes and continues grant funding of community demonstration projects for the intervention and prevention of domestic violence.

When VAWA passed Congress, it was one of the first comprehensive Federal efforts to combat violence against women and to assist the victims of such violence. Today's bill gives us an opportunity to continue funding these successful programs, to improve victim services, and to strengthen these laws so that violence against women is eliminated. I am proud to be an origi-

nal cosponsor of this legislation and hope we can work together to ensure the swift passage of the Violence Against Women Act of 2000.

Mr. ABRAHAM. Mr. President, I am proud to rise today as an original cosponsor of the Violence Against Women Act of 2000, and I urge my colleagues to join with us in this effort to ensure the safety and protection of women and families.

The 1994 Violence Against Women Act has been crucial in reducing violence perpetrated against women and families across America. VAWA '94 increased resources for training and law enforcement, and bolstered prosecution of child abuse, sexual assault, and domestic violence cases. States have changed the way they treat crimes of violence against women; 24 states and the District of Columbia now mandate arrest for most domestic violence offenses. States are lifting some of the costs to women associated with violence, and as a result of VAWA, all have some provision for covering the cost of a forensic rape exam.

And notably, VAWA '94 provided much-needed support for shelters and crisis centers, and created a National Domestic Violence Hotline.

Yet, despite the advances made as a result of the original Violence Against Women Act, violence against women remains a critical problem in our country. Recent studies show 307,000 incidents of rape and sexual assaults were perpetrated in 1998 alone. Over one million women are stalked annually. Violence by intimates accounts for 20% of all violent crimes against women.

It is essential that we reauthorize VAWA now, so that we can continue the initiatives that have made a difference, and so that we can further protect women and children from violence.

VAWA 2000 combines a variety of law-enforcement initiatives with support and prevention programs, in an effort to eradicate both the causes and effects of violence against women and families. The bill would ensure that those who regularly interact with victims of domestic violence—the courts, police, and social service providers—receive excellent training in reversing the destructive effects of domestic violence. As too many families are turned away in time of great need, VAWA 2000 offers increased funding to expand shelter services for families escaping violence. And in addition to providing emergency shelter, VAWA reauthorization provides for short-term and transitional housing, providing women and families real alternatives to returning to abusive homes.

Finally, VAWA '94 enabled immigrant victims of domestic violence to gain lawful permanent residence in the U.S. without the knowledge, participation, or cooperation of their abusive citizen or permanent resident spouses. Although the spirit and intent of this law was to facilitate the prosecution of



abusers, and to allow women and children to safely escape violence and rebuild their lives, unintended legal barriers have prevented the full protection of VAWA '94 from taking effect. VAWA 2000 cures this fault, and continues the spirit and work that began with the bipartisan passage of VAWA '94.

Mr. President, it is essential that these programs be reauthorized, so that we may stop the cycles of violence and poverty that result from domestic violence. I urge my colleagues to support VAWA 2000, and I look forward to working with the members of the Judiciary Committee in bringing this important legislation to the floor as soon as possible.

By Mr. COCHRAN:

S. 2788. A bill to establish a strategic planning team to develop a plan for the dissemination of research on reading; to the Committee on Health, Education, Labor, and Pensions.

THE READING RESEARCH DISSEMINATION AND IMPLEMENTATION ACT

Mr. COCHRAN. Madam President, today I am introducing a bill to establish the Reading Research Dissemination and Implementation Plan, an initiative which follows up on the important work of the National Reading Panel.

Three years ago I discovered that the National Institute of Child Health and Human Services had completed a thorough study of factors and conditions that affect the learning of reading in children. Since reading is such a basic and necessary first step in the process of education, nothing is more important to a child's educational development than learning to read.

I was honored to chair the recent hearing of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, which accepted the National Writing Panel's report titled, "An Evidence-Based Assessment of the Scientific Research Literature on Reading and Its Implications for Reading Instruction." The report has been distributed to Congress, universities, schools, education administrators, and libraries. At the hearing, Dr. Donald Langenberg, Chairman of the panel, stated, "There is a recent report entitled Teaching Reading Is Rocket Science. . . . that is a gross understatement."

It is time to ensure that the panel's findings are disseminated in a manner that will result in the implementation of the best practices for the effective teaching of reading.

This bill directs the National Reading Panel, the National Institute for Child Health and Human Development and the Department of Education to devise a strategic plan to include the findings in teacher preparation course work, professional development for current teachers, textbooks, and other instructional materials. The legislation further instructs that the plan be submitted to the Secretary of Education by December 31, 2000, and that

the Secretary immediately take actions to implement it.

The research report, "Relations Between Policy and Practice: A Commentary," written in 1990 by D. K. Cohen and D. L. Ball states, "It costs state legislators and bureaucrats relatively little to fashion a new instructional policy. If instructional changes are to be made, [teachers] must make them. Teachers construct their practices gradually. Teaching is . . . a way of knowing, of seeing, and of being."

Over the last several years, reading assessments have continued to show that nearly half of our nation's fourth graders do not read at grade level. Research and study on literacy over the last few decades has shown that children who have difficulty reading are more likely to suffer poor self esteem, fail to achieve in other subjects, become trouble makers in school and eventually criminals in jail. The research also shows that once a child is nine years old, remediation becomes more difficult. We need to move quickly to take advantage of what is known to predict and prevent reading difficulties, help those children who are having difficulty, and begin teaching for successful reading instruction.

We know that successfully mastering reading at an early age makes success in life more likely. It is my purpose and hope in introducing this legislation that the classrooms of today's preschoolers, kindergartners, and early grades will begin to benefit from the intelligence we have about how our brains connect and decode the complicated processes needed for reading.

This legislation will engage researchers, policy makers, teachers and parents in a focused mission. A mission to ensure that children acquire the most essential skill for future success: reading. I invite other Senators to join me in supporting this important effort.

I ask unanimous consent the text of the bill be printed in the RECORD immediately following my remarks.

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

S. 2788

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. READING RESEARCH DISSEMINATION AND IMPLEMENTATION PLAN.

(a) SHORT TITLE.—This section may be cited as the "Reading Research Dissemination and Implementation Act".

(b) FINDINGS.—Congress makes the following findings:

(1) The National Reading Panel was convened to assess the status of research-based knowledge in the area of reading development and instruction and to evaluate the effectiveness of various approaches to teaching children to learn to read.

(2) On April 13, 2000, the National Reading Panel issued its report, "Teaching Children to Read: An Evidence-Based Assessment of the Scientific Research Literature on Reading and Its Implications for Reading Instruction".

(3) The National Reading Panel was to assess the extent to which instructional ap-

proaches found to be effective are ready for application in the classroom, and to develop a strategy for rapidly disseminating the information on those approaches to schools to facilitate effective reading instruction in the schools.

(4) The National Reading Panel has completed its assessment of the objective research-based knowledge in the area of reading development and reading instruction and has identified several instructional strategies that have been clearly documented by research to be effective for teaching the range of reading skills to children of varying reading abilities.

(5) The National Institute of Child Health and Human Development has developed an initial dissemination strategy to provide all Members of Congress, all colleges of education, all State departments of education, and all public libraries in the Nation with copies of the National Reading Panel's report.

(6) A dissemination of findings, although helpful, does not typically lead to systematic and genuine implementation of the critical research findings that inform teacher preparation practices, classroom instructional practices, and educational policies.

(7) To ensure that research findings on effective reading instructional approaches are fully implemented for the improvement of the education of our Nation's children, a strategic plan for the dissemination and implementation of the findings is necessary.

(c) ESTABLISHMENT OF STRATEGIC PLANNING TEAM.—The Assistant Secretary of Education for Educational Research and Improvement and the Director of the National Institute of Child Health and Human Development of the Department of Health and Human Services shall jointly convene a strategic planning team to develop the plan required under subsection (d). The team shall be composed of the following:

(1) The Chairman of the National Reading Panel.

(2) Persons jointly appointed by the convening officials from among persons who are representative of each of the following:

(A) The National Institute of Child Health and Human Development.

(B) The Department of Education.

(C) Teacher professional organizations.

(D) Parents.

(E) Presidents of institutions of higher education.

(F) The teacher education colleges or departments within institutions of higher education.

(G) Private businesses.

(H) Public libraries.

(I) State boards of education.

(J) State directors of special education.

(K) The Governors of States.

(L) Publishers of reading textbooks.

(d) PLAN.—The Strategic Planning Team shall develop and, not later than December 31, 2000, submit to the Secretary of Education a plan—

(1) to determine—

(A) the extent to which current teacher preparation for both preservice and inservice training incorporates the findings of the National Reading Panel; and

(B) how any barriers to the incorporation of those findings can be changed in order to integrate the findings into programs to educate and certify teachers;

(2) to identify the deficiencies in instructional materials, including textbooks and supplementary materials, and to determine how materials might be designed to correct the deficiencies in ways that reflect the findings of the National Reading Panel;

(3) to determine whether there are any barriers in Federal and State policies that

would preclude appropriate adoption of the National Reading Panel findings; and

(4) to identify specific strategies for collaboration among businesses, public schools, teacher education programs, university and college administrators, and teacher-parent collaborations to guide and ensure that evidence-based instructional practices are implemented in teacher preparation, classroom instruction, and Federal and State policies.

(e) **IMPLEMENTATION OF PLAN.**—Upon receiving the plan under subsection (d), the Secretary of Education shall immediately take the actions necessary to implement the plan.

By Mr. COCHRAN:

S. 2789. A bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board; to the Committee on Health, Education, Labor, and Pensions.

CONGRESSIONAL RECOGNITION FOR EXCELLENCE  
IN ARTS EDUCATION

Mr. COCHRAN. Madam President, today I am introducing legislation which would establish the Congressional Recognition for Excellence in Arts Education awards to schools.

The 1997 National Assessment of Educational Progress Arts Report Card was the first ever assessment of the effects of specific arts instruction and the level of fine arts skills in American students. It showed that arts instruction improved competency and literacy; and without it, very few students were able to create or perform at an advanced or adequate level. The evidence of the positive effects of arts education on overall scholastic achievement is an incentive for students, parents and schools to insist upon arts courses being a part of every school's curriculum.

In 1997, The College Board reported that high school students with four or more years of arts instruction scored over 100 points higher on the Scholastic Aptitude Test than students with no arts instruction. In a 1999 report titled, "Gaining the Arts Advantage: Lessons From School Districts that Value Arts Education" it was said that, "the presence and quality of arts education in public schools today require an exceptional degree of involvement by influential segments of the community which value the arts in the total affairs of the school district: in governance, funding, and program delivery."

It is clear from these and other studies that students who have the opportunity to be involved in music, art, theater and dance instruction at school, truly have an advantage. As part of the effort to improve education, we need to encourage arts education in our schools. One way to do that, I think, is to recognize those schools that are offering this advantage.

Therefore, the legislation I am introducing would create a Congressional board and a citizens' advisory board which will establish an award for schools demonstrating excellence in arts education curriculum. The legislation also encourages the boards to es-

tablish individual student awards in the future.

This bill sends a clear message of support and appreciation to those teachers in our schools who dedicate their lives to the teaching of music, art, theater and dance; and to those school administrators who support comprehensive arts programs. I invite other Senators to join me in cosponsoring this bill. I look forward to its consideration and adoption by the Senate in the near future.

I ask unanimous consent that the bill be printed in the RECORD, as follows:

There being no objection, the bill was ordered to be printed in the RECORD.

S. 2789

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION.**

(a) **IN GENERAL.**—The Congressional Award Act (2 U.S.C. 801-808) is amended by adding at the end the following:

**"TITLE II—CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION**

**"SEC. 201. SHORT TITLE.**

"This title may be cited as the 'Congressional Recognition for Excellence in Arts Education Act'.

**"SEC. 202. FINDINGS.**

"Congress makes the following findings:

"(1) Arts literacy is a fundamental purpose of schooling for all students.

"(2) Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem-posing and problem-solving.

"(3) Arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy.

"(4) Arts education improves teaching and learning.

"(5) Where parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful.

"(6) Effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence.

"(7) The 1999 study, entitled 'Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education', found that the literacy, education, programs, learning and growth described in paragraphs (1) through (6) contribute to successful district-wide arts education.

"(8) Despite all of the literacy, education, programs, learning and growth findings described in paragraphs (1) through (6), the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts.

"(9) The Arts Education Partnership, a coalition of national and State education, arts, business, and civic groups has demonstrated its effectiveness in addressing the purposes described in section 205(a) and the capacity and credibility to administer arts education programs of national significance.

**"SEC. 203. DEFINITIONS.**

"In this title:

"(1) **ARTS EDUCATION PARTNERSHIP.**—The term 'Arts Education Partnership' (formerly

known as the Goals 2000 Arts Education Partnership) is a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that—

"(A) demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work; and

"(B) was formed in 1995 through a cooperative agreement among—

"(i) the National Endowment for the Arts;

"(ii) the Department of Education;

"(iii) the National Assembly of State Arts Agencies; and

"(iv) the Council of Chief State School Officers.

"(2) **BOARD.**—The term 'Board' means the Congressional Recognition for Excellence in Arts Education Awards Board established under section 204.

"(3) **ELEMENTARY SCHOOL; SECONDARY SCHOOL.**—The terms 'elementary school' and 'secondary school' mean—

"(A) a public or private elementary school or secondary school (as the case may be), as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

"(B) a bureau funded school as defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

"(4) **STATE.**—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

**"SEC. 204. ESTABLISHMENT OF BOARD.**

"There is established within the legislative branch of the Federal Government a Congressional Recognition for Excellence in Arts Education Awards Board. The Board shall be responsible for administering the awards program described in section 205.

**"SEC. 205. BOARD DUTIES.**

"(a) **AWARDS PROGRAM ESTABLISHED.**—The Board shall establish and administer an awards program to be known as the 'Congressional Recognition for Excellence in Arts Education Awards Program'. The purpose of the program shall be to—

"(1) celebrate the positive impact and public benefits of the arts;

"(2) encourage all elementary schools and secondary schools to integrate the arts into the school curriculum;

"(3) spotlight the most compelling evidence of the relationship between the arts and student learning;

"(4) demonstrate how community involvement in the creation and implementation of arts policies enriches the schools;

"(5) recognize school administrators and faculty who provide quality arts education to students;

"(6) acknowledge schools that provide professional development opportunities for their teachers;

"(7) create opportunities for students to experience the relationship between early participation in the arts and developing the life skills necessary for future personal and professional success;

"(8) increase, encourage, and ensure comprehensive, sequential arts learning for all students; and

"(9) expand student access to arts education in schools in every community.

"(b) **DUTIES.**—

"(1) **SCHOOL AWARDS.**—The Board shall—

"(A) make annual awards to elementary schools and secondary schools in the States in accordance with criteria established under subparagraph (B), which awards—

“(i) shall be of such design and materials as the Board may determine, including a well-designed certificate or a work of art, designed for the awards event by an appropriate artist; and

“(ii) shall be reflective of the dignity of Congress;

“(B) establish criteria required for a school to receive the award, and establish such procedures as may be necessary to verify that the school meets the criteria, which criteria shall include criteria requiring—

“(i) that the school provides comprehensive, sequential arts learning and integrates the arts throughout the curriculum; and

“(ii) 3 of the following:

“(I) that the community serving the school is actively involved in shaping and implementing the arts policies and programs of the school;

“(II) that the school principal supports the policy of arts education for all students;

“(III) that arts teachers in the school are encouraged to learn and grow in mastery of their art form as well as in their teaching competence;

“(IV) that the school actively encourages the use of arts assessment techniques for improving student, teacher, and administrative performance; and

“(V) that school leaders engage the total school community in arts activities that create a climate of support for arts education; and

“(C) include, in the procedures necessary for verification that a school meets the criteria described in subparagraph (B), written evidence of the specific criteria, and supporting documentation, that includes—

“(i) 3 letters of support for the school from community members, which may include a letter from—

“(I) the school's Parent Teacher Association (PTA);

“(II) community leaders, such as elected or appointed officials; and

“(III) arts organizations or institutions in the community that partner with the school; and

“(ii) the completed application for the award signed by the principal or other education leader such as a school district arts coordinator, school board member, or school superintendent;

“(D) determine appropriate methods for disseminating information about the program and make application forms available to schools, which methods may include—

“(i) the Arts Education Partnership web site and publications;

“(ii) the Department of Education Community Update newsletter;

“(iii) websites and publications of the Arts Education Partnership steering committee members;

“(iv) press releases, public service announcements and other media opportunities; and

“(v) direct communication by postal mail, or electronic means;

“(E) delineate such roles as the Board considers to be appropriate for the Director in administering the program, and set forth in the bylaws of the Board the duties, salary, and benefits of the Director;

“(F) raise funds for the operation of the program;

“(G) determine, and inform Congress regarding, the national readiness for interdisciplinary individual student awards described in paragraph (2), on the basis of the framework established in the 1997 National Assessment of Educational Progress and such other criteria as the Board determines appropriate; and

“(H) take such other actions as may be appropriate for the administration of the Con-

gressional Recognition for Excellence in Arts Education Awards Program.

“(2) STUDENT AWARDS.—

“(A) IN GENERAL.—At such time as the Board determines appropriate, the Board—

“(i) shall make annual awards to elementary school and secondary school students for individual interdisciplinary arts achievement; and

“(ii) establish criteria for the making of the awards.

“(B) AWARD MODEL.—The Board may use as a model for the awards the Congressional Award Program and the President's Physical Fitness Award Program.

“(C) PRESENTATION.—The Board shall arrange for the presentation of awards under this section to the recipients and shall provide for participation by Members of Congress in such presentation, when appropriate.

“(d) DATE OF ANNOUNCEMENT.—The Board shall determine an appropriate date or dates for announcement of the awards under this section, which date shall coincide with a National Arts Education Month or a similarly designated day, week or month, if such designation exists.

“(e) REPORT.—

“(1) IN GENERAL.—The Board shall prepare and submit an annual report to Congress not later than March 1 of each year summarizing the activities of the Congressional Recognition for Excellence in Arts Education Awards Program during the previous year and making appropriate recommendations for the program. Any minority views and recommendations of members of the Board shall be included in such reports.

“(2) CONTENTS.—The annual report shall contain the following:

“(A) Specific information regarding the methods used to raise funds for the Congressional Recognition for Excellence in Arts Education Awards Program and a list of the sources of all money raised by the Board.

“(B) Detailed information regarding the expenditures made by the Board, including the percentage of funds that are used for administrative expenses.

“(C) A description of the programs formulated by the Director under section 207(b)(1), including an explanation of the operation of such programs and a list of the sponsors of the programs.

“(D) A detailed list of the administrative expenditures made by the Board, including the amounts expended for salaries, travel expenses, and reimbursed expenses.

“(E) A list of schools given awards under the program, and the city, town, or county, and State in which the school is located.

“(F) An evaluation of the state of arts education in schools, which may include anecdotal evidence of the effect of the Congressional Recognition for Excellence in Arts Education Awards Program on individual school curriculum.

“(G) On the basis of the findings described in section 202 and the purposes of the Congressional Recognition for Excellence in Arts Education Awards Program described in section 205(a), a recommendation regarding the national readiness to make individual student awards under subsection (b)(2).

#### “SEC. 206. COMPOSITION OF BOARD; ADVISORY BOARD.

“(a) COMPOSITION.—

“(1) IN GENERAL.—The Board shall consist of 9 members as follows:

“(A) 2 Members of the Senate appointed by the Majority Leader of the Senate.

“(B) 2 Members of the Senate appointed by the Minority Leader of the Senate.

“(C) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives.

“(D) 2 Members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

“(E) The Director of the Board, who shall serve as a nonvoting member.

“(2) ADVISORY BOARD.—There is established an Advisory Board to assist and advise the Board with respect to its duties under this title, that shall consist of 15 members appointed—

“(A) in the case of the initial such members of the Advisory Board, by the leaders of the Senate and House of Representatives making the appointments under paragraph (1), from among representatives of the Arts Education Partnership selected from recommendations received from the Arts Education Partnership steering committee; and

“(B) in the case of any other such members of the Advisory Board, by the Board, from among representatives of the Arts Education Partnership selected from recommendations received from the Arts Education Partnership steering committee.

“(3) SPECIAL RULE FOR ADVISORY BOARD.—In making appointments to the Advisory Board, the individuals and entity making the appointments under paragraph (2) shall consider recommendations submitted by any interested party, including any member of the Board.

“(4) INTEREST.—

“(A) IN GENERAL.—Members of Congress appointed to the Board shall have an interest in 1 of the purposes described in section 205(a).

“(B) DIVERSITY.—Representatives of the Arts Education Partnership appointed to the Advisory Board shall represent the diversity of that organization's membership, so that artistic and education professionals are represented in the membership of the Board, including at least 1 representative who teaches in each of the following disciplines:

“(i) Music.

“(ii) Theater.

“(iii) Visual Arts.

“(iv) Dance.

“(b) TERMS.—

“(1) BOARD.—Members of the Board shall serve for terms of 6 years, except that of the members first appointed—

“(A) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 2 years;

“(B) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 4 years; and

“(C) 2 Members of the House of Representatives and 2 Members of the Senate shall serve for terms of 6 years, as determined by lot when all such members have been appointed.

“(2) ADVISORY BOARD.—Members of the Advisory Board shall serve for terms of 6 years, except that of the members first appointed, 3 shall serve for terms of 2 years, 4 shall serve for terms of 4 years, and 8 shall serve for terms of 6 years, as determined by lot when all such members have been appointed.

“(c) VACANCY.—

“(1) IN GENERAL.—Any vacancy in the membership of the Board or Advisory Board shall be filled in the same manner in which the original appointment was made.

“(2) TERM.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

“(3) EXTENSION.—Any appointed member of the Board or Advisory Board may continue to serve after the expiration of the member's term until the member's successor has taken office.

“(4) SPECIAL RULE.—Vacancies in the membership of the Board shall not affect the

Board's power to function if there remain sufficient members of the Board to constitute a quorum under subsection (d).

"(d) **QUORUM.**—A majority of the members of the Board shall constitute a quorum.

"(e) **COMPENSATION.**—Members of the Board and Advisory Board shall serve without pay but may be compensated for reasonable travel expenses incurred by the members in the performance of their duties as members of the Board.

"(f) **MEETINGS.**—The Board shall meet annually at the call of the Chairperson and at such other times as the Chairperson may determine to be appropriate. The Chairperson shall call a meeting of the Board whenever 1/3 of the members of the Board submit written requests for such a meeting.

"(g) **OFFICERS.**—The Chairperson and the Vice Chairperson of the Board shall be elected from among the members of the Board, by a majority vote of the members of the Board, for such terms as the Board determines. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

"(h) **COMMITTEES.**—

"(1) **IN GENERAL.**—The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this title. Members of such committees may include the members of the Board, the Advisory Board, or such other qualified individuals as the Board may select.

"(2) **SPECIAL RULE.**—Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

"(i) **BYLAWS AND OTHER REQUIREMENTS.**—The Board shall establish such bylaws and other requirements as may be appropriate to enable the Board to carry out the Board's duties under this title.

#### "SEC. 207. ADMINISTRATION.

"(a) **IN GENERAL.**—In the administration of the Congressional Recognition for Excellence in Arts Education Awards Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be nominated by the Arts Education Partnership steering committee and appointed by a majority vote of the Board.

"(b) **DIRECTOR'S RESPONSIBILITIES.**—The Director shall, in consultation with the Board—

"(1) formulate programs to carry out the policies of the Congressional Recognition for Excellence in Arts Education Awards Program;

"(2) establish such divisions within the Congressional Recognition for Excellence in Arts Education Awards Program as may be appropriate; and

"(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, subject to such policies as the Board shall prescribe under its bylaws.

"(c) **APPLICATION.**—Each school or student desiring an award under this title shall submit an application to the Board at such time, in such manner and accompanied by such information as the Board may require.

#### "SEC. 208. LIMITATIONS.

"(a) **IN GENERAL.**—Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, except that the Board shall carry out its functions and make expenditures

with only such resources as are available to the Board from the Congressional Recognition for Excellence in Arts Education Awards Trust Fund pursuant to section 210(e).

"(b) **CONTRACTS.**—The Board may enter into such contracts as may be appropriate to carry out the business of the Board, but the Board may not enter into any contract which will obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

"(c) **GIFTS.**—The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out the Board's activities. The Board may not accept any funds or other resources that are—

"(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Recognition for Excellence in Arts Education Awards Program; or

"(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

"(d) **VOLUNTEERS.**—The Board may accept and utilize the services of voluntary, uncompensated personnel.

"(e) **REAL OR PERSONAL PROPERTY.**—The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

"(f) **PROHIBITIONS.**—The Board shall have no power—

"(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

"(2) to issue any share of stock or to declare or pay any dividends; or

"(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

#### "SEC. 209. AUDITS.

"The financial records of the Board may be audited by the Comptroller General of the United States at such times as the Comptroller General may determine to be appropriate. The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board (or any agent of the Board) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Recognition for Excellence in Arts Education Awards Program.

#### "SEC. 210. TERMINATION.

"The Board shall terminate 6 years after the date of enactment of this title. The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.

#### "SEC. 211. TRUST FUND.

"(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States a trust fund to be known as the 'Congressional Recognition for Excellence in Arts Education Awards Trust Fund'. The fund shall consist of amounts donated to the Board under section 208(c) and amounts credited to the fund under subsection (d).

"(b) **INVESTMENT OF FUND ASSETS.**—

"(1) **IN GENERAL.**—It shall be the duty of the Secretary of the Treasury to invest in full the amounts in the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on

original issue at the issue price or by purchase of outstanding obligations at the marketplace.

"(2) **SPECIAL RULE.**—The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that when such average rate is not a multiple of 1/8 of 1 percent, the rate of interest of such special obligations shall be the multiple of 1/8 of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

"(c) **AUTHORITY TO SELL OBLIGATIONS.**—Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(d) **PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

"(e) **EXPENDITURES FROM TRUST FUND.**—The Secretary of the Treasury is authorized to pay to the Board from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Board to carry out this title."

(b) **CONFORMING AMENDMENTS.**—The Congressional Award Act (2 U.S.C. 801-808) is amended—

(1) by inserting after section 1 the following:

#### "TITLE I—CONGRESSIONAL AWARD PROGRAM",

(2) by redesignating sections 2 through 9 as sections 101 through 108, respectively,

(3) in section 101 (as so redesignated)—

(A) by striking "Act" and inserting "title", and

(B) by striking "section 3" and inserting "section 102",

(4) in section 102(e) (as so redesignated)—

(A) by striking "section 5(g)(1)" and inserting "section 104(g)(1)", and

(B) by striking "section 7(g)(1)" and inserting "section 106(g)(1)", and

(5) in section 103(i), by striking "section 7" and inserting "section 106".

By Mr. FITZGERALD:

S. 2790. A bill instituting a Federal fuels tax holiday; to the Committee on Finance.

THE FEDERAL FUEL TAX RELIEF ACT OF 2000

Mr. FITZGERALD. Mr. President, I was in the city of Chicago to announce the introduction of a bill today called the Federal Fuel Tax Relief Act of 2000. I was standing in Chicago on La Salle Street, in what is known as the Loop, the premier business district in downtown Chicago. I was at a gas station there. Behind me you could see the prices at the pump that that particular gas station in Chicago was advertising. Those gas prices were well over \$2 a gallon. In fact, I think the price for the

premium blend of fuel was up over \$2.30 a gallon.

Right now, we are in the midst of a very serious crisis in my part of the country with respect to gas prices. Prices throughout Illinois are at record highs. They are at record highs in Michigan, in Ohio, in other parts of the Midwest.

I am afraid if we do not bring down the cost of gas at the pumps, we are going to be seeing shock waves throughout our entire Nation's economy. The bill I am introducing today is S. 2790. What it would do is bring immediate relief by lowering the cost of gas nationwide for 90 days by temporarily rolling back the 18.3-cent-per-gallon Federal gas tax.

In the last couple of weeks, anybody who has been following the news anywhere in this country has seen nothing but nonstop coverage about the escalating price, the rising price of gasoline. The response at the State level and at the Federal level, amongst public officials, has been to find somebody to blame. Is it the OPEC nations? Is it the oil industry? Is it the administration? But no one is taking any action to actually bring down prices. We can argue about culpability later. What we need to do now is to lower prices at the pump or we are going to see losses of jobs and losses of economic productivity.

We will see senior citizens who cannot even afford to drive to the pharmacy to buy the pharmaceuticals, for which they already are having a hard time paying. We are going to see college students who cannot afford to make the commute to their community colleges. We need to have a long-term plan to increase productivity of oil in this country to lessen our dependence on foreign sources of oil. There are a number of measures that have been introduced in recent weeks in the Congress. The administration last week sent over recommendations on what our long-term solution should be for this energy crunch.

But in the meantime, there are countless families all across the country that may have to cancel summer vacations, families that have worked hard all year, but now all of a sudden, when it comes time for them to have a couple of weeks off to take their families on a vacation, they can't afford the cost of the vacation because the price of gasoline has gone up so much.

There will be many who will criticize my proposal. There will be many who come up with arguments against it. Certainly many will bring up the point that the proceeds from the motor fuels tax goes into our Federal highway trust fund. This legislation would hold harmless the highway trust fund. It would require the Federal Government to make up any loss to the highway trust fund by taking money from the on-budget or non-Social Security surplus and indemnify that road fund. We all want to make sure we continue to improve and repair our roads in this country.

But the fact remains, the only instrument that the Federal and State governments have to directly affect the price of gasoline at the pump is to lower the motor fuels tax. My State, I hope, is going to do its part. A couple of weeks back, I pointed out that Illinois has amongst the highest gas taxes in the country. In fact, in addition to a motor fuel tax that is 19 cents a gallon, the State of Illinois has a sales tax on motor fuel that is assessed on top of the Federal motor fuels tax. In other words, Illinois has what we would call a tax on a tax. That sales tax on gasoline in Illinois is a percentage tax, so, as the selling price of gasoline has gone from \$1 to over \$2 in Illinois, the State's take on its sales tax has been increasing dramatically. It has doubled its take under that sales tax.

The Governor of Illinois and legislative leaders recently called a special session of our Illinois General Assembly, which will be convening in 2 days, to temporarily roll back or repeal that Illinois sales tax on gasoline. If they enact that legislation, that should take 10 cents off the price of every gallon of gas sold in Illinois. But the prices will still be too high. We need further relief. My State is not the only State that is suffering. States across the country, and particularly in the hard-hit Midwest, need relief.

Like you, Mr. President, and my other colleagues in the Senate, all of us are in virtually constant contact with our constituents. We have an endless stream of letters, of faxes, of e-mails, of calls to our offices on a daily basis. We travel up and down our States. We march in parades. We are constantly talking to the constituents, whether it is in the grocery store, as I was doing over the weekend, or in parades that I was in recently. The No. 1 single issue that I have been hearing about is we have to do something to bring down prices at the pump.

Let me share a few of the letters my office has received on this issue. I am going to try to just go through a few of them because we have gotten literally thousands. I think, to some of the people in Washington, the pain people are feeling out in the Midwest and around the country about the rising cost of gas sounds like some kind of theoretical abstraction. But I have to tell you, for real people who are trying to drive to work, who may have a long way to drive to work or get to school, or senior citizens on fixed incomes, or folks in lower income brackets—they are having a very tough time. I have had many people tell me they have canceled weekend vacations and they are planning to cancel summer vacations.

Let me read parts of a few of these letters. This one is from a resident of Springfield, IL, who is a part-time driver for a senior services van service that runs vans for senior citizens to and from a senior citizens center. He says that the escalating gas prices are really hurting the transportation budget at the center. If we have to shut down the

van service, it would be a tremendous loss for the seniors.

This one from a senior citizen in southern Illinois says that now we cannot afford to drive to the pharmacy to purchase the drugs that we already cannot afford.

A person from Rantoul, IL, says that gas prices in Illinois are too high. It costs me more than \$87 a week to drive to and from work now that the prices have skyrocketed. I cannot afford this for much longer.

A small business owner in the Chicago suburbs—small businesses are suffering. He says: I have had small business men and women in my office saying they have lost money for several months in a row and could have to shut down if this keeps up. The current fuel prices are killing my small business.

I am a small business owner who employs 20 people from McHenry County and 10 people from Lake County. This increase in fuel is killing my profit line. If this does not stop, I do not know how much longer we can survive.

This is an interesting letter from a community college administrator in central Illinois. This person pointed out that, unlike many colleges, his school is a commuter college and students drive anywhere from 20 to 60 miles. That is 40 to 120 miles round trip to attend college. Most of the students are trying to better themselves by working part time and going to school. Now with gasoline prices soaring, they are being forced to drop out.

This individual from Danville, IL, after a lengthy letter explaining how, for his job, he had to drive, at the end he said if the prices raise much higher, he will have to dip into his son's and daughter's education fund just so he can keep driving back and forth to work.

I have another letter from a community college student. He is from Sherman, IL. He describes in his letter how he turned down State full-time universities because of the cost and because he wanted to attend his community college. It would be more affordable.

Now that he has started at his community college and is having to dig deep into his pocket just to pay for the price of gas to get to and from college, he is getting squeezed. He has a 30-mile distance to go just to get to his school. He said: Just to let you know, I am not a freeloader. I am currently holding down three jobs and working through the summer. I do not expect you to work a miracle, but maybe submit some form of legislation that would reduce the price or give a break to students furthering their education.

A husband from western Illinois has to commute 100 miles a day to work. That is how it is in rural parts of the country, as the Presiding Officer knows in his largely rural State. The wife has to drive 55 miles to work, and then the kids have to go 15 miles for their various athletic events and the like.

He says: We are probably more fortunate than most people, but if this

keeps up, it will be hard to commute into work every day, and there is no public transportation or opportunity to car pool in our downstate Illinois region. We barely have highways.

Finally, another letter from a retired senior citizen on fixed income said: It is extremely hard to get along with gasoline prices so high. I have curtailed driving to a bare minimum, only to the doctor, shopping, church, and as a volunteer to a community radio station where I broadcast a show every Saturday.

I think we need to take action. It is time for Washington and Congress to stop playing the blame game. We can argue about who is culpable later. I support the Federal Trade Commission investigation. We need to find out if anybody has been colluding in the oil industry or anywhere else to fix prices, and if they have been, they ought to go to jail for a very long time.

That investigation is going to take a while. It is going to take a while to put pressure on OPEC nations to loosen the taps and to increase production. It is going to take a while until we get incentives in the system for the small oil well drillers in the United States to boost their production.

Once that is boosted, we could be getting as many as 500,000 more barrels of oil a day. We probably have to take a look at what kind of tax laws we have to give people incentives to keep drilling even when the price of oil is low, but we need to give people relief now.

It is a compassionate move. It makes sense. Our country, the most prosperous country in the world, can afford to give some relief to taxpayers and consumers, and if we do not give that relief, we will probably pay for it later because there is going to be a slowdown in economic activity. It may start in the Midwest, but it is eventually going to send shock waves all across the country, and this country could go into a long slump because of it.

I hope to get many Senators and Members of this body as cosponsors of this legislation. We had a test vote earlier in the year, in April, on temporarily lowering the Federal gas tax. At that time, the measure received only 43 votes. It needed over 50 to pass. That was 2 months ago, and in the intervening time, oil prices have continued to skyrocket. The price which was only theoretical 2 months ago is now real. It is upon us. We need to take action.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2790

*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 "Federal Fuel Tax Relief Act of 2000".

#### SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS TO ZERO.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

"(f) TEMPORARY REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS.—

"(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero.

"(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) clauses (i) and (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), and

"(B) paragraphs (1), (2), and (3) of section 4041(a) (relating to diesel fuel and special fuels) and section 4041(m) (relating to certain alcohol fuels) with respect to fuel sold for use or used in a highway vehicle.

"(3) SPECIAL REDUCTION RULES.—In the case of a reduction under paragraph (1)—

"(A) subsection (c) shall be applied without regard to paragraph (6) thereof,

"(B) section 40(e)(1) shall be applied without regard to subparagraph (B) thereof,

"(C) section 4041(d)(1) shall be applied by disregarding 'if tax is imposed by subsection (a)(1) or (2) on such sale or use', and

"(D) section 6427(b) shall be applied without regard to paragraph (2) thereof.

"(4) PROTECTING SOCIAL SECURITY TRUST FUND.—If the Secretary, after consultation with the Director of the Office of Management and Budget, determines that such reduction would result in an aggregate reduction in revenues to the Treasury exceeding the Federal on-budget surplus during the remainder of the applicable period, the Secretary shall modify such reduction such that each rate of tax referred to in paragraph (2) is reduced in a pro rata manner and such aggregate reduction does not exceed such surplus.

"(5) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.

"(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means a 90-day period beginning on the date of the enactment of the Federal Fuel Tax Relief Act of 2000."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax reduction date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax reduction date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(2) the term "tax reduction date" means the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

#### SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendments made by this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary of the Treasury shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) FLOOR STOCKS TAX DATE.—The term "floor stocks tax date" means the date which is 90 days after the date of the enactment of this Act.

(3) APPLICABLE PERIOD.—The term "applicable period" means a 90-day period beginning on the date of the enactment of this Act.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to any liquid held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on any liquid held in the tank of a motor vehicle.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline (as defined in section 4083 of such Code) held on the floor stocks tax date by any person if the aggregate amount



of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or kerosene (as so defined) held on such date by any person if the aggregate amount of diesel fuel or kerosene held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081.

#### SEC. 5. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this Act to determine whether there has been a pass-through of such reduction.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

By Mrs. HUTCHISON:

S. 2791. A bill instituting a Federal fuels tax suspension; to the Committee on Finance.

THE FEDERAL FUELS TAX SUSPENSION ACT OF  
2000

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2791

*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 “Federal Fuels Tax Suspension Act of 2000”.

#### SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS TO ZERO.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

“(f) TEMPORARY REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS.—

“(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero.

“(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

“(A) clauses (i) and (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), and

“(B) paragraphs (1), (2), and (3) of section 4041(a) (relating to diesel fuel and special fuels) and section 4041(m) (relating to certain alcohol fuels) with respect to fuel sold for use or used in a highway vehicle.

“(3) SPECIAL REDUCTION RULES.—In the case of a reduction under paragraph (1)—

“(A) subsection (c) shall be applied without regard to paragraph (6) thereof,

“(B) section 40(e)(1) shall be applied without regard to subparagraph (B) thereof,

“(C) section 4041(d)(1) shall be applied by disregarding ‘if tax is imposed by subsection (a)(1) or (2) on such sale or use’, and

“(D) section 6427(b) shall be applied without regard to paragraph (2) thereof.

“(4) PROTECTING SOCIAL SECURITY TRUST FUND.—If the Secretary, after consultation with the Director of the Office of Management and Budget, determines that such reduction would result in an aggregate reduction in revenues to the Treasury exceeding the Federal on-budget surplus during the remainder of the applicable period, the Secretary shall modify such reduction such that each rate of tax referred to in paragraph (2) is reduced in a pro rata manner and such aggregate reduction does not exceed such surplus.

“(5) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.

“(6) APPLICABLE PERIOD.—For purposes of this subsection, the term ‘applicable period’ means the period beginning after June 25, 2000, and ending before September 5, 2000.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax reduction date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the “taxpayer”) an amount equal to the excess

of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax reduction date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms “dealer” and “held by a dealer” have the respective meanings given to such terms by section 6412 of such Code; except that the term “dealer” includes a producer, and

(2) the term “tax reduction date” means June 26, 2000.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

#### SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendments made by this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary of the Treasury shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as “held by a person” if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) FLOOR STOCKS TAX DATE.—The term “floor stocks tax date” means September 5, 2000.

(3) APPLICABLE PERIOD.—The term “applicable period” means the period beginning after June 25, 2000, and ending before September 5, 2000.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to any liquid held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on any liquid held in the tank of a motor vehicle.



(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline (as defined in section 4083 of such Code) held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or kerosene (as so defined) held on such date by any person if the aggregate amount of diesel fuel or kerosene held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081.

#### SEC. 5. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this Act to determine whether there has been a pass-through of such reduction.

(B) REPORT.—Not later than September 30, 2000, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

#### ADDITIONAL COSPONSORS

S. 210

At the request of Mr. MOYNIHAN, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 210, a bill to establish a medical education trust fund, and for other purposes.

S. 317

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Virginia (Mr. ROBB), the Senator from Vermont (Mr. LEAHY), the Senator from Ohio (Mr. DEWINE), the Senator from Oregon (Mr. WYDEN), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 1787

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1787, a bill to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2246

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2246, a bill to amend the Internal Revenue Code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory.

S. 2324

At the request of Mr. KOHL, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2324, a bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Colorado (Mr. AL-LARD) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2554

At the request of Mr. GREGG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2554, a bill to amend title XI of the Social Security Act to prohibit the display of an individual's social security number for commercial purposes without the consent of the individual.

S. 2557

At the request of Mr. MURKOWSKI, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2557, a bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

S. 2635

At the request of Mr. FRIST, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2635, a bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women.

S. 2731

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 2742

At the request of Mr. SMITH of Oregon, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2742, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes.

S. 2778

At the request of Mr. KOHL, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2778, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. RES. 268

At the request of Mr. HAGEL, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 268, a resolution

designating July 17 through July 23 as "National Fragile X Awareness Week."

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from North Dakota (Mr. CONRAD) 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. 3591

At the request of Mr. DEWINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 3591 intended to be proposed to H.R. 4577, a bill 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.

## AMENDMENTS SUBMITTED

### OCEANS ACT OF 2000

#### HOLLINGS AMENDMENT NO. 3620

Mr. THOMAS (for Mr. HOLLINGS) proposed an amendment to the bill (S. 2327) to establish a Commission on Ocean Policy, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Oceans Act of 2000".

#### SEC. 2. PURPOSE AND OBJECTIVES.

The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote—

- (1) the protection of life and property against natural and manmade hazards;
- (2) responsible stewardship, including use, of fishery resources and other ocean and coastal resources;
- (3) the protection of the marine environment and prevention of marine pollution;
- (4) the enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;
- (5) the expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities;
- (6) the continued investment in and development and improvement of the capabilities, performance, use, and efficiency of tech-

nologies for use in ocean and coastal activities, including investments and technologies designed to promote national energy and food security;

(7) close cooperation among all government agencies and departments and the private sector to ensure—

(A) coherent and consistent regulation and management of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities;

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities; and

(D) enhancement of partnerships with State and local governments with respect to ocean and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the State and local level; and

(8) the preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

#### SEC. 3. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(2) NOMINATIONS.—The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(B) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources, Transportation and Infrastructure, and Science.

(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the Ranking Members of the House Committees on Resources, Transportation and Infrastructure, and Science.

(3) CHAIRMAN.—The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for—

(A) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(B) the use and expenditure of funds available to the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

(c) RESOURCES.—In carrying out its functions under this section, the Commission—

(1) is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act, and each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information (other than information described in section 552(b)(1)(A) of title 5, United States Code) to the Commission, upon the request of the Commission;

(2) may enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and

(3) in consultation with the Ocean Studies Board of the National Research Council of the National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

(d) STAFFING.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

(e) MEETINGS.—

(1) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it:

(A) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(2) INITIAL MEETING.—The Commission shall hold its first meeting within 30 days after all 16 members have been appointed.

(3) REQUIRED PUBLIC MEETINGS.—The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States:

(A) The Northeast (including the Great Lakes).

(B) The Southeast (including the Caribbean).

(C) The Southwest (including Hawaii and the Pacific Territories).

(D) The Northwest.

(E) The Gulf of Mexico.

(f) REPORT.—

(1) IN GENERAL.—Within 18 months after the establishment of the Commission, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy.

(2) REQUIRED MATTER.—The final report of the Commission shall include the following assessment, reviews, and recommendations:

(A) An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate platforms and technologies.

(B) A review of existing and planned ocean and coastal activities of Federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of Federal efforts.

(C) A review of the cumulative effect of Federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with State ocean and coastal management regimes.

(D) A review of the known and anticipated supply of, and demand for, ocean and coastal resources of the United States.

(E) A review of and recommendations concerning the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities.

(F) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

(G) A review of previous and ongoing State and Federal efforts to enhance the effectiveness and integration of ocean and coastal activities.

(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

(I) A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

(3) CONSIDERATION OF FACTORS.—In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.

(4) LIMITATIONS.—The recommendations of the Commission shall not be specific to the lands and waters within a single State.

(g) PUBLIC AND COASTAL STATE REVIEW.—

(1) NOTICE.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that a draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on

Commerce, Science, and Transportation of the Senate.

(2) INCLUSION OF GOVERNORS' COMMENTS.—The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.

(h) ADMINISTRATIVE PROCEDURE FOR REPORT AND REVIEW.—Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review, or submission of the report required by subsection (e) or the review of that report under subsection (f).

(i) TERMINATION.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section a total of \$6,000,000 for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

#### SEC. 4. NATIONAL OCEAN POLICY.

(a) NATIONAL OCEAN POLICY.—Within 120 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

(b) COOPERATION AND CONSULTATION.—In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

#### SEC. 5. BIENNIAL REPORT.

Beginning in September, 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing of all existing Federal programs related to ocean and coastal activities, including a description of each program, the current funding for the program, linkages to other Federal programs, and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

#### SEC. 6. DEFINITIONS.

In this Act:

(1) MARINE ENVIRONMENT.—The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters;

(B) the continental shelf; and

(C) the Great Lakes.

(2) OCEAN AND COASTAL RESOURCE.—The term "ocean and coastal resource" means any living or non-living natural, historic, or cultural resource found in the marine environment.

(3) COMMISSION.—The term "Commission" means the Commission on Ocean Policy established by section 3.

#### SEC. 7. EFFECTIVE DATE.

This Act shall become effective on January 20, 2001.

### FISHERMEN'S PROTECTIVE ACT AMENDMENTS OF 2000

#### SNOWE AMENDMENT NO. 3621

Mr. THOMAS (for Ms. SNOWE) proposed an amendment to the bill (H.R.

1651) to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country; as follows:

On page 13, beginning with "Any" in line 23, strike through line 2 on page 14.

### THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

#### BINGAMAN AMENDMENTS NOS. 3622-3623

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

#### AMENDMENT NO. 3622

On page 586, following line 20, add the following:

#### SEC. 3138. CONSTRUCTION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION OFFICE COMPLEX AT KIRTLAND AIR FORCE BASE, NEW MEXICO.

(a) AUTHORITY FOR DESIGN AND CONSTRUCTION.—(1) Subject to paragraph (2), the Administrator of the National Nuclear Security Administration may provide for the design and construction of a new office complex for the National Nuclear Security Administration at the Department of Energy site located at the eastern boundary of Kirtland Air Force Base, New Mexico.

(2) The Administrator may not exercise the authority in paragraph (1) until 30 days after the date on which the report required by section 3135(a) is submitted to the Committees on Armed Services of the Senate and House of Representatives under that section.

(b) BASIS OF AUTHORITY.—The design and construction of the office complex authorized by subsection (a) shall be carried out through one or more energy savings performance contracts entered into under this section and in accordance with the provisions of title VIII of the National Energy Policy Conservation Act (42 U.S.C. 8287 et seq.).

(c) PAYMENT OF COSTS.—Amounts for payments of costs associated with the construction of the office complex authorized by subsection (a) shall be derived from energy savings and ancillary operation and maintenance savings that result from the replacement of a current Department of Energy office complex in Albuquerque, New Mexico (as identified in a feasibility study conducted under the National Defense Authorization Act for Fiscal Year 2000), with the office complex authorized by subsection (a).

#### AMENDMENT NO. 3623

On page 378, between lines 19 and 20, insert the following:

#### SEC. 1027. REPORT ON TECHNOLOGIES TO SUPPORT WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) REPORT.—Not later than March 15, 2001, the Secretary of Defense, in consultation with the Attorney General and the heads of other appropriate Federal agencies, shall submit to the congressional defense committees a report on the technologies required to

support the Weapons of Mass Destruction Civil Support Teams (WMD-CSTs).

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) The need for new technologies to support the Weapons of Mass Destruction Civil Support Teams.

(2) The appropriate role of the Department of Defense laboratories, Department of Energy laboratories, and other sources of expertise within the Federal Government in developing or adapting new technologies to support Weapons of Mass Destruction Civil Support Teams.

(3) The advisability, in light of the matters assessed under paragraphs (1) and (2), of establishing a center within the Federal Government to support Weapons of Mass Destruction Civil Support Teams, including the appropriate role, if any, for such a center.

#### REID AMENDMENT NO. 3624

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 546, after line 13, add the following:

#### SEC. 2882. ACTIVITIES RELATING TO THE GREENBELT AT FALLON NAVAL AIR STATION, NEVADA.

(a) IN GENERAL.—The Secretary of the Navy shall, in consultation with the Secretary of the Army acting through the Chief of Engineers, carry out appropriate activities after examination of the potential environmental and flight safety ramifications for irrigation that has been eliminated, or will be eliminated, for the greenbelt at Fallon Naval Air Station, Nevada. Any activities carried out under the preceding sentence shall be consistent with aircrew safety at Fallon Naval Air Station.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for operation and maintenance for the Navy such sums as may be necessary to carry out the activities required by subsection (a).

#### DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

#### COCHRAN (AND OTHERS) AMENDMENT NO. 3625

Mr. COCHRAN (for himself, Mr. KENNEDY, and Mr. FRIST) proposed an 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:

On page 27 before the colon on line 4 insert the following: “, and of which \$25,000,000 shall be made available through such Centers for the establishment of partnerships between the Federal Government and academic institutions and State and local public health departments to carry out pilot programs for antimicrobial resistance detection, surveillance, education and prevention and to conduct research on resistance mechanisms and new or more effective antimicrobial compounds.”

#### REID (AND BOXER) AMENDMENT NO. 3626

Mr. REID (for himself and Mrs. BOXER) 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 GENERAL.—There is appropriated \$10,000,000 that may be used by the Director of the National Institute for Occupational Safety and Health to—

(1) establish and maintain a national database on existing needleless systems and sharps with engineered sharps injury protections;

(2) develop a set of evaluation criteria for use by employers, employees, and other persons when they are evaluating and selecting needleless systems and sharps with engineered sharps injury protections;

(3) develop a model training curriculum to train employers, employees, and other persons on the process of evaluating needleless systems and sharps with engineered sharps injury protections and to the extent feasible to provide technical assistance to persons who request such assistance; and

(4) establish a national system to collect comprehensive data on needlestick injuries to health care workers, including data on mechanisms to analyze and evaluate prevention interventions in relation to needlestick injury occurrence.

(b) DEFINITIONS.—In this section:

(1) EMPLOYER.—The term “employer” means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(2) ENGINEERED SHARPS INJURY PROTECTIONS.—The term “engineered sharps injury protections” means—

(A) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(B) a physical attribute built into any other type of needle device, or into a non-needle sharp, which effectively reduces the risk of an exposure incident.

(3) NEEDLELESS SYSTEM.—The term “needleless system” means a device that does not use needles for—

(A) the withdrawal of body fluids after initial venous or arterial access is established;

(B) the administration of medication or fluids; and

(C) any other procedure involving the potential for an exposure incident.

(4) SHARP.—The term “sharp” means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(5) SHARPS INJURY.—The term “sharps injury” means any injury caused by a sharp, including cuts, abrasions, or needlesticks.

(c) OFFSET.—Amounts made available under this Act for the travel, consulting, and printing services 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 \$10,000,000.

#### HUTCHINSON AMENDMENT NO. 3627

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 77, line 14, insert before the period the following: “: *Provided further*, That of the

amount made available under this heading, \$10,721,000 shall be transferred to the Secretary of Health and Human Services to carry out the Social Services Block Grant program under title XX of the Social Security Act (42 U.S.C. 1397 et seq.)”.

#### NOTICE OF HEARING

##### 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 hearing will take place on Thursday, July 13 at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on Gasoline Supply Problems: Are deliverability, transportation, and refining/blending resources adequate to supply America at a reasonable price?

For further information, please call Dan Kish at 202-224-8276 or Jo Meuse at (202) 224-4756.

#### AUTHORITY FOR COMMITTEES TO MEET

##### SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, June 26, 2000, from 1:30 p.m.-5 p.m., in Dirksen 628 for the purpose of conducting a hearing.

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

#### PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that Ryan Howell from my staff be accorded floor privileges during consideration of the Labor-HHS-Education appropriations bill.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that the privilege of the floor be granted to David Bowen of my office during the pendency of the Labor-HHS appropriations bill.

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

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY NO. 106-33

Mr. SPECTER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 26, 2000, by the President of the United States: Investment Treaty with Nicaragua (Treaty Document No. 106-33).

Further, I ask unanimous consent that the treaty 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:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Denver on July 1, 1995. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Nicaragua is the fifth such treaty signed between the United States and a country of Central or South America. The Treaty will protect U.S. investment and assist Nicaragua in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex and Protocol, at an early date.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, June 26, 2000.

ORDERS FOR TUESDAY, JUNE 27,  
2000

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, June 27. I further ask unanimous consent that on Tuesday, 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 consider-

ation of the Cochran amendment No. 3625 to the Labor-Health and Human Services appropriations bill as under the previous order.

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

Mr. SPECTER. Mr. President, further, I ask unanimous consent that the Senate stand in recess from the hour of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

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

Mr. SPECTER. Mr. President, I further ask unanimous consent that following the disposition of the pending McCain amendment, Senator REID be recognized in order to call up amendment No. 3526.

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

PROGRAM

Mr. SPECTER. For the information of all Senators, on Tuesday the Senate will resume consideration of the Labor-HHS-Education bill at 9:30 a.m. Under the order, there will be closing remarks on the Cochran amendment regarding pilot programs for antimicrobial resistance monitoring and prevention with a vote to occur at approximately 9:45. Following the vote, the Senate will continue debate on amendments as they are offered. Senators may anticipate rollcall votes throughout the day.

ORDER FOR ADJOURNMENT

Mr. SPECTER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator KENNEDY.

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

Mr. SPECTER. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I understand we are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, is there a time limitation in morning business?

The PRESIDING OFFICER. The time limitation is 10 minutes.

Mr. KENNEDY. I ask unanimous consent to be able to proceed for 20 minutes.

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

Mr. KENNEDY. Mr. President, as I understand it, when we set aside the underlying legislation, before the Senate was the Cochran antimicrobial resistance amendment; am I correct?

The PRESIDING OFFICER. That's correct.

ANTIMICROBIAL RESISTANCE

Mr. KENNEDY. Mr. President, I commend my friend from Mississippi, Senator COCHRAN, and also Senator FRIST, for the introduction of the amendment. I welcome the opportunity to join with them in the hope that the Senate will accept that amendment because this amendment is focused on one of the very significant and important public health challenges that we face as a Nation, and that is antimicrobial resistance.

Microbes resistant to antibiotics are a major health threat. The World Health Organization reports that antibiotic-resistant infections acquired in hospitals kill over 14,000 people in the United States every year—that's almost two persons every hour, every day, every year. Unless we take action, drug-resistant infectious diseases will become even more widespread in the United States and kill even larger numbers of patients.

Infections resistant to antibiotics are extremely expensive to treat. It is a hundred times more expensive to treat a patient with drug-resistant TB than to treat a patient with drug-sensitive TB. The National Foundation for Infectious Diseases has estimated that the total cost of drug-resistant infections in this country is \$4 billion a year—and this cost will rise as resistant microbes become more common.

The amendment takes an important step to address this health crisis by giving the nation more tools to win the battle against antimicrobial resistance.

Overuse of existing antibiotics contributes heavily to the problem of antimicrobial resistance. Patients often demand antibiotics and doctors often prescribe them for conditions in which they are clearly ineffective. We need to educate patients and medical professionals in the more appropriate use of antibiotics.

The nation's public health agencies are under-equipped to monitor and combat resistant infections. Many public health agencies lack even such basic equipment as a fax machine, and cannot even conduct simple laboratory tests to diagnose resistant infections. We need to strengthen the capacity of public health agencies to diagnose, monitor, and deal effectively with outbreaks of resistant infections.

Many patients acquire resistant infections in hospitals. Children, the elderly and persons with reduced immune systems are particularly at risk. We can do more to prevent the spread of resistant infections by strengthening infectious disease control programs in hospitals and clinics.

We are in a race against time to find new antibiotics before microbes become resistant to those already in use. We need to increase research on how microbes become resistant to antibiotics and on new ways to fight resistant infections. If we slow the rate at which existing antibiotics are losing their effectiveness and accelerate the pace of discovery, we can win the race against antimicrobial resistance.

The measures we take against microbes resistant to antibiotics will also allow the nation to respond more effectively to terrorist attacks using biological weapons. America is a nation at risk from bioterrorism. A deadly disease plague released into a crowded airport, shopping mall or sports stadium could kill thousands. A contagious disease like smallpox released in an American city could kill millions.

To fight such attacks effectively, we must strengthen the nation's ability to recognize, diagnose and contain outbreaks of infectious disease. The additional funds that the Cochran-Frist-Kennedy amendment provides to state and local public health agencies will improve their ability to combat any disease outbreak, whether caused by microbes resistant to antibiotics, new diseases like West Nile fever, or deliberate attacks using biological weapons.

The need is urgent to begin to arm ourselves for the fight against infectious disease, bioterrorism, and microbes resistant to antibiotics. I urge my colleagues to support the amendment.

#### EDUCATION SPENDING AUTHORIZATION AND APPROPRIATIONS

Mr. KENNEDY. Mr. President, tomorrow we are going to be addressing the Labor-HHS-Education appropriations bill. In that legislation, we will have allocations of resources to fund the Federal participation in education. The federal government provides only 7 cents out of every dollar spent on education at the local level. But those are important funds for many different communities.

I regret very much that we are taking up this appropriations bill for education, before we have completed action on the authorizing bill, the Elementary and Secondary Education Act. It seems to me that we are putting the cart before the horse. We should have had a good debate and resolved the issues on education policy before funding them. Instead, we are now addressing appropriations before we even have the authorizations in hand. There are important policy issues and questions that ought to be resolved.

At the outset, I thank our friends on the Appropriations Committee for the resources they provided in a number of different programs. But I believe some programs were underfunded in the allocation of resources.

The budget is established by the majority. In this case, it was decided by

the Republican majority. The Republican Budget Resolution shortchanged education programs in order to pay for unwise tax cuts for the wealthy. In the Resolution, the Republican majority imposed cuts of more than 6%—more than \$100 billion over the next five years—in discretionary spending, including education programs.

As a result of this resolution, the allocation for education is too low. Because of that inadequate allocation, the Senate Appropriations Committee was forced to make unwise cuts in key education and other discretionary programs. This \$100 billion in order to afford a tax cut for wealthy individuals is the wrong priority.

That is what a good deal of the debate is going to be about—about whether we think we ought to have further tax cuts for wealthy individuals or whether we ought to invest in the education of the children of this country. I believe we ought to invest in the children of this country.

We didn't get the kind of allocation in the Appropriations Committee that we should have, and we are going to find, once this is approved, that it will go to the House, which has had a very significant reduction in terms of allocating resources. We are going to find further cuts in education. That troubles me.

If you look over the past years, we will see what has happened in the history of cutting education funding in appropriations bills.

We have seen, going back to 1995 when the Republicans took control of the Senate, that we had a rescission. We had money already appropriated. But then we had a rescission of \$1.7 billion below what was actually enacted in 1995.

In 1996, the House bill was \$3.9 billion below 1995.

In 1997, the Senate bill was \$3.1 billion below what the President requested.

In 1998, the House and Senate bill was \$200 million below the President's request.

In 1999, the House bill was \$2 billion below the President's request.

In 2000, the House bill was \$2.8 billion below the President's request.

In fiscal year 2001, it is \$2.9 billion below the President's request.

We have all of the statements being made by the Republican leadership about how important education is in terms of national priorities. We have our Republican Majority Leader, going back to January 1999, saying, "Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important."

That was the bill which was set aside in May of this year. Some six weeks later, we still haven't had it back in order to be able to debate it.

In remarks to the Conference of Mayors, the majority leader said: "But education is going to have a lot of atten-

tion, and it's not going to be just words. . . ."

June 22, 1999: "Education is number one on the agenda for Republicans in the Congress this year. . . ."

Then remarks to the Chamber of Commerce on February 1, 2000: "We're going to work very hard on education. I have emphasized that every year I have been majority leader. . . . And Republicans are committed to doing that."

National Conference on State Legislatures, February 3: "We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority."

April 20, the Congress Daily: "LOTT said last week his top priorities in May include an agriculture sanctions bill, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills."

May of this year: "This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education."

Then, on May 2, on elementary and secondary education: "Have you scheduled a cloture vote on that?" Senator LOTT: "No, I haven't scheduled a cloture vote. . . . But education is number one on the minds of the American people all across this country and every State, including my own state. For us to have a good, healthy and even a protracted debate on amendments on education, I think is the way to go."

This is the record. We still don't have that debate. That was 6 weeks ago. We had 6 days of debate, and 2 days of the debate were without any votes at all. We had eight amendments, and three of those we were glad to accept.

We have effectively not had the debate on education. Here we are on Monday afternoon before the Fourth of July recess, and we have the appropriations bills up with a wide variety of appropriations to support the agencies in areas of health and of education. I believe we are giving education policy short shrift. You can't draw any other conclusion—short shrift.

We were prepared to spend 15 days on bankruptcy reform but only 6 days on education—and for 2 days we couldn't vote. 15 days on bankruptcy and 53 amendments; 4 days where we had amendments on elementary and secondary education and only 8 amendments.

That is an indication of priorities. I take strong exception. I think the American people do as well.

Money in and of itself doesn't solve all of our problems, but it sure is an indication of where our national priorities are.

If I look over this chart, the Federal share of education funding has declined. Look at what has happened in higher education: 15.4 percent in 1980 has declined to 10.7 percent in 1999. Take elementary and secondary education. In 1980, it was 11.9 percent on

elementary and secondary education. In 1999, it was only 7.7 percent.

We have seen a decline in elementary and secondary education. We don't even spend 1 percent of our budget in support of elementary and secondary education. That is amazing.

Think of any of us going into any hall across this country in any part of our Nation. Ask about the priorities of people in that hall. They would say: We need national security, national defense. We have to deal with that. Certainly we do. Save Social Security and Medicare—absolutely. Deal with Medicaid—absolutely. But among their four or five priorities would be education.

I think Americans will be absolutely startled to find out that we are spending less than one penny out of every dollar on elementary and secondary education.

This is what has been happening. In the area of elementary and secondary education, K through 12, we have now gone from 1990 with 46.4 million students up to 53.4 million in 2000. 7 million additional students at a time when our participation is going down in favor of tax cuts instead of investing in the children of this country.

That is what is happening. As we start off on this debate, I think it is important to understand that. I think most parents across this country believe there ought to be a partnership, at the local level, the State level, and the Federal level in terms of participation.

However, we are not meeting our responsibilities. We get a lot of statements, a lot of quotes, a lot of press releases, but when the time comes in terms of the Budget Committee—which is controlled by that side of the aisle—allocating resources on education, they are not doing it. They are not walking the walk. They are talking the talk, but they are not walking the walk. That is one of the important issues dividing our political parties, unfortunately. I think the American people ought to understand that.

Tomorrow, we are going to have several education amendments. One which I will offer will be to try to strengthen the recruitment, training, and mentoring for teachers in this country. We need 2 million teachers. Last year, we hired—"we," meaning the States across this country—50,000 teachers who did not have certification in the courses they are teaching.

We believe we ought to guarantee to the families in this country that within 4 years every teacher in every public school will be certified. We are committed to that. We are going to offer an amendment on that. We think that is one of the better ways of going with education. When we look at the results, better prepared teachers stay longer. The earlier intervention occurs for teachers, the longer they will stay. If we give them continued help and assistance that is school based, they will remain longer.

Providing professional training and mentoring for the teachers is enormously helpful. If we have experienced teachers working with younger teachers in the classroom, they stay longer. This is enormously important. We ought to be debating and discussing these issues. Hopefully, tomorrow, we will.

Amendments to be offered by our colleagues include after school programs, accountability, and the digital divide. We are going to have a series of amendments regarding helping, assisting, and modernizing our schools. All these amendments are for worthwhile programs.

We need to have this debate. We need to have this expression. We need to call the roll to find out where our colleagues are going to stand on the issues involving education in this country.

We will, of course, have the opportunity to debate smaller class size with the Murray amendment. We have had bipartisan support for that in the past. I will not take the time tomorrow to place again in the RECORD all of the press releases we had from Newt Gingrich and Mr. ARMEY celebrating the fact that we would go to smaller class size. We had strong bipartisan support, but they have emasculated the program in the appropriations legislation. We will have an opportunity, hopefully, to debate that, as well.

The bill before the Senate includes \$2.7 billion for title VI block grants but eliminates the Federal commitment to reducing class size and does nothing to guarantee the funds for communities to address the urgent need for school repair and modernization.

Under the Class Size Reduction Program, the funds are distributed to school districts based on a formula that is targeted 80 percent by poverty and 20 percent by population. Under title VI, block grant funding is distributed based solely on population. It includes no provisions to target the funds to high poverty districts. It is basically a blank check—whatever the Governor wants to do with those funds—without the accountability which is so important and necessary.

I think people across this country want scarce resources utilized in an effective way, on proven, tested, effective programs that will enhance academic achievement and accomplishment. That is provided in the amendments we are going to offer tomorrow.

Better schools, a better education for all children, and making college more affordable are top priorities for the Nation's families and communities.

I regret very much that we are taking up this appropriations bill for education, before we have completed action on the authorizing bill, the Elementary and Secondary Education Act. In many ways, we are putting the cart before the horse again.

We have an opportunity this year to do our part to help local communities improve their schools by strengthening the Elementary and Secondary Edu-

cation Act. And, to Democrats, this is must-pass legislation.

The Republican majority has paid great lip service to the importance of education, but the reality is far different. We considered only eight amendments to that legislation over 6 days—and during 2 of these days, we were allowed to debate only, not vote. On May 9, the Republican leadership suddenly abandoned the debate, moved to other legislation, and haven't returned to it since then.

I hope that our Republican friends have just temporarily suspended the bill, and not expelled it. We owe it to the Nation's schools, students, parents, and communities to complete action on this priority legislation.

The Senate education appropriations bill now before us also has problems. It is a much better step towards funding education than the House bill, but it's not enough.

The Republican budget resolution shortchanged education programs in order to pay for unwise tax cuts for the wealthy. Because of the Republican budget resolution, the allocation for education is too low.

Because of that inadequate allocation, the Senate Appropriations Committee was forced to make unwise cuts in key education and other discretionary programs because of the unreasonably low funding level set for domestic discretionary programs in the budget resolution. In the resolution, the Republican majority imposed cuts of more than 6 percent—more than \$100 billion over the next 5 years—in discretionary spending. These cuts are far from necessary to curb uncontrolled federal spending. The opposite is true. We are already spending less on domestic discretionary programs as a percentage of GNP than we ever have. Republicans are seeking to impose these drastic cuts for one reason only—to fund the massive tax breaks for the wealthy.

This is not the time for cuts in education. We need to increase our investment in education to ensure a brighter future for the nation's children.

Unfortunately, the bill approved by the House of Representatives is a major retreat from all of these priorities. It slashed funding for education by \$2.9 billion below the President's request.

The House bill zeroes out critical funding to help states turn around failing schools.

It slashes funding for the 21st Century Learning Centers program by \$400 million below the President's request, denying 900 communities the opportunity to provide 1.6 million children with after-school activities to keep them off the streets, away from drugs, and out of trouble, and to help them with their studies.

It eliminates the bipartisan commitment to help communities across the country reduce class size in the early grades.

It cuts funding for title I by \$166 million below the President's request, reducing or eliminating services to



260,000 educationally disadvantaged children to help them master the basics and meet high standards of achievement.

It reduces funding for the Reading Excellence Act by \$26 million below the President's request, denying services to help 100,000 children become successful readers by the end of the 3rd grade.

It slashes funding for safe and drug free schools by \$51 million below the President's request, denying communities extra help to keep their students safe, healthy, and drug-free.

It does nothing to help communities meet their most urgent repair and modernization needs. Those needs are especially urgent in 5,000 schools across the country.

It slashes funding for GEAR UP by \$125 million below the President's request, denying more than 644,000 low-income middle and high school students the support they need for early college preparation and awareness activities.

It does nothing to increase funding for the teacher quality enhancement grants, so that more communities can recruit and train better qualified teachers.

It slashes funding for Head Start by \$600 million below the President's budget, denying 50,000 low-income children critical preschool services.

It slashes funding for dislocated workers by \$181 million below the President's request, denying over 100,000 dislocated workers much-needed training, job search, and re-employment services.

It reduces funding for adult job training by \$93 million below the President's request, denying 37,200 adults job training this year.

It cuts youth opportunities grants by \$200 million below the President's request, eliminating the proposed expansion to 20 new communities, reducing the current program by \$75 million, and denying 40,000 disadvantaged youth a bridge to skills and opportunities of our strong economy and alternatives to welfare and crime.

It slashed summers jobs and year-round youth training by \$21 million below the President's request, reducing the estimated number of low-income youth to be served over 12,000.

The Senate bill does take some positive steps towards better funding for education.

It increases the maximum Pell grant by \$350 to \$3,650.

It increases funding for IDEA by \$1.3 billion.

Although these are important increases, they are not enough. In too many other vital aspects of education, too many children and too many families are shortchanged by this bill.

Once again, the Republican leadership has put block grants ahead of targeted funding for education reforms. Block grants are the wrong approach. They prevent the allocation of scarce resources to the highest education priorities. They eliminate critical ac-

countability provisions that ensure better results for all children. The block grant approach abandons the national commitment to improve education by encouraging proven effective reforms of public schools.

Block grants are the wrong direction for education and the wrong direction for the nation. They do nothing to encourage change in public schools.

The bill includes \$2.7 billion more for the title VI block grant, but it eliminates the federal commitment to reducing class size. It does nothing to guarantee funds for communities to address their urgent school repair and modernization needs.

It is unconscionable to block grant critical funds that are targeted to the neediest communities to reduce class size. Under the Class Size Reduction program that has received bipartisan support for the past two years, funds are distributed based on a formula that is targeted to school districts 80 percent by poverty and 20 percent by population. But under the title VI block grant, funding is distributed based solely on population—it includes no provisions to target the funds to high poverty districts. This is unacceptable, when it is often the neediest students that are in the largest classes.

The national class size average is just over 22 students per class. But, in many communities—especially in urban and rural communities—class sizes are much higher than the national average.

In 1998, the publication Education Week found that half of the elementary teachers in urban areas and 44 percent of the teachers in nonurban areas had classes with 25 or more students.

A 1999 study found that 56 percent of the students in Portland, OR, in grades K through 3 were in classes with more than 25 students.

In fact, nationwide, K through 3 classrooms with 18 or fewer children are hard to find. For example, in 22 northern and northeastern counties in Kentucky, and in 5 districts in Mercer County, New Jersey, less than 15 percent of the children are in classes of 18 or less. Class size in New York City is an average of 28 students per class.

The federal Class Size Reduction program is making a difference. For example, in Columbus Ohio, class sizes in grades 1 through 3 have been reduced from 25 students per class to 15 students per class.

We need to invest more in this program, so that communities can continue to reduce class sizes. We should not block grant the program. If we do, it will no longer be targeted to the neediest communities, and parents will no longer be guaranteed that their children will be learning in smaller classes.

In addition, it is wrong to put the \$1.3 billion that the President requested for repairing and modernizing schools into the title VI block grant. We need to target school modernization funds to the neediest communities, and the title

VI block grant will not do that. Parents need a guarantee that they will get the support they need to help their children to school in buildings that are modern and safe, and are not overcrowded.

The bill also falls short in other areas.

It fails to increase the national investment in improving teacher quality. It provides only level funding for the teacher quality enhancement grants that are helping colleges and communities recruit and train prospective teachers more effectively.

It cuts funding for the 21st Century Community Learning Centers by \$400 million below the President's request, denying 1.6 million children access to after-school programs.

It slashes funding for GEAR UP by \$100 million below the President's request. That reduction will deny 407,000 low-income middle and high school students the help they need to go to college and succeed in college.

It slashes the title I Accountability program by \$250 million below the President's request, eliminating critical funding for states to turn around failing schools.

It slashes funding for dislocated workers by \$181 million below the President's request. As a result, 100,000 American workers who lost their jobs because of down-sizing or business relocation will go without the important services that they need to find adequate employment in their communities.

It also slashes funding for youth opportunity grants by \$125 million below the President's request, denying 27,000 youth in high-poverty communities access to vital education, training, and employment assistance, and eliminating the proposed expansion of the program to up to 15 new communities.

We should be doing more, not less, to improve public schools, to help make college affordable and accessible to every qualified student, and to increase training opportunities for the Nation's workers.

School and communities are already stretching their budgets to meet rising needs.

Nearly one third of all public schools are more than 50 years old. Fourteen million children in a third of the Nation's schools are learning in substandard buildings. Half of all schools have at least one unsatisfactory environmental condition.

The problems with crumbling school buildings aren't just the problems of the inner city. They exist in almost every community—urban, rural, and suburban.

In addition to modernizing and renovating dilapidated schools, many communities need to build new schools, in order to keep pace with rising enrollments and to reduce class sizes. Elementary and secondary school enrollment has reached an all-time high again this year of 53 million students. Enrollment will continue to rise over

the next ten years. The number will increase by 324,000 in 2000, by 282,000 in 2001, and by 250,000 in 2002—and it will continue on an upward trend in each of the following years.

To meet this urgent need, the Nation faces the challenge of hiring more than 2 million new teachers over the next ten years. According to the Urban Teacher Challenge Report, released by Recruiting New Teachers last January, almost 100 percent of the 40 urban school districts surveyed have an urgent need for teachers in at least one subject area. Ninety-five percent of urban districts report a critical need for math teachers. Ninety-eight percent report a need in science. Ninety-seven percent report a need for special education teachers.

Unfortunately, the need for new teachers in 1998 was met by admitting 50,000 unqualified teachers to the classroom. And nearly 50 percent of those who do enter teaching, leave the profession within 5 years.

Parents, schools, and communities also need special help in providing after-school activities. Each day, 5 million children, many as young as 8 or 9 years old, are left home alone after school. Juvenile delinquent crime peaks in the hours between 3 p.m. and 6 p.m. We know that children left unsupervised are more likely to be involved in anti-social activities and destructive patterns of behavior.

The Nation's schools need more help to meet all of these challenges.

In addition, many families across the Nation are struggling to put their children through college. The burden of education debt is rising. Eight million seven hundred thousand students borrowed \$32 billion in 1999 alone.

Only 53 percent of students with a family income below \$25,000 go on to higher education, and only 26 percent—1 in 4—go on to 4-year colleges. But 90 percent of students with family income above \$74,000 attend college. The opportunity for a college education should not be determined by the level of family income. Any student who has the ability, who works hard, and who wants to attend college should have the opportunity to do so.

We need to do more to fund programs such as GEAR UP that help make college a reality for more young people.

We also need to do more to help American workers who have lost their jobs because of down-sizing or business relocation to find other good jobs in their communities. Companies are doing more hiring and firing simultaneously than ever before. Workers need a new set of skills, and globalization is driving more work abroad. Greater services for dislocated workers will guarantee that workers have the skills they need as we move full speed into the information-based economy. It will also help us respond to employer needs during the current labor shortage by having an efficient labor exchange system and retraining programs.

We must also do more to emphasize keeping young people in school, increasing their enrollment in college, and preparing and placing these young people in good jobs. Only 42 percent of

dropouts participate in the labor force, compared to 65 percent of those with a high school education and 80 percent of those with a college degree.

Next week, when we have the opportunity to address education in the pending Senate appropriations bill, Democrats will offer amendments to address as many of these critical needs as possible.

I intend to offer an amendment to increase funding for title II of the Higher Education Act, to help communities recruit and train prospective teachers and put a qualified teacher in every classroom. In addition, I will offer an amendment to increase funding for skills training programs by \$792 million to ensure that the Nation's workers get the support they need in today's workplace.

Senator MURRAY will offer an amendment to continue the bipartisan commitment we have made over the last two years to help communities reduce class size in the early grades.

Senator HARKIN and Senator ROBB will offer an amendment to ensure that communities get the help they need to meet their most urgent repair and modernization problems.

Senator DODD will offer an amendment to increase funding for the 21st Century Learning Centers program, so that more children will have the opportunity to attend after-school activities.

Senator BINGAMAN will offer an amendment to help states turn around failing schools.

Senator REED will offer an amendment to increase funding for the GEAR UP program, so that more children will be able to attend college.

Other colleagues will offer additional amendments to increase the Nation's investment in education.

The time is now to invest more in education. The Nation's children and families deserve no less.

#### PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, I will take a few moments on another subject, the issue of our Patients' Bill of Rights.

A short while ago, we had an opportunity to vote on the issues on a Patients' Bill of Rights. This was basically as a result of the fact that the conference in which we are involved had reached a dead end and was going nowhere. It wasn't only my assessment of that development, but the conclusion of a great number of the conferees as well, not just the Democrats, but also those who had supported an effective Patients' Bill of Rights in the House of Representatives, Dr. NORWOOD and Dr. GANSKE. We offered an amendment on the floor, and we failed by one vote.

Now we understand the Republicans have decided that effectively they are not going to participate with the Democrats at all. They are writing their own bill. We had indicated we were still willing to participate. We wanted to get a bill.

It is interesting that the 300 organizations that represent the doctors, the patients, the nurses, the health deliv-

ery community, have all been in support of our position. They have not had a single medical organization that has supported the position taken by the Republican leadership in the Senate.

When we talk about bipartisanship, I think we ought to do what the medical professions, the patient organizations, and common sense tell us to do—to listen to doctors and nurses who have had training and follow their recommendations, rather than accountants for HMOs. That is what this bill is basically about.

In the Patients' Bill of Rights, we have outlined the various areas where we think patients need protection. We have asked those who have not been supportive of our position to spell out which protections they don't wish to provide for the American people. One, for example, is to make sure all patients are going to be covered. That is a rather basic and fundamental issue. It shouldn't take a long time to debate and discuss that. The House bill provided for comprehensive coverage for all of the patients and holds plans accountable. That seems to be common sense. Again, that was in the bipartisan bill in the House of Representatives.

In the category of access for specialists, we see a situation where a child has cancer; we want to make sure the child will see a pediatric oncologist. They ought to be able to get the specialist. We certainly have that opportunity for Members of the Senate. We ought to be able to understand that. We should guarantee the specialists.

Access to clinical trials. We are in a period of great opportunities for breakthroughs in research. The only way that breakthroughs get from the laboratory to the patient is through clinical trials. We ought to guarantee it. We don't need to study the question of clinical trials.

Access to OB/GYNs. That is common sense.

Prohibition on gag rules. We are going to take the gag off our doctors who have been trained to provide the best in medicine. They shouldn't be gagged by accountants for HMOs.

Emergency room access, another area of importance.

These are some of the points that are guaranteed.

Perhaps some of these are protections that our Republican friends don't want to guarantee. We wish they would state which ones. Why do we have to do it behind closed doors? Why not come out here and say which ones they don't want to guarantee, have some votes in the Senate, and then get legislation passed?

However, we have been buried in the darkness of our offices. We ought to have an opportunity to have matters decided or stated. These protections should be available to every American. Those Members representing our side of the aisle are committed to that. Republicans and Democrats alike in the House of Representatives were in support of it. A third of the Republicans voted for that and a few courageous Republicans in this body supported that position as well.

We should get about the business of closing this legislation down. Every day it delays people are being hurt. It is wrong. We ought to get about doing the people's business and pass a strong Patients' Bill of Rights.

To reiterate, the American people have waited more than 3 years for Congress to send the President a Patient's Bill of Rights that protects all patients and holds HMOs and other health plans accountable for their actions.

Every day that the conference on the Patient's Bill of Rights fails to produce agreement on meaningful patient protections, 60,000 more patients endure added pain and suffering. More than 40,000 patients report a worsening of their condition as a result of health plan abuses.

By all accounts, Republicans are working amongst themselves on the Patients' Bill of Rights. They are working in the middle of the night, behind closed doors, to produce a partisan bill that will surely fail the test of true reform. The crocodile tears were flowing from the eyes of the Senate Republican leadership on June 8 when we took the bipartisan, House-passed Managed Care Consensus Act to the floor for its first Senate vote. That legislation, which passed the House with overwhelming bipartisan support last year, is a sensible compromise that extends meaningful protections to all patients and guarantees that health plans be held accountable when their abuses result in injury or death.

Democratic conferees sent a letter to Senator NICKLES on June 13. In that letter, we reiterated that we remained ready to negotiate on serious proposals that provide a basis for achieving strong, effective protections. But the assistant majority leader has not responded. The silence is deafening.

We have been forewarned of what to expect from a partisan bill. The Amer-

ican people won't stand for a sham bill, and we won't either.

Make no mistake. We want a bill that can be signed into law this year. There is not much time left. We need to act now.

The Republican leadership continues to refuse to guarantee meaningful protections to all Americans. They continue to delay and deny action on this critical issue. This debate is about real people. It's about women, children, and families.

The gap between the Senate Republican plan and the bipartisan legislation enacted by the House in the Norwood-Dingell bill is wide. And the intransigence of the Republican conferees is preventing adequate progress.

Republican conferees steadfastly refuse to cover all Americans. Their flawed approach leaves out two-thirds of those with private health insurance—more than 120 million Americans.

The Senate Republican leadership says no to farmers, truck drivers, police officers, teachers, home day care providers, fire fighters, and countless others who buy insurance on their own or work for state or local governments.

The bipartisan legislation that we support and which we voted on in the Senate on June 8 covers everyone. But the Republican leadership said no.

The protections in the House-passed bill are urgently needed by patients across the country. Yet, the Republican leadership is adopting the practice of delay and denial that HMOs so often use themselves to delay and deny patients the care they need.

It's just as wrong for Congress to delay and deny these needed reforms, as it is for HMOs to delay and deny needed care.

Congress can pass bipartisan legislation that provides meaningful protections for all patients and guarantees

accountability when health plan abuse results in injury or death. The question is, will we?

The American people are waiting for an answer.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

(The remarks of Mr. FITZGERALD pertaining to the introduction of S. 2790 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FITZGERALD. I yield the floor.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., June 27.

Thereupon, the Senate, at 5:56 p.m., adjourned until Tuesday, June 27, 2000, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate June 26, 2000:

##### THE JUDICIARY

TAMAR MEEKINS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE HENRY F. GREENE, TERM EXPIRED.

GERALD FISHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RICHARD A. LEVIE, RETIRED.

##### DEPARTMENT OF STATE

JAMES A. DALEY, OF MASSACHUSETTS, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANTIGUA AND BARBUDA, TO THE COMMONWEALTH OF DOMINICA, TO GRENADA, AND TO SAINT VINCENT AND THE GRENADINES.