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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, all-powerful source of true spiritual power, authentic leadership power, and lasting inspirational power, we come to You to be empowered by Your indwelling spirit. Forgive us for our desire for the facsimiles of real power. We struggle for power, play power games, and barter for power within our parties and between our parties. Often we manipulate with quid pro quo. Sometimes we use people as things instead of using things and loving people. Help us to be so sure of Your love and so secure in Your power that we will be able to live honest, open, nonmanipulative lives.

You have told us that the truth sets us free. We commit ourselves to search for Your truth about the issues that confront us, debate the truth as You have revealed it to us, and speak the truth in love. May this be a day in which the Senate exemplifies to America and to the world the unity of those who may differ in particulars but are never divided on essential issues.

Today we thank You for the distinguished leadership of Senator TED STEVENS. Yesterday he cast his 12,000th vote as a U.S. Senator. Now we cast our votes of affirmation and appreciation for his strong and decisive leadership. Thank You for his faith in You and for his unswerving patriotism to our Nation. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. Senator MCCAIN is recognized.

Mr. MCCAIN. I thank the Chair.

SCHEDULE

Mr. MCCAIN. Mr. President, today the Senate will immediately resume consideration of the Y2K legislation with the intention of completing action on that bill this afternoon.

Following the debate of S. 96, the Senate may begin consideration of the State Department authorization bill, any appropriations bills available for action, or any other legislative or executive items on the calendar. Therefore, Senators can expect votes throughout today's session of the Senate.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

Y2K ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 96, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a two-digit expression of the year's date.

Pending:

McCain amendment No. 608, in the nature of a substitute.

Bennett (for Murkowski) amendment No. 612, to require manufacturers receiving notice of a Y2K failure to give priority to notices that involve health and safety related failures.

Mr. MCCAIN. Mr. President, I am pleased with the progress we have made thus far on this bill. We have limited the number of remaining amendments, and I am hopeful we will be able to reach agreement as to time agreements on the remaining amendments so we can conclude consideration of this important legislation.

I am also pleased we have turned back two attempts to emasculate the legislation. Those critical votes encouraged me that the Senate will be able to pass meaningful and effective legislation regarding the top priority issue for the broadest possible cross-section of the Nation's economy.

The ongoing fight between the welfare of the Nation's economy and the trial lawyers is going to reach additional crucial votes on amendments today and in final passage. Over the past few weeks, I have waited to hear rational, logical reasons for defeating this legislation or for gutting it with more compromises. I have heard none.

S. 96, with the substitute amendment offered, represents a reasonable and effective means of addressing this important issue. It represents a significant compromise from the version of S. 96 which passed out of the Commerce Committee, and even greater departure from H.R. 775 which was recently passed by the other body. It truly incorporates bipartisan discussion, negotiation, and compromise. While ensuring it is not mere window dressing or mirage, there is nothing in this bill which should be objectionable to any of my colleagues who truly want a solution to the Y2K problem rather than an excuse to protect the litigation industry. This matter is of utmost importance to the broadest cross-section of American commerce imaginable. Accounting, banking, insurance, energy, utilities, retail, wholesale, high tech, large and small, all support this effort to prevent and remedy Y2K problems and to avoid a disastrous litigation quagmire. They are unanimous and steadfast in their support for S. 96 with the Wyden and Dodd agreements.

As opponents, we have the trial lawyers, a cost center in our economy. The interests of the trial lawyers are clearly to assure a continued income stream from Y2K litigation. I have been told that over 500 law firms have established practice specialties to handle

Y2K litigation. Many of these firms are reportedly touring the country dredging for clients. Opportunistic legislation costs the economy money, time, and resources which then cannot be expended on value-added productivity.

As I have stated several times during this debate, the cost of solving the Y2K problem is staggering. Experts have estimated that businesses in the United States alone will spend $50 billion in fixing affected computers, products, and systems. But what experts have also concluded is that the real problems in costs associated with Y2K may not be the January 1 failures but the lawsuits filed to create problems where none exist.

An article in USA Today on April 28 by Kevin Maney sums it up. I quote:

Experts have increasingly been saying the Y2K problem won't be so bad, at least relative to the catastrophe once predicted. Companies and governments have worked hard to fix the bug. Y2K-related breakdowns expected by now have been mild to nonexistent. For the lawyers, this could be like training for the Olympics, then having the games called off. The concern, though, is that this species of Y2K lawyer has proliferated and now it's got to eat something. If there aren't enough legitimate cases to go around, they may dig their teeth into anything. In other words, lawyers might make sure Y2K is really bad even if it's not.

I am looking forward to continued debate on the merits of this bill with those who do object to it. I look forward to voting on other amendments and bringing this critical legislation to a successful conclusion.

I believe the two votes we took yesterday, one on the Kerry amendment and one on the Leahy amendment, clearly indicate the position of the significant majority of this body, because those two were very critical amendments. Both of them would have had a significant effect on this legislation—obviously, in my view, a significant weakening effect.

I thought the debate we had yesterday, especially with the Senator from Massachusetts but also with others, was a very important and valuable debate and contributed to the knowledge and information of all Members of the Senate. We intend very soon to propose a couple of amendments that have been agreed to by both sides, but at this time, with the absence of the minority in the Chamber, we will wait for that to happen.

I want to quote from a statement of ''Administration Policy'' concerning this legislation.

The administration strongly opposes S. 96 as reported by the Commerce Committee, as well as the amendment intended to be proposed by Senators MCCAIN and WYDEN as a substitute. The administration's overriding concern is that S. 96 is amended by the McCain-Wyden amendment . . .

Actually, it is McCain-Wyden-Dodd—

. . . will not enhance readiness, and may in fact decrease the incentives organizations have to be ready to assist customers and business partners to be ready for the transition of the next century. This measure would protect defendants in Y2K actions by capping punitive damages and by limiting the extent of their liability to their proportional share of damages, but would not link these benefits to those defendants' efforts to solve their customers Y2K problems now. As a result, S. 96 would reduce the liability these defendants may face, even if they do nothing, and accordingly undermine their incentives to act now when the damage due to Y2K failures can still be averted or minimized.

I have to admit, as a member of the opposition, that I have seen some fairly tortured logic associated with messages of veto threats by the administration. I am not sure I have ever seen such tortured logic as is embodied in this particular paragraph I just described.

One of the fundamental facts that has been ignored—obviously must have been ignored in this message from the Executive Office of the President, OMB—is that these companies and corporations that are all supporting this legislation are both plaintiffs and defendants. In other words, many of these companies will be bringing suit themselves or seeking to have others fix their Y2K problems and may bring it to court if that is not the case.

When we are talking about this legislation, at least according to the administration, S. 96 would reduce the liability these defendants face, even if they do nothing, and accordingly undermine their incentives to act now. One would have to have one's curiosity aroused as to why people who are prospective plaintiffs would limit their ability willingly to seek redress and to repair any problems associated with their business.

From the Clinton administration there is a ''Background Paper'' from PPI, the Progressive Policy Institute, entitled ''Avoiding the Y2K Lawsuit Frenzy, Ensuring Y2K Liability Fairness.'' I would like to quote from that. The authors are Robert Atkinson and Joseph Ward.

While the Clinton Administration has voiced support for some of the broad goals found in these bills, it has expressed serious reservations about certain provisions, in part on the grounds that their scope is unprecedented and that it is not fair to limit liability for firms in this or any circumstance. As discussed below, some of its concerns should be addressed in revised legislative language, but the overall concept of a fair liability regime is still very necessary in this case. It is important to recognize that the Year 2000 is a one-time event that appropriately deserves a one-time solution.

That seems to have been ignored by the administration. In three years, this legislation sunsets. Then we go back. No matter how zealous an advocate I happen to be for raw tort reform and product liability reform, the fact is that this legislation will be over 3 years from now.

The goal of public policy in cases like this should be the side of innovation and economic growth, and not on the side of predatory legal practices that seek to harvest the fruits of others' labor. In this regard, the bills mentioned above are similar to the Private Securities Litigation Reform Act that the Progressive Policy Institute (PPI) supported in 1995, which sought to reduce litigation that would harm economic growth or raise the cost of goods and services for most Americans. However, while PPI believes that some Y2K liability-limiting legislation is needed and that these bills provide a useful framework for action, there are certain aspects in each of the bills that appear to err too far in favor of potential defendants. In particular, it appears that some of the restrictions on who can recover both punitive damages and compensatory damages for economic loss may exclude individuals who suffer losses resulting from a defendant's reckless disregard or fraudulent behavior. In order to ensure that effective liability-limiting legislation passes Congress with required bipartisan support, both sides of the aisle should work together to responsibly and fairly address these issues.

Which we did address, thanks to Senator WYDEN and Senator DODD.

They:

Encourage remediation over litigation and the assignment of blame;

Enact fair rules that reassure businesses that honest efforts at remediation will be rewarded by limiting liability, while enforcing contracts and punishing negligence;

Promote Alternative Dispute Resolution; and

Discourage frivolous lawsuits while protecting avenues of redress for parties that suffer real injuries.

Clearly, thanks to not just the original legislation but the changes that we gladly accepted from Senator WYDEN and Senator DODD, we have addressed those concerns.

They go on to say:

The effects of abusive litigation could be further curbed by restricting the award of punitive damages. Punitive damages are meant to punish poor behavior and discourage it in the future.

Everybody knows we will not have this problem again.

However, because this is a one-time event, the only thing deterred by excessive punitive damages in Y2K cases would be remediation efforts by businesses.

Except in cases of personal injury, punitive damages should be awarded only if the plaintiff proves by clear and convincing evidence that the defendant knowingly acted with ''reckless disregard.''

Except in cases of personal injury, punitive damages should be awarded only if the plaintiff proves by clear and convincing evidence that the defendant knowingly acted with reckless disregard.

In his last State of the Union Address, President Clinton urged Congress to find solutions that would make the Y2K problem the last headache of the 20th century, rather than the first crisis of the 21st. Year 2000 liability legislation needs to be a part of that effort. By promoting Y2K remediation rather than unsubstantial and burdensome litigation, we can begin the next millennium focused on continuing this period of unprecedented economic growth, instead of unproductively squabbling over the errors of the past.

I want to point out again that already we are seeing a significant drain on our economy just fixing these problems associated with Y2K. Later on I will include in the RECORD some of the expenses that a number of major corporations and small businesses have already been required to expend that otherwise could have been spent on far

more productive and beneficial efforts, such as research and development, et cetera.

But if we add this burden, I am convinced, as are most economists, that we can have a definite deadening effect on this unprecedented economic prosperity we are experiencing thanks to the very nature of what we are trying to fix. Had it not been for this incredible information technology revolution we are going through, I know we would not be in this period of unprecedented economic prosperity. That is why I think this legislation is so important. I think in some respects you could rank this legislation among the most important that the Congress will address this year.

Again, I thank my friend, Senator WYDEN, and others on the other side of the aisle for joining together so we could obtain a significant majority that I believe will now give us room for optimism that we can pass this legislation today or, at the latest, early next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

I would like to pick up on a couple of points made by Chairman MCCAIN, and particularly on this matter of tackling the issue in a bipartisan way.

Certainly, when a consumer business gets flattened early in the next century as a result of a Y2K failure, they are not going to ask, is it a Democratic failure or a Republican failure? They are going to say: I have a problem. What is being done to fix it?

The central point we have been trying to make—Chairman MCCAIN, and Senator DODD, who is the Democratic leader of the Y2K effort, and I—is that we have spent many weeks trying to tackle this in a bipartisan way.

The fact of the matter is that when the bill came out of the Senate Commerce Committee, we were not at that time able to come before the Senate and say we did in fact have a bipartisan bill.

As a result of the negotiations that have taken place for many weeks now—led by Senator DODD, our leader, Senator FEINSTEIN of California who has great expertise in this matter, and a variety of Democrats—we have now a bill that has 11 major changes that assist consumers and plaintiffs in getting a fair shake with respect to any litigation which may develop early in the next century.

These were all areas where a number of Members on the Democratic side of the aisle thought that the original Senate Commerce Committee bill came up short. We went to Chairman MCCAIN, and we said we would like to get a good bill; we would like to get a bill the President of the United States could sign; we would like to get a bipartisan bill.

We said we had a few bottom lines. One of them was that we were not going to change jurisprudence for all time; this was going to be a time-limited bill. Chairman MCCAIN agreed to our request that this last for 36 months. This is a sunsetted piece of legislation. We insisted this bill not apply to anybody who suffers a personal injury as a result of a Y2K failure. If you are in an elevator or you suffer some other kind of grievous bodily injury as a result of a Y2K failure, all existing tort remedies apply.

We took out all the vague defenses that some people in the business community earlier thought were important. We said we are not going to give somebody protection if they just say they made a reasonable effort to go to bat for a plaintiff or the consumer.

Those 11 major changes were made to try to be responsive to what the White House and a variety of consumer groups feel strongly about.

Frankly, the area I am most interested in, in public policy, is consumer rights. I started with the Gray Panthers. I was director of the Gray Panthers for 7 years before I was elected to the House of Representatives, making sure that consumers got a fair shake and that the little guy was in a position, if they got stuck in the marketplace, to have remedies. That is at the heart of my public service career.

I believe this is a balanced bill. This forces defendants to go out and cure problems for which they have been responsible. It also tells plaintiffs we would like them to mitigate damages; we would like them to figure out ways to hold down the cost; we should direct as much as we possibly can to alternative dispute systems. Picking up on the theme of Chairman MCCAIN, that is a bipartisan proposition. I think we have been responsive to key concerns that have been made by those with reservations about this bill.

There are some areas where we cannot go. I will emphasize as we move to today's debate a couple of those big concerns. We cannot allow under our legislation the creation of new Y2K torts that are not warranted on the basis of the facts. We believe, in areas like the economic loss issue which was debated so intensely yesterday, that the appropriate remedies involve State contract law. When consumers are faced with economic losses, we want to see them get a fair shake in this area, and we believe State contract law should govern.

What we are not able to do is allow those who believe State contract law is inadequate with respect to economic losses, we cannot support them repackaging those claims as new Y2K torts. We favor the status quo. With respect to economic losses, we want to see consumers protected in the right of contract. However, this Member of the Senate thinks it would be a big mistake to create on the floor of the Senate today and in the days ahead new Y2K torts, new tort claims, that don't exist today under current law.

I am very hopeful that we are able to finish this legislation today. It is bipartisan legislation now as a result of the 11 changes that have been made. I am very hopeful the White House will not veto this legislation. I have said repeatedly that to veto a responsible bill is just like lobbing a monkey wrench into the technology engine that is driving the Nation's prosperity. That is what is going to be the real effect of vetoing a responsible bill in this area.

We continue to remain open to ideas and suggestions from colleagues. We want this bill signed. We have made, as I say, 11 major changes since this bill left the Senate Commerce Committee on a bipartisan basis under the leadership of Senator DODD, who is the Democratic leader on the Y2K issue. There are areas where we cannot go, such as the creation of new Y2K torts in this area.

I look forward to today's debate and am anxious to continue to work with colleagues in a bipartisan way. I am very optimistic that the bill the Senate hopefully will pass today will get the support of the White House.

I yield the floor.

AMENDMENT NO. 612, AS MODIFIED

Mr. MCCAIN. Mr. President, on behalf of Senator MURKOWSKI, I send a modification to amendment No. 612.

It is my understanding this amendment is acceptable to both sides.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 612), as modified, is as follows:

Section 7(c) of the bill is amended by adding at the end the following:

(5) PRIORITY.—A prospective defendant receiving more than 1 notice under this section may give priority to notices with respect to a product or service that involves a health or safety related Y2K failure.

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

The amendment (No. 612), as modified, was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to table the motion.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, there is no question that the distinguished Senator from Connecticut, Mr. DODD, and the distinguished Senator from Utah, Mr. BENNETT, have done yeomen work in alerting the land with respect to the potential Y2K changeover as of January 1, 2000. Pursuant to their diligent work, we have had hearings in

several of the committees. We have had laws passed now that allowed the parties to communicate with each other without fear of antitrust violations so they could go ahead and work to make sure that everyone was Y2K compliant.

I only came to the floor just momentarily, hearing about predatory law exercises, exercises of predatory law practices and otherwise you get what you get under the contract. The atmosphere or environment is totally out of sorts. We are hearing about a litigious society. The distinguished Senator from Connecticut again and again said, and I noted the expressions I was looking for in the morning Record: ''running to the courthouse,'' ''race to the courthouse,'' ''rushing to the courthouse,'' on and on. Again: ''shopping around to find someone with deep pockets,'' ''glitches.''

I have a glitch on my computer right now, and I know they have deep pockets, but I am not rushing to the courthouse. People who have computers want to do business. They rely on the computers for the procedures and the progress of their interests. Having practiced law actively in the courtroom for 20 years, I can tell you nobody rushes to the courthouse. Try a rush beginning this afternoon and you will find yourself standing in line. All the civil dockets and criminal dockets are full.

This panorama and environment painted by the proponents of this legislation is all out of sorts with reality. Tort claims are down. All the surveys we have had at the hearings show that tort claims are down. It is a litigious society. Everybody is suing everybody for sex discrimination or age discrimination or racial discrimination and various other suits that were unheard of 30 years ago and are now abundant on the docket. But with respect to claims, tort claims, if this afternoon I brought a summons and complaint on behalf of my distinguished chairman, I would be lucky if I could get to the courthouse during the year 1999. That is the reality.

Incidentally, the cases they talk about—litigious, frivolous cases and spurious charges and those kinds of things—and trial lawyers, they try to fit trial lawyers in there like they prey; ''predatory'' is the word used by my chairman. Trial lawyers have no time for fanciful or spurious claims whatsoever. They know when they get the client, the client does not have any money for billable hours. On the contrary, the client principally has to rely on the lawyer's faith in the claim of the client in order to take care of all the charges, all the expenses of interrogatories, discovery, the pleadings, the filings, the motions, the trial itself. And when you come to verdicts, mind you me, those who bring the claim have to get all 12 jurors by a greater weight or the preponderance of the evidence making that finding; 11 to 1 is a mistrial. So you have to get all 12 and you have to be sure there is no error within the trial.

All along, the expenses are taken care of. That is what nonpluses this particular individual Senator, in the sense I am surrounded here in the District of Columbia with 60,000 billable hour boys running around talking about ''litigious society,'' ''predatory practices,'' ''rushing to the courthouse,'' ''racing to the court,'' ''running to the courthouse,'' ''shopping around.'' Here is 59,000 lawyers registered to practice in the District of Columbia who will never see a courthouse. They will see a Congress. They will see you and me, the jurors. We are supposed to be fixed, so they work on fixing juries and running around spreading rumors and doing a favor here and getting a favor there. So that is the real world we live in.

But to paint this legislation as doing away with predatory practices and racing to the courthouse and running to the courthouse? You have a $10,000 or $20,000 computer, if you are a doctor and you have a computer, and you want it fixed. You do not want a trial. They have made it so you are bound to go out of business and not get a lawyer, if you cannot get any damages, economic damages.

The distinguished Senator from Oregon, again and again and again, says: Get what the contract says, get what the contract says, billable hours, get what the contract says. If you go buy a computer and get a warranty—and that is the contract—it is only for a certain period of time and everybody reads that warranty quick. Who says anything about economic damages? It will say something about a sound article for a sound price and they will give you some repairs after you stand in line, and so forth. But with respect to your standing in line and waiting, under this bill for 90 days, you are broke. You are out of business. You are closed down. You have lost your customers. This is a fast-moving world in which we live and small business, with all the competition, does not have in-house counsel on retainer, on billable hours, just as all the computer companies do that are force-feeding this particular measure.

That is why the Senator from South Carolina gets annoyed with the entire thrust of the measure.

With respect to its needs, let's go to the record. Under the Securities and Exchange Commission, all publicly listed companies, through their 10(k) reports to the SEC, give notice to the stockholders of the state of readiness, the worst case scenario, or the risk involved, the contingency plans to comply with any potential Y2K problem, and the cost. Many of them, most all of them—I do not know any privately. I talked with the gentleman from Yahoo. Four years ago, he was a Stanford student, and now he is well along the way. I admire him because, unlike AOL, America Online, that everybody is hugging and loving around here, dining and wining and traveling out to Virginia, Yahoo does not charge. America Online is trying for a monopoly. The cable folks have around 300,000 to 400,000; America Online has 17 million, and their push for openness, openness, openness means: Let me make sure I retain my monopoly.

In any event, all of these are publicly held companies and they are burdened with that duty, and this has been going on. We act like everything with Y2K is going to happen tomorrow. The bill gives them 90 days. We are going to give them 180 days. Tell them to go ahead and fix it. Call up everybody now; test it; find out if it is Y2K compliant.

I look forward to meeting some of these company people later today. Cisco Systems, as of December 1998, a year and a half ago: Current products are largely compliant in their 10(k) report to the SEC.

Yes, here it is. Dell Computer. Here is a distinguished gentleman who has made a tremendous success. He deserves every bit of credit. I am not talking in a cursory or derogatory fashion. I am talking in an admiring fashion. I love success and particularly business success. I give him every bit of respect. Dell Computer, as of December 14, 1998, in their report: All products shipped since January 1997 are Y2K certified, I say to the Senator from Oregon. I want him to hear that. We have it here. Dell Computer, one of the best, as of December 14, 1998, all products shipped since January 1997 are Y2K certified.

General Electric: A complete analysis of the microprocesses; Y2K compliant as of November 12, 1998.

Intel Corporation: The company has assessed the ability of its products to handle the Y2K issue and developed the list, published it and support follows. As of November 10, 1998, they will be in compliance. Deployment, integration tested, will be completed by mid-1999.

I do not have their mid-1999 report, but that is what they reported to their stockholders. That is where lawyers look at these things.

Incidentally, this Senator voted for the Securities and Exchange Commission reform with respect to the excessive reading of these filings and bringing any and every charge as a result of 10(k) filings. We did not want to require the filing and just lay the groundwork for predatory legal practices. I helped the distinguished Senator, Nancy Kassebaum, pass the airplane tort liability bill. I have been on both sides of this fence. But they have me categorized, and I love it.

The truth is, Yahoo systems are currently Y2K compliant in all respects. That is February 26, 1999.

Even writing a book with respect to this is very interesting. The book, to be published later on this summer, by Eamonn Fingleton, is ''In Praise of Hard Industries.'' I quote from page 65:

> A major part of the problem is that corporate America's top executives have not been monitoring their information technology departments as closely as they should. As Paul A. Strassmann has pointed

out, the millennium problem, for instance, is stunning evidence of ''managerial laxity.'' In his book, The Squandered Computer, Strassmann comments: ''There is absolutely no justification for allowing this condition to burst to executive attention at this late stage.''

According to Strassmann, a former chief information officer of Xerox Corporation, the computer software industry should have started getting ready for the new millennium by the early 1970s, if not the mid-1960s. He gives short shrift to the software industry's excuse that the millennium bug arose because programmers were legitimately concerned about economizing on computer space. He maintains that such economizing was justifiable only in the very earliest days of computerization, the era of punched cards, which ended in the mid-1960s. ''The insistence on retaining for more than thirty years a calendar recording system that everyone knew would fail after December 31, 1999, is inexcusable management.''

There you go. Here they come up with Chicken Little, the sky is falling, predatory law practice, racing to, running to the courthouse, whoopee to the courthouse, a total fanciful background that does not exist.

Let me come up to date. What is this? I never have read it before, but I learn. The May 1999 issue of Institutional Investors. This crowd does nothing but make money and sit around and punch. The article, on page 31, ''Y2K? Why not?''.

Mr. President, I ask unanimous consent that article be printed in the RECORD.

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

Y2K? WHY NOT?

The millennium draws near, with no shortage of dire prognostications. The Y2K computer bug, depending on which Cassandra is consulted, may bring widespread power outages, transportation foul-ups, even economic hardship. Duetsche Bank Securities chief economist Edward Yardeni, for example, believes there's a 70 percent chance that a recession—most likely severe and yearlong—will hit in 2000, all because so many computers will, at the stroke of midnight, think they're entering the 20th century.

These worries notwithstanding, most U.S. companies appear to believe they have the Y2K problem licked. A resounding 88.1 percent of the chief financial officers responding to this month's CFO Forum expect that their companies will make the transition to the next century without any computer problems. Just as important, CFOs know that outside contacts must be ready as well, and 95.2 percent say they have worked with suppliers to that end. Nearly 73 percent of respondents are convinced that their suppliers and clients will be prepared for the year 2000; only 4.8 percent worry that suppliers or clients won't be ready.

Such is the CFO's confidence that 62.7 percent of respondents believe that fears of a millennial computer crisis are overblown. And as for those predictions of economic recession, not a single CFO responding to the survey agrees. Admits economist Yardeni, ''I seem to be the only one on this planet who thinks we'll have any chance of a recession, let alone a severe one.'' He suspects that CFOs are relying too much on their tech departments' reassurances. ''I wish there was more verification of these happy tales the CFOs are reporting.''

Time will tell.

Do you feel your company's internal computer systems are prepared to make the year–2000 transition without problems?
Yes: 88.1%
No: 6.0%
Not sure: 6.0%

Have you done a dry run of your computer systems for the year-2000 transition?
Yes: 80.2%
No: 19.8%

If yes, how did they fare?
No problems: 12.1%
Few problems: 86.4%
Major problems: 1.5%

What have you done to prepare for the year-2000 transition?
Tested all systems: 87.3%
Rewrote computer code: 81.9%
Hired consultants: 75.9%
Bought new software: 86.7%
Bought new hardware: 74.7%
Worked with suppliers to ensure preparedness: 95.2%
Alerted customers to your preparations: 81.9%
Informed the Securities and Exchange Commission of your actions: 62.7%
Solicited legal advice: 47.0%

Do you think most of your company's suppliers or clients will make the year-2000 transition without trouble?
Yes: 72.6%
No: 4.8%
Not sure: 22.6%

What parts of your financial operations are vulnerable to year-2000 problems?
Billing and payment systems: 66.0%
Accounting and financial reporting: 58.5%
Cash management: 60.4%
Foreign exchange: 22.6%
Pension management: 34.0%
Payment to bondholders or shareholders: 13.2%
Risk management: 20.8%
Corporate growth and acquisitions: 13.2%
Capital-raising plans: 5.7%

How much money has your company spent preparing for the year-2000 transition?
Less than $500,000: 11.0%
$500,000 to $999,999: 6.1%
$1 million to $2.49 million: 4.9%
$2.5 million to $4.9 million: 20.7%
$5 million to $9.9 million: 12.2%
$10 million to $14.9 million: 8.5%
$15 million to $19.9 million: 4.9%
$20 million to $29.9 million: 11.0%
$30 million to $50 million: 11.0%
More than $50 million: 9.8%

Did the cost of preparing for the year-2000 transition have a material impact on your company's business or financial performance in 1998?
Yes: 16.9%
No: 83.1%

Do you expect it to have a material impact in 1999?
Yes: 10.8%
No: 85.5%
Don't know: 3.6%

Do you expect Y2K transition problems to have a material impact on your company's business or financial performance next year?
Yes: 3.6%
No: 89.2%
Don't know: 7.2%

Do you think the fears of a year-2000 crisis are overblown?
Yes: 62.7%
No: 21.7%
Don't know: 15.7%

What effect do you think year-2000 transition problems will have on U.S. business and the U.S. economy overall?
Relatively no effect: 14.3%
A few weeks of headaches: 44.2%
A few months of headaches: 37.7%
A minor drop in GDP: 3.9%
A major drop in GDP: 0.0%
Economic recession: 0.0%

The results of CFO Forum are based on quarterly surveys of a universe of 1,600 chief financial officers. Because of rounding, responses may not total 100 percent.

Mr. HOLLINGS. I thank the Presiding Officer.

These worries notwithstanding, most U.S. companies appear to believe they have the Y2K problem licked. A resounding 88.1 percent of the chief financial officers responding to this month's CFO Forum expect that their companies will make the transition to the next century without any computer problems. Just as important, CFOs know that outside contacts must be ready as well, and 95.2 percent say they have worked with suppliers to that end. Nearly 73 percent of the respondents are convinced that their suppliers and clients will be prepared for the year 2000; only 4.8 percent worry that suppliers or clients won't be ready.

Now we are going to change 200 years of tort law for 4.8 percent that still have 180 days, and the law does not give them but 90. So they must think something can happen in 90 days. We can double that. You like 90; I give you 180. Start right now. You don't have to do that. The market will take care of it, as Business Week says it is doing.

I quote further:

Such is the CFOs' confidence that 62.7 percent of respondents believe that failures of a millennial computer crisis are overblown. And as for those predictions of economic recession, not a single CFO responding to the survey agrees.

This prediction had been made some months back, last year sometime by Yardeni, a respected economist. I remember the gentleman because I was at the hearings when he used to be with Chase Manhattan. He talked that it could even cause a recession.

Not a single CFO responding to the survey agrees with that. Admits economist Yardeni, ''I seem to be the only one on this planet who thinks we'll have any chance of a recession, let alone a severe one.''

Tell Yardeni to come to the Congress. The majority around here knows we are going to have a recession—predatory practices, racing to the courthouse. There would just be a jam to get the business.

I quote:

He suspects that CFOs are relying too much on their tech departments' reassurances. ''I wish there was more verification of these happy tales * * *.''

Time will tell.

Here is the question that is printed in the particular article:

Do you feel your company's internal computer systems are prepared to make the year-2000 transition without problems?

The answer is: 88.1 percent said yes; 6 percent said no.

Next question:

Have you done a dry run of your computer systems for the year-2000 transition?

The answer is: 80.2 percent said yes; 19.8, no.

So four-fifths have already been testing as a result of the fine work by the Senator from Utah and the Senator

from Connecticut and, of course, our distinguished Senator on the Judiciary Committee, Chairman HATCH, and Senator LEAHY of Vermont.

Then you go down there:

What have you done?

They have all kinds of things down here: 86 percent bought new software. You see Dell and Intel and everybody else, they are certifying that when the purchase is made, this is Y2K compliant. Business is business. They cannot be playing around with monkey shines waiting on politicians in Washington to change the tort law. They have good sense. That is why they are successful.

Do you expect the Y2K transition problems to have a material impact on your company's business or financial performance next year?

The answer: 3.6 percent said yes; 89.2 percent said no.

Do you think the fears of a year-2000 crisis are overblown [in the business world]?

They give you a long list. You know how chambers of commerce work. They are stupid enough, by gosh, to give me a medal this year for last year when they are opposing me in the election. So don't tell me about the Chamber of Commerce. You are looking at the fellow with the Enterprise Award from the National Chamber of Commerce. But last year I got the stinkbomb. I can tell you that right now.

They send around letters and leaches and everything that I was terrible for business. So don't listen to all the letters about all of those places. None of those State chambers of commerce is complaining. I notice they got one from South Carolina. They don't know from sic'em down there about Y2K. That is one place.

You don't have to worry about what the State of North Carolina does. They will be ready come next month. They had a recent article—just yesterday morning; I should have brought that to the floor—that they are all in shape and ready to go. But for all the cases, the best I have heard, as my distinguished chairman mentioned, 80 cases—I have not been able to find that. The best authority has said that is mixed in with some other cases.

The most recent information—and brought right up to date —is the letter a month ago by Ronald Weikers who appeared before our committee, an attorney at law. Let me qualify him. The gentleman says here in this letter:

I have studied the Y2K problem carefully from the legal perspective, and have written a book entitled ''Litigating Year 2000 Cases'', which will be published by West Group in June. I frequently write and speak about the subject. I do not represent any clients that have an interest in the passage or defeat of any proposed Y2K legislation. Feel free to call me, should you have any questions.

He starts off the letter:

Thank you for speaking with me earlier. Thirteen (13) of the 44 Y2K lawsuits—

This is as of April 26—

Thirteen (13) of the 44 Y2K lawsuits that have been filed to date have been dismissed entirely or almost entirely.

There is a court system, undescribed, or improperly described, by Senators on the floor of the Senate. The court generally does not have stumblebums just sitting up there and all rushing to the courtroom: Let me give you 12 people, and here is your money, and let's go. They test the truth of all the allegations, and even agreeing with all your allegations, you still do not have a case in court.

Thirteen of them have already been dismissed.

Twelve (12) cases have been settled for moderate sums or for no money.

They are not deep-pocket cases.

The legal system is weeding out frivolous claims, and Y2K legislation is therefore unnecessary.

Thirty-five (35) cases have been filed on behalf of corporate entities, such as health care providers, retailers, manufacturers, service providers and more. Nine (9) cases have been filed on behalf of individuals. This trend will continue. Thus, the same corporations that are lobbying for Y2K legislation may be limiting their own rights to recover remediation costs or damages.

That is signed by Ronald N. Weikers. We asked yesterday, and he has updated the 44 to 50. He has added six more since that time, which we have here for the record.

So there is all the law and the Securities and Exchange Commission requiring that you notify your stockholders about any and all problems, and what are you doing about it, and the potential costs. And there is all of the debate in Congress, and the special law passed this year, and everything else like that.

Those who usually are on the side of corporate America—even the Washington Post says let's not just be jumping around passing laws. That is the most irritating thing. I cannot get anything done with the budget. Here we are spending over $200 billion more than we are taking in, and everybody is talking about: The surplus, the surplus, the surplus. It is not just the $127 billion from Social Security, it is the money from the Senators' retirement fund, the civil service retirement fund, the military retirees, the highway trust fund, the airport trust fund, the Federal Financing Bank. Medicare moneys are being used for Kosovo. Think of that, Senators.

But everybody is talking about whether we are going to have a spending cut or spending increase or tax cut because of the fat surpluses. I hope they will bring that thing up. I cannot get anything done about that. I can't get anything done about campaign finance. I was here when we passed it in 1974, 25 years ago. It was a good law. It did away with soft money, no cash, everything on top of the table, and limited spending in elections. Senator THURMOND and I could have had about 670,000 registered voters. Let's double it to 1½ million, 2 million. I just had to spend $5.5 million to come back here and make this talk.

I can tell you here and now, this thing is outrageous, because I am spending all my time racing around the country. Talk about small business. Raise in a year and a half to 2 years 5½ million with shares of stock in general at $100 a share. That is a pretty good business. Don't tell this politician about small business. I am a small businessman. We had to raise that money, but it is a disgrace.

We can't get anything done. Fortunately, I supported McCain-Feingold. Senator MCCAIN now has joined me on my constitutional amendment, one line: The Congress is hereby empowered to regulate or control spending in Federal elections. In fact, the States like it so much we added the States are able to control spending in State elections. Thereby, we immediately go back and we make constitutional the original act, or whatever they want to do. It doesn't disturb McCain-Feingold. We can still proceed with that and not hear the argument of the Senator from Kentucky about whether it is issue oriented or candidate oriented. All that is subjective. We will know, once we pass McCain-Feingold, it is constitutional; that we hadn't wasted time.

That is what I want. Just give the Congress its will to get rid of this cancer on the body politic. We can't get that done.

You can't get anything for the Patients' Bill of Rights. You can't get anything for the ultimate solution to Social Security. You can't get anything done about anything, but they come up with a nonproblem that everybody, corporate America and everybody else, says, look, we have been moving on. We have cut off our suppliers and everything else of that kind. Then you come to the floor with the overreach.

Well, last year we protected the consumers, and yesterday afternoon we said no protection for the consumers. They said they won't get a lawyer. I can guarantee you, they won't get a good lawyer. A lawyer who is really working for a living would say: Wait a minute, businessman. You come in here, you have to wait. You came in too quick. You have to wait 90 days before you really come in and get anything done.

In the meantime, they have been given notice so they are hiding all the records. They learned something from Rosemary Woods and President Nixon, I can tell you that. So the records are not around. They have cleaned up their records. So they know.

Otherwise, having waited that time, then you have to file; then you have to get in line. You are waiting another year. Who is the lawyer who is going to carry those expenses? He has other work to do.

So they are not going to be bringing any cases. You are not going to be able to get a lawyer with this bill. That is what is going to prevent you from getting a lawyer, because there is no economic damage. The economic damage, the real loss is not the $10,000 for the computer. It is the million-dollar loss

of customers and goodwill and the ability to serve and the loss of advertising revenues and everything else going down.

My friend from Oregon says: Well, we give you what the contract says; this bill will give you what the contract says.

Sure, it gives what the contract says. That is an oxymoron. We know it gives you what the contract says. But the contract doesn't contract for economic loss. We are talking about misrepresentation, wrongful acts, fraudulent representation, tort—not contract. So don't give me this stuff about the contract, and we are giving you exactly what the contract says.

That is our complaint. We want what States all over the Nation, all 50 States, give you right now, and we do not want to repeal that.

When we don't repeal it, then they come in in the next 180 days, the next 6 months, and they go to work and they start getting something done, because they realize this bill has either been killed in the Congress or vetoed by the President. They have to get right with the market world or get out of the way. That is the way free enterprise works. It is a wonderful thing. We all talk about it.

By the way, don't give me this thing about the computer world created all of this productivity. Sure, it increases productivity. But what really created this economy—we are not going to stand here and listen time and time again—is the 1993 economic plan. Don't give the award to Bill Gates; give it to Bob Rubin.

We were there. We had to struggle to get the votes. We had to bring in the Vice President to get the vote. They were saying over at the White House and at the Economic Council: Let us have a stimulus; we have to have a stimulus. Rubin says: No, pay the bill.

What did we do? We paid the bill. We started paying off the bill. With what? Increased taxes. With increased taxes on what? Social Security.

I voted for it. The Senator from Texas said: You voted for increased taxes on Social Security. They will hunt you down in the streets and shoot you like dogs. That is what he said.

The other Senator, Mr. Packwood, said: I will give you my house, the chairman of the Finance Committee, if this thing works.

KASICH, who is running for President, I am trying to find JOHN. I don't know whether he is running as a Democrat or Republican, because he said: If this plan works, I will change parties and become a Democrat.

We have the record. They are trying to subterfuge this as this computerization is moving overseas and asking for what? They want all the special laws. They want capital gains. They are making too much money. So they have the onslaught: Wait, estate taxes, we ought not to die and be taxed at the same time. So we have to change the formula for estate taxes. No, excuse me, immigrants. Don't pay Americans, just bring them all in. Let's have an exemption from the immigration laws. Let's have an exemption from the State tort laws. Let's do everything. Let's upset the world for the idle rich.

Come on, 22,000 millionaires for Bill Gates. I employ, by gosh, instead, 200,000 textile workers at the mill. I would much rather have that crowd. Fine for the IQ group, but I am talking about working Americans, middle America, the backbone of our democratic society.

So what we have here is an onslaught for the computer world, for capital gains, immigration laws, estate taxes, Y2K exemptions, any and every thing. They have money. They have contributions. We would like to get their contributions. So Democrats and Republicans are falling all over each other trying to show what goody-goody boys we are. We will change the State laws. We will take the rights away from consumers and injured parties. We will destroy small businesses that bought a computer. They won't even be able to get a lawyer with all of this stringout of how to bring a case and everything else of that kind.

Saying, don't worry about it, it is only for 3 years, 3 years it will be gone—if there is a crisis on January 1, it shouldn't exist for over a year. Everybody will know within a year whether they are Y2K compliant and be able to file. But no, they want to use this for further argument, and I gainsay the way they are shoving it now, not agreeing to economic damages in the Kerry amendment, turning down the Leahy amendment for consumers rights. I am afraid what I said was a footprint for the Chamber of Commerce, but rather I think they really are on a forced drive for a veto because they can use that. Who vetoed productivity, the great industry that brought all of this productivity to America? Who vetoed it?

I can see Vice President GORE trying to get up an answer to that one. That is going to be very interesting.

Senator HATCH led the way with his bill last year, and we got together and started confronting this particular problem. As I speak—and I am ready to yield now to my distinguished colleague from North Carolina—they have not 90 days, but we are giving them twice that amount. Put everybody on notice, this thing they tell me is on C-SPAN so everybody ought to know to get Y2K compliant, try it out, test your set. If it is not, go down and, by gosh, get it fixed now. Don't run to the courthouse. Run to the computer salesman who sold you the thing, because they—Dell, Intel, Yahoo, all the rest of them—are coming in and saying that everything is Y2K compliant. We can't wait around for Congress to change all the tort laws.

I yield the floor.

Mr. MCCAIN. Mr. President, I can't help but note the Senator from South Carolina mentioned Mr. Gates has 2,000 employees for millionaires.

Mr. HOLLINGS. Twenty-two thousand. That is in Time magazine, the year-end report. It is a wonderful operation.

Mr. MCCAIN. There are 22,000 millionaires. I know our respective staffs feel like millionaires for having had the opportunity of working here in the Senate with us. I know I speak for all of our staffs.

UNANIMOUS CONSENT AGREEMENT—S. 886

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 91, S. 886, the State Department reauthorization bill, at a time determined by the two leaders, and that the bill be considered under the following limitations: that the only first-degree amendments in order be the following, and that they be subject to relevant second-degree amendments, with any debate time on amendments controlled in the usual form, provided that time for debate on any second-degree amendment would be limited to that accorded the amendment to which it is offered; that upon disposition of all amendments, the bill be read the third time, and the Senate proceed to vote on passage of the bill, as amended, if amended, with no intervening action.

I submit the list of amendments.

The list is as follows:

Abraham-Grams: U.S. entry/exit controls.
Ashcroft: 4 relevant.
Baucus: 3 relevant.
Biden: 5 relevant.
Bingaman: Science counselors—embassies.
Daschle: 2 relevant.
Dodd: 3 relevant.
Durbin: Baltics and Northeast Europe.
Feingold: 4 relevant.
Feinstein: relevant.
Helms: 2 relevant.
Kerry: 3 relevant.
Leahy: 5 relevant.
Lott: 2 relevant.
Managers' amendment.
Kennedy: relevant.
Moynihan: relevant.
Reed: 2 relevant.
Reid: relevant.
Sarbanes: 3 relevant.
Thomas: veterans
Wellstone: 3 relevant.
Wellstone: trafficking.
Wellstone: child soldiers.

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

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. MCCAIN. Mr. President, I ask unanimous consent that Senator EDWARDS be recognized to offer two amendments as provided in the previous consent, and time on both amendments be limited to 1 hour total, to be equally divided in the usual form, and no amendments be in order to the Edwards amendments.

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

Mr. MCCAIN. Mr. President, before yielding, we would expect votes on the

two Edwards amendments probably within an hour or less. That is our desire, and we will clear that with the leaders on both sides.

Mr. President, I yield the floor.

Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 619 TO AMENDMENT NO. 608

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. EDWARDS] proposes an amendment numbered 619.

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

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

The amendment is as follows:

Strike Section 12 and insert the following:

"SEC. 12. DAMAGES IN TORT CLAIMS.

"A party to a Y2K action making a tort claim may only recover for economic losses to the extent allowed under applicable state or federal law in effect on January 1, 1999."

Mr. EDWARDS. Mr. President, the purpose of this amendment is to deal with section 12 of the McCain-Dodd-Wyden bill. Let me read it first to make it clear what the amendment deals with. I am quoting from the amendment now, and this would replace section 12 in the existing bill:

A party to a Y2K action making a tort claim may only recover for economic losses to the extent allowed under applicable State or Federal law in effect on January 1, 1999.

We have drawn this amendment in the narrowest possible fashion, and we did that for a number of reasons. Number one, there has been great concern voiced on the floor of the Senate about allowing and continuing to enforce existing contracts under contract law. This amendment has no impact on that whatsoever. The provisions in the McCain bill that provide for the enforcement of contract law remain in place.

I also say to my colleagues that if this amendment is adopted in the very narrow form in which it has been presented, all of the following things, which I think many Members of the Senate want to support, remain present in this bill.

Punitive damages will remain capped. The bill will continue to apply to everyone—consumers and businessmen and businesswomen. Joint and several liability is completely gone. In other words, proportionate liability, which has been a subject of great discussion, remains in place. The duty to mitigate remains in place. The 90-day waiting period remains in place. The limitations on class actions remain in place. The requirements of specificity and materiality in pleadings remain in place.

All of the things that have been discussed at great length and have been at the top of the list of what these folks have been trying to accomplish on behalf of the computer industry remain in place.

What this amendment is intended to do is close a loophole. It is a loophole that is enormous. Here is the reason. We will enforce, under the provisions of the McCain bill, a contract. The problem is, there are millions and millions of computer sales that occur in this country every year that are subject to no contract; there is no contract between the parties. Under the provisions of the McCain bill, as it is presently, if a consumer or a small businessperson purchases a computer, there is no written contract between the parties, which will be true in the vast majority of cases; so there is no contract to enforce, there is no agreement between the parties on the specific terms of what can be recovered and what the limitations of those recoveries are.

Let's suppose, in my example, that a blatant, fraudulent misrepresentation has been made to the purchaser. Unless we do something to amend this section, since there is no contract in place, we will put the purchaser in the position of being able to recover absolutely nothing but the cost of their computer. For example, a small family-run business in a small town in North Carolina—Murfreesboro, NC—buys a computer system. There is no written contract of any kind between the parties. What happens is, their computer system doesn't work; it is non-Y2K compliant. It turns out that the people who sold it to them knew it was non-Y2K compliant and, in fact, misrepresented when they made the sale that it was Y2K compliant. So we have, in fact, what probably is a criminal act in addition to everything else, a fraudulent misrepresentation.

Unless this amendment is adopted, if that family business has lost revenues, lost income, lost profits, while they continue to incur overhead, they are unable to recover even their out-of-pocket losses—the money they have to actually pay as a result of their computer being non-Y2K compliant—simply because there is no contract between the parties. That would be true even under the most egregious situation, i.e., where a fraud has occurred, where a misrepresentation has occurred, where a criminal act has occurred, even under those extreme circumstances.

Unless this amendment is adopted in its very narrowly drawn form, that purchaser, small businessperson or consumer, is limited to the recovery of the cost of their computer, even though their family-owned business, which has been in business forever, has been put out of business, even though they have lost thousands of dollars in revenue, even though they have had to pay out of their pocket for losses that have occurred as a result of a fraud committed against them. Even if the defendant can be put in jail for their conduct, this small businessperson is out of business, and what they can recover against this defendant is the cost of their computer.

There is a huge, huge loophole that exists in this bill as presently drafted, and that loophole is for all those cases across America where there is no contract. That is going to be true in the vast majority of cases. Most people don't have contracts. They go to the computer store and they buy a computer. Some computer salesman comes to their business or home and sells them a computer. So what we are left with is what happens to those folks—the folks who don't have a contract, which is going to be the vast majority of Americans, businessmen, businesswomen, consumers who have purchased computers. They are not going to have a contract.

I will tell you who will have a contract. The folks who will have contracts—therefore, their remedies will be clearly defined in the contract—will be big businesses. That will be true of the computer companies who sell their products because they can afford to hire a big team of lawyers to represent them and draft contracts for them. That will be true of big corporate purchasers of computer systems who need them in the operation of their business, such as Kaiser-Permanente and other big companies that use computers. The lawyers get together and draft the contracts and everybody knows from the beginning what the responsibilities of both the seller and the buyer are.

The problem we have is that it is not going to be the big guys who are going to be protected. It is the little guy who has absolutely no protection. The only conceivable remedy they have is in tort.

What we did in this very narrowly drafted provision is say they can recover economic losses only to the extent allowed already under State law or Federal law, which means that to the extent in Arizona there may be a limitation, or in Utah, or in Oregon, a limitation on what folks can recover and what they have to prove. There are some States that only allow pure out-of-pocket losses to be recovered—not lost profits. There are many States that have limitations on these things.

We create absolutely no cause of action, no tort claim. We create nothing that does not already exist. But we close the loophole. The loophole we close is for those millions and millions of Americans who will not have a contract. It is just that simple. All the other protections in this bill remain in place.

I want to say to my colleagues who have voted already against Senator KERRY's amendment, who intend to vote on final passage for the McCain bill, that you can vote for this amendment very narrowly drawn which closes the loophole that exists and still vote for the bill on final passage. I will not be doing that myself, because I think there are other problems in the bill. But this amendment does not create any problem with that.

I just want to point out a couple of things which were said yesterday during the debate by my friend, Senator WYDEN from Oregon.

He said:

I just think it would be a mistake given the extraordinary potential for economic calamity in the next century to change the law with respect to economic loss. We are neither broadening it nor narrowing it. We are keeping it in place.

That is a verbatim quote.

This amendment couldn't be any clearer. All it does is keep existing State law in place for those people who do not have a contract. It is that simple. If they have a contract, the contract is going to control because the section immediately preceding section 11 specifically requires that the courts enforce the existing contract. But for all those folks out there who do not have a contract and who may have been lied to, or who may have had misrepresentations made to them and are maybe subject to criminal conduct, they have no remedy whatsoever under this bill. That is the reason we have drawn it so narrowly.

Again, Senator WYDEN pointed out yesterday that he believes they should recover exactly what they are entitled to today, that the law is exactly what they are entitled to recover today, and there are numerous quotes throughout the day where Senator WYDEN spoke to this issue.

What I say to my friend Senator WYDEN is what I really believe we are doing here. I know he expressed concern yesterday about creating causes of action, creating force in Senator KERRY's bill, and I understood those concerns. What we have done is draft this in a way that can't possibly create anything. What it says is they may only recover for economic losses to the extent allowed already under existing State or Federal law.

When you put that combination in with the provision immediately preceding it that requires contracts to be enforced, then I think what we have done is closed a loophole, closed it in the narrowest possible fashion. Leave all the restrictions that already exist on economic recovery in this country in place, deal with those millions of Americans who could have been the subject of fraud, abuse, and misrepresentation and allow them to recover, because otherwise they have no possible way of recovering. They have no contract. But to the extent folks have a contract, we are going to enforce that contract. We are going to require that the courts enforce that contract.

I think this really dovetails perfectly with what I believe to be the intent of the McCain-Wyden bill.

The bottom line on this amendment is this: It is narrowly drawn. Those folks who intend to vote on final passage for the McCain bill can vote for this amendment perfectly consistent with their desire to do everything they can to protect the computer industry. But for that class of people who have no contract, who have no cause of action whatsoever, this creates nothing. It simply allows under existing law for them to pursue whatever claim they have—only those people who have absolutely no contract. If they have a contract, the contract is going to be enforced, and it ought to be enforced. I have no problem with that whatsoever.

I urge my colleagues to support this amendment. It is narrowly drawn. I think it is consistent entirely with the purposes of the McCain bill. It leaves all the protections in place that the folks who support the McCain bill believe in. It closes an enormous loophole that exists in this law at the present time.

I reserve the remainder of my time.

Mr. HATCH. Mr. President, I appreciate the remarks of my colleague, and I appreciate what he is trying to do. This bill is trying to resolve what really are unlimited litigation possibilities. If we don't pass this bill, that could really wreck our computer industry and wreck our country and would make it even more difficult to get the computer industry and everybody involved in Y2K problems to really resolve these problems in advance of the year 2000.

I rise to oppose the Edwards amendment, which basically strikes the economic loss section of S. 96, the Y2K bill.

I have followed carefully the debate of the bill. And, as of now, it is the Dodd-McCain-Hatch-Feinstein-Wyden substitute, S.1138, that we are now debating.

My observation is that during this debate there has been much confusion over the economic loss section.

Let me attempt to clarify this matter.

It is important to note that the economic loss rule is a legal principle that has been adopted by the U.S. Supreme Court and by most States.

The rule basically prevents ''tortification'' of contract law, the trend that I view with some alarm.

The rule basically mandates that when parties have entered into contracts and the contract is silent as to ''consequential damages,'' which is the contract term for economic losses, the aggrieved party may not turn around and sue in tort for economic losses. Thus, the expectation of the parties are protected from undue manipulation by trial attorneys. The party under the rule may sue under tort law only when they have suffered personal injury or damage to property other than the property in dispute.

The economic loss rule exists primarily or principally because of the importance of enforcing contractual agreements. If the parties can circumvent a contract by suing in tort for their economic losses, any contract that allocates the risk between the parties becomes worthless.

The absence of the economic loss rule would hurt contractual relations and create an economic and unnecessary economic cost to society as a whole. It would encourage suppliers to raise prices to cover all of the risks of liability and would encourage buyers to forego assurances as to the quality of the product or service. If anything goes wrong, simply sue the supplier under tort law.

The economic loss rule also reflects the belief that the parties should not be held liable for the virtually unlimited yet foreseeable economic consequences of their actions, such as the economic losses of all the people stuck in traffic in a car accident.

In light of this, most States apply the rule without regard to privity, and the vast majority of States that have considered the rule have applied it not only to products but to the services as well with some exceptions for ''professional services,'' such as lawyers and ''special relationships''.

Why then should Congress codify the economic loss rule with regard to Y2K actions or litigation?

First, adopting the economic loss rule helps identify which parties have the primary responsibility of ensuring Y2K compliance. It is one of the major goals of the Y2K legislation to encourage companies to do all they can to avoid and repair Y2K problems, and adoption of the economic loss rule helps us to do exactly that.

Second, adoption of the economic loss rule preserves the parties' ability to enter into meaningful contractual agreements and preserves existing contracts. Parties who suffer personal injury or property damage, other than to the property at issue, could still sue in tort, or in contract, while those suffering only economic damages would be able to sue in contract.

Third, adoption of the rule would strengthen existing legal standards. We have the rule in this bill, and there is very good reason to have it in this bill.

By strengthening existing legal standards, we would avoid costly and potentially abusive litigation as a result of the Y2K failures.

That is what we are trying to avoid.

This bill only lasts 3 years. It then sunsets. The bill's purpose is to get through this particularly critical time without having the Federal courts and the State courts overwhelmed by litigation, yet at the same time providing people with a means of overcoming some of these problems. That is the whole purpose of this bill.

If this amendment is adopted, that whole purpose will be subverted. It is not a loophole at all, as Senator EDWARDS contended. If we change this rule and adopt this amendment, we surely will have courts clogged, we surely will have undue and unnecessary litigation, and in the end we surely are not accomplishing what we need to accomplish—encouraging the companies to do what is right and to get the problems solved now. That is what we want to do. This bill will do more toward getting that done than anything I can think of.

Lastly, adoption of the economic loss rule would establish a uniform national rule applicable to Y2K actions. This would help to avoid the patchwork of State legal standards that would otherwise apply to Y2K problems and actions. The subtle and complex idiosyncrasies and the rule's applications by the various States strongly indicate the need for a uniform national rule with regard to Y2K actions.

Without a uniform rule, which we have in this amendment, every issue concerning Y2K liability may have to be litigated in each different State. This increases the already enormous costs of Y2K litigation.

As I stated, the Supreme Court has adopted and endorsed the economic loss rule, which has greatly influenced State law. The leading case is East River S.S. Corp. v. Transamerica Delaval, Inc. In that case, the company that chartered several steamships sued the manufacturer of the ship's turbine engines in tort for purely economic damages, including repair costs and lost profits caused by the failure of the turbines to perform properly. In a unanimous decision, the Supreme Court denied recovery in tort under the economic loss rule. The Court's ruling was based in large part on the propriety of contract law over tort law in cases involving only economic loss.

The Court goes on to say:

> The distinction that the law has drawn between tort recovery for physical injuries and warranty recovery for economic loss is not arbitrary and does not rest on the ''luck'' of one plaintiff in having an accident causing physical injury. The distinction rests, rather, on an understanding of the nature of the responsibility a manufacturer must undertake in distributing his products. When a product injures only itself the reasons for imposing a tort duty are weak and those for leaving the party to its contractual remedies are strong . . . Contract law, and the law of warranty in particular, is well suited to commercial controversies of the sort involved in this case because the parties may set the terms of their own agreements. The manufacturer can restrict its liability, within limits, by disclaiming warranties or limiting remedies. In exchange, the purchaser pays less for the product . . .

The Court's ruling was also based on the fact that allowing recovery in tort would extend the turbine manufacturer's liability indefinitely:

> Permitting recovery for all foreseeable claims for purely economic loss could make a manufacturer liable for vast sums. It would be difficult for a manufacturer to take into account the expectations of persons downstream who may encounter its product. In this case, for example, if the charterers—already one step removed from the transaction [which included the shipbuilder in between]—were permitted to recover their economic losses, then the companies that subchartered the ships might claim their economic losses from delays, and the charterers' customers also might claim their economic losses, and so on. ''The law does not spread its protections so far.''

Let me turn to state law cases. The leading case on this issue is *Huron Tool and Engineering Co.* v. *Precision Consulting Services, Inc.*, 532 N.W.2d 541 (Mich. Ct. App. 1995). In *Huron*, the Michigan Court of Appeals held that the Economic Loss Rule barred plaintiff's fraud claim against a computer consulting company to recover purely economic loss caused by alleged defects in a system provided under contract. The court explained:

> The fraudulent representations alleged by plaintiff concern the quality and characteristics of the software system sold by defendants. These representations are *indistinguishable from the terms of the contract and warranty* that plaintiff alleges were breached. Plaintiff fails to allege any wrongdoing by defendants *independent of defendant's breach of contract and warranty*. Because plaintiff's allegations of fraud are *not extraneous* to the contractual dispute, plaintiff is restricted to its contractual remedies under the UCC. The circuit court's dismissal of plaintiff's fraud claim was proper.

Hotels of Key Largo, Inc. v. *RHI Hotels, Inc.*, 694 So.2d 74, 77 (Fla.Ct. App. 1997), holding that the Economic Loss Rule barred plaintiff's fraud claim seeking to recover economic loss caused by the defendant's failure to promote the plaintiff's hotel per contractual agreement, says: ''[W]here the only alleged misrepresentation concerns the heart of the parties' agreement simply applying the label 'fraudulent inducement' to a cause of action will not suffice to subvert the sound policy rationales underlying the economic loss doctrine.''.

Raytheon Co. V. *McGraw-Edison Co., Inc.*, 979 F Supp. 858, 870–73 (E.D. Wisc. 1997), holding that the Economic Loss Rule barred tort claims, including strict-responsibility, negligent, and intentional misrepresentation claims, brought by purchaser of real property against seller to recover purely economic loss caused by environmental contaminants in the soil says: ''[T]he alleged misrepresentations forming the basis of Raytheon's fraud claims are inseparably embodied within the terms of the underlying contract . . . [Therefore,] Raytheon cannot pursue its fraud claims.''

AKA Distributing Co. V. *Whirlpool Corp.*, 137 F.3d 1083, 1087 (8th Cir. 1998), holding under Minnesota law that the Economic Loss Rule barred plaintiff's fraud claim based on defendant's statements that the plaintiff would be engaged as a vacuum-cleaner distributor for a long time despite one-year contract says: ''[I]n a suit between merchants, a fraud claim to recover economic losses must be independent of the article 2 contract or it is precluded by the economic loss doctrine.''

Standard Platforms, Ltd v. *Document Imaging Systems Corp.*, 1995 WL 691868 (N.D. Cal. 1995, an unpublished opinion holding that the Economic Loss Rule barred plaintiff's fraud claim based on defects in Jukebox disk drives manufactured by defendant says: ''In commercial settings, the same rationale that prohibits negligence claims for the recovery of economic damages also bars fraud claims that are subsumed within contractual obligations. . . . [Plaintiff's] fraud claim is precluded because it does not arise from any independent duty imposed by principles of tort law.''

This rule regarding intentional torts is not new but is in fact a restatement of old principles separating contract law from tort law. In general, breach of contract, intentional or otherwise, does not give rise to a tort claim; it is simply breach of contract. Thus many courts in addition to those above have held, without mentioning the Economic Loss Rule, that claims such as fraud emerging only from contractual duties are not actionable. *See, e.g., Bridgestone/Firestone, Inc.* V. *Recovery Credit Services, Inc.*, 98 F.3d 13 (2d Cir. 1996), holding under New York law that plaintiff's fraud claim against a collection agency to recover funds collected by the defendant under contract with the plaintiff was not actionable where the fraud claim merely restated the plaintiff's claim for breach of contract: ''[T]hese facts amount to little more than intentionally-false statements by [the defendant] indicating his intent to perform under the contract. That is not sufficient to support a claim of fraud under New York law.''

In sum, the application of the Economic Loss Rule to intentional torts, such as fraud, is best summarized by the U.S. Court of Appeals for the Eighth Circuit in *AKA Distributing Co.,* listed above:

> A fraud claim independent of the contract is actionable, but it must be based upon a misrepresentation that was outside of or collateral to the contract, such as many claims of fraudulent inducement. That distinction has been drawn by courts applying traditional contract and tort remedy principles. It has been borrowed (not always with attribution) by courts applying the economic loss doctrine to claims of fraud between parties to commercial transactions.—*AKA Distributing Co.*, 137 F.3d at 1086 (internal citations omitted).

In sum, the economic Loss provision in the Y2K act is not a radical provision or change in law. That is why I oppose its removal from the bill, which in essence the Edwards amendment would accomplish.

This is not a simple problem. This is something that we have given a lot of thought to. For those who believe we should have unlimited litigation in this country because of alleged harms, this is not going to satisfy them. For those who really want to solve the Y2K problem and to save this country trillions of dollars, the amendment of the distinguished Senator from North Carolina will not suffice.

The amendment of the Senator from North Carolina, attempts to freeze the State law of economic losses—freeze it in place. However, the States are not uniform in this area.

One of the things we want to accomplish with this Y2K bill —which is only valid for 3 years, enough to get us through this crisis—is to have uniformity of the law so everybody knows what the law is and everybody can live within the law and there will be incentives for people to solve the problems in advance, which is what this bill is all about.

The purpose of the Y2K Act is to ensure national uniformity. A national problem needs a national solution. That is why we need the national economic loss doctrine or rule, based on the trends in State law towards them. We do need uniformity if we are going to solve this problem, or these myriad of problems, in ways that literally benefit everybody in our society and not just the few who might want to take advantage of these particular difficulties that will undoubtedly exist. We all know they will exist.

The remediation section of this bill gives a 3-month time limit to resolve some of these problems. We hope we can. On the other hand, we don't want to tie up all of our courts with unnecessary litigation.

I have to emphasize again that this bill has a 3-year limit. This provision ends in 3 years. That is not a big deal. It is a big deal in the sense of trying to do what is right with regard to the potential of unnecessary litigation that this particular Y2K problem really offers.

Let me just mention, I know the distinguished Senator from North Carolina is aware that his own State has adopted the economic loss rule. Let me raise one particular case in North Carolina, the MRNC case.

Let me offer a few comments on this case.

Specifically, with respect to what losses are recoverable in the products liability suit, North Carolina's court recognized that the state follows the majority rule and does not allow the recovery of purely economic losses in an action for negligence.

It cites a number of cases which I ask with unanimous consent be printed in the RECORD.

At issue in this case is whether MRNC suffered economic loss. Central to the resolution of this issue is what constitutes economic loss. The court noted that when a product fails to perform as intended, economic loss results. Economic loss is essentially ''the loss of the benefit of the users bargain.'' ''[T]he distinguishing central future of economic loss is . . . its relation to what the product was supposed accomplish.'' So economic loss should be available for only contract claims. Tort law should not be allowed to skirt contract law. In other words, contract law should not be ''tortified.'' This is what the Y2K Act codifies. Economic loss should not be allowed in cases where a contract exists. This is the law of North Carolina and most states.

I ask unanimous consent these matters be printed in the RECORD at this particular point.

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

AT&T CORPORATION, PLAINTIFF,

v.

MEDICAL REVIEW OF NORTH CAROLINA, INC., DEFENDANT AND THIRD-PARTY PLAINTIFF,

v.

CAROLINA TELEPHONE & TELEGRAPH COMPANY AND NORTHERN TELECOM INC., THIRD-PARTY DEFENDANTS.

No. 5:94–CV–399–BR1.

United States District Court, E.D. North Carolina, Feb. 10, 1995.

Long-distance telephone company brought action against customer, seeking payment for past-due charges for long-distance telephone services. Customer counterclaimed, and brought third-party complaint against telephone company, that installed telephone system which included voice mail system, and system manufacturer, alleging manufacturer was negligent and breached implied warranty, arising from alleged telephone line access by unauthorized users via system, resulting in long-distance telephone charges. Manufacturer moved to dismiss. The District Court, Britt, J., held that: (1) under North Carolina law, customer's negligence claim against manufacturer sought to recover purely economic loss, which was not recoverable under tort law in products liability action, and (2) customer's breach of warranty claim against manufacturer was not ''product liability action'' under Products Liability Act so as to render applicable Act's relaxation of privity requirement.

Motion granted.

[1] FEDERAL CIVIL PROCEDURE 1722

170Ak1722—For purposes of motion to dismiss for failure to state claim, issue is not whether plaintiff will ultimately prevail, but whether claimant is entitled to offer evidence to support claim. Fed.Rules Civ.Proc.Rule 12(b)(6), 28 U.S.A.

[2] FEDERAL CIVIL PROCEDURE 1829

170Ak1829—For purposes of motion to dismiss for failure to state claim, complaint's allegations are construed in favor of pleader. Fed.Rules Civ.Proc.Rule 12(b)(6), 28 U.S.C.A.

[3] PRODUCTS LIABILITY 6

313Ak6—When action does not fall within scope of North Carolina's Products Liability Act, common-law principles, such as negligence, and Uniform Commercial Code still apply, but they apply without any alteration by Act, which might otherwise occur had Act applied. U.C.C. §1–101 et seq.; N.C.G.S. §99B–1(3).

[4] PRODUCTS LIABILITY 17.1

313Ak17.1—Under North Carolina law, long-distance telephone company customer's negligence claim against manufacturer of voice mail system, alleging customer suffered harm in charges for unauthorized long-distance telephone calls as result of manufacturer's failure to change standard preset dialing access code and to provide instructions and warnings concerning alteration of access code, sought to recover purely economic loss, which was not recoverable under tort law in products liability action, where allegations centered on product's failure to perform as intended, and no physical injury had occurred.

[5] PRODUCTS LIABILITY 6

313Ak6—Under North Carolina law, elements of products liability claim for negligence are evidence of standard of care owed by reasonably prudent person in similar circumstances, breach of that standard of care, injury caused directly by or proximately by breach, and loss because of injury.

[6] PRODUCTS LIABILITY 17.1

313Ak17.1—Under North Carolina law, with respect to losses that are recoverable in products liability suit, recovery of purely economic losses are not recoverable in action for negligence.

[7] SALES 425

343k425—Under North Carolina law, long-distance telephone company customer's breach of warranty claim against manufacturer of voice mail system, with which customer was not in privity, arising from charges imposed on customer for unauthorized long distance telephone calls allegedly resulting from manufacturer's failure to inform customer of system's susceptibility to toll fraud if certain precautionary measures were not taken, was not ''product liability action'' under Products Liability Act so as to render applicable Act's relaxation of privity requirement, where customer had only alleged economic loss. N.C.G.S. §99B–2(b).

See publication Words and Phrases for other judicial constructions and definitions.

[8] PRODUCTS LIABILITY 17.1

313Ak17.1—North Carolina's Products Liability Act is inapplicable to claims in which alleged defects of product manufactured by defendant caused neither personal injury nor damage to property other than to manufactured product itself. N.C.G.S. §99B–2(b).

[9] SALES 255

343k255—When claim does not fall within North Carolina's Products Liability Act, privity is still required to assert claim for breach of implied warranty when only economic loss is involved. N.C.G.S. §99B–2(b).

*92 Marcus William Trathen, Brooks, Pierce, McLendon, Humphrey & Leonard, Raleigh, NC, for AT & T Corp.

Craig A. Reutlinger, Paul B. Taylor, Van Hoy, Reutlinger & Taylor, Charlotte, NC, for Medical Review of North Carolina, Inc.

James M. Kimzey, McMillan, Kimzey & Smith, Raleigh, NC, for Carolina Tel. and Tel. Co.

ORDER

BRITT, District Judge.

Before the court are the following motions of third-party defendant Northern Telecom Inc. (''NTI''): (1) motion to dismiss, and (2) motion to stay discovery proceedings. Defendant and third-party plaintiff Medical Review of North Carolina, Inc. (''MRNC'') filed a response to the motion to dismiss and NTI replied. As the issues have been fully briefed, the matter is now ripe for disposition.

I. FACTS

In 1990, MRNC purchased a new phone system from third-party defendant Carolina Telephone & Telegraph Company (''Carolina Telephone''). Included within this system, among other things, was a Meridian Voice Mail System, manufactured by NTI. Carolina Telephone installed the phone system and entered into an agreement with MRNC to provide maintenance for the system.

Plaintiff AT & T Corporation (''AT & T'') provided certain long distance services to *93 MRNC. AT & T has calculated charges that MRNC allegedly owes for June 1992 in the amount of $93,945.59. MRNC claims that unauthorized users gained access to outside lines via the Meridian Voice Mail System and placed long distance calls. MRNC contends these unauthorized charges comprise part of the June 1992 bill.

AT & T filed a complaint against MRNC to recover these charges which were past-due. Subsequently, MRNC filed a counterclaim against AT & T and a third-party complaint. As part of its third-party complaint, MRNC alleges NTI, as the manufacturer of the Meridian Voice Mail System, was negligent and breached an implied warranty. MRNC seeks to recover of NTI charges, interest, costs and expenses it may incur as a result of the action brought by AT & T.

II. DISCUSSION

[1][2] Pursuant to Fed.R.Civ.P. 12(b)(6), NTI has filed a motion to dismiss for failure to state a claim upon which relief can be granted. With such a motion, ''the issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claim.'' Revene v. Charles County Comm'rs, 882 F.2d 870, 872 (4th Cir.1989) citing Scheuer v. Rhodes (416 U.S. 232, 236, 94 S.Ct. 1683, 1686, 40 L.Ed.2d 90 (1974)). The complaint's allegations are construed in favor of the pleader. Id.

[3] MRNC contends North Carolina's Products Liability Act pertains to its claims. This act applies to ''any action brought for or on account of personal injury, death or property damaged caused by or resulting from the manufacture . . . of any product.'' N.C.Gen.Stat. §99B–1(3). Among other things, the Act defines against whom a claimant may bring an action. See id. §99B–2. ''The Act, however, does not extensively redefine substantive law.'' Charles F. Blanchard & Doug B. Abrams, North Carolina's New Products Liability Act: A Critical Analysis, 16 Wake Forest L. Rev. 171, 173 (1980). When an action does not fall within the scope of the Act, common law principles, such as negligence, and the Uniform Commercial Code still apply; but, they apply without any alteration by the Act, which might otherwise occur had the Act applied. See Gregory v. Atrium Door and Window Co., 106 N.C.App. 142, 415 S.E.2d 574 (1992); Cato Equip. Co. v. Matthews, 91 N.C.App. 546, 372 S.E.2d 872 (1988).

A. Negligence Claim

[4][5][6] In its first claim against NTI, MRNC alleges NTI negligently failed ''to change the standard preset dialing access code in the [system] prior to delivery and installation at MRNC'' and negligently failed to give appropriate instructions and warnings concerning alteration of the standard preset dialing access code. The elements of a products liability claim for negligence are ''(1) evidence of a standard of care owed by the reasonably prudent person in similar circumstances; (2) breach of that standard of care; (3) injury caused directly or proximately by the breach; and (4) loss because of the injury.'' Travelers Ins. Co. v. Chrysler Corp., 845 F.Supp. 1122, 1125–26 (M.D.N.C. 1994) (quoting McCollum v. Grove Mfg. Co., 58 N.C.App. 283, 286, 293 S.E.2d 632, 635 (1983)). Specifically, with respect to what losses are recoverable in a products liability suit, North Carolina follows the majority rule and does not allow the recovery of purely economic losses in an action for negligence. Chicopee, Inc. v. Sims Metal Works, Inc., 98 N.C.App. 423, 432, 391 S.E.2d 211, 217, review denied and granted, 327 N.C. 426, 395, S.E.2d 674, and reconsideration denied, 327 N.C. 632, 397 S.E.2d 76 (1990), and appeal withdrawn, 328 N.C. 329, 402 S.E.2d 826 (1991). At issue in this case is whether MRNC suffered economic loss. Central to the resolution of this issue is what constitutes economic loss.

Before determining the nature of economic loss, examining the reasoning behind the majority rule disallowing recovery for such loss is instructive. The rule's rationale rests on risk allocation. See 2000 Watermark Ass'n v. Celotex Corp., 784 F.2d 1183, 1185 (4th Cir.1986) (analyzing whether South Carolina courts would adopt the majority position).

Contract law permits the parties to negotiate the allocation of risk. Even where the law acts to assign the risk through implied warranties, it can easily be shifted *94 by the use of disclaimers. No such freedom is available under tort law. Once assigned, the risk cannot be easily disclaimed. This lack of freedom seems harsh in the context of a commercial transaction, and thus the majority of courts have required that there be injury to a person or property before imposing tort liability.

The distinction that the law makes between recovery in tort for physical injuries and recovery in warranty for economic loss is hardly arbitrary. It rests upon an understanding of the nature of the responsibility a manufacturer must undertake when he distributes his products. He can reasonably be held liable for physical injuries caused by defects by requiring his products to match a standard of safety defined in terms of conditions that create unreasonable risks of harm or arise from a lack of due care.

Id. at 1185–86. The manufacturer can insure against tort risks and spread the cost of such insurance among consumers in its costs of goods. Id. at 1186.

Some courts examining the nature of the claimant's loss focus on whether the damages result from a failure of the product to perform as intended or whether they result from some peripheral hazard. See, e.g., Fireman's Fund Am. Ins. Cos. v. Burns Elec. Sec. Servs. Inc., 93 Ill.App.3d 298, 48 Ill.Dec. 729, 417 N.E.2d 131 (1980); Arell's Fine Jewelers v. Honeywell, Inc., 170 A.D.2d 1013, 566 N.Y.S.2d 505 (1991). When some hazard occurs which the parties could not reasonably be expected to have contemplated, the result is noneconomic loss. Fireman's Fund Am. Ins. Cos., 48 Ill.Dec. at 731, 417 N.E.2d at 133. Yet, when a product fails to perform as intended, economic loss results. Id. Economic loss is essentially ''the loss of the benefit of the user's bargain.'' Id. ''[T]he distinguishing central feature of economic loss is . . . its relation to what the product was supposed to accomplish.'' Id.

The Fourth Circuit apparently views physical harm as a distinguishing factor between noneconomic and economic losses. See 2000 Watermark Ass'n, Inc., 784 F.2d at 1186. ''The UCC is generally regarded as the exclusive source for ascertaining when the seller is subject to liability for damages if the claim is based on intangible economic loss and not attributable to physical injury to person or to a tangible thing other than the defective product itself.'' Id. (citing W. Page Keeton et al., Prosser and Keeton on Torts §95A, at 680 (5th ed. 1984))

The application of either approach—the benefit of the bargain approach or the physical harm approach—which North Carolina might adopt would lead to the conclusion that MRNC has suffered pure economic loss. MRNC alleges it suffered harm as a result of NTI's failure to change the standard preset dialing access code before delivery and installation at MRNC and as a result of NTI's failure to provide instructions and warnings concerning the alteration of the access code. The harm is in the form of monetary loss, if MRNC is required to pay AT & T. Clearly, MRNC's allegations center on the product's failure to meet MRNC's expectations, or in other words, failure to perform as intended. That someone might gain access to the system and place unauthorized calls could reasonably be expected to be within the parties' minds. In addition, no physical injury has occurred. The only injury MRNC asserts is damage to its financial resources. Based on the foregoing reasons, MRNC seeks to recover purely economic loss and such loss in not recoverable under tort law in a products liability action in North Carolina. North Carolina's Products Liability Act does not change this result, and the applicability of the Act is not at issue as to the claim. Therefore, NTI's motion to dismiss the negligence claim is GRANTED.

B. Breach of Implied Warranty Claim

[7] MRNC contends NTI breached an implied warranty by failing to inform MRNC of the system's susceptibility to toll fraud if certain precautionary measures, such as changing the access code, were not taken. North Carolina's Product Liability Act relaxes the privity requirement with respect to a claim for breach of implied warranty. See Sharrard, McGee & Co. v. Suz's Software, Inc., 100 N.C.App. 428, 432, 396 S.E.2d 815, 817–18 (1990).

*95 A claimant who is a buyer, as defined in the Uniform Commercial Code, of the product involved . . . may bring a product liability action directly against the manufacturer of the product involved for breach of implied warranty; and the lack of privity shall not be grounds for dismissal of such action.

N.C.Gen. Stat. §99B–2(b). This section applies to a ''product liability action'' as that term is defined in the Product Liability Act, Chapter 99B. See id. As noted previously, a ''product liability action'' is ''any action brought for or on account of personal injury, death or property damage caused by or resulting from the manufacture . . . of any product.'' Id. §99B–1(3). In the instant case, the issue is whether MRNC's breach of implied warranty claim is a ''product liability action'' under the Act, thereby abrogating the necessity of privity between MRNC and NTI.

[8][9] The Act is inapplicable to claims ''where the alleged defects of the product manufactured by the defendant caused neither personal injury nor damage to property other than to the manufactured product itself.'' Reece v. Homette Corp., 110 N.C. App. 462, 465, 429 S.E.2d 768, 769 (1993); see Cato Equip. Co., 91 N.C. App. at 549, 372 S.E.2d at 874. When the claim does not fall within the Act, privity is still required to assert a claim for breach of an implied warranty where only economic loss is involved. Gregory, 106 N.C. App. at 144, 415 S.E.2d at 575 (quoting Sharrard, McGee & Co., 100 N.C. App. at 432, 396 S.E.2d at 817–18 and questioning whether this rule is still good policy); see Arell's Fine Jewelers, Inc., 566 N.Y.S.2d at 507.

Here, MRNC does not deny that privity does not exist between itself and NTI. MRNC claims it is entitled to maintain an action under the Products Liability Act and, thus, would fall within the exception to the privity requirements in the context of breach of implied warranty. However, MRNC does not allege the defects in the Meridian Voice Mail System resulted in any physical injury or property damage. It has only alleged economic loss. See supra part II.A. In such a situation, the general rule regarding privity remains intact. Without privity, MRNC cannot maintain its breach of implied warranty claim. Therefore, NTI's motion to dismiss the breach of implied warranty claim in GRANTED.

III. CONCLUSION

For the foregoing reasons, third-party defendant NTI's motion to dismiss is GRANTED as to both claims, and as to this party the action is DISMISSED. This ruling moots NTI's motion to stay discovery proceedings and, thus, such motion is DENIED.

Mr. HATCH. Mr. President, I understand what the distinguished Senator from North Carolina is attempting to do. He is a very skilled lawyer, and a very good lawyer, and from my understanding primarily a plaintiffs' lawyer in the past. I have been both a defense and plaintiffs lawyer, and I presume maybe he has also, and I have a lot of respect for him and I understand what he is trying to do.

The fact of the matter is, we have a 3-year bill here, that sunsets in 3 years,

that is trying to solve all kinds of economic problems in our country that could cripple our country and cause a major, calamitous drop in everything if we do not have this bill, plus it could destroy our complete software and computer industry in a short period of time if we get everything tied up in litigation in this country because we are unwilling to pass this bill with this amendment on, that we have worked so hard, with Senator DODD, to bring about.

If we do not pass this bill with this amendment, as amended by this amendment, the Dodd-McCain-Hatch-Feinstein-Wyden amendment—and Sessions amendment—I apologize for leaving out Senator SESSIONS' name. He has worked hard on this bill. But if we don't pass this bill with this language in it, then I predict we will have undermined the very purposes we are here to try to enforce.

This bill is an important bill. This bill assures every aggrieved party his day in court. It does not end the ability to seek compensation. What it does, however, is to create procedural incentives that for a short time delay litigation in order to give companies the ability to fix the problem without having to wait for a judgment from some court—which could take years. But in this particular case, I want to remind all that the bill sunsets in 3 years. It is limited in a way that prevents what would be catastrophic losses in this country, unnecessary losses if this bill is enacted. That is why we should quit playing around with this bill and get it passed.

I don't care that the President of the United States says, he is not going to veto this bill. He would be nuts to veto it. This is a bipartisan bill. This amendment is a bipartisan amendment, and it has been worked out over a very long period of time and through a lot of contentious negotiations. We finally arrived at something here that can really solve these problems.

Sincerely motivated as is the distinguished Senator from North Carolina, I hope our colleagues will vote this amendment down, because it will really undermine, at least in my opinion and I think in the opinion of many others, what we are trying to do here. What we are trying to do here is in the best interests of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. If I can respond briefly to the comments of the distinguished Senator from Utah, first I say to Senator HATCH I am absolutely willing, and the people of North Carolina are willing, to live with the law in North Carolina. What my amendment does is leave all existing law in place in this very narrow area.

The problem is that, for example, I know under North Carolina law, if a fraudulent misrepresentation—if a crime—is committed, if somebody makes a fraudulent misrepresentation and as a result somebody is put out of business, they are entitled to recover their economic losses, because there is an exception for intentional fraud, there is an exception for a criminal act.

The McCain bill has no such exception. It has no exceptions at all.

Mr. HATCH. Will the Senator yield on that point?

Mr. EDWARDS. Yes, I will.

Mr. HATCH. The McCain bill doesn't affect that. If fraud is committed consumers in most states will be able to recover even economic losses under state statutes. This is not altered by the Y2K Act. So, if there is fraud committed or a criminal act committed, you are going to be able to have all your rights, even in States like North Carolina, where they codify the economic loss rule. So that is not affected by this bill at all.

The only thing that will be affected by this bill, if your amendment is adopted there will be an increase of wide open and aggressive litigation. Without your amendment, we will not have a uniformity of rule that will help us to get to the bottom of this matter. So with regard to the count on fraud, with regard to real fraud, or statutory fraud, with regard to criminal acts, the defendants will still be liable for what the distinguished Senator believes they should be liable for.

Mr. EDWARDS. I say to Senator HATCH I respectfully disagree with that. If you look at the section, it has no exceptions of that nature in it at all. It has no exception. There is a powerful limitation on the recovery of economic loss, essentially eliminating the right to recover for economic loss. And there is no exception in that section for intentional, there is no exception for fraud and misrepresentation, there is no exception for egregious, reckless conduct. None of those things is excepted from the limitation on economic loss.

I might add, to the extent we are looking for uniformity when we are going to enforce contracts—there has been a great deal of discussion about contract law—we are going to enforce contracts under State law. So whatever the State law is, in the various States across the country, is going to be enforced under State law.

So what I respectfully disagree with the Senator about is what I believe my amendment does, which is, in a very narrow fashion, it works in concert with the section immediately preceding it, and the section immediately preceding it requires every court in this land to enforce any existing contract. So if there is a contract, that contract will be enforced. It cannot be subverted by any kind of tort claim.

What my amendment does, is it allows a remedy to all those millions of people who could have been the victims of fraud, who could have been the victims of reckless conduct, who could have been the victims of carelessness and negligence, who have absolutely no remedy; they cannot recover any of their out-of-pocket losses or any of those things. What my amendment does is it creates no new torts, no causes of action, no anything. When you talk, at great length, about the economic loss rule, the Supreme Court, and how various States have adopted it, it simply leaves that law in place. That is all it does, and only for those folks who have no other remedy because they have no contract.

Mr. HATCH. Will the Senator yield?

Mr. EDWARDS. I will.

Mr. HATCH. That is what the Senator's amendment does. But in this total, overall bill, there is a statutory compensation, statutory exemption.

Most States—in fact, I think virtually all States—have consumer fraud statutes that provide for the right to sue that allow for economic loss if there is an intentional fraud or criminal violation.

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

Mr. HATCH. The underlying bill does not change that. It does provide for an exception for statutory law. Where a State has a statutory provision, this bill does not change that.

The Senator's position that intentional torts and common law fraud would not be remedied under this bill is incorrect.

Mr. EDWARDS. Only with respect to economic loss, which is what we are talking about.

In any event, my belief is, what we are dealing with is a situation where anybody, any little guy in the country who has no contract basically has no remedy. They cannot do anything.

To the extent we talk about this being just a 3-year bill, that 3-year period, in the nature of the Y2K problem, is going to cover every single Y2K problem that exists in the country. This problem is going to erupt in the year 2000. Three years is plenty of time to cover every single problem that is going to occur in this country. To the extent the argument is made that it is a limited bill, it is going to cover every single Y2K loss that will occur in this country.

What I am trying to do with this amendment, which is very narrowly drawn, is create no new claims, no new causes of action, to have a provision that works in concert with the requirement that contracts be enforced. But for all those folks who have no contract, if their State allows them to recover for out-of-pocket losses, then they would be allowed to do that. If they have been the victim of fraud, if they have been the subject of criminal conduct, if they have been the victim of simple recklessness or negligent conduct, only if their State allows that would they be allowed to recover that loss.

Every other limitation in this bill stays in place: No joint and several, caps on punitive damages, duty to mitigate, 90-day waiting period, alternative dispute resolution, limitation

on class action, specificity of pleadings and materiality—all those things stay in place.

We are simply saying for those little guys across America who do not have a team of lawyers representing them drafting contracts, they ought to have a right to recover what they had to pay out of pocket as a result of somebody being irresponsible with respect to a Y2K problem.

AMENDMENT NO. 620 TO AMENDMENT NO. 608

Mr. EDWARDS. Mr. President, I ask that the previous amendment be set aside and I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from North Carolina [Mr. EDWARDS] proposes an amendment numbered 620 to amendment No. 608.

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

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

The amendment is as follows:

On page 7 (7), line 12 (12), after ''capacity'' strike ''.'' and insert:
''; and

''(D) does not include an action in which the plaintiff's alleged harm resulted from an actual or potential Y2K failure of a product placed without reasonable care into the stream of commerce after January 1, 1999, or to a claim or defense related to an actual or potential Y2K failure of a product placed without reasonable care into the stream of commerce after January 1, 1999. However, Section 7 of this Act shall apply to such actions.''

Mr. EDWARDS. Mr. President, the purpose of this amendment is very simple. It is to provide that this bill, which provides many protections to those people who sell computer products for Y2K problems, not apply after January 1 of 1999, after this bill began its process of consideration in the Congress, because it is absolutely obvious that everybody in the country has known about this problem for many years and has been documented. It has actually been known for a period of 40 years and intensely watched over the last few years. Certainly every computer company in the world knew about Y2K before the beginning of January 1, 1999, when we began consideration of this legislation. There is a reason that this amendment is needed and necessary. Let me give an example.

There are 800 medical devices that are produced by manufacturers across this country that are date sensitive and critical to the health care of people in this country, because a malfunction can cause injury to people.

Approximately 2,000 manufacturers sell these medical devices. About 200 of those manufacturers, 10 percent, have yet to contact the FDA about whether their medical devices are Y2K compliant. After being asked numerous times by the FDA, they have given no response. These are people who have been on notice for a long time about this problem.

It is really a very simple amendment. What the amendment says is, beginning in 1999, when everybody on the planet knew that this was a huge problem, if you kept selling non-Y2K-compliant products, you certainly should not have any of the protections of this bill, with one exception: We still keep in place the 90-day cooling off or waiting period because we think it is reasonable for the manufacturer or the seller to have that period of time to look at the problem and work with the purchaser to see if it can be resolved, even if they put a product in commerce unreasonably knowing that this problem existed.

The amendment says that folks who kept selling, beginning in 1999, non-Y2K-compliant products, knowing full well that this problem existed, knowing that the Congress was about to consider legislation on this issue and knowing that they were acting irresponsibly, should not have the protection of the McCain bill. That is the purpose and reason for this amendment.

The FDA example is a perfect example. We have 200 companies out there who are unwilling to tell the FDA they have even looked to determine whether their medical products that involve the safety and lives of people are Y2K compliant.

There is nothing in the McCain bill that prevents companies from continuing—I mean through today—selling non-Y2K-compliant products. I know in the spirit in which this bill was offered and intended that my colleagues would not have intended that we continue to allow, as a nation and as a Congress, people to engage in reckless, irresponsible conduct without holding them accountable for that, even today, knowing full well this problem exists. It simply excises from protection of this bill all those folks who continue, even today, to sell non-Y2K-compliant products unreasonably; that is, knowing that they are selling non-Y2K-compliant products.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, parliamentary inquiry. Does this amendment modify the prior amendment; does it supersede the prior amendment?

The PRESIDING OFFICER. The previous amendment was set aside, and this is a separate amendment.

Mr. HATCH. Mr. President, this amendment basically is, in my opinion, too broad and too vague to provide guidance. It would cause more litigation, and what we are trying to do is prevent litigation that literally is unjustified.

This amendment does not take into account the practical reality that the standard of care is determined as part of the case. Thus, how would a plaintiff know what the pleading requirements are under S. 96 for specificity? How would they know that? If it simply depends on the allegation of the plaintiff, then no plaintiff would fall under the requirements of this bill. This could result in tremendous abuse. Talk about loopholes, this would be the biggest loophole of all in the bill. The fact of the matter is, what we are trying to do in this bill is avoid litigation.

The distinguished Senator from North Carolina talks about protecting the little guy out there, and the way that is done generally is through class actions, where the little guy gets relatively little, but those in the legal profession make a great deal. That is what we are trying to avoid, a pile of class actions that are unjustified under the circumstances where the manufacturers and all these other people go into the bunkers and get a bunker mentality rather than resolving these problems in advance. The whole purpose of this bill is to get problems resolved, to get our country through what could be one of the worst economic disasters in the country's history.

The Y2K bill before us sets an important criteria for fixing the problems. There needs to be specificity in plaintiffs' pleadings—in fact, both plaintiffs' and defendants' pleadings—so glitches can be fixed before litigation.

This amendment would allow ''reasonable care standards,'' which must be shown in negligence cases. It does not have to be pleaded with specificity. This would defeat the very purpose of this act, which is trying to get us to be more specific so those who have problems will be able to rectify those problems and remediate those problems.

The goal here is to solve problems, not allow any one side or the other to get litigation advantage. We are not trying to give the industries litigation advantage. We are not trying to give big corporations litigation advantage. We are trying to solve problems. I commend all of those on this bill who have worked so hard to do so.

If we accept this amendment, my gosh, we will not only not solve problems, we will not have specificity in pleadings, we will never know what is really going on, and we will have massive class actions all over this country that will tie this country in knots over what really are glitches that possibly could be corrected in advance.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank Senator HATCH for his very important and persuasive input in this debate. I appreciate it very much.

I did want to save a few minutes for Senator SESSIONS to make his remarks. I yield to the Senator from Alabama.

The PRESIDING OFFICER. The opponents have 4 minutes remaining.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I associate myself with the excellent analysis by Senator HATCH. He chairs the Judiciary Committee. He has had hearings on this very problem. I think he has explained the situation very well.

We need, in the course of dealing with computer Y2K problems, a uniform national rule. That is what we are attempting to do here. One of the great problems for the computer industry is that they are subject to 50 different State laws. The question is, Can they be unfairly abused in the process of massive litigation? I suggest that they could be, and actually that the entire industry could be placed in serious jeopardy.

I recall the hearings we had in the Judiciary Committee on asbestos. There were 200,000 asbestos cases already concluded, and 200,000 more are pending. Some say another 200,000 may be filed. What we know, however, is that in that litigation 70 percent of the asbestos companies are now in bankruptcy. We do not have all the lawsuits completed yet.

We also know that only 40 percent of the money they paid out actually got to the victims of this asbestos disease. That is not the way to do it, and that is what is going to happen in this case.

What the Senator from North Carolina is basically arguing is for each State to keep its own economic loss rule, as I would understand his argument. But the problem with this is that a clever State could run out tomorrow and change its economic loss rule, or the court could rule and allow a few States to drain this industry, while other States are maintaining the national rule.

First and foremost, the economic loss rule is a traditional rule of law. This statute basically says that. We will use a national rule for economic loss. It is a significant issue because we are blurring the differences between tort and contract.

Alabama used to have common law pleading in which they were very careful about how you pled a case. You had to plead in contract or you had to plead in tort. If you pled in contract, you were entitled to certain damages. If you pled in tort, you were entitled to other damages. But you had to prove different elements under each one to get a recovery. The courts have said certain actions are not tort and certain action are not contract—they are only one.

This legislation that is proposed would say, let's accept the national rule, the rule that has been clearly approved by the U.S. Supreme Court. Senator HATCH quoted from the U.S. Supreme Court in a unanimous verdict in approving this economic loss rule.

I think it would be a big mistake for us to go back to the 50–State rule instead of the uniform rule so that we can get through this one problem, the Y2K problem, and limit liability and focus our attention on fixing the problem rather than lawsuits. If we have lawsuits in every single county in America, we are not going to have 200,000, we are going to have 400,000, or more. We have to end that. I know my time is up.

The PRESIDING OFFICER. All time of the opponents has expired.

The Senator from North Carolina has—

Mr. DODD. I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from Connecticut is recognized for 1 minute.

Mr. DODD. The Senator from Alabama said it. Look, this is one of those issues where we have legislators, as Senators, who are constantly trying to find compromise. Reaching a 100-vote consensus, I guess, is the ideal representation of that. But occasionally there is just a division here. You have to make a choice on where you are going to go with this.

This is a 36-month bill to deal with a very specific, real problem. I just left a hearing this morning on the medical industry. We are not talking about personal injuries here, but to give you some idea, there are some serious problems in terms of compliance we are seeing across the country. You have to decide here whether or not you want to expand litigation, which is a legitimate point.

There are those who think the only way to deal with this is to rush to court. I respect that. I disagree with it, but respect it. Or do you decide for 36 months we are going to try to fix the problem to try to reduce the race to the courthouse?

Those of us who are in support of this bill come down on that side. The only way you are going to do it is to have some uniform standards across the country. We all know, as a practical matter—any first-year lawyer would tell you—you would run to the State that has the easiest laws and get into court.

If you disagree, you ought to vote for the Edwards amendment. If you think we ought to fix the problem, we think you should reject it so we can solve this over the next 36 months.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. I say to my friend, Senator DODD, he and I actually agree about the vast majority of what he just said. I think this bill in place, if it passes, will do all the things the computer industry wants to protect them against Y2K problems.

Joint and several liability is gone. There is a cap on punitive damages. The duty to mitigate isn't present. There is a 90-day waiting period, cooling off period. We have the 36 months. We have class action limitations. We have specificity and materiality of pleading.

This is a very narrow, simple thing that we are trying to accomplish with this first amendment. We will enforce contracts as they exist. That is what these folks have been talking about at great length, and that is exactly what we should do.

The problem is with those folks who do not have a contract, which is going to be the vast majority of Americans. When Senator SESSIONS says that the economic loss rule is a traditional rule, he is right about that. What my amendment says is that traditional rule stays in place exactly as it is.

The problem is, the provision in this bill, in the McCain bill, is not the traditional rule. It contains no exceptions of any kind—no exceptions for fraud, no exceptions for reckless conduct, no exceptions for irresponsibility. The result of that is, regular people who buy computers—small businessmen, small businesswomen, consumers, folks who do not have an army of lawyers who went in and crafted contracts on their behalf—have no remedy. They simply have no remedy; they cannot get anything, not even their out-of-pocket loss. That is what the McCain bill does.

What I have done in the narrowest conceivable fashion is drawn an amendment that allows those folks to recover only what their State law permits them to recover. It is just that simple. That is on the first amendment.

On the second amendment, I just can't imagine what the argument is against this, although I heard the distinguished Senator from Utah argue against it. The very idea that people who are today, in 1999, selling non-Y2K-compliant products irresponsibly—and that is what is required—if they sell it without knowing about it, then they are still covered by the bill. Under my amendment, if they sell it knowingly, if they sell it irresponsibly in 1999, today, it simply says: Surely the Congress of the United States is not going to protect you. You have known about this forever. We are not going to continue to protect you.

It is not going to create a flood of litigation. I have to respectfully disagree with my friend, Senator HATCH. That makes no sense at all. If the consumer didn't buy the product in 1999, and they can't show the product was sold and put into the stream of commerce irresponsibly in 1999, then the McCain bill is going to apply to them. Surely my colleagues do not want to provide this Congress's, this Senate's protection, stamp of approval for people to keep selling noncompliant Y2K products, including, in my example, people who sell medical devices that can cause injury and death to people. I just don't believe my colleagues on either side of the aisle want their stamp on allowing people to keep doing this, even though they are fully aware of it.

That is simply what my amendment addresses. It says if you are still selling this stuff, and you are selling it non-Y2K compliant, and you know what you are doing, you don't get the benefit of the McCain bill.

It couldn't be any simpler than that. I respectfully suggest to my colleagues

they do not want to put their stamp on people who have known about this problem forever and are doing nothing about it. Not only that, knowingly continuing to sell non-Y2K-compliant products that can cause injury to business, and, in the medical device fields, can cause injury to people, I just do not believe my colleagues on either side of the aisle would want to support that. This amendment cures that problem.

With that, I yield back the remainder of my time and ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered on both amendments.

VOTE ON AMENDMENT NO. 619

The PRESIDING OFFICER. The question is on agreeing to amendment No. 619. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—41

Akaka	Edwards	Mikulski
Baucus	Feingold	Murray
Bayh	Graham	Reed
Biden	Harkin	Reid
Bingaman	Hollings	Robb
Boxer	Johnson	Rockefeller
Breaux	Kennedy	Sarbanes
Bryan	Kerrey	Schumer
Byrd	Kerry	Shelby
Cleland	Kohl	Specter
Conrad	Landrieu	Thompson
Daschle	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	

NAYS—57

Abraham	Feinstein	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Moynihan
Brownback	Grams	Murkowski
Bunning	Grassley	Nickles
Burns	Gregg	Roberts
Campbell	Hagel	Roth
Chafee	Hatch	Santorum
Cochran	Helms	Sessions
Collins	Hutchinson	Smith (NH)
Coverdell	Hutchison	Smith (OR)
Craig	Inhofe	Snowe
Crapo	Jeffords	Thomas
DeWine	Kyl	Thurmond
Dodd	Lieberman	Voinovich
Domenici	Lincoln	Warner
Enzi	Lott	Wyden

NOT VOTING—2

Inouye	Stevens

The amendment (No. 619) was rejected.

VOTE ON AMENDMENT NO. 620

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 620.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 62, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—36

Akaka	Feingold	Lincoln
Biden	Graham	Mikulski
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Landrieu	Shelby
Dorgan	Lautenberg	Specter
Durbin	Leahy	Torricelli
Edwards	Levin	Wellstone

NAYS—62

Abraham	Enzi	Mack
Allard	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Moynihan
Bayh	Gorton	Murkowski
Bennett	Gramm	Nickles
Bingaman	Grams	Robb
Bond	Grassley	Roberts
Brownback	Gregg	Roth
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Campbell	Helms	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Thomas
Coverdell	Jeffords	Thompson
Craig	Kohl	Thurmond
Crapo	Kyl	Voinovich
DeWine	Lieberman	Warner
Dodd	Lott	Wyden
Domenici	Lugar	

NOT VOTING—2

Inouye	Stevens

The amendment (No. 620) was rejected.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 621 TO AMENDMENT NO. 608

(Purpose: To ensure that manufacturers provide Y2K fixes if available)

Mrs. BOXER. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 621 to amendment No. 608.

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

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

The amendment is as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make available to the plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1995; and

(ii) make available at no charge to the plaintiff a repair or replacement, if available, for a device or other product that was first introduced for sale after December 31, 1994.

(B) DAMAGES.—If a defendant fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

Mrs. BOXER. Mr. President, before I start to explain the amendment, I wonder if I may engage in a colloquy with the managers of the bill to make sure we are on the same path.

As I understand it, after conversing with Senators HOLLINGS and MCCAIN, there has been an agreement that we will have a vote at 2 o'clock on this particular amendment—I want to make sure I am correct on that—and that we will come back at 10 to 2 and each side will have 5 minutes at that time.

Mr. GORTON. Unfortunately, we have been notified of an objection to that request on this side. We cannot agree to it right now. We are going to try to work it out.

Mrs. BOXER. We will just start the debate and see how long it takes us.

Mr. President, this bill is an important bill to the State of California. I want to put it in a certain perspective. I very much want to vote for a Y2K bill, and that is why I supported the Kerry alternative which I believe is a fair and balanced bill because, after all, what we are trying to do is get the problem fixed.

A lot of times I listen to this debate and it gets very lawyerly, and that is fine. I am not an attorney. What I want to do is get the problem fixed. What I want to do is be a voice for the consumer, the person who wakes up in the morning and suddenly cannot operate his or her computer; the small businessperson who relies on this system, and, frankly, a big businessperson as well. I want to make sure what we do here does not exacerbate the problem. I want to make sure what we do here gets the problem fixed. That is what all the Senators are saying is their desire: to get the problem fixed.

The reason I support the Kerry bill and think it is preferable to the underlying bill is that I believe it is more balanced. If you are a businessperson and, as Senator HOLLINGS has pointed out, many times you make a decision based on the bottom line—most of the

time—what you will do is weigh the costs and the benefits of taking a certain action. If you have a certain number of protections the Senate has given you, and those protections mean you have a better than even chance in court of turning back a lawsuit, you are apt to say: Maybe I will just gamble and not fix this problem, because I have a cooling off period.

Frankly, in the underlying bill, the only thing that has to be done by the manufacturer involved is, he has to write to the person who thinks they may be damaged. That is all they have to do. They do not have to fix the problem. They do not even have to say they are going to fix the problem. They just have to say: Yes, I got your letter and I am looking at the situation.

Then you look at the rest of the law, and the bar is set so high that I believe some businesspeople—certainly not all—will say: I am probably better off not fixing the problem.

I go back to the original point. If your idea is to fix the problem, we ought to do something that encourages the problem to be fixed.

I totally admit, each of us brings a certain set of eyes to the bill. When I look at the underlying bill, I see some problems. Others think it is terrific, that it will lead to a fix of the problem, and therein lies the debate.

Every time I listen to this debate, I hear colleagues of mine who support this bill talk about how much they love the high-tech industry, how important the high-tech industry is to this country, how important it is that we do not do anything to reverse an economic recovery.

All I can say is, no one can love the high-tech industry more than the Senator from California—I should say the Senators from California—because it is the heart and soul of our State. I do not have to extol Silicon Valley, the genius of the place, the fact that it is now being replicated in other parts of California, in San Diego, for example, in Los Angeles, where they have these high-tech corridors. It is wonderful to see what is happening.

The last thing I want to do is hurt that kind of industry and hurt that kind of growth. But there is something a little condescending when my colleagues who support the underlying bill stand up and say: You are going to hurt the industry if you do not support the underlying bill. I think it is demeaning. I think it is demeaning to Silicon Valley.

This is a strong industry. This is an ethical industry. These are good, decent people with good business sense and a sense of social justice, if you look at what they are doing in their local communities. To make it sound as if they need special protections and they need to be coddled is something that I do not ascribe to.

I think it is a lack of respect. Yes, we have a problem here. Let's try to fix it. But to assume that this industry cannot stand up and fix a problem somehow troubles me. It is not respectful of the industry. It says there are some people who may need to have this special protection, and not fix the problem of the consumers.

So when I look at the bill, I say, what really is in this bill that will lead to a fix of the problem? I have to tell you, in my heart of hearts, I really do not see it. I support a cooling off period. I think everybody does—most people do, because we do not know exactly what is going to hit us. Let's have a cooling off period. But something ought to be done in the cooling off period—more than just simply having a letter.

If I write a letter to company X and say, ''I woke up this morning; my computer failed me; I'm a small businessperson; I'm in deep trouble; fix it,'' you know what the McCain bill says? I have a right to get a letter back within 30 days telling me what the company is going to do. What does that do for my business? What does that do for me? What does that do to help me get back on line? Nothing. As I read the bill, that is all that is required.

So I want to fix the problem. I want to do it fairly. Under this underlying bill, suppose you bought the computer in 1998 or 1999. They could charge you more for the fix than the computer itself. You might just say: I am just getting rid of this computer. I am going to go out and buy a new one. You know what. You might then go to court; you would be so angry.

So I don't see what we are doing in this bill that is real. I want to offer something that is real. That is what I do in this amendment.

I want to tell you where I got the idea for this amendment, because I want you to know I did not think it up, as much as I wish I did. The consumer groups brought this to me—not the lawyers, not the high-tech people, the consumer groups. They said: We really don't want to have to go to court. We want to fight for a fix. We have this good idea. Guess where it was found, word for word, almost. Congressman COX's and Congressman DREIER'S original bill on Y2K contains this wonderful idea that, in the cooling off period in the bill, after you write to the company or companies involved, they must write back to you. And if they determine there is a fix available—and it is their determination, nobody else's—they have to fix the problem.

What we have said in this amendment is, if the fix is on a system that is between 1990 and 1995, they can charge you the cost of the fix. So the company is out nothing, because we figure it may be a little more complicated than the later models. If it is after 1995, to 1999, then they have to do it for free, because—I have listened to Senator HOLLINGS, and perhaps he can help me out with this point—most of the companies knew about this problem a long time ago. And, more than that, a vast majority of them are fixing the problem. They are doing it for nothing.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mrs. BOXER. I am delighted to.

Mr. HOLLINGS. I am intrigued by the Senator's comments with respect to the industry itself. This Senator does not know of a lousy computer manufacturer. It is the most competitive industry in the world. You have to have the most brilliant talent around you. As they say, it changes every other year. Or every year, and so forth, it is outdated. So, that being the case, there are no real laggards or hangerson.

Right to the point, does the Senator realize, for example, that they have to file with the Securities and Exchange Commission what we call a 10–Q report; namely, of the Y2K problem? Do they know of the problem? What is the potential risk under the problem? What is to be done in order to correct that particular problem, and otherwise? What is the cost to the company? The stockholders want to know this information.

The Securities and Exchange Commission requires it. Just looking at the Boeing Company Y2K report under their 10–Q report: ''The State of Readiness. The company recognized the challenge early, and major business units started work in 1993.''

Did the Senator realize that?

Mrs. BOXER. I actually was not aware many of them started the fix that early.

Mr. HOLLINGS. Well, going further, does the Senator realize, for example—we are going to have lunch with the distinguished leader, Mr. Dell of Dell Computer—as of December 14 of last year, in their 10–Q report they state: ''All products shipped since January 1997 are Y2K-certified. Upgrade utilities have been provided for earlier hardware products''?

Mrs. BOXER. I was not aware of that, that the Dells were Y2K-compliant as of 1997.

Mr. HOLLINGS. Does the distinguished Senator realize ''no material''—no material cost? So they are not looking for a bill.

I hope we do not pass a bill. Then, when the world ends, as some of the Senators around here are saying, and the computer industry is ruined, Dell will be the only one left. I will be all for them. That is really the history of all of them. I have Yahoo. I have all the rest of them here listed.

But I think that is the point the distinguished Senator from California is making, who would know better than any, that this is a most responsible industry. They are not trying to get rid of the old models.

This particular legislation, the Senator's amendment makes sure they do not get rid of the old models. It is like a car company saying: We are going to bring out a new model come January 1, so all the old models that we sell all this year are going to have all kinds of gimmicks or glitches. But let's make them 90 days or let's let them get a letter back or something else of that

kind. If the automobile industry came to Washington and asked for that, we would laugh them out of court.

Mrs. BOXER. I want to make a point. It is a very subtle point to make. But by discussing minute after minute these special protections that go beyond the fair protections that I believe are warranted—and, by the way, my friend from Oregon made this a much better bill; I give him tremendous credit for that—but in my view, they still have special protection that, frankly, the greatest business in the world does not really need to have, because they are good people, because they are making the fixes, because their future depends upon how the consumer rates them.

Mr. HOLLINGS. Certainly.

Mrs. BOXER. What I am fearful of is that in the end we are protecting the bad apples. And I do not mean to use Apple Computer. Apple Computer got this a long time ago. They are all compliant. But we will wind up—because so much of the industry cares about this, wants to make the fixes—protecting those few that are bad. I am very worried.

Mr. DURBIN. I think the Senator makes an excellent point. I ask the Senator if she will yield for a question.

Mrs. BOXER. Yes.

Mr. DURBIN. Because many people think this is a debate between the computer and software companies versus the trial lawyers; choose whose side you are going to be on. People forget we are talking about the consumers of the products, the people who buy computers and software. These are businesses, too. These are doctors and manufacturers and retail merchants who rely on computers to work.

This bill basically says, if you bought a computer that, it turns out, stops working come January 1 in the year 2000, we are going to limit your ability to recover for wrongdoing by the person who sold it to you. We will limit it. Unlike any other category of defendants in American courts, save one that I can think of, we are going to say this is a special class of people; those who make computers and software are not going to be held accountable like the people who make automobiles, and the folks who make equipment, the folks who make virtually everything in the world, including all of us.

Everybody gathered here in this Chamber can be held liable in court for our wrongdoing. If we make a mistake, we can be brought before a jury, and they can decide whether our mistake caused someone damage. This bill says: Wait a minute, special class of Americans here. American corporations that make computers and software shall not be held liable, or at least if they are going to be held liable, under limited circumstances. So the losers in this process are not trial lawyers. The losers are other businesses that say, January 2, wait a minute, this computer is not working. I can't make a profit. I have hundreds of employees who counted on this, and now what am I supposed to do?

I say to the Senator from California, thank you for this amendment.

A couple questions. You make a point here that if we are going to generalize and say, well, there may be some bad actors in this industry that sold defective products, that we are going to, in fact, absolve all manufacturers, it is a disservice to the companies which in good faith have been doing everything in their power to bring everything up to speed. Just to make this point, is it the Senator's point that we do not want to favor those bad actors at the expense of so many good actors from Silicon Valley and across the world?

Mrs. BOXER. Absolutely. I think this argument has not been made before. Something was troubling me, as I listened to the debate, because it seemed to me that the implied sense around here is that somehow this wonderful industry can't stand up to this test. This is an industry that has performed miracles for the people of this country, changing the nature of the way we do business, the way we live, the incredible communications revolution. I think they can meet this challenge. I do not think they need to have, as my friend puts it, this special carve-out, because I think in a way it is insulting to them.

Mr. DURBIN. If the Senator will continue to yield, I can only think of two other groups in America that enjoy this special privilege from being sued: foreign diplomats——

Mrs. BOXER. Yes.

Mr. DURBIN. —and health insurance companies, which happen to fall under the provision in Federal law which says—we are debating this, incidentally, on the Patients' Bill of Rights—if they denied coverage to you, they only have to pay for the cost of the procedure, as opposed to all the terrible things that might have happened to them. As I understand this bill, from the amendment by the Senator from North Carolina, there are strict limitations here on what a person whose business is damaged can recover.

Mrs. BOXER. Correct.

Mr. DURBIN. I also ask the Senator, as I take a look at her amendment, she is suggesting, if I am not mistaken, that if you bought your computer back 10 years ago, which was light-years ago in terms of computer technology, for a 5-year period of time, 1990 to 1995, is that correct——

Mrs. BOXER. That is correct.

Mr. DURBIN. —if you bought it during that period of time and there is a problem, then the company, of course, can charge you for the cost of bringing your computer up to speed, making sure it works?

Mrs. BOXER. Yes.

Mr. DURBIN. But after 1995, the Senator is arguing, the industry knew what was going on. They knew what the challenge was. If they continued to sell computers they knew were going to crash or did not take the time to fix, then she is saying the customers, the businesses, the doctors and engineers that bought the computers shouldn't be left holding the bag; it should be the expense of the computer company to fix it. Is that the Senator's amendment?

Mrs. BOXER. Exactly right. Under the underlying bill, if you bought a computer in 1999, and it fails you a few days later, you get nothing in terms of a fix. You get a letter. We hope the letter says we are going to fix it. But you do not have any commitment that it would be for free. You could get charged thousands of dollars. Our friend, Senator HOLLINGS, who has been so articulate in the opening moments of the debate, talked about these doctors where the company said in order for them to get a fix, it costs them more than the original system. Am I right, I say to the Senator?

Mr. HOLLINGS. Exactly. He bought an upgrade just the year before, guaranteed for at least 10 years, for $13,000. In order to fix it, the charge was $25,000. That is the testimony before a committee of the Congress. He had really not only written a letter and everything else, no response, he finally got a lawyer, but even that did not work. The lawyer was clever enough to put it on the Internet and, bam, there were 20,000 similarly situated. Wonderful Internet. Immediately the company said: We will not only fix it, we will pay the lawyers' fees and everything. That is all he wanted. He wanted a fix. Otherwise, he was out of business.

People don't rush to the courthouse. They have to do business. If I filed a claim for Senator BOXER this afternoon in the courts of California or South Carolina, I would be lucky to get into the courthouse before the year 2000. I mean, the dockets are backed up that way. We live in the real world.

We are not looking for lawsuits. We are looking for results.

Mrs. BOXER. I say to my friends, that is so true. If you look at the number of lawsuits that are out there, the big explosion, and there has been one, has been business suing business. It is not the individual, and it is not the small guy, because it is cumbersome, and it is expensive. You don't get your problem fixed really.

Mr. DURBIN. If the Senator will yield, I am curious. I ask the Senator for her reaction on this. What if we said, instead of computers, we are going to deal with airplanes this way. If we said we do not want people who make airplanes to be held liable if they fall out of the sky, America would say that is crazy, that is ridiculous. We, of course, want to hold the manufacturers of products where we have a lot at stake to a standard of care.

If you were going to absolve them, insulate them, then, frankly, as a consumer I am going to have second thoughts about getting on the airplane.

I think what the Senator is saying with her amendment is those companies that have done the right thing,

have established their reputation for integrity by stepping forward and saying we are solving the Y2K problem, certified, as the gentleman from Dell Computer did with the SEC, these companies that have gone that extra mile and want to stand behind that reputation will actually be penalized by this bill, because, frankly, all their hard work is not only being ignored, it is being defied.

They are saying: We have to carve out a special treatment here for those who didn't do a good job as businesspeople.

Coming back to the point I made earlier, the victims here are not trial lawyers. The victims are businesses, small businesses as well as medium-size businesses, trying to keep their employees at work, worrying that January 2 of the year 2000, they are going to have to close down and send people home without a paycheck. Those are the folks disadvantaged by the broad sweep of this bill.

I think the Senator from California is on the right track. The good actors, the ones that have worked hard to make this work, should be rewarded. Those that have not should not be protected by the National Association of Manufacturers, the U.S. Chamber of Commerce, and all of the interests that have come in here and said, let us provide special treatment for those that have not met their responsibility.

Mrs. BOXER. I thank my friends for their comments, because as I listened to them, I become more and more convinced of the importance of this amendment. It levels the playing field between the good actors and the bad ones.

Right now, if this bill passes without this amendment, nobody has to do anything. The people who already have taken the move to fix the problem are definitely at a disadvantage. Why? They spent money to do it. They worked hard to do it. Yet, we are protecting those who are sitting back and saying, wow, I can't believe this deal I am getting.

They are changing the law. It is only for 3 years, but it is enough time. How many people are going to sit around and wait to get their computers fixed? They will throw them out, and that is hard for a lot of consumers. That is why the Consumers Union is so strongly behind this and Public Citizen is so strongly behind this.

Mr. HOLLINGS. Will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. HOLLINGS. I hold in my hand an Institutional Investor. This is the real official document, the investment industry. They had a survey of the Congressional Financial Officers Forum of all the large corporations in the country. To the question, Do you feel your company's internal computer systems are prepared to make the year 2000 transition without problems, do you realize that 88.1 percent said yes, and only 6 percent said no? So that is 6 percent that have another 6 months to take care of it. With respect to actually getting and working out with their suppliers, do you realize that 95.2 percent said they have worked with their suppliers and are ironing out all the problems?

It really verifies exactly the astute nature of the computer industry, as described by the Senator from California. You are right on target, and it hasn't been said on the floor as you are saying it, with authority, too. I commend the Senator.

Mrs. BOXER. I thank the Senator. I can't be more proud of the Silicon Valley. I can't be more proud of the high-tech industry that I see blossoming all throughout my State. I can't be more proud of them.

The facts the Senator put into the RECORD make me even more proud, because what he is saying is the vast majority are good actors. The vast majority understand their good practice of fixing the Y2K problem will redound to their benefit as well as to the benefit of consumers. They have a business conscience. They are good corporate actors. They have a social conscience. They understand it.

In many ways, when you talk to some of these executives, they are very democratic. And I don't mean in terms of their party affiliation; I mean democratic with a small ''d.'' They want to spread democracy. They want each individual, through the power of the Internet and the power of their computer, to have the information, to have the knowledge. That is what excites them.

So they are good people making a wonderful product. They don't want it to fail. Yet, we have a bill here that essentially says to those who haven't moved aggressively on this problem—and by the way, this is taken from the Apple web site, I say to my friend. There is a great quote by Douglas Adams about the year 2000 readiness. His quote is:

> We may not have gotten everything right, but at least we knew the century was going to end.

Good point. They knew the century was going to end. They knew there might be some problems.

So to sum up the argument I am making for this important amendment, it is the one amendment that I know of where the attorneys and the Silicon Valley were not even entered into the discussion. It is a hard, straightforward, consumer rights amendment, brought to you by the consumer groups, the people who really care about the individual business and the individual. It was originally found in the Cox-Dreier legislation, which was introduced in 1998. We practically take it word for word. What does it require? It says in that remediation period, after you have notified the company of your problems, if they determine they have a fix to your problem, they have to fix it. It is as simple as that. Who decides if there is a fix? They decide. We are not having anybody come and look over their shoulder. If the company says we have a fix, they fix it.

Guess what happens. Everybody is happy. The consumer is happy. They can go back to work on their computers. The company is going to be happy because they are going to have to satisfy the consumer. There will be no lawsuit. Why? We fixed the problem.

In some very interesting way, the underlying bill, because it doesn't require any fix at all, even if your computer was bought 3 days before the millennium, encourages companies not to do it. I just hope there will be a unanimous vote for this amendment, and if there isn't, if we don't win this amendment, it says to me the consumer isn't important in this debate.

I can't imagine we are being so fair—if it is a really old computer, before 1990, the company could charge anything they want because we admit maybe it is worthless. But if it is between 1990 and 1995, they can charge you the cost. If it costs them $500 to fix the problem, you will pay $500. If it is a newer computer, between 1995 and the year 2000, they ought to do it for free because, as the Apple people said, ''We may not have gotten everything right, but we knew the century was going to end.''

I have to tell you that by 1995, 1996, 1997, 1998, 1999, if people didn't know this was a problem, they had to be sleeping, because everybody knew this was a problem in the 1990s.

I am very hopeful to get the support of the Senator from Oregon and to get the support of the Senator from Arizona. I think this will be something that would make this bill more consumer friendly, despite the other problems.

I yield the floor at this time.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I came over to the floor because I am in sympathy with what the Senator from California is trying to do. But this bill has taken such a pasting in the last 15 or 20 minutes that I am going to take a couple of minutes to correct the RECORD before we actually get into the merits of what my colleague is trying to do.

For example, I have heard repeatedly that if you pass this bipartisan legislation put together by the Senator from Arizona and the Democratic leader on technology issues, Senator DODD, and myself, well, these companies won't have to do anything; they won't have to do anything at all.

Well, if they don't do anything at all, they are going to get sued. That is what is going to happen to them. Then we heard that if they were big and bad, they were going to get a free ride. I heard that several times here on the floor of the Senate in the last 15 or 20 minutes. If you are big and bad, you are going to get a free ride if we pass this bill. I will tell you what happens if

you are big and if you engage in egregious activity, if you rip people off; what happens is you get stuck for punitive damages because there is absolutely no cap on those, and joint and several liability applies to those people as well. That is what happens to the people who are big and bad under our legislation.

I think it is just as important that the RECORD be corrected. I also heard that businesses were going to be the victims and the like. Well, if that is the case, it is sort of hard to understand why hundreds and hundreds of business organizations are supporting this bill. I would be very interested in somebody showing me a list of some business groups that aren't supporting the bill because I would sure want to be responsive to those folks.

Let me, if I might, talk specifically about the Boxer amendment. By the way, apart from the last 15 or 20 minutes of discussion, my friend from California has been very helpful on a lot of technology issues that this Senator has been involved in. I remember the Internet Tax Freedom Act that we worked on in the last session of the Congress, where the Senator from California was very helpful. I very much appreciated that.

The question that I have—and maybe I can engage in a discussion with the Senator from California on this and try to see if I can get fixed in my mind how to make what the Senator from California is talking about workable, because I think the Senator from California wants to do what is right. I am now just going to focus on her amendment and sort of put aside some of these other comments that I have heard in the last 15, 20 minutes, which I so vehemently take exception to, and see if I can figure out with the Senator from California how we can make this workable. I want to tell her exactly what my concerns are. I come from a consumer movement, and she comes from that movement, and I know what she is trying to do is the right thing.

Let us say that you have a system where one chip out of thousands is out of whack. My colleague says it ought to be repaired or replaced, and the question that we have heard as we have tried to talk to people is: Does this mean replacing just a chip? Does it mean replacing the operating system? Who is responsible for the fix? Is it Circuit City, where you bought it? Is it Compaq Computer? Is it the chip maker?

What we have found in our discussions with people is that it wasn't just chips, but it was the software situation as well. Is it going to be Lotus or Novell or the retired computer programmer who put the code together a few years ago? As far as I can tell, the responsible companies—and I think the Senator from California has been absolutely right in making the point that there are an awful lot of responsible people out there. We are trying to do the right thing. The responsible people seem to want to do the kinds of things that the Senator from California is talking about. I know I saw an EDS advertisement essentially in support of our bill that talked about how they have a system to try to do this.

If we can figure out a way, with the Senator from California, to do the kinds of things she is talking about so as to not again produce more litigation at a time when we are trying to constrict litigation, I want to do it.

I have already had my staff put a lot of time into this. We are willing to spend a lot more time, because I think the motivations of the Senator from California are absolutely right. The question is how to deal with the kinds of bits, bytes, and chips, and all of the various technological aspects that go into this.

I would be happy to yield to my colleague and hear her thoughts on it.

Mrs. BOXER. Mr. President, first of all, I thank my friend. I know it is hard, when you put so much work into the bill, when there is a disagreement. I just want to say to my friend, in terms of my particular bill, it focuses on that so-called remediation period. That is what I am focusing on, because, in my opinion, there is nothing that requires any action to fix in that period. It requires communication back and forth. That was my only point.

This amendment—I am happy my friend is sympathetic to it, and I hope we can work out our differences on it—actually says to the manufacturer—the retailer is not involved in this. I say to my friend, if he reads my amendment, it just says if the manufacturer determines that there is a fix, then they must make the fix.

In that 10-year period, we prescribe that if it is a newer part and a newer system, he does it for nothing, because in 1995 he should have known it, and prior to 1995, 1990 to 1995, we say at cost.

Again, I want to make sure my friend knows, we do not change one piece of the underlying bill in terms of the rest of the bill. The rest of the bill stands. We don't add any other court suits. We don't change any damages. All we say is fix it if you can. And if you cannot, the underlying bill will apply. That is really all we are doing.

I think this sends a clear message to those manufacturers that have been lax to follow the lead of the good manufacturers that have been wonderful. And those are the ones I know and love from my State who have said we are going to make the consumer whole, we are going to make the consumer happy.

I want my friend to know that we add no new cause of action—nothing. In the underlying bill, we just say remediation, period, instead of just saying it is a time for people to write bureaucratic lawyers a letter to each other, which is better than nothing. It is a cooling-off period. We say if you have a fix, make it work, because under the underlying bill there is no such requirement. You could charge people more than they even pay for the machine, et cetera, even if they got the machine 3 days before the millennium.

I am happy to work with my friend. If she wants to put a quorum call in, perhaps, and sit down together to see if we can come up with something, Senator MCCAIN said to me through staff that he thought we could do this as a policy.

Frankly, we are writing legislation, and I think it is deserving of being included. But I would be delighted to work with my friend.

Mr. WYDEN. My colleague is constructive, as always. Here is the kind of concern I think the high-technology sector would have to focus on the manufacturer. That deals with this issue of interoperability where, in effect, if you have one system or product that is Y2K compliant but, as a result of it being installed in a system that isn't already Y2K ready, you may have in fact failures, or bugs, or defects, the Y2K-ready product may get infected and not properly function. Then the question is, Who is responsible? Can you, in effect, have somebody take responsibility for fixing a problem that isn't under their control?

If the Senator from California would like to put in a quorum call and get into the issue of interoperability and how to deal with these various issues, and sort of have all of the people talking at once, I think that is very constructive. I am anxious to do it.

I think this is a discrete and important concept. Again, without going back to all the things that were said in the last 20 or 25 minutes, if you are a consumer, or a business, and you are getting stiffed, you can go out and sue immediately. You can go out and sue and get an injunction immediately. You don't have to wait 30 or 60 days, or whatever. You can go immediately.

I would like to spend the time during the quorum call to try to focus on what I think is a very sincere effort of the Senator from California to try to do something to help people who need a remedy, and need it quickly. We are going to have to get into some of these interoperability questions and some of the questions of what happens when you have a problem that essentially gets into your system after it leaves your hands. I am anxious to try to do it. We can put it in the context of the kind of discrete, specific idea that the Senator from California was talking about rather than what I heard during the last 20 or 25 minutes about how big and bad actors are going to get a free ride, when in fact on page 13 of the bill it says that you are liable for the problem that you cause. That is what is on page 13 of the bill. Proportionate liability—you are liable for the portion of the problem you caused. If you engage in intentional misconduct, if you rip people off, you are going to be stuck for the whole thing—joint and several, punitive damages, the works.

I would prefer to do what the Senator from California is now suggesting,

which is to put in a quorum call, bring the good people from Chairman MCCAIN's office and from the office of the Senator from California and myself, along with Senator DODD's, into a discussion to see if we can figure out a way to make this workable.

I am happy to yield the floor.

Mrs. BOXER. I want to engage with my friend. I thank him for his usual willingness.

I want to make a point that I want my friend to understand. This is a very business-friendly amendment, because this amendment says the manufacturer has to determine if a fix is available.

In all the issues my friend raises—well, there is a part over here from that company, and a part over there—the question is, it has nothing to do with liability; it has to do with a fix available for the consumer. If the manufacturer determines there is no fix, because there is little product in inside, and a company is out of business and they can't replace the part, the manufacturer simply says there is no fix available, and then the rest of the bill applies.

Again, I say to my friend, as he said, as he described the fact, of course, the bad actors will be called into court later. We want to avoid that—both my friend and I.

I believe we have so many good actors out there, and my friend cited one of the companies that has really taken care of this problem. I think that is what the Senator from Oregon was talking to me about before when he said you know some of these companies are doing this. Absolutely, they are. We ought to make that the model. We ought to say that is wonderful, you take care of it, and everybody is happy, and there is no lawsuit.

I am hopeful, because I don't see this as complicated. We worked very hard to make it simple. We didn't want to tell the manufacturer, ''You can make the fix,'' if in fact they can't. If they in good faith say, ''There is a part inside this mother board, and we can't fix it,'' then they simply say, ''I am sorry, there is no fix available in this circumstance,'' and then the underlying bill applies.

But we think the leadership by the really good people in this high-tech community ought to be followed. We believe if we don't put this amendment in the bill that those who already have acted in such good faith, in such good business behavior, and such good corporate responsibility to fix the problem and are seriously at a disadvantage, because they scratch their head and say, ''You know, I should have waited, maybe I didn't have to do all of this, and people would have decided it is too much of a hassle, I will just throw out my computer and get a new one,'' I can tell my friend, I bet a lot of people will wind up doing that. That would be unfortunate, if a fix is available.

Whenever the Senator wishes to put in a quorum call, actually our friend from Delaware has been waiting to speak on another very important topic.

Mr. WYDEN. I believe I have the time. I am going to wrap up in 2 minutes, maximum.

Mrs. BOXER. When the Senator yields the floor, the Senator from Delaware will take over, and the Senator from Oregon, Senator MCCAIN, Senator DODD, and I can meet.

Mr. WYDEN. We are going to have to look at some of these.

The question is, Is a fix available? If we are not careful, that could be a lawyer's full employment program.

My colleague is absolutely right. In Oregon and California, we have access to some of the best minds and most dedicated and thoughtful people on the planet in this area. We should spend some time making sure we can get at this concept the Senator from California wishes to address in a workable way so we don't have more litigation, rather than less. I know the Senator from California shares that goal.

I yield the floor.

Mr. BIDEN. I ask unanimous consent to proceed in morning business for 15 minutes.

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

PEACE AGREEMENT

Mr. BIDEN. Mr. President, I rise today to speak of the military technical agreement signed by NATO and Yugoslavia. That is a fancy way for saying that we accepted the surrender of Slobodan Milosevic.

I just got off the phone with the Secretary of State who called me from Germany with another piece of very positive news. She indicated that because the G–8 was meeting in Germany, they put together a group of Europeans to flesh out in detail a Southeastern Europe Stability Pact, which is an idea generated by the German Government.

The objective of that pact is to encourage democratic processes in southeastern Europe, in the Balkans, and to reduce tensions in the area. They have set up a very elaborate but clear timetable, and what they call ''regional'' tables, to promote democracy, economic reconstruction, and security. They have involved as the lead group the European Union, plus the OSCE, the United Nations, NATO, and to a lesser extent, the United States.

The reason I bother to mention this is that the hard part is about to come. I hope we will have the patience that we did not show on this floor to win the peace. We have won the war, notwithstanding the fact many thought somehow we should be able to do this in less than 78 days.

I think it is astounding that we talked about how this ''dragged on.'' We will probably find that close to 10,000 paramilitary and Serbian troops were killed. Only 2 Americans were lost in a training exercise—as bad as that is. Yet, we began to lose patience, because it wasn't done in a matter of 24 hours.

If we have the patience, we can win the peace, because unlike pursuing the war, the bulk of the financial responsibility, organizational effort, and guidance will come from the Europeans. The European Union will take on the major portion of the responsibility for rebuilding the region, reconstructing the area.

The American people should know that the President of the United States has tasked the Secretary of State to see to it—we will hear phrases such as ''mini Marshall Plan''—that the United States of America is not going to bear the brunt of the financial burden in reconstructing southeastern Europe. It is fully within the capacity of the Europeans. It is their responsibility. It is in their interest, and they are prepared to do it.

On the military side, the first part is in place. The Yugoslav Government has capitulated on every single point NATO has demanded. The last several days of discussions between NATO and Yugoslav military commanders were not about negotiation. They were about the modalities of meeting the concessions made by Milosevic's government on every single point NATO demanded. It took some time to work that out.

''Modalities'' is a fancy foreign policy word. Translated, it means: How in the devil are they going to leave the country? In what order are they going to leave the country? What unit goes first? When do NATO forces, KFOR, move in so that no vacuum is created? By ''vacuum,'' I mean when there are no Yugoslav forces in Kosovo.

That is what was going on. I got sick of hearing commentators on the air talking about how negotiations were going on between NATO and Milosevic. There were no negotiations. It was a total, complete surrender by the Yugoslavs, as it should have been.

There is now a firm, verifiable timetable for withdrawal of all Yugoslav and Serbian military, and all special police—those thugs who have roamed the countryside in black masks, raping women, executing men, and wreaking havoc on a civilian population. Those thugs—half of whom are war criminals themselves, and should be indicted as such, like Milosevic—are required to leave. The worst of all are the paramilitaries. They all are also required to leave. If they do not leave, they will be killed or forcibly expelled.

As I speak, this withdrawal has begun, although I trust Mr. Milosevic and the Serbian military about as far as I could throw the marble podium behind which the Presiding Officer sits. I am not worried, because even if they default, I am convinced of the resolve of NATO. We will pursue them. General Clark said 78 days ago that we would pursue them and hunt them down. And we did. And we will again, if necessary.

The fundamental goal of NATO's air campaign has been achieved, notwithstanding all the naysayers on this floor, all the talking heads on television, and all the columnists.

There has been an agreement for the return of all internally displaced persons and all Kosovar refugees who fled abroad. This is a monumental achievement, as it involves well over 1 million people. Some commentators have hesitated to call it a victory, but I do not. I understand why they hesitate to call it a victory. They called it a mistake up to now. So why would they call it a victory now?

It is a victory—a victory for NATO, a victory for the United States of America, a victory for Western values, a victory for human rights, and a victory for the rule of law. In personal terms, it is a victory for President Clinton and his administration, which, despite unrelenting and often uninformed criticism that began almost immediately, stayed the course.

I had some tactical disagreements with the way the administration proceeded. I don't think the President should have said at the outset that ground forces were off the table. He had to move back on that and make it clear that everything was on the table. That is susceptible to criticism.

I point out, however, that the President of the United States of America never once wavered on his commitment to do whatever it took to end this ethnic cleansing.

But, above all, it is a victory for the brave fighting men and women of NATO who carried out this air campaign, a majority of whom were Americans. Conversely, it is an unmitigated defeat for an indicted war criminal, the Yugoslav President, Slobodan Milosevic.

Just in case anyone wonders, he did not just become a war criminal. He was already a war criminal in 1993 when I spoke to him. He was a war criminal for his actions in Krajina. He was a war criminal for his actions in Bosnia. He is a war criminal for his actions in Kosovo. Had he not been stopped, he would have continued his vile ethnic cleansing.

By the way, I encourage my colleagues to read the Genocide Convention. I will not take the time now to recount it, but what has been perpetrated by Milosevic in Kosovo is genocide.

Our victory, I suggest, shows that patience and resolve can pay off. It should leave no doubt in the minds of the people throughout Europe and elsewhere in the world of the ability of a unified NATO to achieve its objectives. Now we have to move more swiftly to the second stage of the Kosovo campaign—peace implementation.

I read with some dismay today in the major newspapers that the House of Representatives is considering denying the funds to allow any U.S. participation in the implementation of peace. They seem determined to compound the mistake they made just several weeks ago. The reconstruction of Kosovo, as I said, and confirmed by my conversation with the Secretary of State from Germany a half-hour ago, is primarily the responsibility of the European Union.

I met with Helmut KOHL, the former Chancellor of Germany, just before the 50th anniversary summit of NATO. We met over at the Library of Congress for the better part of an hour and had a lengthy discussion. He is a very knowledgeable man and until last fall was the longest serving leader in Europe. He pointed out that there were 12 million refugees in Europe after World War II, and that the Europeans were able to handle the problem. He pointed out that the fifteen countries of the European Union have a combined gross domestic product larger than that of the United States of America. Anything remotely approaching a mini Marshall Plan is fully, totally, completely within the financial capability of our European friends, and it is primarily their responsibility. We should and must and will participate. But as I said to the President of the EU, as well as to the chancellor, and as well to every front-line state leader and every leader of the NATO alliance with whom I met, the sharing of the reconstruction burden in southeastern Europe should not be as it is in NATO, roughly 75–25. It should be more like 90–10. It is primarily their responsibility, and they understand they will greatly benefit from a reconstructed and more unified southeastern Europe. I wish them well and hope their initiative will succeed.

This ratio, as I said, should be juxtaposed with the heavy responsibility we bore militarily in the Yugoslav campaign. The overwhelming majority of airstrikes when ordinance was dropped was carried out by our forces, and we have footed the lion's share of the bill. We have done this as the leader of NATO and as the only military power in the alliance capable of shouldering the burden. I do not complain about America's shouldering more of the burden when no one else is capable. But I do and will complain when others are equally or more capable than we are, and they do not take the lion's share of the responsibility. But in this case there is no argument, because the Europeans understand their obligation in economic reconstruction, and they are able and willing to carry it out. As I mentioned, they have already demonstrated the willingness to take the lead by proposing a Stability Pact for southeastern Europe, which at a later date I will discuss in detail. The European Union plan, in my view, should be coordinated with our own ongoing SEED program, which has already accomplished much in economic and democratic reconstruction in the former Communist countries of Central and Eastern Europe.

But the key question is the reconstruction of Serbia. There should be no reconstruction of Serbia as long as an indicted war criminal is Yugoslavia's President, as long as he is on the political scene. Once the Serbian people remove him, the Western World will be ready, willing, and able to come to the aid of Serbia and do it gladly. I hope that we will have the nerve to arrest Milosevic, send him to the International Criminal Tribunal at the Hague, and God willing, see him convicted. Only then, only when Serb people understand the extent of the atrocities Milosevic is responsible for, will they face up to the harsh reality of what they, quite possibility unintentionally, but nonetheless enabled to happen. It is time to end the perpetuation of the myth that Serbia is a victim.

I do not propose to be able to say exactly when and how Milosevic will leave office, but I predict there will be no Milosevic in power at this time next year. I think his days are numbered for three reasons.

First of all, most Serbian citizens realize if Milosevic had accepted the Rambouillet accords last February, they would have had substantially the same result but without having their country crippled by 11 weeks of bombing.

Second, as the troops return from Kosovo, the word will spread of the horrible casualties the Serbian troops have suffered. They do not know that yet because of the repressive Milosevic regime that manipulates the news. The number of Serbian military, paramilitary and police casualties will, I predict, total nearly 10,000. When the Serbian people learn of this carnage, I predict they will be angry, not merely at NATO but at Milosevic for bringing this upon them. Ten thousand Serbian soldiers and special police were killed, many of them slaughtered in B–52 raids in the last days of the war when Milosevic was stalling on signing the military technical agreement. When the extent of Serbian combat losses sinks in, there will be fury against Milosevic and his cronies.

Third, as KFOR—that is the acronym for the NATO implementation force—occupies Kosovo, I am convinced that every prediction I made here about the atrocities that were taking place will unfortunately be proven correct. You will be stunned at the evidence that will be uncovered of the brutality and the atrocities committed by the Serbians on a mass scale, far greater than the horrible massacres we already know about. These revelations, I believe, will further alienate the many decent Serbs who rallied behind Milosevic as their patriotic duty during the bombing campaign.

We know that KFOR's task will be a daunting one. Millions of mines must be removed. All booby traps must be found and disposed of. And—I do not know how it can be avoided—surely some NATO forces will be killed. I pray to God that this will not happen. I pray to God that KFOR turns out as successful in that category as the military campaign has, but I do not think we can count on that.

All armed locals and irregulars in Kosovo must be intimidated into submission. The KLA must be turned into

a demilitarized police force under civilian control.

All these will be difficult tasks, but I am confident that they can be accomplished if we maintain resolve. Nothing, however, that happens from this point on can detract from the magnitude of the victory we have achieved.

Had President Clinton heeded the call to negotiate with Milosevic, it would have been a disaster.

Had President Clinton heeded the call to stop the bombing, it would have been a disaster.

Had President Clinton heeded the call to run roughshod over our NATO allies and disregard their wishes, the alliance would have fractured and that, too, would have been a disaster. This place, including Democrats, would have run out from under him faster than I can walk from here to the door of the Chamber. It is remarkable how he was able to keep the alliance together. Most importantly, had President Clinton not stayed the course and achieved this victory, our geopolitical position in North Korea, in Iraq, and in many other parts of the world would have suffered grievously. I ask my colleagues to think about what at this moment Saddam Hussein is thinking. Had we listened to those who said: Cease and desist, partition, stop bombing, negotiate with Milosevic, cut a deal—what do you think would be happening in Baghdad now?

But the President did stay the course, and our magnificent fighting men and women performed in an exemplary way. Because we have succeeded in the military campaign, and because we have the ability to succeed in the civilian reconstruction that will follow, the world has seen that the President of the United States, the American people,, and a united NATO have the will to respond to crises and successfully defend Western values and interests.

I will be taking the floor again many more times in the following weeks on this issue. I know my colleagues are probably tired of my speaking on this. It has been something I have been discussing since 1990. But we are finally finding our sea legs.

I will conclude by saying that in the case of Kosovo and Yugoslavia, American interests are at stake, the cause is just, the means are available, and the will was present. For Lord's sake, let's not now, out of some misguided sense of isolationism or partisanship, do anything other than finalize this victory and secure our interests.

Think about it: the removal from Kosovo of the Serbian troops means, at a minimum, that Slobodan Milosevic's goons will no longer be able to harass, rob, rape, expel, or kill over a million Kosovars. I believe he has lost his ability to overthrow the Montenegrin Government, and certainly to overthrow Macedonia's government and to fundamentally destabilize Albania, Romania, and Bulgaria. This is a significant accomplishment, but most importantly, it demonstrates that not only this President, but also the next President, whether he or she is a Republican or a Democrat, is going to be faced with very hard choices. I respectfully suggest that he or she should not underestimate the will, the grit, the patience, or the common sense of the American people. They know what we did was right.

I was in Macedonia. I have been in the region a half a dozen times. I have also had the displeasure of meeting alone for almost 3 hours with Slobodan Milosevic, at which meeting, in early 1993, he asked what I thought of him. I told him then that I thought he was a damn war criminal and should be tried as such. He looked at me as if I had said, ''Lots of luck in your senior year.'' It did not phase him a bit. Even some of my staff said as we were leaving: You said that to a President of a country.

I said: I don't care. He is a war criminal.

The justification of what we did was best summed up on my last trip a few weeks ago. I was sitting in the airfield outside of Skopje in Macedonia. I walked into a tent where there were about 15 young Americans ranging in age from 18 to 30, all noncommissioned officers. They were the crew that was gathered together from all over the world to make that airfield compatible for our Apache helicopters and for the large C–130s that were flying in with food deliveries.

I walked in, and we started talking. They were taking a break. We were sitting on cots. I thanked them for what they were doing. I said: You know, I am getting a lot of heat back home. Some of my colleagues, including some of my seatmates, refer to this as ''Biden's war.'' Some of my friends are telling me this is another Vietnam. What are you guys—there was actually one woman—what do you all think about that? Do you think this is another Vietnam?

One, I believe a sergeant about 24 years old, looked at me and answered: Senator, let me ask you a question. When you were 24 years old, if they had called you up and sent you here, would you have had any doubt about the justice of what you were doing?

All of a sudden it became clear to me. They had no doubt. Our young fighters have no doubt about the justness of what they have undertaken. They knew it was right. We did the right thing.

I pray to God that we have the courage and the patience and the ability to resist our partisan instincts on both sides and stay the course. Because if we do, we can bend history just a little, but bend it in a way that my grandchildren will not have to wonder about whether or not they will have to fight in Europe in the year 2020 or the year 2025.

I congratulate the Senate for, at the end of the day, every day, having done the right thing in this war. I congratulate the President and his administration for having had the political courage to stay the course. I plead with my colleagues in the House to do the right thing.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. DASCHLE. Mr. President, I have to rise to express my frustration with our current circumstances. I have been doing all I could to assure that we could bring this bill to closure.

We agreed to a limited number of amendments. We agreed to time limits on those amendments. We have agreed to try to accelerate the consideration of this bill in every way, shape, and form. Now we are told we cannot have a vote on final passage until Tuesday.

That is totally inexplicable. We have been told over and over and over again this bill is so important and time-sensitive. We have been told it cannot wait. We have been told we cannot take up other legislation because we do not have time.

We have been on this bill for a couple of days. We have addressed every concern Senators have raised. We have offered amendments. We have no reason this bill could not be completed today—no reason at all.

It is very hard for me to understand why, after all of this effort to bring us to this point, to have completed our work on the bill, we cannot bring this bill to closure, we cannot move on to other legislation. There is just no reason for it.

I am very disappointed. It is very hard to ask my colleagues day after day to cooperate, day after day to try to figure out a way to complete work on bills, and then be told: Well, we have changed our mind. We don't want to complete work on a bill. We are going to bump this bill into next week. And, by the way, we are going to make up reasons to have votes.

That is not the way to run the Senate. It is not the way to do business. It makes it very difficult to go back to colleagues and say: Now we have changed our mind again. We are going to try to finish this bill in 2 days. We are going to try to take something else up and work it through, but we want your cooperation.

That is unacceptable. I do not know why we cannot have the final vote. I do not know why we cannot finish the legislation. I do not know why we cannot find a way to resolve all the other outstanding issues there are with regard to this bill this afternoon. We can do it this afternoon. It is only 2 o'clock.

I am told that all we have left only two or three. That is all we have. We are told by the Republicans that there is no more time, that we will not be allowed to go to final passage today.

As I say, it leaves me mystified. I am absolutely puzzled, exasperated. I do not understand. I just wish we had been told, because there have been a lot of other amendments we could have offered on our side had we known we would have all this time. We were told: No. We don't have time. Let's get this bill done, and let's get it to conference.

We are now not going to get to conference—not now, not tomorrow, not until next week.

There is no excuse.

Mr. REID. Will the leader yield for a question?

Mr. DASCHLE. I am happy to yield.

Mr. REID. It is my understanding that we have been pressed on getting this bill to the floor for weeks and weeks; is that not true?

Mr. DASCHLE. The deputy Democratic leader is right. There are absolutely as many references to that in the RECORD as any legislation I know of this year, especially from the other side. The Senator from Connecticut has been so diligent and so arduous in recognizing how important this bill is and urging us to move through this and get it done. He is on the floor. I am sure he would be more than happy to vote on final passage this afternoon, but that will not happen.

Mr. REID. I also ask this question of the leader. We did not oppose the motion to proceed; the minority did not oppose the motion to proceed. But I am of the impression and belief that there are a lot of other things due. The Patients' Bill of Rights, for example, isn't that something that we need to move forward on?

Mr. DASCHLE. We certainly do need to move forward on that. We have suggested 20 amendments on the Patients' Bill of Rights. Recognizing that there could be 60 or 70 amendments, given the way many Senators feel about that important piece of legislation, we have said not 60, not 50, not 40, but 20 amendments, and time limits on those amendments. The answer was, well, there may not be time to do 20 amendments.

Here we are today. We were told that there wasn't time to do 15 amendments on this bill.

I have to give great credit to our ranking member, the manager on our side. He could have filibustered this legislation. I know how he feels about it. He could have been out here making the Senate go through all the hoops. We have talked about this. In the interest of expediting the legislation, moving this through, the Senator graciously has acknowledged that there will be another day. We will work through this in conference. The Senator has said that more than anybody. Ironically, the one man who could have held this thing up for weeks, if not months, is sitting here ready to vote. It is really an irony, it seems to me, that in spite of all the attention about expediting this bill, in spite of all the pressure and all the effort made to express the urgency of getting this done, we sit here this afternoon, at 2 o'clock, waiting for final passage.

Mr. REID. One final question to the leader. We have, as I understand it, about 203 days left until the Y2K date arrives. If we wait now until Tuesday to vote on this, we are going to have less than 200 days to get this legislation passed, to get it to conference, to get it to the President. Each day that goes by, it seems to me, is very critical to the passage of this legislation. Is that not true?

Mr. DASCHLE. That was the whole reason we agreed to be as expeditious as possible. I am going to vote against final passage. I hope a number of my colleagues will join me in doing that. But that doesn't mean I do not want a bill. I have said repeatedly on the Senate floor I want a bill, but I want the right bill. The only way we are going to get to the right bill is to continue to work on it. We are not going to do that this afternoon. We are not going to do that tomorrow. We are not going to do that Monday. We are now going to have to wait until Tuesday. So that just delays for another week the prospects of meaningful compromise and meaningful resolution of the outstanding questions.

Mr. REID. But the leader and other Senators voted for a version of this bill yesterday; is that not true?

Mr. DASCHLE. Absolutely. We voted for a version the President can sign yesterday. He said he would sign it. I am very hopeful he will sign a bill. We can't go through the rest of this year without some resolution to this issue. But it is disappointing to me that we are not in a position to resolve this matter today, this afternoon, so that he can sign the bill.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished leader is manifestly correct.

I was told, let's not even have a cloture vote, because looking at this measure, there could be three more cloture votes. And viscerally, not next Tuesday, I hope we do not vote until Tuesday 2001, the way I feel about it. But I entered public service to get some things done. You win some; you lose some. You have to go along.

This is embarrassing to the body. Here we are, the Senate, talking about all the important things to get done and everything else of that kind. So we yield. We talk Senators into not offering their amendments. We finally get time agreements on all of the amendments on this side so no one has been in a proliferation or stretchout or extended debate. We were even forced to vote early last night to make sure we cleared the way to finish this afternoon.

All we have is Senator SESSIONS' amendment and Senator GREGG's amendment, two amendments that could be disposed of in the next hour. In fact, the manager and our chairman, Senator MCCAIN, has been yielding back his time and ready to vote. So it could be less than an hour. By 2:30 this afternoon, we could be finished with the bill.

My question is, why do we want to wait and palaver and waste time and not go on to some of these important measures this afternoon? We are here and we are ready to go.

I thank the minority leader and the whip for their particular comments, because we have been riding all the Senators pretty hard to limit the amendments and to have time agreements. Let's get moving. Senator MCCAIN wanted to move the bill. We said so. I know the Republican screen all week long said they are going to finish this afternoon. I can't understand the change of pace now, to do nothing but talk to each other all afternoon. What a distressing situation this is, and no votes tomorrow and on Monday and just wait until Tuesday.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we continue to attempt to negotiate a way in which to deal with the Boxer amendment in a way that we hope can be worked out, Senators GREGG and SESSIONS then be recognized to offer those amendments, and that the bill be advanced to third reading, substitute the House bill for it and then vote on final passage at 2:15 on Tuesday. We will then begin on Monday, as I have been given to understand it, to do the energy and water appropriations bill, which we may very well be able to complete on Monday.

I do find it interesting that the Senator from South Carolina, who successfully, on two occasions, prevented this current bill from coming up at all by filibusters and saw to it that cloture could not be invoked, is now so anxious to finish it.

We think this is a very good bill. I said yesterday I hoped that it was stronger, but it is the result of negotiations that have involved Members of both parties. To let the country and the industry look at it over the weekend and to allow both sides on the outside of the Senate to communicate their desires to Senators is a highly appropriate method of dealing with the bill. We will soon propound a unanimous consent proposal to the end that I have just described, and we hope that that unanimous consent will be granted.

We will finish most of the debate, I suspect, the debate on all of the amendments to this bill, before this evening, and then go forward with final passage on Tuesday.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, as I understand the Senator from Washington, he has not propounded the request. Listening to the request, this Senator is perfectly willing to go along with every element of it, save and excepting right after the disposition of the Sessions and Gregg amendments, we then vote on final passage.

I don't understand the delay, because those two amendments can easily be handled within the hour. So we can vote early this afternoon and go on with the business of the Senate. We have very important work to do. Yes, I was the one who held it up, but it didn't hold up any consideration of other things, I can tell you that. They immediately kept filing cloture, as they will to other measures. I don't feel badly about that, because it wasn't really a holdup.

When they finally persuaded me they had the votes and they were going to really move with this thing, then I got into a movement disposition and persuaded our colleagues on this side of the aisle to limit their amendments, to give time agreements. Now we are ready to go, and here at the last minute, for no good reason at all, other than the bemusement of the distinguished Senator from Washington, he won't agree to vote when we get through with all amendments, which will be the Sessions and the Gregg amendments. Once they are disposed of, let's go right ahead to final passage.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

SENATOR STEVENS' 12,000TH VOTE

Mr. BYRD. Mr. President, last afternoon, Senator STEVENS cast his 12,000th rollcall vote. Many of my colleagues joined in commending Senator STEVENS on this very worthwhile and considerable accomplishment. I was not on the floor at that time. Today, I join in commending Senator STEVENS on having cast his 12,000th vote.

Since arriving in the U.S. Senate on December 24, 1968, Senator STEVENS has worked tirelessly on matters relating to defense and national security. Having served in World War II, as a pilot in the China-Burma-India theater, Senator STEVENS was awarded the Distinguished Flying Cross twice, two air medals, and the Yuan Hai medal awarded by the Republic of China.

He joined the Appropriations Committee on February 23, 1972, and 3 years later he began service on the Defense Appropriations Subcommittee, where he has served continuously since that time, and served with great distinction. Since he became chairman of the Defense Appropriations Subcommittee in 1981, Senator STEVENS has served either as chairman or ranking member of that vitally important subcommittee. As of January 1997, Senator STEVENS assumed additional responsibilities that come with being named chairman of the Committee on Appropriations.

I have worked by his side on many, many occasions on subcommittees, particularly on the Interior Appropriations Subcommittee. I have served with him on matters that have come before the Committee on Appropriations, where I now serve as his ranking member. In addition, for many years, I have been privileged to have the honor of serving with Senator STEVENS on the Arms Control Observer Group, as well as on the British-American Parliamentary Group.

Senator STEVENS works indefatigably to ensure that his State of Alaska receives appropriate consideration in all matters that come before the Senate. He does that work and does it well. The people of Alaska can be preeminently proud of the service that their Senator, the chairman of the Appropriations Committee of the Senate, performs. He works for Alaska every day, and he works for the Nation every day.

Not only do I consider him one of the most distinguished and one of the most capable Senators with whom I have served in more than 41 years now, I also count him as a dear and trusted friend. I was in the Middle East when TED STEVENS was in the airplane crash in which he lost his wife, and I called him from the plane in which I was flying in the Middle East on that occasion. He was in the hospital. I talked with him and, of course, I was glad that he had survived the tragic accident.

TED STEVENS is a friend who can be always trusted. A handshake with TED STEVENS is his bond, and his word is his bond. I have always found him to be very trustworthy. I have always found him to be very fair, very considerate. He is a gentleman. I think all of my colleagues on my side on the Appropriations Committee treasure their friendship with TED STEVENS. So I congratulate him on his new milestone and what has been and continues to be a most remarkable career in public service.

There are many things about TED STEVENS that we can admire. I admire his spunk. I was saying to someone on my staff today that he would be one whale of a baseball team manager. He would take on all of the umpires if he thought they didn't call the plays right. He sticks up for what he believes. He has the courage of his convictions, and I certainly would not want to be a player on his team in the locker room if I lost a ball game through some error on my part.

He is a hard driver. He works hard every day. He represents his people in the Senate, and he reverences the Senate and, perhaps best of all, he is, as I have already said, a gentleman. He thinks, as I do, that there are some things more important than political party. The U.S. Senate happens to be one of them, as far as I am concerned, and, I believe, as far as he is concerned.

Let me now say that I am extremely proud of TED STEVENS. He is a wonderful family man. He loves his family; he loves his daughter, Lily, and his other children.

Let me close by what I think is an appropriate bit of verse written by William Wordsworth. The title of it is, ''Character of the Happy Warrior.'' I will not read the entire poem, but extracts from it I think will be useful in this regard:

Who is the happy Warrior? Who is he
That every man in arms should wish to be?

* * * * *

'Tis he whose law is reason; who depends
Upon that law as on the best of friends;
Whence, in a state where men are tempted still
To evil for a guard against worse ill,
And what in quality or act is best
Doth seldom on a right foundation rest,
He labors good on good to fix, and owes
To virtue every triumph that he knows:
—Who, if he rise to station of command,
Rises by open means; and there will stand
On honorable terms, or else retire,
And in himself possess his own desire;
Who comprehends his trust, and to the same
Keeps faithful with a singleness of aim;
And therefore does not stoop, nor lie in wait
For wealth, or honors, or for worldly state;

* * * * *

And, through the heat of conflict, keeps the law
In calmness made, and sees what he foresaw;
Or if an unexpected call succeed,
Come when it will, is equal to the need:

* * * * *

'Tis, finally, the Man, who, lifted high,
Conspicuous object in a Nation's eye,
Or left unthought-of in obscurity—
Who, with a toward or untoward lot,
Prosperous or adverse, to his wish or not—
Plays, in the many games of life, that one
Where what be most doth value must be won:
Whom neither shape of danger can dismay,
Nor thought of tender happiness betray;
Who, not content that former worth stand fast,
Looks forward, preserving to the last,
From well to better, daily self-surpassed:
Who, whether praise of him must walk the earth
Forever, and to noble deeds give birth,
Or he must fall, to sleep without his fame,
And leave a dead unprofitable name—
Finds comfort in himself and in his cause;
And, while the mortal mist is gathering, draws
His breath in confidence of Heaven's applause:
This is the happy Warrior; this is He
That every Man in arms should wish to be.

That, Mr. President, in my judgment, is TED STEVENS, ''The Happy Warrior.''

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is his misfortune, the Senator from Alaska, to not be here on the floor to listen to those eloquent and gracious remarks of the Senator from West Virginia. So I think it falls to me, inadequate as I am, to thank the Senator from West Virginia for those thoughts and to say that it reminds those of us who have not been here quite so long of the magnificence of the personal relationships that are created here by broad-minded Members like the Senator from West Virginia and the Senator from Alaska

over the years, even though I suspect that during many of those 12,000 rollcalls—literally thousands of them—they voted on opposite sides, sometimes with views that were very strongly held.

I think it is only the Senator from West Virginia and perhaps the President pro tempore who will cast more votes than Senator STEVENS, who I note now is here, and I would rather he speak for himself.

But I say, Mr. President, through you to the Senator from Alaska, that I was privileged to hear the eloquent remarks about the Senator from Alaska on this occasion that the Senator from West Virginia made. They do great credit to him, and they do equal credit to the Senator who made them.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Washington for his very gracious remarks.

Mr. STEVENS. Mr. President, I am embarrassed.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. My daughter just graduated from high school. We had a little event. They called to tell me that my good friend, the distinguished Senator from West Virginia, was making remarks about my having followed him to this floor for 12,000 times. We have been partners for a long time. I am grateful to the Senator from West Virginia for his comments. I look forward to reading them. I am sad that I was not here to listen to them. But knowing the Senator, I know they were eloquent, and I am proud to be the recipient of his comments.

Thank you.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me thank and join in with the comments made by our distinguished leader, Senator BYRD from West Virginia.

No one knows the history and appreciates the history of the Senate better than Senator BYRD and the compliment thereof. He reminded me, when he talked about the fatal crash that Senator STEVENS was involved in, I had just traveled with Senator STEVENS and his first wife, Annie. We were in Cairo, Egypt, out on the Nile to a conference with Anwar Sadat. We stopped in Madrid. I will never forget it. My wife and Annie took a quick trip, as we were being briefed. There was the purchase of a cut-glass bowl, and Annie Stevens had that in her lap, and that plane went head over heels. It broke Senator STEVENS' arm, and it cost her life, but there was not a crack in the bowl.

I can tell you from the early days when I first got up here in 1966 that I used to hold the hearings for Senator Bob Bartlett up there in Seattle with Dixie Lee Ray and John Lindberg and all on oceanography and what have you, and then go up to Alaska to Point Barrow.

There is no closer friend in the Senate to me than TED STEVENS of Alaska. I am his admirer. I like his fights. Senator BYRD was more tactful about describing it, but I am telling you right now, when he gets worked up, get out of the way right now, because he is going to get it done one way or the other, and he is not yielding. He has that conviction of conscience that really guides all of us in our service up here.

Over the many years, we visited, we traveled, we worked together, and we have been identified both on the Appropriations Committee and on the Commerce Space Science Transportation Committee. Senator STEVENS long since could have been chairman of that Commerce Space Science Transportation Committee, but he elected to take over at the appropriations level. As a result, Alaska is well served. I can tell you that. It is filled up.

They used to say about my backyard with Mendel Rivers that if he got one more facility, Charleston, SC, was going to sink below the sea. I think second in line for that kind of result would be Alaska as a result of the diligence for the local folks.

I will never forget; we traveled up to Point Barrow. The Natives had erected a cross and a statue to Annie Stevens who was lost in that wreck.

I want to emphasize that more than anything else—of course, his wonderful wife, Catherine, and his daughter, Lily—that he might make 12,000 votes, but he will miss votes, I can tell you, to be there with Lily. In fact, we had planned during the August break to take another survey trip, and he said: Oh no. Lily goes to Stanford then. We have to put it off until later.

You have to admire that about an individual, as busy as we get and as wound up as we get with the important affairs of state, to never forget the personal responsibilities, and the love and that TED has for his family, and, of course, for each of us in the Senate. He is most respectful. He works both sides of the aisle. As a result of that, he is most effective.

I yield the floor.

Y2K ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the distinguished Senator from California is now back on the floor, and we are dealing with her amendment.

There was an extensive effort to reach agreement on a form of that amendment. Regrettably those efforts were not successful. There simply is a significant difference of opinion on the policies that it propounds. I intend to speak for a relatively short period of time in opposition to the amendment. I am certain that the Senator from California would like to speak for her amendment. I know the Senator from Connecticut is here, and I know the Senator from California wishes to speak.

Shortly after that succession is completed, if there is no one else who wishes to participate in the debate, there will be a motion to table the Boxer amendment.

The Boxer amendment requires, as a part of the remediation, that a manufacturer make available to a plaintiff a repair or replacement at cost for any product first introduced after January 1, 1990, and at no charge under the same circumstances for a product first introduced for sale after the end of 1994.

The amendment is overwhelmingly too broad. For example, the Internal Revenue Service allows, at most, 5, and in many cases only 3, years in which to write off the cost of products of this nature, determining that is their useful life. If they are used in a business, therefore, they have been depreciated to a zero value in every case—not every case covered by this matter, but in the vast majority of the cases covered by this amendment.

In many of these cases, under the second subsection, it simply means that the plaintiff is entitled to absolutely free replacement. That computer, if it is a home computer, may long since have been relegated to the attic, unused. Yet the original manufacturer would have to replace it. In many cases, the new parts would not work. A 1990 computer is not very readily upgradeable. It does not have the speed or the memory of a 1999 computer. Y2K problems are probably the least of the problems with which such a manufacturer is faced.

I spoke yesterday on the bill as a whole, the tremendous way in which our lives and technology have been changed by this revolution; 1990 is several generations ago with respect both to hardware and to software. How do we go about doing this? Precisely what products are covered?

We simply have a situation in which the amendment is too broad and missing in specificity. We have an attempt to amend a bill that is designed to discourage litigation and to limit litigation that, if adopted, will significantly increase the amount of litigation and the number of causes of action that would take place without any legislation at all.

In other words, this amendment would create new causes of action that probably do not exist anywhere under present law. Under those circumstances, while we should certainly encourage remediation and fixes, this might well have exactly the opposite impact. We have all kinds of duties listed in here with respect to manufacturers—and to others, for that matter. It is not only unnecessary to add this new duty and this new potential for causes of action, this proposal is 180 degrees in opposition.

Therefore, with regret and sorrow that we were not able to work it out, I must for myself, and I suspect for a majority of the Senate, object to the amendment and trust we will soon have a vote on that subject.

Mrs. BOXER. Mr. President, I thank the Senator from Washington for not moving to table at this time so I have an opportunity to respond to his comments.

I want the Senate to understand those who are supporting this bill came back to this Senator with a suggestion on how I could change the amendment so it would be agreeable to them. We agreed with their changes. We said fine, we are willing to back off a little bit.

Guess what happened? My colleagues on the other side of the aisle still would not accept it.

It is not the Senator from California who was unwilling to make the amendment more workable to the other side. It was the other side who recommended a change. When we said OK, they decided it was still unacceptable.

I don't quite understand it. Now there is going to be a motion to table this amendment.

I see the Senator from Illinois is on the floor. I wanted to make sure he understood we were negotiating to try to reach an agreement. We were offered some changes. Even though we did not think they were perfect, we accepted them. The other side, however, continues to resist.

I don't know whom they checked with, but it was not the consumers, because this is the only proconsumer amendment that I thought had a chance to make it into this bill.

Mr. DURBIN. Will the Senator yield?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. DURBIN. Did I understand the Senator from California to say this was part of the original legislation on this subject, the idea that the businesses which bought the computers and the software that didn't work would at least have some help in repairing it so they could keep their businesses going and not shut down and cost jobs? Is it correct that this was originally part of the proposal?

Mrs. BOXER. The Senator is exactly right.

The proposal I had in the form of this amendment was taken almost verbatim from a bill that was offered by two Republican House Members, CHRIS COX and DAVID DREIER, very good friends of the business community. The concept for my amendment was essentially taken from that bill.

Mr. DURBIN. Will the gentlelady yield?

I think the Senator makes a very good point. The Senator said at various times this is a consumer amendment, this is a probusiness amendment.

Mrs. BOXER. No question.

Mr. DURBIN. We are talking about small and medium-sized businesses, dependent on computers, that discover, January 2, the year 2000, they have a serious problem.

What the Senator from California is suggesting is, if it is an old computer, one that goes back over 5 years, they would have to pay the cost of whatever the repair; if it has been purchased in the last 5 years—a period of time when everyone generally sensed this problem was coming—the computer company would fix it without charge.

A lot of businesses would retain the ability to keep going, making their products and keeping their people working.

This is not just proconsumer, this is probusiness. It troubles me to see so many business groups lined up against this amendment. It seems to me counterintuitive.

I think what the Senator from California is doing is showing sensitivity that virtually all friends of business should show in this legislation.

Mrs. BOXER. I thank my friend.

I think the amendment pending—which, unfortunately, the other side is going to move to table—is a proconsumer, probusiness, pro-ordinary person amendment. It is a commonsense amendment.

It simply says to the manufacturer, if you have a fix available and you determine you do, then fix the problem. We are only talking about computers that were made in the last 10 years. We are exempting all the rest.

We are not adding an undue burden. There are a lot of good people out there who are making the fixes. We are saying to the rest of business, emulate that, fix the problem, and there will be no lawsuits, no waiting at the courthouse door; you will be able to get your computer back in operation, you will be able to keep your business going and growing.

For some reason, the other side cannot see their way clear to accepting this.

Mr. HOLLINGS. Will the Senator yield?

I want to credit Senator DURBIN for educating this Senator. These fellows have to come over from the House and tell Senators how to act. I never heard ''gentlelady,'' but now I like it.

If the distinguished gentlelady will yield, I have been here since, of course, the beginning of the debate. It has been what they call predatory legalistic, predatory legal practices, lawsuits, racing to the courthouse, running to the courthouse, picking out someone down the line with deep pockets.

The distinguished Senator, as I understand it, is only asking for a fix. The amendment is not asking to race to the courthouse, but to race away from the courthouse.

Mrs. BOXER. Exactly.

Mr. HOLLINGS. Just get a fix.

And now they don't even want to agree on fixing the thing.

Mrs. BOXER. Right.

Mr. HOLLINGS. Maybe if we keep to this debate long enough, they, on the other side of the aisle, will ask us to send money to the poor computer industry. We ought to take up contributions. We have to change the laws for them. All we want to do is get the computer fixed, but now they even oppose that.

Is that the case? Isn't that the amendment, really—to get it fixed? It has nothing to do with bringing a legal proceeding or economic loss or any of that?

Mrs. BOXER. My friend is so right. We do not touch one thing in the underlying bill.

Mr. HOLLINGS. I see. I thank the Senator.

Mrs. BOXER. As it relates to lawsuits, it has the same exact provisions. All we say is, if a manufacturer has a fix available, do the fix. Be a good actor. Be good corporate citizens. Do what most of the fine companies are doing up and down the State of California and throughout the country. They knew this problem was coming, and the good ones have done something about it. This amendment, frankly, was brought to me by the consumer groups. They said: You know, no one is really talking about fixing the problem. They are all talking about legalisms here. It made so much sense to me.

It was brought to me by the consumer groups, taken straight out of the Chris Cox-David Dreier original Y2K legislation. But we cannot even get ourselves here to support this very simple matter.

As a matter of fact, Cox-Dreier went even further than my amendment. Let me tell you what they said. They said, if you do not do the fix and you had the fix, you do not get the protections of the underlying bill. Imagine. DAVID DREIER and CHRIS COX. And when I looked at that, I said, that is a little tough on my computer people; I am not going to go that far. All we say is, if you have a fix and you do not do it, then if you do sue, the judge has to consider all these facts when he or she determines the damages to be awarded, if any.

So here we have a proconsumer amendment. My friends on the other side come back with some changes to it. I say: Fine, I am willing to do it. And they say: Oh, never mind, never mind.

If we vote down this amendment, I say to my friends, there is nothing in this bill, that I see, that does anything for consumers. There is nothing in this bill that helps them. There is nothing in this bill that helps, by the way, the good corporate actors out there who are already doing the right thing. All this is about is protecting the bad actors, the bad folks who are not doing the right thing, who, if they are listening to this debate and if they are smart—and believe me, they are smart—what are they hearing? Hey, if you are really fixing matters now, cool it. Why do it? Why spend any money? Under this underlying bill, you do not have to do a thing.

I am just a normal person here, not a lawyer, OK? Maybe that is part of my problem. They call it a remediation period: 30-day notice. You notify the manufacturer that you have a problem. They have to write back. Good, that is

the McCain bill. They have to write back.

Then you have a 60-day remediation period, but nothing is required of you. What are you remediating? We say, if there is a remediation period, let's make that terminology mean something: Remediate. It is a 60-day period. We ought to fix the problem.

The Boxer amendment, supported by Senators DURBIN and HOLLINGS and TORRICELLI and others, simply says let's make the remediation period true to its name.

Mr. DURBIN. Will the Senator yield?

Mrs. BOXER. I am happy to.

Mr. DURBIN. As I look at this legislation which we are considering, the underlying bill, it is hard to argue with it. It starts out saying:

The majority of responsible business enterprises in the United States are committed to working in cooperation with their contracting partners towards the timely and cost-effective resolution of the many technological, business and legal issues associated with the Y2K date change.

That is the first paragraph of this bill. It is a perfect description of the Senator's amendment, because it says responsible businesses will be working to solve problems. In my colleague's situation, she is providing a means of resolving the problem short of going to court. That is what this is all about.

Mrs. BOXER. Exactly.

Mr. DURBIN. So those who are truly interested in the damage done to businesses must really step back and say the BOXER amendment is one that really addresses the damage that businesses will face—repeating, again: These are businesses depending on computers that may shut down because the computer they purchased is not proper, is not ready to deal with the new century.

That is what this legislation, the amendment, is all about: Find a way to help these people stay in business. Responsible businesses dealing with responsible businesses, not racing off to court, not playing with lawyers. I am stunned that at this point the amendment by the Senator from California just has not been adopted. It troubles me when I think about it in the context of the underlying bill.

If the people who are bringing this bill to the floor do not care that much about small and medium-sized businesses that will face the delays, face the layoffs, because of Y2K problems, this is not a probusiness bill. This is for an elite group of bad actors in an industry who have not done their homework and do not want to be held responsible for their bad conduct. That, to me, is not what we should be doing on the floor of the Senate.

I think the Senator from California, when you take a look at the first paragraph of this bill, really has an amendment that addresses the bottom line.

Mrs. BOXER. I thank my friend.

As we pointed out earlier in this debate, when I hear people get up and talk about the high-tech industry and how great the high-tech industry is, I know it firsthand because I come from Silicon Valley country. I meet these people. I am in awe of them. And they are good. They are good at what they do. The vast majority of them are taking care of this problem. They ought to be encouraged to continue taking care of this problem. We should not reward those who are not taking care of the problem, who are riding along as if they did not know.

I just love that quote from the Apple people. I do not have it here in front of me, but it is something like:

We may not know a lot of things, but we knew the century was ending.

At some point people said, ''Whoops, there is going to be a problem.'' I guarantee it was well before 1990. But I think we are being very careful in this amendment not to place an undue burden on these people. We are saying you can recover your costs from 1990 to 1995; prior to that, you can charge anything you want. We really are being fair in this amendment.

I am stunned we did not get this amendment accepted. I cannot tell you the feeling I have. I am amazed, because when I think about the beginnings of this bill—I remember being excited I was going to be the Chair on the Y2K problem, because I was in line to take that. I asked Senator DODD if he could do it, because it was a tough time for me; I had an election, and I had my regular job. I knew I could not do it justice. I knew this was going to be a problem, and I wanted to make sure we could help consumers fix the problem and we could do it in a way that was fair to business.

The 90-day cooling off period is a good idea, in my opinion. That is why I supported the Kerry bill, and I hope eventually that will be the bill that will become law. But the 90-day cooling off period does not mean you sit there with a fan. That is not my idea of a 90-day cooling off period.

A 90-day cooling off period should be a time for everyone to sit back, see what the problem is, fix it, and remediate the problem.

I have to ask my friend, Senator HOLLINGS, who knows this bill like the back of his hand far better than I do, I keep reading to see what the requirement is in this cooling off period for the businesses. All I come up with, and please correct me if I am mistaken, is that once a company is notified that a consumer has a problem, under this bill, to get the protections of this bill, all that company has to do is write back to the consumer and say: Yes, I got your letter; I am looking at the problem; I don't know what I am going to do, but I will stay in touch with you.

That is my understanding of what you have to do to meet the requirements to be protected by this, essentially, rewrite of the laws of our land. I want to know if I am correct or incorrect.

Mr. HOLLINGS. The distinguished Senator from California is manifestly correct. We all live in a real world, and then what really happens, as we learned from Rosemary Woods, if you want to get rid of evidence, if you want to lay the blame—I am the lawyer for the computer company, and when I am notified about this particular claim and it comes across my desk, let's find out now why this thing really occurred, and if we can put it off and save the company some money on that part made in India, then we will get on to that or we will move it around here.

What that does is it gives them 60 days to prepare all the defenses and even engage in interrogatories and depositions, which you are not allowed to do because you are the one required under this bill to stand back and cool off; whereas, I can come immediately then with my interrogatories and my depositions and pretty well have the case lined up during that 3-month period. Then I will know whether it pays for the company, because I am the lawyer, and I want to stay on it as a lawyer, my game is to save the company money. I say: Look, don't worry about that; we are going to send them to India to try that case and let them keep on making motions, because it is going to cost you $30,000 to fix it.

They just sent a doctor in New Jersey $25,000 as a fix for a purchase he made the year before for only $13,000. That is why it is silent. Everybody knows how they draw up these bills and what really occurs. The company is allowed to engage in all kinds of shenanigans—depositions, interrogatories, prepare defenses—and the poor plaintiff, the injured party, is going out of business; he is losing his customers. He tells his employees: I cannot make this monthly payment. I am not getting any money. I am closing down.

The employees are angry. What the Senator from California has in her bill is just perfect: a fix. That is all we want. Out with the lawyers, in with the fix. That is the Boxer amendment. The way the bill reads, the Senator has it analyzed correctly.

Mrs. BOXER. Basically, what we are saying is the amendment is: Remediate and you will not need to litigate. That is basically this amendment. Remediate and you will not have to litigate. Just fix the problem, and let's get on with our lives.

I want to ask my friend another question. Let's say in this year, today, I am a small businessperson. I run a small travel agency, say, out of my home. I am very computer dependent. I go to a store. I buy a computer. They say it is Y2K compliant; it is not going to be a problem. I have it just a few months, say, 6 months. I wake up on that day and it is down, and it is down the next day, and it is down the next day.

I want to talk about what happens under the McCain bill. What do I do? As I understand it, I write to the company, and I say: I am stunned. I bought it 6 months ago. I spent $15,000 for it, and it isn't working.

Under this bill, as I understand it, if they do not accept this Boxer amendment, which clearly they are not, and if it is not adopted, which it probably will not be, as I understand it, all the company has to do is write back and say: We got your notification; we will stay in touch with you.

Mr. HOLLINGS. Exactly.

Mrs. BOXER. Right? Now they qualify for the special protections under this law. They do not have to fix it. They certainly do not have to fix it for free.

Mr. HOLLINGS. Exactly.

Mrs. BOXER. If they fix it, they can charge more than what the computer costs. My friend has proof of that; does he not?

Mr. HOLLINGS. That is exactly right. That came out at the hearings. Witnesses have attested to it.

Mrs. BOXER. The bottom line is, if we do not adopt this Boxer amendment, then what is in this bill to encourage fixing the problem? This is ironic, because the idea is to stop the litigation, fix the problem, have a cooling off period where we remediate the problem.

DAVID DREIER and CHRIS COX in 1998 understood it. They put it in their bill. My friends on the other side, having indicated they would be inclined to take this amendment with some changes, I agreed to those changes. Yet, we were still unable to reach an agreement.

I am perplexed, I say to my friend. What are we doing here anyway? What is this about? Is this about protecting the consumer? Is this about getting things fixed? Is this about standing proud of the good computer companies that are making the fix?

Mr. HOLLINGS. The last thing a computer purchaser, a user wants to get involved with is law. That is the last thing. That is what they are saying in the bill. The intent of the McCain measure provides you do not get into racing to the courthouse.

The answer to the Senator's question is, that is exactly what is required; namely, I am a computer purchaser and user and it goes on the blink. I am trying to get in touch with them, and they know the laws. I never heard of the law. They will not hear of it, whatever it is. I have written a letter, and I keep calling, and like the doctor from New Jersey who testified before the Commerce Committee said, he called at 2 weeks, 3 weeks and nothing happened. They like that, because the computer operator and purchaser do not know anything about these special laws and provisions of the McCain measure.

What happens is, it puts them into a bunch of legal loopholes. It actually engages a consumer in a bunch of laws that are unique only to him, and he never has heard of and he is going to have to learn the hard way about putting a letter in, certain days to cool off, then do this, and all these other measures.

Heaven's above, it is so clearly brought out in Senator BOXER's amendment that all we want to do is get the blooming thing fixed and get away. Out with the lawyers and in with the fix. That is what the Senator is saying, but they do not even accept it.

Mrs. BOXER. I know, and I am just completely astounded. I have to believe the people who vote against this amendment may not want to be around here on January 3, or whenever it is we get back. People are going to be calling. They are going to say: We heard all about this Y2K bill; didn't you fix our problem?

Mr. HOLLINGS. No, we created a problem.

Mrs. BOXER. Right. They are going to call up their Senator: Senator so and so, you were proud to stand here for that Y2K bill. What did it do?

I view it as an insult to the good people in the Silicon Valley, to the good people in San Diego, to the good people in Los Angeles who work at this night and day, who knew the century was going to end and took steps to prepare for this day, who are making fixes.

Now what happens? The people who were irresponsible are getting a loud message from this Senate, particularly when they vote down this Boxer amendment: Oh, boy, we did the right thing by not fixing anybody's computer. We did the right thing just to sit back and see what happens. We have been protected by the most deliberative body in the world; they protected us from not doing the right thing.

I just do not get it around here. Sometimes I wonder for whom we are here. I do not get it, because to not have this amendment accepted, the only people you are helping are the people who do not want to make the fix. It is outrageous to me. This amendment is probusiness, it is pro the good businesspeople, the good corporate citizens. I just do not get it. It would reward those who have not done the fixes.

I have run out of arguments. I have a hunch that minds are made up. I don't know how I get that feeling. But I have a feeling that minds are made up on this, that this is going to be tabled. We will have a bill, then, that has not one thing in it for the consumers of this country. I have news for the people who are not going to vote for this: Every single American is a consumer, bottom line. I hope they rethink their position. I was willing to compromise and get a good amendment through, but, unfortunately, the other side could not agree to that. Let's get on with the vote. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it constantly amazes me, whether the subject is education or business regulation or computer software, that Members in this Chamber know much more about the subject than do those who are in the business. It is the very companies the Senator from California so praises is doing things right that have felt, in order to concentrate on fixing Y2K problems, rather than having run the gauntlet set for them by trial lawyers, that this legislation is necessary.

It is simply because they prefer to fix the problem in the real world than to face endless litigation that we are here today. That same group of highly responsible organizations thinks this amendment will actually create more litigation, that it ought to be entitled ''The Free Computer Act of 1999,'' because really the only way to make sure you are not sued will be to replace the computer lock, stock, and barrel, even if it is three generations out of date, even if it is in the attic.

So the reasons to oppose this amendment are quite easy to determine. They are that we want the problem fixed, we want the problem fixed in the real world, not for years and years thereafter, after expensive litigation, punitive damages, consequential damages, everything that afflicts our legal system today.

I had hoped we would complete the debate and begin the vote at this point. We have, however, taken too much time. There is now a markup of the Senate Appropriations Committee that involves both me and two of the three other Senators on the floor at the present time. In order to not disrupt that markup, I announce that a motion to table will be made immediately after that Appropriations Committee markup has been concluded.

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

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

Mr. WELLSTONE. I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

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

Mr. WELLSTONE. I thank the Chair.

THE SETTLEMENT IN KOSOVO

Mr. WELLSTONE. Mr. President, I want to very briefly speak about the settlement in Kosovo. I speak with a sense of relief that we now have moved toward a diplomatic settlement. At the very beginning, I think it was a very difficult vote for all of us as to whether or not to authorize airstrikes. We had pretty close to an equal division of opinion. I voted to do so.

I had hoped that we would be able to stop the slaughter. I thought that it was a certainty that Milosevic would move into Kosovo and people would be slaughtered. We were not able to really do that with airstrikes, not in any way that I had hoped we would be able to, but I do think—and I want to give some credit where credit is due—there are two things that have happened that are very important for the world.

One of them is that Milosevic has been indicted as a war criminal. That is a huge step forward for human rights in the world.

The second thing that has happened is our actions have made it clear that a Milosevic or someone like a Milosevic should not be able to murder people with impunity.

There are many challenges ahead, but I want to just say that as a Senator from Minnesota, I am very pleased that we did put such a focus on trying to reach a diplomatic solution. I would like to especially thank Strobe Talbott for his work. I think it is extremely important now that we meet a number of really tough challenges.

I am not the expert in the Balkans; I do not pretend to be, but I do know this: It is very important that we continue to keep our focus on the humanitarian crisis and make sure the Kosovars can, indeed, go home, the sooner the better.

I think an all-out effort ought to be made to make sure they can go back to their homes. If we are going to do the weatherizing and all the things in the infrastructure for people to have a home to live in, then it is better to do it back in their own country. I hope we can do so. I hope we can move as quickly and as expeditiously as possible.

Second, I think it is going to be real important that all parties to this settlement live up to their word. I think that includes the KLA. There will be an understanding, kind of determination on the part of Kosovars and the KLA for vengeance. Who can blame them? But I do think we have to make sure that we do put an end to this conflict and that the Serbs who live in Kosovo will also be protected and that somehow we will be able to make sure there is some peace in this region.

Finally, I want to say, as a Senator who supported airstrikes but who worried about some of the focus of our airstrikes, in particular, I thought there was too much of a focus on the civilian infrastructure. I thought and still believe there were opportunities to move forward with diplomacy at an earlier point in time. I always believe that is the first option, always the first option, with military conflict being the last option. I do want to say that I think the President and the administration should be proud of the fact that they have now been able to effect a diplomatic solution and that this solution, indeed, will mean that the Kosovars will be able to go home.

It will mean there will be an international force. It will be a militarized force. There will be a chain of command that makes sense. It is a huge challenge ahead for us. My guess is that we are going to be committed to the Balkans for quite some period of time. I think we should be very realistic about that. I think that we owe that to the Kosovars. We owe it to these people. I think that is part of what our country is about. It looks as if the European countries are going to take up most of the challenge of the economic aid for reconstruction, and I think that is as it should be. I think our part of this international militarized force would be somewhere at 14, 15 percent. But certainly it won't be the United States carrying this alone.

I worry about the landmines. I worry about our military and, for that matter, the men and women from other countries who are trying to do the right thing now, being in harm's way. But to now no longer be involved in airstrikes, to see the Serbs leaving, the slaughter being stopped, the Kosovars now having a chance to go back to their homes and to be protected, I think we are at a much better place than we were. Now I hope and I pray that our country will be able to make a very positive difference in the lives of the Kosovars.

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

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

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. Mr. President, I just was trying my best to give colleagues a summary of State action on Y2K problems. This is pretty well up to date. Seven States have passed Y2K government immunity legislation; that is, Florida, Georgia, Hawaii, Nevada, Virginia, Oklahoma and Wyoming. Twelve States have killed Y2K government immunity problems: Colorado, Idaho, Illinois, Indiana, Louisiana, Kansas, Mississippi, Montana, New Hampshire, New Mexico, Utah, Washington, and West Virginia. One State has passed the Y2K business immunity bill; that is Texas. Whereas 10 States have killed Y2K business immunity bills: Arizona, Colorado, Connecticut, Florida, Indiana, Iowa, Kansas, Oklahoma, West Virginia and Washington. Two States have killed the bankers immunity bill, originally the year 2000 computer problem: Arizona and Indiana. Two States have killed the Computer Vendors Immunity Bill; that is California and Georgia. One State has killed the bill to limit class action suits; that is Illinois, the distinguished Presiding Officer's State. And 38 States have miscellaneous pending Y2K bills at this time.

I think the distinguished Senator from California wanted to point out an interesting provision in the State of Arizona.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend for yielding. I thank his staff for doing just a tremendous job of ferreting out all these various laws.

I have something to tell the Senate that I hope will sway them in favor of the Boxer amendment. In the research that was done by Senator HOLLINGS' staff, we find out that the law in Arizona, which was signed on April 26, Senate bill 1294, includes in it stronger language than the Boxer amendment. I repeat: The Senator from Arizona, whose bill we are debating, cannot agree to the Boxer amendment which simply says if you have a way to fix the problem for the consumer, be they individual or business, then do it. He can't accept that. But in his own State, the law says if you want to take advantage of a particular new set of laws that they have passed to protect these businesses, here is what you have to do. You have to unconditionally offer at no additional cost to the buyer either a repair or remedial measures. If you do not do that, you cannot take advantage of these new laws that will protect business.

Let me put that in a more direct fashion. In the State of Arizona, the State of Senator MCCAIN, who has the underlying bill, a company cannot take advantage of the new Y2K laws, which will help them, unless they have offered to fix the problem. They have to prove that they unconditionally offered at no additional cost to the buyer a repair or other remedial measures.

I want to engage my friend from South Carolina in a little discussion here, ask him a question. Does it not astound the Senator that we have an amendment before us that will not be accepted by the Senator whose own State has a tougher provision than the Boxer provision, that we can't go even halfway toward the State of Arizona law which says in order to take advantage of the new legal system you have to unconditionally offer to fix the problem?

I ask my friend, who is very knowledgeable in this, if this doesn't strike him as being very strange?

Mr. HOLLINGS. This is astounding, because in getting this information up and looking at the glossary of State action, we all say: After all, don't you remember in 1994, the Contract with America, we got the tenth amendment, the best government is that government closest to the people, let us respect the States on down the line. They had all these particular provisions. Here comes an assault with respect to actually killing all the State action and everything else, when they probably had a more deliberate debate than we have had at the local level, and they have all acted.

Here you put in a provision which responds, generally speaking, to the action taken by all the States, and yet they say, no, we know better than the States now and that we are not going to have a fix.

It is astounding to this particular Senator the course this bill has taken. Here I am trying to get a vote. I know my distinguished chairman, Senator MCCAIN, worked like a dog here in the

well. He said: I want to make sure we get rid of this thing, and I am working on Senator SESSIONS and Senator GREGG to get these amendments up and have them considered so we can dispose of the bill. So I know he is not the holdup.

The press listens, and they are sending the word down to me that they have a computer software conference or something at the beginning of the week, and they would like to have this as sort of part of the computer software program. You cannot even intelligently debate the thing. It has gotten to be on message so that you have to have the message at the right time.

This is disgraceful conduct on the part of the Senate, if that is the case. I like to cooperate. I went right over to my distinguished friend from Alaska and I said, look, I am trying to get a vote, but I know they are headed to the Paris airshow. If your plane is leaving or whatever it is, I understand. I will yield and let's go ahead then and we will have a Tuesday vote. I was trying to find a reason, a good logical reason. It was logical to me to indulge the needs of my friend from Alaska, because it is an important conference they are going to. He said, no, we don't leave until late this evening. So it wasn't that. Then I asked over here, and it isn't this. It isn't Senator MCCAIN. I keep going around trying to find out, and here we are trying to agree in order to get the bill passed and they won't agree to agree.

Mrs. BOXER. I say to my friend, I have been on my feet since I think 12:30—about 12, I think.

Mr. HOLLINGS. I asked the Senator to only take 10 minutes, does she remember that?

Mrs. BOXER. Yes.

Mr. HOLLINGS. When the Senator came to the floor, I said, ''Senator, Senator MCCAIN wants to get rid of it, and I do. Will you agree to 20 minutes, 10 to a side? Senator MCCAIN is ready to yield back his 10 minutes.''

Now, that is the way it was at noontime today. Here now, at quarter past 3, we are running around like a dog chasing his tail trying to find out why in the world, when they are having an ice cream party all over the grounds around here, you and I are trying to get the work of the Senate done, and they can't give us a good excuse. When you say, ''All right, I will amend it,'' and you are bound to agree, so we can move on, they say, ''No, no, we don't want to agree to agree.''

Mrs. BOXER. Well, I remember that the Democrats were being criticized and they were saying: You are not letting us get this Y2K bill up for a vote, because we wanted to do—I remember this very clearly—some sensible gun amendment. We were told we were holding up Y2K. We said: We can get those things done. And, thanks to the majority leader, we moved to the juvenile justice bill, and with bipartisan help we got some good, sensible gun amendments through, and we went right to Y2K.

I want to say to my friend, the ranking member on the committee, who has some real problems with the bill—more problems than this Senator has—didn't object to proceeding to the bill. He said: OK, we will proceed. He asked me to please make my case. I said: I will settle for any time agreement. I said I didn't need a vote. I said: Take my amendment. I agreed to the other side's recommendations. Then they said: Oh, we can't do it.

I don't understand why they can't take this amendment. I keep coming back to that. Every time I work my way into my best closing argument, because I think there is going to be a vote—I had my best closing argument at 1:55, because I thought we were voting at 2. Then I had to rev up again at 2:30, and I got another good closing argument. Now they say we are going to have a vote at 3:30. I don't see anybody here yet. I hope they come here, because I think it is important.

The amendment pending before the Senate is a consumer amendment, because it says fix the problem. It is weaker than the consumer amendment that is included in the Arizona law. This is incredible. In the Arizona law, which is a beautiful law, which passed overwhelmingly, they say—and this is important; it defines the affirmative defenses that will be established if you do certain things. You have to do certain things to help people. If you do these things in good faith, you get a little more protection at the courthouse. What are they?

The defendant has to notify the buyer of the product that the product may manifest a Y2K failure. And the notice shall be supplied by the defendant explaining how the buyer may obtain remedial measures, or providing information on how to repair, replace, upgrade, or update the product. The defendant [meaning the company] has to unconditionally offer, at no additional cost to the buyer, to provide the buyer the repair or the remedial measures.

All we say in the Boxer amendment is, you don't even have to do it for free—only for free if it is the last 5 years. Prior to that, from 1990 to 1995, at cost; before that, you can charge whatever you can get. The Boxer amendment doesn't even say you have to do this to avail yourself of these new laws. It simply says if you don't do it, the judge—if there is a court case—has to take into consideration the fact of these cases. I cannot believe this wasn't accepted in a heartbeat. It is weaker than the Arizona law.

What has become of us here? I don't know. I cannot figure it out. I love high-tech companies, software companies. They are the heart and soul of my State. They are good people. They are good corporate citizens. Most of them—the vast majority—are doing the right thing. They are doing these things already. So whom do we protect in this bill that was so important that we were supposed to rush to it, and now they are not going to vote on it until next week? What happened to all the rhetoric that this is an urgent problem? If we went to the CONGRESSIONAL RECORD, it would be embarrassing for people who were saying, ''Vote next week,'' just a couple of weeks ago, who said, ''This is urgent.'' I heard one of my colleagues on the other side say this is an emergency. I am baffled by it.

So I think what I will do is yield the floor, because I don't know what else I can say to convince my colleagues, who I am sure are listening to every word from their offices, that this amendment is the right thing to do for the people we represent, the people who vote for us.

I am going to tell my friends in the Senate, if you don't vote for this amendment, the phone calls will start coming in on January 1, 2, 3, 4, and 5, saying, ''I thought you took care of Y2K. You had so much fanfare about the bill. What can I do now?''

There will be nothing they can do, because without this Boxer amendment there is no requirement to fix the problem during the remediation period, or ''cooling-off period.'' The only thing required, to repeat myself, is a letter: Oh, yes, I got your letter. I know you have a problem. I will get back to you. That is it. You don't have to do the fix. It doesn't have to be for free. You can do whatever the market will bear, and you get the protections of the bill.

It is not right, my friends. It is not right. We can make it better.

When I go back home and talk to my friends in Silicon Valley and they say, ''Senator why didn't you support the underlying bill?'' I am going to be honest and say, ''This bill is an insult to you; it is an insult to you. It is assuming you are too weak to do the right thing. It is assuming you are a bad corporate actor.''

I can't do that to the people I represent. They are too good, too important, too successful to have this kind of treatment. That is how I see it.

So, again, hope against hope that we will have a change of heart here, and maybe they will take this amendment or try to go back to the offer they gave us a little while ago. Otherwise, I guess we will just have to wait for the motion to table.

I yield the floor.

Mr. HOLLINGS. Mr. President, you learn to study these things. You look closely, and you finally realize what is happening.

I remember an old-time story about the poll tax days and the literacy testing of minorities in order to vote. In South Carolina, a minority came to the poll prepared to vote, and a man presented him with a Chinese newspaper. He says, ''Here, read that.'' He takes the paper and turns it around all kinds of ways, and he says, ''I reads it.'' The man asks him, ''What does it say?'' The minority says, ''It says ain't no poor minority going to vote in South Carolina today.''

They know how to get the message. In turn, I can get this message. This goes right to what is really abused as

an expression, ''Kill all the lawyers.'' To Henry VI, Dick Butcher said, ''We have to kill all the lawyers.'' What they were trying to do was foster tyranny, and they knew they could not do it as long as they had lawyers available to look out for the individual and individual rights.

Say I am the lawyer and I have a lot of work. Generally speaking, I am a successful lawyer. And someone comes to me in January or February with a Y2K problem, and I am saying I am not handling those cases, you ought to try to see so-and-so, wherever we can find somebody, because the entire thrust is in order to really get anything done and get a result I know that I am limited. I can't take care of the poor small businessman and the lost customers. I can't take that small businessman and his employees that have had to take temporary leave because his business is down. I can't take care of the other economic damage like the lost advertising which has come about while his competition takes over. I have to tell him it is the crazy law that they passed up there in Washington. But that is how things are getting controlled whereby you just come in.

So I have to write a letter on your behalf, and after I write that letter, 30 days, then another 60 days is the so-called cooling-off period. Then, if nothing happens, which apparently you tried to get it fixed and nothing has happened, I have to draw pleadings and file and everything else. It all comes down to $5,000 or $10,000 for a computer. I have spent $5,000 of my time and costs, unless you are rich enough to start paying me billable hours. I spend $5,000 for much of my costs and staff and hours of work myself. The most I can do is get you back half of a computer.

It is a no-win situation. They have passed a law in essence not just for rushing to the courtroom or courthouse, as they talk about, but to make sure that nobody wants to handle a case of that kind because there is no way to make an honest recovery to make it partially whole. You just totally lose out.

They know what they are doing when they oppose the bill to get the thing fixed.

That is what I was thinking.

I know with all the State action and the moving forces behind it because I saw it last year. All you have to do is run for reelection and go from town to town and meeting to meeting all over your State. You learn your State. You learn the issues. You learn the opposition. You learn the movements afoot—or the NRA with respect to rifles. You learn about the abortion crowd. You learn about the other groups that have come in now with respect to any and every phase of lawyers.

It is sort of ''kill all the lawyers''—take away, holding up the lawyers for everybody to vote against. But the consumers are the ones who suffer.

The distinguished Senator from California ought to really be commended for finally bringing—after 3 days of debate—this into sharp focus. Lawyers, one way or the other, are not going to be handling these cases. Trial lawyers have bigger cases to handle.

But I can tell you here and now that consumers and small business are going to suffer tremendously.

Almost since I opposed the bill I have felt that it serves them right. Maybe I will prove I was right in the first instance, and maybe they will start sobering up with this intense messianic drive that they have on foot to ''kill all the lawyers.''

That looks good in the polls. That is why we don't do anything about Social Security or campaign finance or budgets or deficits or Patients' Bill of Rights and the important things. But if we can get that poll—and if that poll will show something about the lawyers—then we can get a bill up here, take the time to amend it, and then when we want to cut it off and argue everybody into doing so, and then finally agree that we can all agree and get rid of it, they say no way.

Mrs. BOXER. Will my friend yield for just a moment?

Mr. HOLLINGS. I am glad to yield.

Mrs. BOXER. I appreciate it. I wanted to talk to him about it.

Mr. President, I wonder if I can now send a modified amendment to the desk.

Mr. HOLLINGS. I yield the floor.

AMENDMENT NO. 621, AS MODIFIED

Mrs. BOXER. Mr. President, I send a modified amendment to the desk to replace my own amendment.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 621), as modified, is as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make a reasonable effort to make available to the plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a material defect in a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1997; and

(ii) make a reasonable effort to make available at no charge to the plaintiff a repair or replacement, if available, for a material defect in a device or other product that was first introduced for sale after December 31, 1996.

(B) DAMAGES.—If a defendant knowingly and purposefully fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

Mrs. BOXER. Is it necessary that the clerk read it, or can I just proceed to explain it?

The PRESIDING OFFICER. It is not necessary to have the clerk report.

Mrs. BOXER. Thank you very much.

I wanted to explain to my friend what I have done to make this even more palatable to the Senate. We are now saying the fix only has to be made to small businesses and individuals.

So we have narrowed the scope of the repair. Now it becomes even easier for the companies to make these repairs. I say to my friend when he talks about this attack on lawyers that I find it very interesting, because I read when Newt Gingrich was in power on the other side of the aisle that they had a poll done. They had a document prepared which everyone was able to see at some point or other. Their pollsters said in order to divert attention from an issue, attack the lawyers. Just take the attention away from what it is about.

In other words, if there is a dangerous product—let's say a crib—we had these before where the slats in the cribs are made in such a way that a child could die because they could fit their head through those cracks and choke to death—divert attention from the product, and say look at that greedy lawyer, he made X million dollars.

What they do not understand is that all of these kinds of cases—we are not talking about personal injuries, because this bill doesn't involve personal injuries. But I am just making the point here that when a lawyer takes on such a case—I want to ask my friend to talk about this because he knows this for a fact—they don't get paid unless there is a recovery in the suit. They put out maybe sometimes years of work and much expense, and they take a chance because they know the company is powerful and big and strong, and by the way, it has many lawyers. So they go to the people to divert attention from the tragedy that occurred. This is what a lot of politicians do, and they say it is all about the lawyers in Washington.

I hope the people of the United States of America know that there is a rule against frivolous lawsuits and that you can't bring a frivolous lawsuit because a judge can throw it out.

In addition, what lawyer would bring a frivolous lawsuit knowing that he or she is going to be out of pocket for all of these expenses and know that they only get paid if it was really an important lawsuit?

There are many lawyers out there who are not good citizens, who are not good corporate citizens, who do not have social conscience, because it is just like any other profession—just like we are talking about the software industry, or in the computer hardware industry. Most of the people are wonderful, and there are some bad actors.

But let us not get to the floor of the Senate and turn these debates into lawyers versus everybody else, because that is not what it is about. It is about making sure that people have their

problems resolved. If we start talking about lawyers, it isn't really relevant to real people who are going to deal with this real problem on January 1; they wake up, go to their computer and try to conduct business, and find themselves in deep trouble.

I ask my friend if he would comment.

Mr. HOLLINGS. Mr. President, commenting with respect to the attention that the Senator from California gives to consumers, and the comments made about frivolous lawsuits, I am an expert witness on frivolous lawsuits. I can tell you categorically that the courts will take care of frivolous lawsuits quickly. You can see it. I could mention some that have been in the news with respect to the computer people very recently.

But the reason I say an expert witness is because I used to bring individual injury suits with respect to the citizenry around my hometown and sometimes in bus cases. I had a good friend who was a professor at the law school when I was there, and thereupon the chairman of the board of the South Carolina Electric and Gas, which operated the city bus transit system, an event I said I had not been involved with, but that is wrong.

These corporate lawyers get really lazy. They get too used to the mahogany walls, the oriental rugs, somebody with a silver pitcher and some young lady to run in and give them a drink of water.

Rushing to the courtroom and trying cases is work. I remember saying to a man named Arthur Williams: I could save you at least $1 million if I were your lawyer. Later on he retained me.

Right to the point: The first or middle of the month of November, what I call the Christmas Club started to develop. Nobody could get on the transit bus who didn't slip on a green pea, get their arm caught on a door, or the door didn't jerk open and they fell and hurt their back.

This is back in the late 1950s when we were trying these cases.

I said we should try these cases. The claims were around $5,000 to $10,000. The settlements were half, $2,500 or $5,000. The lawyers thought they were too important to go to court to try cases.

Let me tell about a lawyer who was willing to try cases. His name was Judge Sirica. He wrote a book. While he was writing that book, he was being driven around Hilton Head by myself.

He looked at me and said: Senator, don't ever appoint a district judge to the Federal bench who hasn't been in the pitch.

I said: Judge, you mean trying cases?

He said: That is right.

He said when he got out of law school he flunked the bar exam three times. When he finally passed that bar exam, he didn't have any clients, he had to go to magistrate court and take what trials he could pick up. He said he got pretty good at it. He said after a few years, Hogan and Hartson asked: Will you come on board and start trying our cases?

It is work. Frivolous cases—they are small cases, some of them without foundation, a lot of them with foundation—but lawyers with this billable hour nonsense have gotten awfully lazy as a profession.

Talk about delays. When lawyers have billable hours, the opposition wants to play golf in the afternoon. We don't have to go to the judge, I will give you a continuance.

You agree, and the poor client is sitting there paying for the billable hours.

In any event, Judge Sirica said when he walked in the first day and listened to the witness, he told counsel to meet him in chambers. This is the first day of trial. When he got them back in chambers, he said: You are lying, and I'm not going to put up with this nonsense in my courtroom. He said: I could tell it from my trial experience. You are starting tomorrow morning, and you are going to bring out the truth, and you are not going to put up with these kinds of witnesses. It is not going to be just a citation and dock your pay. I will put you in jail if you all don't straighten up and start trying the cases in the proper manner.

He said that broke Watergate. To this practitioner, that goes right around to the so-called frivolous cases that all the politicians are running around about. It is work. You don't run to the courthouse.

As I pointed out earlier today, if you filed a case this afternoon, you would be lucky to get a trial in that courtroom in the year 1999, I can tell you that. The civil docket is backed up that much. I don't know of any court that can actually get to trial.

Who uses that? Not the fellow making the motions and paying the expenses and time and the depositions and interrogatories. The corporate billable hour lawyer, he likes that. He keeps a backup. It is to his interest you don't dispose of justice too quickly. All during the year, he has money coming in. He knows he is a winner regardless of what happens to his client.

They are engaged in predatory practices, frivolous lawsuits, and are running to the courthouse.

The Senator from California is rendering a wonderful service. This is about consumers. The amendment of the Senator from California seeks to get us away from the courthouse, get us away from lawyers, get us away from law, get away from legal loopholes, hurdles, and jumps.

The businesses say: Just give me a fix. I have to do business, and I don't want to lose my customers, service, and reputation. So she requires a fix—all for the consumer.

That is what the Senate and the entire Congress has heard.

There is no question, looking at the results at the State level, how they have turned back all of these things, that is why they are coming to Washington after the ''turn backs.'' Look at all of the States that have debated this issue. The only State in the glossary of State action that passed a Y2K business immunities bill, the only State, is the State of Texas.

Mrs. BOXER. Will the Senator yield?

Mr. HOLLINGS. I yield the floor.

Mrs. BOXER. Mr. President, I seek recognition at this time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, it is 3:50. The Senator from Washington was on the floor and said he would be here at 3:30 to table this amendment.

I wonder if the ranking member knows what is going on around here. I was told originally, when I offered my amendment at around the noon hour, we would have a vote at 2 o'clock. Then it was 2:30. Then my friend from Washington State gave me the courtesy of announcing he was not going to allow an up-or-down vote on my amendment; he was going to move to table at 3:30. It is 10 to 4. Have they sent my friend any word?

Mr. HOLLINGS. They have not sent me any word. The press sent me word about the software alliance.

I know the Senator from Arizona, the chairman of our committee, that distinguished Senator, was intent on getting rid of this bill. He told me that early this morning. We got the witnesses lined up, we talked down the witnesses, we made them get the time agreements, and he had an important commitment he made to leave around 12. He tried to extend it to 12:30.

During that half hour he said: I got us down to two amendments. I said: All I know of is the Boxer amendment.

I have now talked Senator TORRICELLI into not presenting his. I hasten to add, I am glad I did not talk Senator BOXER out of her amendment, because it is the only amendment that really brings into issue the matter of consumers we are trying to defend today.

He said: Don't worry. He came back to me twice and said: I have it; I think I worked that out; you go right ahead.

I said: I don't want to vote with you not here.

He said: Go ahead; these commitments have been made.

Everybody knows Senator MCCAIN's position on the bill. We will have to have a conference when it passes. There will be a conference report.

I pressured Senator BOXER and told my colleagues we can vote. Several said: No; we have a lunch hour; let's vote at 2 o'clock. And then 2 o'clock became 2:30, and 2:30 became 3 o'clock, and 3 o'clock became 3:30. Now it is 10 minutes to 4.

I have tried to be diligent in managing the bill and moving the business of the Senate. There is nothing more I can say. I am waiting on the leadership. This is above my pay grade.

We can go ahead and call the roll. I am sure the distinguished staffer on the other side of the aisle is ready to

call the roll. He has worked hard. We are all ready.

This is above our pay grade.

Mrs. BOXER. Mr. President, if it is against the pay grade of one of the most senior respected Members in the Senate, the ranking member on the committee of jurisdiction, clearly it is way above my pay grade.

I get paid to do a job here, and the job is to represent the people of California. Make life better for them, make life easier for them, give them a chance at the American dream, keep their environment beautiful and clean, give them opportunity, fairness. What I am trying to do is take that set of values and apply it to this bill. I do not want them waking up on the morning of January 1, 2000, and finding that their small business just crashed before them and they have no remedy when, in fact, a remedy exists and the manufacturer simply has to make a simple fix.

Again, my breath is taken away when I read the law in Arizona—I might say a Republican State—which says that before any manufacturer could take advantage of the easier rules of the law to defend himself or herself against a claim, they have to do certain things affirmatively, including offering to fix at no cost. In other words, what you say in Arizona is: We are happy to help you, Mr. and Mrs. Businessperson, but it has to be after you have affirmatively tried to fix the Y2K problem.

In the underlying bill, we require very little of a business before they can get to the ''safe harbor,'' if I might use that term broadly, of this bill. What do they have to do? Write a letter:

Dear Friend: I got your letter. I know you have a Y2K problem. I am studying it. I'll get back to you.

Then they qualify for the rest of the benefits of this law. Who does it help? It helps the bad actors. Who does it hurt? The consumers. Why are we doing it? God knows.

We could have done a good bill on this. The amendment I put before you comes from a House bill that was proposed in 1998 by DAVID DREIER and CHRIS COX. This is not some provision written by a liberal Member of Congress. It was written by two Members with 100 percent business records. Why did they put it in the bill? Because I think when they sat down to write the bill that was the object of the original Y2K proposal—a cooling off period, remediation period, get the fix done, stay out of court. I think, if this amendment is taken, if it is approved, I think that will be a good step forward for consumers. If it is not, there is nothing in this bill, in my opinion, that does one thing to cure the problem.

So, it is now 5 minutes to 4. Senator GORTON said he would be back at 3:30 to table the Boxer amendment. I am perplexed at what our plans are here, whether we are just going to not have any more votes today or whether we are just whiling away the time or some Members had to go to some other obligation. I do not know what is happening because I do not have word. All I know is I have been here since 12 o'clock on this amendment. It is a good amendment. I am hoping perhaps no news is good news, I say to my friend. Maybe they are so excited about this amendment they are trying to work it out somehow.

I see Senator LIEBERMAN is here to make some remarks. I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT (NO. 621) AS FURTHER MODIFIED

Mrs. BOXER. Mr. President, if my colleague will yield for just one more minute, I send a modification to the desk to replace the other one that was sent in error.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment (No. 621), as further modified, is as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make available to any small business or noncommercial consumer plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1995; and

(ii) make available at no charge to the plaintiff a repair or replacement, if available, for a device or other product that was first introduced for sale after December 31, 1994.

(B) DAMAGES.—If a defendant fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

(C) With respect to this section, a small business is defined as any person whose net worth does not exceed $500,000, or that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees.

Mr. LIEBERMAN. Mr. President, I see an opportunity here to make a few general comments about the bill as we await the next procedural step. With the Chair's permission, I will proceed with that, which is to say to add my strong support to the underlying bill.

Mr. President, Congress really needs to act to address the probable explosion of litigation over the Y2K problem. It needs to act quickly. This is a problem that has an activating date. It is nothing that will wait for Congress to act. It will be self-starting, self-arriving. Therefore, we must act in preparation for it.

Obviously we are now familiar, if we had not been before this extended debate, with the problem caused by the Y2K bug. Although no one can predict with certainty what will happen at the turning of the year into the new century and the new millennium, there is little doubt that there will be Y2K-caused failures, possibly on a large scale, and that those failures could bring both minor inconveniences and significant disruptions in our lives. This could pose a serious problem for our economy, and if there are widespread failures, it will surely be in all of our interests for American businesses to focus on how they can continue providing the goods and services we all rely on in the face of those disruptions rather than fretting over and financing defense of lawsuits.

Perhaps just as important as the challenge to our economy, the Y2K problem will present a unique challenge to our court system, unique because of the possible volume of litigation throughout the country that will likely result and because that litigation will commence within a span of a few months, potentially flooding the courts with cases and inundating American companies with lawsuits at precisely the time they need to devote their resources to fixing the problem.

So I think it is appropriate for Congress to act now to ensure that our legal system is prepared to deal fairly, efficiently, and effectively with the Y2K problem, to make sure those problems that can be solved short of litigation will be solved that way, to make sure that companies that should be held liable for their actions will be held liable, but to also make sure that the Y2K problem does not just become an opportunity for a few enterprising individuals to profit from what is ultimately frivolous litigation, unfairly wasting the resources of companies that have done nothing wrong, companies large and small, or diverting the resources of companies that should be devoting themselves to keeping our economy going to fixing the problem.

To that end, I was privileged to work with the leadership of the Commerce Committee and the sponsors of this legislation, particularly Senators MCCAIN, WYDEN and DODD, to try to craft a more targeted response to this Y2K problem.

Like many others here, I was actually uncomfortable with the scope, the breadth, and the contents of the initial draft of this legislation because I thought it went beyond dealing with our concerns about the Y2K potential litigation explosion and became a general effort to adopt tort reform. I took those concerns to the bill's sponsors, as others did. Together I found them to be responsive and we worked out those concerns. I am very grateful to them for that.

With the addition of the amendments offered by Senators DODD, WYDEN and others, we have a package now before us that I think we can really be proud of and with which we can be comfortable because it is one that will help

us fairly manage the Y2K litigation while protecting legal rights and due process.

Provisions like the one requiring notice before filing a lawsuit will help save the resources of our court system while giving parties the opportunity to work out their problems before incurring the costs of litigation and the hardening of positions the filing of a lawsuit often brings.

The requirement that defects be material for a class action to be brought will allow recovery for those defects that are of consequence while keeping those with no real injury from using the court system to extort settlements out of companies that have done them no real harm. And the provision in this bill keeping plaintiffs with contractual relationships with defendants from seeking, through tort actions, damages that their contracts do not allow them to get, will make sure that settled business expectations, as expressed in duly negotiated and executed contracts, are honored and that plaintiffs get precisely but not more than the damages they are entitled to under those contracts.

I also think it is important for everyone to recognize that the bill we have before us today is not the bill that was originally introduced, not even the bill that was reported out of the Commerce Committee. Because of the cooperative efforts of Senators MCCAIN, DODD, WYDEN, GORTON, and so many others who are interested in seeing this legislation move forward, this bill has been significantly tailored to meet the urgent problems we may face.

I will conclude by saying that this legislation will not protect wrongdoers or deprive those deserving of compensation. What it will do is make sure that what we have in place is a fair and effective way to resolve Y2K disputes, one that will help make sure we do not compound any problems caused by the Y2K bug, even larger problems caused by unnecessary litigation.

This is good legislation, and I am optimistic that it will soon pass the Senate and that we will, thereby, have dealt with a problem which otherwise would be much larger than it should be.

I thank the Chair, and I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I have come to the floor to make a brief statement about the Kosovo situation. I ask unanimous consent that the pending amendment be laid aside so I can speak as in morning business for 10 minutes.

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

KOSOVO

Mr. KERREY. Mr. President, like many Americans, I am very pleased with the recent agreement within the United Nations Security Council on a plan that will end the conflict in Kosovo and achieve NATO's primary objective of returning the people of Kosovo to their homes.

I take this opportunity to join with many others who have spoken on this subject to thank the aircrews and the support personnel of our Air Force, our Navy, and our Marine Corps. These men and women have demonstrated that American airpower can bring change in the course of history. Their dedication to duty and professionalism makes all of us proud.

We have just recently passed the defense appropriations bill, and I had hoped to come to the floor, especially to speak to Nebraskans, who have a big stake in this bill, not just because we are beneficiaries of the security provided to us by the men and women who will benefit from these appropriations, but also because we have significant numbers of people in my State who are part of the effort to keep the United States of America safe.

These laws that we pass—the defense appropriations bill and the defense authorization bill—are not merely words on a piece of paper; these laws are converted into human action. While it is true that men and women have to be well-trained, they need to be patriotic in order to be willing to give up their freedoms to serve the cause of peace and freedom throughout the world. It is also true that the beginning point is the kind of dream that we have in this Senate and in this Congress about the way we want our Nation and our world to be.

Operation Allied Force was very dangerous and very expensive. It is natural for us, at the moment, to want to celebrate a victory. However, I believe we must recognize the hard work is just beginning.

Two immense tasks now confront NATO. The first is to restore a refugee people to their homeland, and the second is to make the Balkan region a modern, democratic, and humane environment in which ethnic cleansing can never again occur. The first task may take a year, given the destruction of homes and farms in Kosovo. The second will take generations and will never occur without democratic change in the Yugoslavian Government.

At the outset of the NATO military action, I expressed my concern about the effect the U.S. commitment to this operation would have on our ability to meet our global security obligations. Only the United States of America has the ability to counter the threats that are posed by Iraq, North Korea, or the proliferation of weapons of mass destruction. The stability of this planet depends on the readiness of the U.S. military, and thus we must avoid squandering our capabilities on missions not vital to U.S. national security.

NATO has committed itself to provide a peace implementation force of 50,000 troops. Of this force, the United States will supply about 7,000 marines and soldiers. While I have concerns about the overcommitment of United States military forces, I am pleased our European allies have stepped forward and pledged to provide the vast majority of the implementation force. We should work to lessen the United States military involvement, with the goal of creating an all-European ground force in Kosovo within a year.

In the meantime, we must be straightforward with the American people. There are risks associated with this mission. This force will be responsible for assisting the Kosovar refugees' return home, disarming the Kosovo Liberation Army, and coping with the myriad issues, such as landmines and booby traps, that will be left behind by the departing Serbian military. American casualties remain a very real possibility.

Out of this conflict, I see reason for us to be optimistic. First, our allies in Europe, led primarily by Britain and Germany, have played a leading role in finding a solution to the conflict. It is in the interest of the Europeans to build a peaceful and stable Balkans. Their effort to find a diplomatic agreement and to provide the majority of the troops to enforce this agreement is a positive sign for the future.

Second, I am pleased with the constructive role that has been played by the Russians. There will not be a lasting Balkan peace without the active participation of Russia. It is my hope the positive atmosphere that has been created between Russia and the West will be carried forward and will reignite the relationship that has suffered over the past few months.

Finally, I hope we have begun to see the future of Balkan stability in a larger context. We cannot continue to fight individual Balkan fires. We must begin to look for preventive measures to avoid the next Balkan conflict before it begins.

The United States and our European allies have not done enough to bring the Balkans into the political and economic structures of Europe. We have not done enough to support the latent forces of democracy that exist in the region.

Our challenge today is to extend to the Balkans the peace and stability that comes from a society based on democratic principles where the rights of all people are protected, a society based on the rule of law where legitimate grievances among people are honestly adjudicated, a society based on free enterprise where commerce is unleashed to create jobs and prosperity.

More than failed diplomacy, Kosovo should have taught us the consequences of failed states. Multiethnic Balkan States are not impossible, but to succeed, they must be free-market democracies.

I believe peace and stability is an achievable goal. First, we must work with prodemocracy forces within the various Balkan States to strengthen the emerging democracies and encourage the transition to democracy.

Second, we must begin a massive reconstruction effort. This project, led by the Europeans, should restore infrastructure damaged in the war, create opportunities for economic development, and establish conditions that will allow for eventual membership in the European Union.

Finally, we should convene a conference of concerned nations that will work together to address the long-term security needs of the Balkans.

Let me state that the objective of building a peaceful and stable Balkans will not be achieved as long as Slobodan Milosevic remains the President of Yugoslavia. A man who has started four wars in this decade, killed and ethnically cleansed hundreds of thousands of civilians, crushed democratic opposition, and presided over the ruination of his country can never guide the kind of political, economic, and social change that will be necessary to rebuild Serbia.

As long as Milosevic remains in power, he is a threat to peace. As long as Milosevic remains in power, the politics of racism and ethnic hatred will prevail. As long as Milosevic remains in power, the West should not prop up his regime by rebuilding Serbia.

In 1996, we missed our opportunity to help prodemocracy forces that gathered in the streets of Belgrade. When the protests began, we hesitated, and Milosevic used the opportunity to consolidate his control by brutally repressing the opposition. Rather than seeing Milosevic as a tyrant and a threat to peace, we saw him as a partner in Bosnia. We should no longer suffer the illusion that Milosevic can be a partner in peace. We should work with the people of Serbia to ensure a quick end to the Milosevic regime.

I believe the end could be near. Over 70 days of NATO airstrikes have loosened Milosevic's grasp on the instruments he uses to control his people. It is my hope the democratic forces in Serbia—with Western assistance—will seize this opportunity to remove him. Only with a new democratic leadership will Serbia begin the process of rejoining the community of nations.

At the end of a military conflict, it is natural to look back and to assess ways in which the use of force could have been avoided. While many will find fault with U.S. diplomacy in the days and months leading up to the initiation of airstrikes, I believe our failure starts a decade before by not working to extend to the Balkans the peaceful democratic revolutions that swept through Eastern Europe.

We must address the problems facing the Balkans by extending the benefits of democracy, or face the prospect of continual ethnic conflict and instability.

In addition to praising the men and women of the aircrews of the Air Force and the Navy and the Marine Corps who fought and flew bravely into great danger, and who deserve a great deal of credit for delivering this success, I offer as well my congratulations and praise to the Commander in Chief, the President of the United States, who held the NATO alliance together, who persevered when there was considerable doubt and criticism not only at home but abroad as well, and who must be given great credit for delivering this successful agreement.

We have just begun the hard work of rebuilding democracy in this region of the world. We should not forget, as I have said in my statement, we have arrived here because we were complacent. We have arrived here because we ignored the call for freedom inside of Serbia, to our eventual peril as a consequence.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Y2K ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 621, AS FURTHER MODIFIED

Mr. GORTON. What is the business before the Senate?

The PRESIDING OFFICER. The pending business is the question on the amendment by the Senator from California, as further modified.

Mr. GORTON. I move to table the Boxer amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 621, as further modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—66

Abraham	Enzi	Lott
Allard	Feinstein	Lugar
Ashcroft	Fitzgerald	Mack
Baucus	Frist	McConnell
Bayh	Gorton	Moynihan
Bennett	Gramm	Murkowski
Bingaman	Grams	Nickles
Bond	Grassley	Robb
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Hatch	Roth
Campbell	Helms	Santorum
Chafee	Hutchinson	Sessions
Cochran	Hutchison	Shelby
Collins	Inhofe	Smith (NH)
Coverdell	Kerry	Smith (OR)
Craig	Kohl	Snowe
Crapo	Kyl	Specter
DeWine	Landrieu	Stevens
Dodd	Lieberman	Thompson
Domenici	Lincoln	Thurmond
		Voinovich
		Warner
		Wyden

NAYS—32

Akaka	Edwards	Leahy
Biden	Feingold	Levin
Boxer	Graham	Mikulski
Breaux	Harkin	Murray
Bryan	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Jeffords	Sarbanes
Conrad	Johnson	Schumer
Daschle	Kennedy	Torricelli
Dorgan	Kerrey	Wellstone
Durbin	Lautenberg	

NOT VOTING—2

McCain	Thomas

The motion was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. HOLLINGS. I move to table the motion.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. GORTON. Mr. President, I ask unanimous consent that the only remaining amendments in order to S. 96 be those by Senators SESSIONS, GREGG, and INHOFE, and that following those amendments the bill be advanced to third reading.

I further ask consent that all debate must be concluded today on the Sessions, Gregg, and Inhofe amendments, and if any votes are ordered, they occur in stacked sequence just prior to the passage vote on Tuesday, with 2 minutes for explanation prior to the votes if stacked votes occur.

I further ask that following the reading of the bill for the third time, the Senate then proceed to the House companion bill, H.R. 775, and all after the enacting clause be stricken, the text of S. 96 be inserted, H.R. 775 be read for a third time, and final passage occur at 2:15 p.m. on Tuesday, June 15, or immediately after votes on any of the above amendments if such votes are ordered, with paragraph 4 of rule XII being waived.

I further ask that following the third reading of S. 96, the bill be placed back on the calendar.

Finally, I ask consent that at 11 a.m. on Tuesday, June 15, there be 2 hours equally divided for closing arguments, and following those remarks the Senate stand in recess until 2:15 p.m. for the weekly party conferences to meet.

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

Mr. GORTON. I want to make a further announcement by direction of the majority leader. There will be no further votes today, and there will be no votes tomorrow. The next vote will take place not earlier than 5:30 p.m. on Monday, and there may, if appropriate at that time, be a vote on final passage of the energy and water appropriations bill.

AMENDMENT NO. 622 TO AMENDMENT NO. 608

(Purpose: To provide regulatory amnesty for defendants, including States and local governments, that are unable to comply with a federally enforceable measurement or reporting requirement because of factors related to a Y2K system failure)

Mr. GORTON. I send an amendment to the desk on behalf of Senator INHOFE

and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. INHOFE, proposes an amendment numbered 622.

Mr. GORTON. Mr. 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 11, between lines 22 and 23, insert the following:

(6) APPLICATION TO ACTIONS BROUGHT BY A GOVERNMENTAL ENTITY.—

(1) IN GENERAL.—To the extent provided in this subsection, this Act shall apply to an action brought by a governmental entity described in section 3(1)(C).

(2) DEFINITIONS.—In this subsection:

(A) DEFENDANT.—

(i) IN GENERAL.—The term ''defendant'' includes a State or local government.

(ii) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(iii) LOCAL GOVERNMENT.—The term ''local government'' means—

(I) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(II) any combination of political subdivisions described in subclause (I) recognized by the Secretary of Housing and Urban Development.

(B) Y2K UPSET.—The term ''Y2K upset''—

(i) means an exceptional incident involving temporary noncompliance with applicable federally enforceable measurement or reporting requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(ii) does not include—

(I) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(II) noncompliance with applicable federally enforceable requirements that provide for the safety and soundness of the banking or monetary system, including the protection of depositors;

(III) noncompliance to the extent caused by operational error or negligence;

(IV) lack of reasonable preventative maintenance; or

(V) lack of preparedness for Y2K.

(3) CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(A) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(B) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(C) noncompliance with the applicable federally enforceable measurement or reporting requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(D) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable measurement or reporting requirements; and

(E) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

(4) GRANT OF A Y2K UPSET DEFENSE.—Subject to the other provisions of this subsection, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable measurement or reporting requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in paragraph (3) are met.

(5) LENGTH OF Y2K UPSET.—The maximum allowable length of the Y2K upset shall be not more than 15 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

(6) VIOLATION OF A Y2K UPSET.—Fraudulent use of the Y2K upset defense provided for in this subsection shall be subject to penalties provided in section 1001 of title 18, United States Code.

(7) EXPIRATION OF DEFENSE.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

At the appropriate place, insert the following:

SEC. . CREDIT PROTECTION FROM YEAR 2000 FAILURES.

(a) IN GENERAL.—No person who transacts business on matters directly or indirectly affecting mortgage, credit accounts, banking, or other financial transactions shall cause or permit a foreclosure, default, or other adverse action against any other person as a result of the improper or incorrect transmission or inability to cause transaction to occur, which is caused directly or indirectly by an actual or potential Y2K failure that results in an inability to accurately or timely process any information or data, including data regarding payments and transfers.

(b) SCOPE.—The prohibition of such adverse action to enforce obligations referred to in subsection (a) includes but is not limited to mortgages, contracts, landlord-tenant agreements, consumer credit obligations, utilities, and banking transactions.

(c) ADVERSE CREDIT INFORMATION.—The prohibition on adverse action in subsection (a) includes the entry of any negative credit information to any credit reporting agency, if the negative credit information is due directly or indirectly by an actual or potential disruption of the proper processing of financial responsibilities and information, or the inability of the consumer to cause payments to be made to creditors where such inability is due directly or indirectly to an actual or potential Y2K failure.

(d) ACTIONS MAY RESUME AFTER PROBLEM IS FIXED.—No enforcement or other adverse action prohibited by subsection (a) shall resume until the obligor has a reasonable time after the full restoration of the ability to regularly receive and dispense data necessary to perform the financial transaction required to fulfill the obligation.

(e) SECTION DOES NOT APPLY TO NON-Y2K-RELATED PROBLEMS.—This section shall not affect transactions upon which a default has occurred prior to a Y2K failure that disrupts financial or data transfer operations of either party.

(f) ENFORCEMENT OF OBLIGATIONS MERELY TOLLED.—This section delays but does not prevent the enforcement of financial obligations.

Mr. GORTON. This is the Inhofe amendment referred to in my unanimous consent request. It has to do with amnesty for certain regulatory activities in its first part. The second part was suggested by the distinguished Senator from South Carolina and is designed to assure that no one lose a home through a mortgage or any other similar kind of loss as a result of a Y2K failure or glitch.

The amendment has been cleared on both sides.

Mr. HOLLINGS. I thank the Senator from Washington.

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

The amendment (No. 622) was agreed to.

AMENDMENT NO. 623 TO AMENDMENT NO. 608

(Purpose: To permit evidence of communications with state and federal regulators to be admissible in class action lawsuits)

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 623.

Mr. SESSIONS. Mr. 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:

At an appropriate place, add the following section:

SEC. . ADMISSIBLE EVIDENCE ULTIMATE ISSUE IN STATE COURTS.

Any party to a Y2K action in a State court in a State that has not adopted a rule of evidence substantially similar to Rule 704 of the Federal Rules of Evidence may introduce in such action evidence that would be admissible if Rule 704 applied in that jurisdiction.

Mr. SESSIONS. Mr. President, this amendment simply provides that rule 704 of the Federal Rules of Evidence, which most States have adopted—as a matter of fact, I think no more than a handful have not adopted Federal Rules of Evidence, and most of those have adopted 704; it happens that the State of Alabama did not adopt rule 704. Particularly with regard to these Y2K cases, I think rule 704 would be an appropriate rule of evidence.

It allows the introductions of analyses and reports by parties to the litigation that would indicate whether or not the entity that is involved had or had not taken adequate steps toward curing the Y2K problem, whether or not they actually have moved in that direction in a sufficient way. It could be the defense or, on the other side, assist the plaintiff.

I think this would be a good amendment and bring Alabama's law and perhaps a handful of other State laws into compliance, into uniformity in this Y2K bill.

We worked hard to have support across the aisle. I thank my colleagues, both Democrats and Republicans, for their courtesy and interest in dealing with this problem. I think we have developed language, after a number of changes, that will leave most people happy. I hope this amendment will be accepted.

I know some Members will want to review this amendment before next week when we have a final vote.

Mr. GORTON. The amendment proposed by the Senator from Alabama certainly seems highly reasonable to me.

He is, however, correct; a number of proponents and opponents have asked for an opportunity to examine the amendment in a little more detail. That is why the unanimous consent agreement deferred final consideration until Monday.

I am reasonably confident it will be accepted by voice vote, and I certainly hope it will.

Mr. SESSIONS. I thank the Senator from Washington, and I thank him for his leadership on this important issue dealing with an economic problem that could place one of America's greatest industries in jeopardy. I believe this is an important piece of legislation.

I thank Senator GORTON for his leadership.

Mr. GREGG. I ask unanimous consent the pending amendment be set aside.

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

AMENDMENT NO. 624 TO AMENDMENT NO. 608

(Purpose: To provide for the suspension of penalties for certain year 2000 failures by small business concerns)

Mr. GREGG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. BOND, proposes an amendment numbered 624.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF PENALTIES FOR CERTAIN YEAR 2000 FAILURES BY SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means any executive agency, as defined in section 105 of title 5, United States Code, that has the authority to impose civil penalties on small business concerns;

(2) the term ''first-time violation'' means a violation by a small business concern of a Federal rule or regulation resulting from a Y2K failure if that Federal rule or regulation had not been violated by that small business concern within the preceding 3 years; and

(3) the term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (25 U.S.C. 632).

(b) ESTABLISHMENT OF LIAISONS.—Not later than 30 days after the date of enactment of this section each agency shall—

(1) establish a point of contact within the agency to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations; and

(2) publish the name and phone number of the point of contact for the agency in the Federal Register.

(c) GENERAL RULE.—Subject to subsections (d) and (e), no agency shall impose any civil money penalty on a small business concern for a first-time violation.

(d) STANDARDS FOR WAIVER.—In order to receive a waiver of civil money penalties from an agency for a first-time violation, a small business concern shall demonstrate that—

(1) the small business concern previously made a good faith effort to effectively remediate Y2K problems;

(2) a first-time violation occurred as a result of the Y2K system failure of the small business concern or other entity, which affected the small business concern's ability to comply with a federal rule or regulation;

(3) the first-time violation was unavoidable in the face of a Y2K system failure or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property;

(4) upon identification of a first-time violation, the small business concern initiated reasonable and timely measures to remediate the violation; and

(5) the small business concern submitted notice to the appropriate agency of the first-time violation within a reasonable time not to exceed 7 business days from the time that the small business concern became aware that a first-time violation had occurred.

(e) EXCEPTIONS.—An agency may impose civil money penalties authorized under Federal law on a small business concern for a first-time violation if the small business concern fails to correct the violation not later than 6 months after initial notification to the agency.

Mr. GREGG. I offer an amendment that ensures that small businesses which are hit with Y2K problems will not be penalized by the Federal Government for activities they are unable to deal with as a result of the Y2K problem.

An overzealous Federal Government bearing down on a small business can be a very serious problem. I know all Members have constituents who have had small businesses that have found the Federal Government to be overbearing.

It would therefore be uniquely ironic and inappropriate if the overzealousness of the Federal Government were to be thrown on top of a situation which a small business had no control over, which would be the failure of their computer system as a result of a Y2K problem. This does not get into the issue of liability, which may be the underlying question in this bill. It doesn't raise the question of whether or not the computer company should be exempt from liability, which I know has been a genuine concern of the Senator from South Carolina. Rather, it simply addresses the need for equity and fairness when we are dealing with small businesses which, through no fault of their own, have suddenly been hit with a Y2K problem and therefore fail to comply with a Federal requirement or Federal regulation and end up getting hit with a huge fine, all of which they had no control over.

This amendment is tightly drafted so a small business cannot use it as an excuse not to meet a Federal obligation or Federal regulation. It does not allow a small business to take the Y2K issue and use it to bootstrap into avoiding an obligation which it has in the area of some Federal regulatory regime. Rather, it is very specific. It says, first off, this must be an incident of a first-time regulatory violation, so no small business which has any sort of track record of violating that Federal regulation could qualify for this exemption. So it has to be a first-time event.

Second, the small business has to prove it made a good-faith effort to remedy the Y2K problem before it got hit with it. So it cannot be a situation where the small business said: I have this Y2K problem coming at me, I have this Federal regulation problem coming at me, I am going to let the Y2K problem occur and then I will say that is my reason for not complying. Small business must have made a good-faith attempt to remedy the Y2K problem.

Third, the Y2K problem cannot be used if the violation was to avoid or resulted from efforts to prevent disruption of a critical function or service.

Fourth, the small business has to demonstrate the actions to remediate the violation were begun when the violation was discovered. So the small business has to show it attempted to address the problem as soon as it realized it had a Y2K problem, and it cannot allow the fact it has a Y2K problem, again, to go unabated and use that lack of correction of a problem as an excuse for not meeting the obligations of the Federal regulation.

Fifth, that notice was submitted to the appropriate agency when the small business became aware of the violation and therefore knew it had a Y2K problem.

The practical effect of this will be small businesses throughout this country, which are inadvertently and beyond their own capacity to control a hit with a Y2K problem, will not be doubled up with a penalty for not meeting a Federal regulatory requirement that they could not meet as a result of the Y2K problem kicking in.

It is a simple amendment. It is a reasonable amendment. It really does not get into the overall contest that has been generated around this bill which is: Should there be an exemption of liability for manufacturers of the product which creates the Y2K problem? Rather, it is trying to address the innocent bystander who gets hit, that small businessperson who suddenly wakes up, realizes he has a Y2K problem, tries to correct the Y2K problem, can't correct the Y2K problem, and as a result fails to comply with a Federal regulation, and then the Federal Government comes down and hits him with a big fine and there was nothing the small business could do. It gets hit with a double whammy: Its systems go down and they get hit with a fine.

This just goes to civil remedy, to remedies which involve monetary activity, so it does not address issues where a business would be required to remedy through action. An example here might be OSHA. If they had to

correct a workplace problem, they would still have to correct the workplace problem whether or not they had the Y2K failure. If they had an environmental problem which required remedial action, such as a change in their water discharge activities, again they would have to meet the remedial action.

All this amendment does, it is very limited in scope, it just goes to the financial liability the company might incur as a result of failing to meet a regulation. It is a proposal which is strongly supported by the small business community. The NFIB is a supporter of this proposal and will be scoring this vote as one of its primary votes as it puts together its assessment of Members of Congress, and their support for small business.

It is a reasonable proposal. I certainly hope it will end up being accepted. In any event, I understand under the unanimous consent agreement which has been generated there will be a vote on it Tuesday.

I yield the floor.

Mr. BOND. Mr. President, I rise today to address the amendment to the Y2K Act sponsored by Senator GREGG and which cosponsored. This is an important amendment that will waive Federal civil money penalties for blameless small businesses that have in good faith attempted to correct their Y2K problems, but find themselves inadvertently in violation of a Federal regulation or rule despite such efforts. Most experts that have studied the Y2K problem agree that regardless of how diligent a business is at fixing its Y2K problems, unknowable difficulties are still likely to arise that may place the operations of such businesses at risk. This amendment will ensure that the government does not further punish small businesses that have attempted to fix their Y2K problems, but are nevertheless placed in financial peril because of these problems.

As chairman of the Senate Committee on small Business, I have paid particular attention to the problems that small businesses are facing regarding the Y2K problem. Small businesses are trying to become Y2K complaint, but face many obstacles in doing so. One of the major obstacles is capital. Small businesses are the most vulnerable sector of our business community, as many of them do not have a significant amount of excess cash flow. Yet, a great number of small businesses are already incurring significant costs to become Y2K compliant. Earlier this year, Congress passed Y2K legislation that I authored to provide small businesses with the means to fix their own computer systems. Even small businesses that take advantage of that program, however, will see decreased cash flow from their efforts to correct Y2K problems.

The last thing, therefore, this government should do is levy civil money penalties on small businesses that find themselves inadvertently confronted with Y2K problems. Many of these businesses will already have had their operations disrupted and may be in danger of going out of business entirely. The Federal Government should not push them over the edge.

This amendment has been carefully crafted so that only those small businesses that are subject to civil money penalties through no fault of their own are granted a waiver. Under this amendment, a small business would only be eligible for a waiver of civil money penalties if it had not violated the applicable rule or regulation in the last 3 years. This provision will help to ensure that businesses that have continuing violations or that have a history of violating Federal rules and regulations will not be let off the hook.

Small businesses must also demonstrate to the government agency levying the penalties that the business had previously made a good faith effort to correct its Y2K problems. We must not provide disincentives to businesses so that they do not fix their Y2K problems now. This amendment does not provide such a disincentive. In addition, to receive relief, a small business must show that the violation of the Federal rule or regulation was unavoidable or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property. The amendment also provides that, upon identification of a violation, the small business concern must have initiated reasonable and timely efforts to correct it. Finally, in order to receive the relief provided by this amendment, a small business must have submitted notice, within seven business days, to the appropriate Federal agency.

What is clear from these requirements is that the amendment will only apply to conscientious small businesses that have tried in good faith to prepare for the Y2K problem and that promptly correct inadvertent violations of a Federal rule or regulation that nevertheless occur as a result of such problem. It is critically important that these innocent victims not be punished by the Federal Government for a problem that confronts us all.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from New Hampshire is correct. He has explained his amendment with great clarity. It may or may not be seriously contested. We simply are not going to know that until early next week, so I thank him for his graciousness in waiting for a final decision until then.

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

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

Mr. MURKOWSKI. Mr. President, today there are 204 days left before the Y2K problem becomes a concrete reality for any entity throughout the world that has a computer system.

The Y2K issue has been publicized across this nation; sometimes to a greater degree than necessary. Some Americans have even resorted to hoarding food and planning for the end of the world. While no one has a magic answer as to what will happen on the first of the year, enough effort has been made by the public and private sector to ensure that Americans are aware of this issue.

However, I am concerned that under the current version of S. 96, companies may continue sales of non-Y2K compliant products even after enactment of this act without disclosing non-Y2K compliance to consumers. While I strongly support this important piece of legislation, I am concerned that unscrupulous marketers may attempt to deceive consumers by continuing to sell non-Y2K compliant products. A computer given for a Christmas gift isn't much of a gift when it stops working 7 days later.

Thus I planned to offer an amendment to section 5(b)(3) that would lift the cap on punitive damages for products sold after the date of enactment of this act if the plaintiff could have established by clear and convincing evidence that the defendant knowingly sold non-Y2K compliant products absent a signed waiver from the plaintiff. However, I have agreed to defer to the chairman so that this issue can be best addressed in conference.

Mr. MCCAIN. If I could inquire of my colleague from Alaska how his original amendment would have applied if, for example, a company bought a Y2K-compliant computer server in November 1999, and that server has to interact with other software and networked hardware manufactured by other companies that may or may not be Y2K compliant.

Mr. MURKOWSKI. I thank my friend for his question. My amendment would have imposed liability only if the manufacturer sold a server that was non-Y2K compliant by itself after the date of enactment of this act. My amendment would not apply to a Y2K compliant server that failed due to the non-Y2K compliance of installed software or attached hardware manufactured by other companies.

Mr. MCCAIN. I thank my colleague for his clarification and will be pleased to address his concerns in conference.

Mr. MURKOWSKI. I thank my friend from Arizona for his attention to this issue.

Mr. FEINGOLD. Mr. President, I appreciate all the hard work that has been done on this legislation by my colleagues. I know they are sincere in their concern about the effect of Y2K computer failures and in their desire to do something to encourage solutions to those problems in advance of the end of the year. But this bill is ill-considered

and ill-advised. As the Justice Department has noted with respect to original version of this bill, and I think the judgment remains accurate: this bill would be ''by far the most sweeping litigation reform measure ever enacted if it were approved in its current form. The bill makes extraordinarily dramatic changes in both federal procedural and substantive law and in state procedural and substantive law.''

For all the heated rhetoric we have heard on this floor over the past few days, I have not seen evidence that legislation is needed to create incentives for businesses to correct Y2K problems. More importantly, I do not agree that this bill actually creates those incentives. Indeed, I think that in many ways it does just the opposite. It rewards the worst actors with its damages caps and its prohibition of recovery for economic loss, and it may even give incentives to delay corrective action with the cooling off period and the changes in class action rules.

A major concern that I have about this bill is the breathtakingly broad and unprecedented preemption of state law that it contains. I simply do not agree that we should overrule the judgment of state legislatures and judges who have defined the law in their states for traditional contract and tort cases. This bill benefits one class of businesses, those who sell products that may cause Y2K problems, over another class of business, those who buy such products, and individual consumers. It completely disregards whether state lawmakers and judges would reach the same conclusions. I see no reason why Congress should dictate tort and contract law to the states. Protections for injured parties that have been developed through decades of experience are being summarily wiped out by the Congress, on the basis of a very thin record. Mr. President, that is not right.

Another serious problem with this bill has to do with the elimination of joint and several liability in the vast majority of Y2K cases. Mr. Chairman, we all have heard many times the horror story of a poor deep pocket defendant found to be only 1% liable who ends up on the hook for the entire judgment in a tort case. Frankly, I am aware of few actual examples of this phenomenon, but I know it is theoretically possible. A far more frequent occurrence, however, is a case where two or three defendants are found equally liable, but one or more of them is financially insolvent. The real question raised by joint and several versus proportionate liability is who should bear the risk that the full share of damages cannot be collected from one defendant. Who should have the responsibility to identify all potentially liable parties and bring them into the suit? Who should bear the risk that one of the defendants has gone bankrupt? Should it be the innocent plaintiff who the law is supposed to make whole, or a culpable defendant? Mr. President, to me that question is easy to answer. Someone who has done wrong should bear that risk. But states have reached different balances on this question, based on their own experience of decades and decades of tort cases. How is it that we in the Congress all of the sudden became experts on this issue? Where do we get off overriding the judgment of state legislatures on this crucial question of public policy?

Now I recognize that changes to the bill obtained by Senator DODD would limit the effect of the abrogation of joint and several liability in a narrow set of cases involving egregious conduct by defendants or particularly poor plaintiffs. But I don't think this change goes far enough in protecting innocent victims from the harsh reality that sometimes the worst offenders have the least money. Section 6 of this bill eliminates joint and several liability in virtually every Y2K case, and that is wrong.

Let me quote one of the bill's stated purposes from Section 2(b) of the bill—''to establish uniform legal standards that give all businesses and users of technology reasonable incentives to solve Y2K computer date-change problems before they develop.'' But Mr. President, this bill doesn't establish uniform standards. It preempts state law only in one direction—always in favor of defendants and against the interests of the injured party.

As I stated before, I don't agree that uniform standards are needed. I think our state legislatures and judges are due more respect than this bill gives them. But if there is truly a compelling interest in uniformity, then I do not understand why this bill preempts state laws that offer more protection to injured plaintiffs but not those state laws that are less generous to the injured party. Yesterday, we even adopted, without debate, an amendment offered by Senator ALLARD that says specifically that any state law that provides more protection for defendants in Y2K cases than this bill does is not preempted. So preemption is a one-way street here. If you're in a state where the law is moving in the same direction as this bill and cutting back on the damages that can be recovered in a Y2K suit, you're fine, but if your state is going in the wrong direction, you get run over.

Mr. President, that is not fair. And it certainly is not consistent with the bill's stated purpose of providing uniform national standards.

Let me give you one example. About 30 states have no caps on punitive damages. Three other states have caps that are more generous than the caps in this bill. In Y2K cases involving defendants who are small businesses as defined in this bill, those state laws would be preempted. About a dozen states have higher caps on some kind of cases and lower caps on others. This bill would partially preempt those state laws, overriding the balance that the duly elected state legislatures in question decided was fair and just.

Six states do not allow punitive damages in tort cases, and one has caps that are lower than those permitted under this bill. Those states would be allowed to continue to apply the judgments of their legislatures and courts in Y2K cases.

My state of Wisconsin has generally rejected imposing arbitrary caps on punitive damages, instead trusting judges and juries to determine an appropriate punishment for defendants who act in a particularly harmful and intentional or malicious way. The state of Washington, to take an example, has eliminated punitive damages. Why should the policy decisions of the state of Washington be respected by this Congress more than the policy decisions of Wisconsin—or Pennsylvania, or Arizona, or New York, or the majority of states.

The one-sided tilt of this bill is very troubling. Punitive damages caps of any kind are bad ideas I believe. Remember that in every state punitive damages can be awarded only in cases of intentional or outrageous misconduct. So the protection offered by these caps goes to the very worst Y2K offenders—those who have acted intentionally or maliciously to avoid fixing their Y2K problems. Where is the justice and balance in that?

Mr. President, because I think it's important for the Senate to take every aspect of legislation into account in our debate here on the floor, I have a few more facts I'd like to add—facts about how much money has been donated to the political parties and to candidates by a couple of powerful groups that have a huge stake in this bill.

Now the dollar figures I'm about to cite, keep in mind, are only for the last election cycle, 1997 to 1998. First there's the computer and electronics industry, which gave close to $6 million in PAC and soft money during the last election cycle—$5,772,146 to be exact. And there's also the Association of Trial Lawyers of America, which gave $2,836,350 in PAC and soft money contributions to parties and candidates in 1997 and 1998.

As I said, I cite these figures so that as my colleagues weigh the pros and cons of this bill, they, and the public, are aware of the financial interests that have been brought to bear on the legislation. The lobbying efforts, as we know, have been significant, and so have the campaign contributions. And the public can be excused if it wonders if those contributions have distorted the process by which this bill was crafted.

Mr. President, I am pleased that the Administration has indicated it will veto this bill in its current form. I will support that veto as well as voting against the bill. We need to encourage problem solving and remediation to avoid a disaster on January 1 in the Year 2000. But we don't need to enact this bill. Indeed, while trying to address a supposed litigation explosion,

we may well have created an explosion of unfairness to people and businesses who are injured by the negligent or reckless behavior of those who sell non-Y2K compliant products.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent the Senate now go to a period for morning business with Senators being allowed to speak therein for up to 10 minutes.

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

ASSISTANCE TO THE KOSOVAR ALBANIAN REFUGEES

Mr. CLELAND. Mr. President, I rise today both to pay tribute to and to thank the Government of the Republic of China on Taiwan (ROC) for their recent announcement to provide economic assistance to the Kosovar Albanian refugees. These funds, some $300 million, represent a very generous gift and will prove invaluable to the displaced people of Kosovo by helping them receive the food, shelter and clothing they need to survive in the refugee camps and later, when they return to their homes in Kosovo. Furthermore, the aid from Taiwan will provide emergency medical assistance to the refugees, educational materials for the displaced children and job training for those that need it. The government of the ROC is even making it possible for some refugees to receive short term accommodations and job training in Taiwan while they await the rebuilding of their homes, businesses, schools, and hospitals.

The generosity of the government of the ROC is a tribute to the thoughtfulness and caring of the Taiwanese people and serves as a wonderful example for the entire international community. The current president of Taiwan, Lee Teng-hui, typifies this compassion and I would like to personally thank him and his foreign minister, Jason Hu, who is a good friend of mine, for all they have done not only for the people of Taiwan but not for the people of Kosovo. Only through such generosity and compassion can the people of the Balkans begin to move past the horrors they have experienced over the past few months and build a better future for themselves and their communities.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 10, 1999, the federal debt stood at $5,604,848,624,148.74 (Five trillion, six hundred four billion, eight hundred forty-eight million, six hundred twenty-four thousand, one hundred forty-eight dollars and seventy-four cents).

One year ago, June 10, 1998, the federal debt stood at $5,493,570,000,000 (Five trillion, four hundred ninety-three billion, five hundred seventy million).

Five years ago, June 10, 1994, the federal debt stood at $4,601,856,000,000 (Four trillion, six hundred one billion, eight hundred fifty-six million).

Ten years ago, June 10, 1989, the federal debt stood at $2,783,892,000,000 (Two trillion, seven hundred eighty-three billion, eight hundred ninety-two million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,820,956,624,148.74 (Two trillion, eight hundred twenty billion, nine hundred fifty-six million, six hundred twenty-four thousand, one hundred forty-eight dollars and seventy-four cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

Al 5:15 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that it has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 127. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to Rosa Parks.

MEASURE PLACED ON THE CALENDAR

The following bill was read twice and ordered placed on the calendar:

H.R. 1259. An act to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms.

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–3601. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Maternal and Child Health Program for fiscal year 1996; to the Committee on Finance.

EC–3602. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the March 1999 issue of the ''Treasury Bulletin'' which contains various annual reports; to the Committee on Finance.

EC–3603. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for 1998 relative to extra billing in the Medicare program; to the Committee on Finance.

EC–3604. A communication from the Administrator, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Rural Health Care Transition grant program; to the Committee on Finance.

EC–3605. A communication from the Commissioner, General Services Administration, transmitting, pursuant to law, a report of the status of the National Laboratory Center and the Fire Investigation Research and Education facility; to the Committee on Environment and Public Works.

EC–3606. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the 1998 annual report on the Preservation of Minority Savings Institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–3607. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report for calendar year 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–3608. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Upper Guadalupe River; to the Committee on Environment and Public Works.

EC–3609. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-77, ''Children's Defense Fund Equitable Real Property Tax Relief Act of 1999'', to the Committee on Governmental Affairs.

EC–3610. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-76, ''Apostolic Church of Washington, D.C., Equitable Real Property Tax Relief Act of 1999''; to the Committee on Governmental Affairs.

EC–3611. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-70, ''Ben Ali Way Act of 1999''; to the Committee on Governmental Affairs.

EC–3612. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-69, ''Criminal Code and Clarifying Technical Amendments Act of 1999''; to the Committee on Governmental Affairs.

EC–3613. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-75, ''Bethea-Welch Post 7284, Veterans of Foreign Wars, Equitable Real Property Tax Relief Act of 1999''; to the Committee on Governmental Affairs.

EC–3614. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-78, ''General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 1999-2004 Authorization Act of 1999''; to the Committee on Governmental Affairs.

EC–3615. A communication from the Commissioner, Social Security, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3616. A communication from the Chairman, National Endowmment for the Arts, transmitting, pursuant to law, the report of the Office of Inspector General for the period

October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3617. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3618. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3619. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3620. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997, through September 30, 1998; to the Committee on Governmental Affairs.

EC–3621. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3622. A communication from the Chairman, Board of Directors, Panama Canal Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3623. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3624. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3625. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3626. A communication from the Attorney General, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3627. A communication from the Chief Executive Officer, Corporation for National Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3628. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3629. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–186. A petition from a citizen of the State of Florida relative to Social Security; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURNS, from the Committee on Appropriations, without amendment:

S. 1205. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–74).

By Mr. BENNETT, from the Committee on Appropriations, without amendment:

S. 1206. An original bill making appropriations for the legislative branch excluding House items for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–75).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S. Res. 34. A resolution designating the week beginning April 30, 1999, as ''National Youth Fitness Week.''

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 81. A resolution designating the year of 1999 as ''The Year of Safe Drinking Water'' and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

S. Res. 98. A resolution designating the week beginning October 17, 1999, and the week beginning October 15, 2000, as ''National Character Counts Week.''

S. Res. 114. A resolution designating June 22, 1999, as ''National Pediatric AIDS Awareness Day.''

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 606. A bill for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 21. A joint resolution to designate September 29, 1999, as ''Veterans of Foreign Wars of the United States Day.''

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ASHCROFT (for himself, Mr. FITZGERALD, Mr. SHELBY, Mr. SCHUMER, Mr. BURNS, Mr. KYL, and Mr. SPECTER):

S. 1199. A bill to require the Secretary of State to report on United States citizens injured or killed by certain terrorist groups; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Mr. REID, Mr. WARNER, Mr. TORRICELLI, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. CHAFEE, Ms. MIKULSKI, Mr. SMITH of Oregon, Mrs. BOXER, Mr. SPECTER, Mr. DURBIN, Mrs. MURRAY, Mr. KERREY, Mr. ROBB, Mr. SCHUMER, Mr. JOHNSON, Mr. LAUTENBERG, Mr. CLELAND, Mr. LEAHY, Mr. HARKIN, Mr. DODD, Mr. KENNEDY, Mr. DASCHLE, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. INOUYE, Mr. AKAKA, Mr. BAYH, Mr. LIEBERMAN, Mr. WELLSTONE, and Mr. BRYAN):

S. 1200. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1201. A bill to prohibit law enforcement agencies from imposing a waiting period before accepting reports of missing persons between the ages of 18 and 21; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 1202. A bill to require a warrant of consent before an inspection of land may be carried out to enforce any law administered by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. FEINGOLD, Mr. DODD, Mrs. MURRAY, and Mrs. LINCOLN) (by request):

S. 1203. A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act through fiscal year 2004, to establish a National Family Caregiver Support Program, to modernize aging programs and services, to address the need to engage in life course planning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM:

S. 1204. A bill to promote general and applied research for health promotion and disease prevention among the elderly, to amend title XVIII of the Social Security Act to add preventitive benefits, and for other purposes; to the Committee on Finance.

By Mr. BURNS:

S. 1205. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BENNETT:

S. 1206. An original bill making appropriations for the legislative branch excluding House items for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. KOHL (for himself, Mr. BURNS, and Mr. HAGEL):

S. 1207. A bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers not increase a farmer's liability for the alternative minimum tax; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 1208. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, and Mr. SANTORUM):

S. 1209. A bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes; to the Committee on Finance.

By Mr. CHAFEE:

S. 1210. A bill to assist in the conservation of endangered and threatened species of fauna and flora found throughout the world; to the Committee on Foreign Relations.

By Mr. BENNETT:

S. 1211. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 1212. A bill to restrict United States assistance for certain reconstruction efforts in the Balkans region of Europe to United States-produced articles and services; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. CAMPBELL, and Mr. DOMENICI):

S. 1213. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Indian Affairs.

By Mr. THOMPSON (for himself, Mr. LEVIN, Mr. VOINOVICH, Mr. ROBB, Mr. COCHRAN, Mrs. LINCOLN, Mr. ENZI, Mr. BREAUX, Mr. ROTH, and Mr. BAYH):

S. 1214. A bill to ensure the liberties of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DODD (for himself, Mr. CONRAD, and Mr. LEAHY):

S. 1215. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals; to the Committee on Veterans Affairs.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1216. A bill to amend the Marine Mammal Protection Act of 1972 to establish a Marine Mammal Rescue Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ASHCROFT (for himself, Mr. SHELBY, Mr. SCHUMER, Mr. BURNS, Mr. KYL, and Mr. SPECTER):

S. Res. 115. A resolution expressing the sense of the Senate regarding United States citizens killed in terrorist attacks in Israel; to the Committee on Foreign Relations.

By Mr. FITZGERALD:

S. Res. 116. A resolution condemning the arrest and detention of 13 Iranian Jews accused of espionage; to the Committee on Foreign Relations..

By Mr. CAMPBELL:

S. Res. 117. A resolution expressing the sense of the Senate regarding the United States share of any reconstruction measures undertaken in the Balkans region of Europe on account of the armed conflict and atrocities that have occurred in the Federal Republic of Yugoslavia since March 24, 1999; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT (for himself, Mr. FITZGERALD, Mr. SHELBY, Mr. SCHUMER, Mr. BURNS, Mr. KYL, and Mr. SPECTER):

S. 1199. A bill to require the Secretary of State to report on United States citizens injured or killed by certain terrorist groups; to the Committee on Foreign Relations.

Mr. ASHCROFT. 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. 1199

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

SECTION 1. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

(a) IN GENERAL.—Not later than October 1, 1999, and every 6 months thereafter, the Secretary of State shall prepare and submit a report, with a classified annex as necessary, to the appropriate congressional committees regarding terrorist attacks in Israel, in territory administered by Israel, and in territory administered by the Palestinian Authority. The report shall contain the following information:

(1) A list of formal commitments the Palestinian Authority has made to combat terrorism.

(2) A list of terrorist attacks, occurring between October 1, 1992 and the date of the report, against Israeli or United States citizens in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority, including—

(A) a list of all citizens of the United States killed or injured in such attacks;

(B) a list of all citizens of Israel killed or injured in such attacks;

(C) the date of each attack, the total number of people killed or injured in each attack, and the name and nationality of each victim;

(D) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

(E) a list of suspects implicated in each attack and the nationality of each suspect, including information on—

(i) which suspects are in the custody of the Palestinian Authority and which suspects are in the custody of Israel;

(ii) which suspects are still at large in areas controlled by the Palestinian Authority or Israel; and

(iii) the whereabouts (or suspected whereabouts) of suspects implicated in each attack.

(3) Of the suspects implicated in the attacks described in paragraph (2) and detained by Palestinian or Israeli authorities, information on—

(A) the date each suspect was incarcerated;

(B) whether any suspects have been released, the date of such release, whether the Secretary considers the release justified based on the evidence against the suspect, and whether any released suspect was implicated in subsequent acts of terrorism; and

(C) the status of each case pending against a suspect, including information on whether the suspect has been indicted, prosecuted, or convicted by the Palestinian Authority or Israel.

(4) Statistics on the release by the Palestinian Authority of terrorist suspects compared to the release of suspects in other violent crimes.

(5) The policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any determination by the Department of State as to whether a reward should be posted for suspects involved in terrorist attacks in which United States citizens were either killed or injured, and, if not, an explanation of why a reward should not or has not been posted for a particular suspect.

(6) A list of each request by the United States for assistance in investigating terrorist attacks against United States citizens, a list of each request by the United States for the transfer of terrorist suspects from the Palestinian Authority and Israel, and the response to each request from the Palestinian Authority and Israel.

(7) A list of meetings and trips made by United States officials to the Middle East to investigate cases of terrorist attacks in the 7 years preceding the date of the report.

(8) A list of any terrorist suspects or those aiding terrorists who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body.

(9) A list of all United States citizens killed or injured in terrorist attacks in Israel or in territory administered by Israel between 1948 and October 1, 1992, and a comprehensive list of all suspects involved in such attacks and their whereabouts.

(10) The amount of compensation the United States has requested for United States citizens, or their families, injured or killed in attacks by terrorists in Israel, in territory administered by Israel, or in territory administered by the Palestine Authority, and, if no compensation has been requested, an explanation of why such requests have not been made.

(b) CONSULTATION WITH OTHER DEPARTMENTS.—The Secretary of State shall, in preparing the report required by this section, consult and coordinate with all other Government officials who have information necessary to complete the report.

(c) INITIAL REPORT.—Except as provided in subsection (a)(9), the initial report filed under this section shall cover the 7 years preceding October 1, 1999.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section, the term ''appropriate congressional Committee'' means the Committees on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

By Ms. SNOWE (for herself, Mr. REID, Mr. WARNER, Mr. TORRICELLI, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. CHAFEE, Ms. MILULSKI, Mr. SMITH of Oregon, Mrs. BOXER, Mr. SPECTER, Mr. DURBIN, Mrs. MURRAY, Mr. KERREY, Mr. ROBB, Mr. SCHUMER, Mr. JOHNSON, Mr. LAUTENBERG, Mr. CLELAND, Mr. LEAHY, Mr. HARKIN, Mr. DODD, Mr. KENNEDY, Mr. DASCHLE, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. INOUYE, Mr. AKAKA, Mr. BAYH, Mr. LIEBERMAN, Mr. WELLSTONE, and Mr. BRYAN):

S. 1200. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive

services under health plans; to the Committee on Health, Education, Labor, and Pensions.

EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE ACT

● Ms. SNOWE. Mr. President, I rise today with my colleague from Nevada, Senator HARRY REID, to reintroduce the Equity in Prescription Insurance and Contraceptive Coverage Act. We are back today, with the support of 30 Members of the Senate, to finish the work we began in the last Congress.

Why are we back again this year? Because the need behind the Equity in Prescription Insurance and Contraceptive Coverage Act has not abated. There are three million unintended pregnancies every year—half of all pregnancies that occur every year in this country. And frighteningly, approximately half of all unintended pregnancies end in abortion.

I am firmly pro-choice and I believe in a woman's right to a safe and legal abortion when she needs this procedure. But I want abortion to be an option that a woman rarely needs. So how do we prevent this? How do we reduce the number of unintended pregnancies?

The safest and most effective means of preventing unintended pregnancies are with prescription contraceptives. And while the vast majority of insurers cover prescription drugs, they treat prescription contraceptives very differently. In fact, half of large group plans exclude coverage of contraceptives. And only one-third cover oral contraceptives—the most popular form of reversible birth control.

When one realizes the insurance ''carve-out'' for these prescriptions and related outpatient treatments, it is no longer a mystery why women spend 68 percent more than men in out-of-pocket health care costs. No woman should have to forgo or rely on inexpensive and less effective contraceptives for purely economic reasons, knowing that she risks an unintended pregnancy.

In last year's Omnibus Appropriations Bill, Congress instructed the health plans participating in the Federal Employees Health Benefit Plan—the largest employer-sponsored health insurance plan in the world—to provide prescription contraceptive coverage if they cover prescription drugs as a part of their benefits package. The protections we afford to Members of Congress, their staff, other federal employees and annuitants, and to the approximately two million women of reproductive age who are participating in FEHBP need to be extended to the rest of the country.

Unfortunately, the lack of contraceptive coverage in health insurance is not news to most women. Countless American women have been shocked to learn that their insurance does not cover contraceptives, one of their most basic health care needs, even though other prescription drugs which are equally valuable to their lives are routinely covered. Less than half—49 percent —of all large-group health care plans cover any contraceptive method at all and only 15 percent cover the five most common reversible birth control methods. HMOs are more likely to cover contraceptives, but only 39 percent cover all five reversible methods. And ironically, 86 percent of large group plans, preferred provider organizations, and HMOs cover sterilization and between 66 and 70 percent of these different plans do cover abortion.

The concept underlying EPICC is simple. This legislation says that if insurers cover prescription drugs and devices, they must also cover FDA-approved prescription contraceptives. And in conjunction with this, EPICC requires health plans which already cover basic health care services to also cover outpatient services related to prescription contraceptives.

The bill does not require insurance companies to cover prescription drugs. What the bill does say is that if insurers cover prescription drugs, they cannot carve prescription contraceptives out of their formularies. And it says that insurers which cover outpatient health care services cannot limit or exclude coverage of the medical and counseling services necessary for effective contraceptive use.

This bill is good health policy. By helping families to adequately space their pregnancies, contraceptives contribute to healthy pregnancies and healthy births, reduce rates of maternal complications, and reduces the possibility of low-birthweight births.

Furthermore, the Equity in Prescription Insurance and Contraceptive Coverage Act makes good economic sense. We know that contraceptives are cost-effective: in the public sector, for every dollar invested in family planning, $4 to $14 is saved in health care and related costs. And all methods of reversible contraceptives are cost-effective when compared to the cost of unintended pregnancy. A sexually active woman who uses no contraception costs the health care provider an average of $3,225 in a given year. The average cost of an uncomplicated vaginal delivery in 1993 was approximately $6,400. And for every 100 women who do not use contraceptives in a given year, 85 percent will become pregnant.

Why do insurance companies exclude prescription contraceptive coverage from their list of covered benefits—especially when they cover other prescription drugs? The tendency of insurance plans to cover sterilization and abortion reflects, in part, their long-standing tendency to cover surgery and treatment over prevention. Sterilization and abortion is also cheaper. But insurers do not feel compelled to cover prescription contraceptives because they know that most women who lack contraceptive coverage will simply pay for them out of pocket. And in order to prevent an unintended pregnancy, a woman needs to be on some form of birth control for almost 30 years of her life.

The Equity in Prescription Insurance and Contraceptive Coverage Act tells insurance companies that we can no longer tolerate policies that disadvantage women and disadvantage our nation. When our bill is passed, women will finally be assured of equity in prescription drug coverage and health care services. And America's unacceptably high rates of unintended pregnancies and abortions will be reduced in the process.

The philosophy behind the bill is that contraceptives should be treated no differently than any other prescription drug or device. It does not give contraceptives any type of special insurance coverage, but instead seeks to achieve equity of treatment and parity of coverage. For that reason, the bill specifies that if a plan imposes a deductible or cost-sharing requirement on prescription drugs or devices, it can impose the same deductible or cost-sharing requirement on prescription contraception. But it cannot charge a higher cost-sharing requirement or deductible on contraceptives. Outpatient contraceptive services must also be treated similarly to general outpatient health care services.

Time and time again Americans have expressed the desire for their leaders to come together to work on the problems that face us. This bill exemplifies that spirit of cooperation. It crosses some very wide gulfs and makes some very meaningful changes in policy that will benefit countless Americans.

As someone who is pro-choice, I firmly believe that abortions should be safe, legal, and rare. Through this bill, I invite both my pro-choice and pro-life colleagues to join with me in emphasizing the rare.●

Mr. REID. Mr. President, I am proud to introduce today, with Senator SNOWE, the Equity in Prescription and Contraception Coverage Act of 1999. Senator SNOWE and I first introduced this bill in 1997.

The legislation we introduce today would require insurers, HMO's and employee health benefit plans that offer prescription drug benefits to cover contraceptive drugs and devices approved by the FDA. Further, it would require these insurers to cover outpatient contraceptive services if a plan covers other outpatient services. Lastly, it would prohibit the imposition of copays and deductibles for prescription contraceptives or outpatient services that are greater than those for other prescription drugs.

I hope that we have the success this year that we had last year in directing the Federal Health Benefit Plans to cover contraception. As many of you recall, after a tough fight, Congresswoman LOWEY and I were able to amend the Treasury Postal Appropriations bill so that Federal Health Plans must cover FDA approved contraceptives.

EPICC is about equality for women, healthy mothers and babies, and reducing the number of abortions that are

performed in this country each year. For all the advances women have made, they still earn 74 cents for every dollar a man makes and on top of that, they pay 68 percent more in out of pocket costs for health care than men. Reproductive health care services account for much of this 68 percent difference. You can be sure, if men had to pay for contraceptive drugs and devices, the insurance industry would cover them.

The health industry has done a poor job of responding to women's health needs. According to a study done by the Alan Guttmacher Institute, 49 percent of all large-group health care plans do not routinely cover any contraceptive method at all, and only 15 percent cover all five of the most common contraceptive methods.

Women are forced to use disposable income to pay for family planning services not covered by their health insurance—''the pill'' one of the most common birth control methods, can cost over $300 a year. Women who lack disposable income are forced to use less reliable methods of contraception and risk an unintended pregnancy.

If our bill was only about equality in health care coverage between men and women, that would be reason enough to pass it. But our legislation also provides the means to reduce abortions, and have healthier mothers and babies. Each year approximately 3 million pregnancies, or 50 percent of all pregnancies, in this country are unintended. Of these unintended pregnancies, about half end in abortion.

Reliable family planning methods must be made available if we wish to reduce this disturbing number.

Ironically, abortion is routinely covered by 66 percent of indemnity plans, 67 percent of preferred provider organizations, and 70 percent of HMO's. Sterilization and tubal ligation are also routinely covered. It does not make sense financially for insurance companies to cover these more expensive services, rather than contraception. But insurance companies know that women will bear the costs of contraception themselves—and if they can not afford their method of choice, there are always less expensive means to turn to. Of course less expensive also means less reliable.

This just seems like bad business to me. If a woman can not afford effective contraception, and she turns to a less effective method and gets pregnant, that pregnancy will cost the insurance company much more than it would cost them to prevent it. According to one recent study in the American Journal of Public Health, by increasing the number of women who use oral contraceptives by 15 percent, health plans would accrue enough savings in pregnancy care costs to cover oral contraceptives for all users under the plan. Studies indicate that for every dollar of public funds invested in family planning, four to fourteen dollars of public funds is saved in pregnancy and health care-related costs. Not only will a reduction in unintended pregnancies reduce abortion rates, it will also lead to a reduction in low-birth weight, infant mortality and maternal morbidity.

Low birth weight refers to babies who weigh less than 5.5 pounds at birth. How much a baby weighs at birth is directly related to the baby's survival, health and development. In Nevada, during the past decade, the percent of low birth weight babies has increased by 7 percent. These figures are important because women who use contraception and plan for the birth of their baby are more likely to get prenatal care and lead a healthier life style. The infant mortality rate measures the number of babies who die during their first year of life. In Nevada, between the years of 1995 and 1997, the infant mortality rate was 5.9, this means that of the 77,871 babies born during this period, 459 infants died before they reached their first birthday. The National Commission to Prevent Infant Mortality determined that ''infant mortality could be reduced by 10 percent if all women not desiring pregnancy used contraception.''

It is vitally important to the health of our country that quality contraception is not beyond the financial reach of women. Providing access to contraception will bring down the unintended pregnancy rate, insure good reproductive health for women, and reduce the number of abortions. It is a significant step, in my opinion, to have support from both pro-life and pro-choice Senators for this bill. Prevention is the common ground on which we can all stand. Let's begin to attack the problem of unintended pregnancies at its root.

By Mr. SCHUMER:

S. 1201. A bill to prohibit law enforcement agencies from imposing a waiting period before accepting reports of missing persons between the ages of 18 and 21; to the Committee on the Judiciary.

SUZANNE'S LAW

● Mr. SCHUMER. Mr. President, I am introducing legislation today to remedy what I believe is a significant shortcoming in federal law relating to missing person reports. My bill is entitled ''Suzanne's Law,'' to serve as a continuing reminder of the plight of Suzanne Lyall. Suzanne, a resident of Ballston Spa, New York, disappeared last year at age 19 during the course of her senior year at the State University of New York at Albany. All indications are that her disappearance was due to foul play. She has never been found, despite investigations by campus security, the local police, and the FBI. Suzanne's family, friends and relatives dearly miss her and have undertaken admirable efforts to secure improvements in campus security and in missing person reporting.

The Lyall family has brought it to my attention that federal law currently prohibits state and local law enforcement officials from imposing a 24-hour waiting period before accepting a report regarding the disappearance of a person under the age of 18, yet it does not extend similar protection for reports of missing persons between the ages of 18 and 21. This is an oversight that must be remedied. Prompt action on the part of law enforcement authorities is of the essence in missing person cases. Thus, my bill would prohibit state and local law enforcement officials from imposing a 24-hour waiting period before accepting ''missing youth'' reports—defined as reports indicating that a person of at least 18 years of age and less than 21 years of age was missing under suspicious circumstances. Enactment of this legislation would enhance the prospects for family reunification in missing person cases and may spare other families the pain and sacrifice experienced by the Lyalls.●

By Mr. CAMPBELL:

S. 1202. A bill to require a warrant of consent before an inspection of land may be carried out to enforce any law administered by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

PRIVATE PROPERTY PROTECTION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce the Private Property Protection Act of 1999.

This bill would require that Interior Department personnel obtain either the property owner's permission or a properly attained and legal search warrant before they enter someone's private property.

America's law abiding private property owners, especially our ranchers and farmers, should not be subject to unwarranted trespassing and egregious random searches by federal bureaucrats. They deserve to be treated fairly and according to the law, just like other Americans. They deserve the same private property rights that other Americans enjoy.

Under our legal system, if appropriate sworn law enforcement officers can demonstrate to a judge that there is probable cause to believe that a person has broken the law, and that there is a justified need to enter a property, then those law enforcement officials can obtain a search warrant to enter and search a private property. This is reasonable, just and how it should be. I have a firsthand understanding of this from the time I served as a Deputy Sheriff.

However, all too often our ranchers, farmers and other private property owners are being denied these same basic legal property rights when it comes to federal employees operating under endangered species laws. Interior Department employees are trespassing on private property without the owner's permission or a search warrant. Many of these Interior Department employees who are trespassing have no sworn legal authority whatsoever.

Disturbing incidents of federal agency personnel operating outside of the law, and willfully trespassing on private property without any legal just

cause, threatens to erode our fundamental property rights. One particular case that occurred in El Paso County, in my home state of Colorado, stands as a prime example.

A February 5th, 1999 article entitled ''Federal employee pleads no contest to trespassing'' in the AG JOURNAL illustrates this El Paso County case. Last fall, a U.S. Fish and Wildlife Service biologist pleaded no contest to a charge of second degree criminal trespassing. This individual is one of the many thousands employed by the Interior Department, and had no legal basis to be on a private ranch located near Colorado Springs. His sentence included a $138 fine and 30 hours of community service.

I applaud the El Paso County District Attorney's Office for standing up to federal lawyers and pursuing this case to its rightful conclusion. It is a small but important victory for American private property owners. It also illustrates a disturbing ability of some federal employees to act as though they are above the law.

Furthermore, the American taxpayers are picking up the tab for the legal defense of these trespassers. When I inquired with both the Interior Department and the Justice Department as to how much taxpayer money was spent to defend the convicted U.S. Fish and Wildlife Service trespasser, they did not disclose the specific dollar amount. These agencies seem to be sending federal personnel the message: ''Go ahead and trespass on private property. If you get caught, we'll go ahead and fix it because we think that the benefits of trespassing outweigh the costs of getting caught.'' This is not acceptable.

Unfortunately, the El Paso County incident is far from isolated. It is certain that every year, hundreds of private property owners, ranchers and farmers are subject to trespassing by federal employees. We will never know how many trespassing cases go unreported because Americans feel that they can not beat the federal government's bureaucrats and lawyers, and fear that if they do, there may be retribution.

The Colorado Cattlemen's Association has written a letter of support for the Private Property Protection Act of 1999. I appreciate their support for this legislation.

I urge my colleagues to support passage of this legislation.

I ask unanimous consent that the bill and letters of support be printed in the RECORD.

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

S. 1202

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

SECTION 1. INSPECTIONS OF LAND TO ENFORCE LAWS ADMINISTERED BY THE SECRETARY OF THE INTERIOR.

(a) IN GENERAL.—During fiscal year 2000 and each fiscal year thereafter, notwithstanding any law that authorizes any officer or employee of the Department of the Interior to enter private land for the purpose of conducting an inspection or search and seizure for the purpose of enforcing the law, any such officer or employee shall not enter any private land without first obtaining—

(1) a warrant issued by a court of competent jurisdiction; or

(2) the consent of the owner of the land.

(b) VIOLATION AND EMERGENCY EXCEPTION.—An officer or employee of the Department of the Interior may enter private land without meeting the conditions described in subsection (a)—

(1) for the purpose of enforcing the law, if the officer or employee has reason to believe that a violation of law is being committed; or

(2) as required as part of an emergency response being conducted by the Department of the Interior.

COLORADO CATTLEMEN'S ASSOCIATION,
Arvada, CO, May 10, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: The Colorado Cattlemen's Association (CCA) supports your efforts to amend the Endangered Species Act which limits access to private property by federal government employees or agents thereof, unless by court-issued warrant or the consent of the landowner.

CCA is aware of documented instances in Colorado where Department of Interior employees repeatedly trespassed onto private lands to conduct endangered species surveys. CCA needs your help to halt this practice! We would appreciate your assistance in ensuring that private property rights and trespass laws are obeyed. Thank you for your time and consideration.

Sincerely,

FREEMAN LESTER,
President.

COLORADO FARM BUREAU,
Englewood, CO, May 24, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR CAMPBELL: Colorado Farm Bureau strongly supports legislation to require officers or employees of the Department of the Interior to obtain a warrant or consent of the landowner before conducting inspections or search and seizure of private property. While our Bill of Rights contains protection for property owners, the provision is largely ignored in regard to the regulatory actions of the Department of the Interior.

Farm Bureau policy opposes allowing public access to or through private property without permission of the property owner or authorized agent. We support legislation that requires federal officials to notify property owners and obtain permission before going onto private lands.

Property rights protection for farmers and ranchers is critical to the success of their operations and future well being. Farm Bureau supports your efforts to protect landowners from the Interior Department entering their land without permission or a warrant.

Thank you for your continued support of agriculture.

Sincerely,

ROGER BILL MITCHELL,
President.

By Ms. MIKULSKI (for herself, Mr. FEINGOLD, Mr. DODD, Mrs. MURRAY, and Mrs. LINCOLN) (by request):

S. 1203. A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act through fiscal year 2004, to establish a National Family Caregiver Support Program, to modernize aging programs and services, to address the need to engage in life course planning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

OLDER AMERICANS ACT AMENDMENTS OF 1999

• Ms. MIKULSKI. Mr. President, I rise today to introduce the Administration's proposal to reauthorize the Older Americans Act (OAA). The Older Americans Act is a vital program that meets the day-to-day needs of our nation's seniors. Through an aging network that involves 57 state agencies on aging, 660 area agencies on aging, and 27,000 service providers, the OAA provides countless services to our country's older Americans. The OAA was last reauthorized in 1992 and its authorization expired in 1995. The time is long overdue for Congress to reauthorize this program. That is why, as the Ranking Democrat on the Subcommittee on Aging, I am working with the Chairman of the Subcommittee to introduce a bipartisan bill in the Senate to reauthorize the OAA. That's why I am here today to introduce the Administration's plan to reauthorize the Act as a courtesy and to remind my fellow colleagues about the importance of passing an OAA reauthorization bill.

Many Americans have not heard of the Older Americans Act. They've probably heard of Meals on Wheels and maybe they know about the senior center down the street. But our country's seniors who count on the services provided under the Act couldn't do without them. Whether it's congregate or home delivered meals programs, legal assistance, the long-term care ombudsman, information and assistance, or part-time community service jobs for low-income seniors. This Act covers everything from transportation to a doctor's appointment to a hot meal and companionship at a local senior center to elder abuse prevention.

But we're not going to just settle for the status quo. We must make the most of this opportunity to modernize and improve the OAA to meet the needs of seniors. That's why I'm including the National Family Caregiver Support Program in this bill I'm introducing today. Through a partnership between states and area agencies on aging, this program will provide information about resources available to family caregivers; assistance to families in locating services; caregiver counseling, training, and peer support to help them deal with the emotional and physical stresses of caregiving; and respite care. We must get behind our nation's caregivers by helping those who practice self-help. Caregivers often put in a 36 hour day: taking care of the family, pursuing a career, caring for the senior who needs care, and finding the information on care and putting together a support system. We need to

support those who are providing this invaluable care.

I want to reauthorize the OAA this year before the new millennium when our population over age 65 will more than double. I'm pleased that our colleagues in the House are moving in this direction as well. I urge my colleagues here in the Senate to act promptly once a bill is voted out of committee and support our nation's seniors by reauthorizing the Older Americans Act.●

By Mr. GRAHAM:

S. 1204. A bill to promote general and applied research for health promotion and disease prevention among the elderly, to amend title XVIII of the Social Security Act to add preventative benefits, and for other purposes; to the Committee on Finance.

HEALTHY SENIORS PROMOTION ACT OF 1999

Mr. GRAHAM. Mr. President, I rise today to announce the introduction of the Healthy Seniors Promotion Act of 1999.

This bill has a clear, simple, yet profoundly important message. That message is, ''Preventive health care for the elderly works.''

Regardless of your age, preventive health care improves quality of life. And despite common misperceptions, declines in health status are not inevitable with age. a healthier lifestyle, even one adopted later in life, can increase active life expectancy and decrease disability.

The Healthy Seniors Promotion Act of 1999 has a broad base of support from across the health care and aging communities, including the National Council on Aging, the American Geriatrics Society, the American Heart Association, the American Council of the Blind, the American College of Preventive Medicine, the National Osteoporosis Foundation, and the Partnership for Prevention.

This bill goes a long way toward changing the fundamental focus of the Medicare program from one that continues to focus on the treatment of illness and disability—a function which is reactionary—to one that is proactive and increases the attention paid to prevention for Medicare beneficiaries.

This bill has 4 main components: First, the bill establishes the healthy Seniors Promotion Program. This program will be spearheaded by an interagency workgroup within the Department of Health and Human Services, including the Health Care Financing Administration, the Centers for Disease Control and Prevention, the Agency for Health Care Policy Research, the National Institute on Aging, and the Administration on Aging.

This working group, first and foremost, will bring together all the agencies within HHS that address the social, medical, and behavioral health issues affecting the elderly, and instructs them to undertake a series of actions which will serve to increase prevention-related services among the elderly.

A major function of this working group will be to oversee the development, monitoring, and evaluation of an applied research initiative whose main goals will be to study: (1) The effectiveness of using different types of providers of care, as well as looking at alternative delivery settings, when delivering health promotion and disease prevention services, and (2) the most effective means of educating Medicare beneficiaries and providers regarding the importance of prevention and to examine ways to improve utilization of existing and future prevention-related services.

Mr. President, this latter point is critical. The fact is that there are a number of prevention-related services available to Medicare beneficiaries today, including mammograms and colorectal cancer screening. But those services are seriously underutilized.

In a study published by Dartmouth University this spring—The Dartmouth Atlas of health Care 1999—it was found that only 28 percent of women age 65–69 receive mammograms and only 12 percent of beneficiaries were screened for colorectal cancer.

These are disturbing figures and they clearly demonstrate the need to find new and better ways to increase the rates of utilization of proven, demonstrated prevention services. Our bill would get us the information we need to increase rates of utilization for these services.

A second major portion of this bill is the coverage of additional preventive services for the Medicare program. The services that I am including focus on some of the most prominent, underlying risk factors for illness that face all Medicare beneficiaries. This bill would include screening for hypertension, counseling for tobacco cessation, screening for glaucoma, and counseling for hormone replacement therapy. Attacking these prominent risk factors would reduce Medicare beneficiaries' risk for health problems such as stroke, osteoporosis, heart disease, and blindness.

How did we choose these risk factors? We turned to the experts. Based on the recommendations of the U.S. Preventive Services Task Force, these prevention services represent the recommendations of the Task Force which is the nationally recognized body in the area of clinical prevention services.

But simply screening or counseling for a preventive benefit is not enough. For example, to tell a 68-year-old woman that she ought to receive hormone replacement therapy in order to reduce her risk or osteoporosis and bone fractures from falls, and then to tell her you won't pay for the treatment makes no sense.

Since falls and the resulting injuries are among the most serious and common medical problems suffered by the elderly—with nearly 80–90 percent of hip fractures and 60–90 percent of forearm and spine fractures among women 65 and older estimated to be osteoporosis-related—to sit idly by and not take the extra steps needed would be irresponsible.

That is why, Mr. President, we are going the extra mile. The third major section of our bill includes a limited, prevention-related outpatient prescription drug benefit. This benefit directly mirrors the services I just described, plus it provides coverage of outpatient prescription drugs for the preventive services added to the Medicare program as part of the Balanced Budget Act of 1997—e.g., mammograms, diabetes, colorectal cancer.

For example, if a 70-year-old smoker is counseled by his physician to stop smoking, that individual will now have access to all necessary and appropriate outpatient prescription drugs used as part of an approved tobacco cessation program.

By linking counseling and drug treatment, we increase the chances of success tremendously. For example, there is a 60 percent higher survival rate among individuals who quit smoking compared to smokers of all ages. And because the number of older people at risk for cancer and heart disease is higher, tobacco cessation has the potential to have a larger aggregate benefit among older persons.

Our bill also provides outpatient drugs for the treatment of hypertension, hormone replacement therapy, osteoporosis and heart disease, and glaucoma. It also provides coverage of drugs stemming from the preventive services added by the Balanced Budget Act.

While many of my colleagues would prefer to see a Medicare prescription drug benefit that is comprehensive in nature, the facts are that such a benefit is simply not affordable—$20+ billion per year—at this point in time. This bill is a down payment to current and future Medicare beneficiaries and provides them access to prescription drugs that will make a profound impact in their lives.

Important to note, this bill also states that if the Administration moves forward with and prevails in its efforts to sue the tobacco industry for the recovery of funds paid by Federal programs such as Medicare for tobacco-related illness, that half of those funds would be used to add additional categories of drugs to this limited benefit.

This bill would also instruct the Institute of Medicine to conduct a study that would, in part, create a prioritized list of prescription drugs that would be used to add new categories of drugs to the program, if and when, tobacco settlement funds become a reality in the future.

Finally, the bill contains two important studies that will be conducted on a routine, periodic basis.

The first study would require MedPAC to report to Congress every two years on how the Medicare program is, or is not, remaining competitive and modern in relationship to private sector health programs. This will

give the Congress [information it doesn't now have] the ability to assess, on an ongoing basis, how Medicare is faring in its efforts to modernize over time.

The second study will again be conducted by the Institute of Medicine. The Institute of Medicine, with input from new, original research on prevention and the elderly that we will be funding through the National Institute on Aging, will conduct a study every 5 years to assess the preventive benefit package, including prescription drugs. The study will determine whether or not the preventive benefit package needs to be modified or changed based on the most current science. A critical component of this study will be the manner in which it is presented to Congress.

To this end, I have borrowed a page from our Nation's international trade laws (The Trade Act of 1974) and developed a fast track proposal for the Institute of Medicine's recommendations. This is a deliberate effort, Mr. President, to finally get Congress out of the business of micro-managing the Medicare program and the medical and health care decisions within it. While limited to the preventive benefits package, this will offer a litmus test on a new and creative approach to future Medicare decision making. This provision would put the substantive decision making authority where it belongs, in the hands of the real experts, not the politicians and not the lobbyists who come to our offices every day. Congress, after some deliberation, would either have to accept or reject the Institute of Medicine's recommendations. A change, in my view, that would be a major, positive change in how we do business in this body.

A few final thoughts. There are many here in Congress who argue that at a time when Medicare faces an uncertain financial future, this is the last time to be adding benefits to a program that can ill afford the benefits it currently offers. Normally I would agree with this assertion. But the issue of prevention is different. The old adage of ''an ounce of prevention is worth a pound of cure'' is very relevant here. Do preventive benefits ''cost'' money in terms of making them available? Sure they do. But the return on the investment, the avoidance of the pound of cure and the related improvement in quality of life is unmistakable.

Along these lines, a longstanding problem facing lawmakers and advocates of prevention has been the position taken by the Congressional Budget Office, as they evaluate the budgetary impact of all legislative proposals, that only costs incurred by the Federal government over the next ten years can be considered in weighing the ''cost'' of adding new benefits. From a public health and quality of life standpoint, this premise is unacceptable.

Among the problems with this practice is that ''savings'' incurred by increasing the availability and utilization of preventive benefits often occur over a period of time greater than 10 years. And with the average lifespan of individuals whom are 65 being nearly 20 years—and individuals 85 and older are the fastest growing segment of the elder population—it only makes sense to look at services and benefits that improve the quality of their lives and reduce the costs to the Federal government for that 20-year lifespan and beyond.

In addition to increased lifespan, a ten-year budget scoring window doesn't factor into consideration the impact of such services on the private sector, such as productivity and absenteeism, for the many seniors that continue working beyond age 65.

The bottom line is, the most important reason to cover preventive services is to improve health. As the end of the century nears, children born now are living nearly 30 years longer than children born in 1900. While prevention services in isolation won't reduce costs, they will moderate increases in the utilization and spending on more expensive acute and chronic treatment services.

I want to leave you with these last thoughts, Mr. President. As Congress considers different ways to reform Medicare, several basic questions regarding preventive services and the elderly must be part of the debate.

(1) Is the value of improve quality of life worth the expenditure?

(2) How important is it for the Medicare population to be able to maintain healthy, functional and productive lives?

(3) Do we, as a Nation, accept the premise that quality of life for our elderly is as important as any other measure of health?

(4) If we can, in fact, delay the onset of disease for the Medicare population by improving access to preventive services and compliance with these services, how important is it to ensure that there is an overall saving to the system?

These are just some of the questions we must answer in the coming debate over Medicare reform. While improving Medicare's financial outlook for future generations is imperative, we must do it in a way that gives our seniors the ability to live longer, healthier and valued lives. I believe that by pursuing a prevention strategy that addresses some of the most fundamental risk factors for chronic illness and disability that face seniors, we will make an invaluable contribution to the Medicare reform debate and, more importantly, to current and future generations of Medicare beneficiaries.

I urge colleagues to support the Healthy Seniors Promotion Act of 1999.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

PARTNERSHIP FOR PREVENTION,
Washington, DC, June 10, 1999.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing on behalf of Partnership for Prevention to express support for ''The Healthy Seniors Promotion Act of 1999.'' Partnership is a national non-profit organization committed to increasing the visibility and priority for prevention within national health policy and practice. Its diverse membership includes leading groups in health, business and industry, professional and trade associations.

We believe prevention does work for all ages—a decline in health status is not inevitable with age. A healthier lifestyle adopted later in life can increase active life expectancy and decrease disability. This is the time for greater emphasis on health promotion and disease prevention among older Americans. By delaying the onset of disease, we expect to have a healthier elderly population living longer lives and ultimately embracing Medicare's financial stability.

In this bill, your focus on specific prevention measures is well supported by the existing literature. For individuals over 65, the United States Preventive Services Task Force recommends tobacco cessation counseling with access to appropriate nicotine replacement or other appropriate products to help the individual combat nicotine addiction; hormone replacement therapy and hypertension screening with access to the appropriate drug therapy for both conditions.

A case can be made that dollar for dollar, prevention services offer an invaluable return on the investment for the Medicare eligible population especially when compared to treatment costs. We need more information on these issues and hope to work closely with the Institute of Medicine to determine additional changes to the Medicare system in the future.

I would like to highlight one additional issue. Partnership for Prevention supports using a significant portion of any funds recouped by the Federal Government from the tobacco industry for tobacco control and prevention. Public and private direct expenditures to treat health problems caused by tobacco use total more than $70 billion annually and Medicare pays more than $10 billion of that amount.

Applying a significant portion of this money will decrease tobacco use and reduce the cost to the Medicare program in the future.

Prevention services may moderate increases in health care use and spending. We believe this country should be able to reach a consensus around the importance of maintaining the quality of life and social contribution of our seniors and we applaud your initiative in moving this issue forward.

Sincerely,

WILLIAM L. ROPER, MD, MPH,
Chairman.

AMERICAN HEART ASSOCIATION,
OFFICE OF COMMUNICATIONS AND ADVOCACY,
Washington, DC, June 10, 1999.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: The American Heart Association applauds your efforts in the ''Healthy Seniors Promotion Act'' to modernize the Medicare system by addressing both coverage for preventative screening and counseling, as well as access to prescription drugs for senior citizens.

Science continues to demonstrate the effectiveness of preventative care. Because it has not kept pace with the changing science, Medicare is an antiquated system to treat

the sick, rather than a modern healthcare system to maintain the health of the elderly. Counseling and drug therapy for smoking cessation, hypertension screening and drug treatment and counseling for hormone replacement therapy are important services that the American Heart Association believes ought to be included in a modern healthcare benefits plan. The association believes that hormone replacement therapy counseling is important because the science related to HRT and cardiovascular risk is still evolving.

As you know, the American Heart Association is dedicated to reducing death and disability from heart disease and stroke. Each year, cardiovascular disease claims more than 950,000 lives. In 1999, the health care and lost productivity costs associated with cardiovascular disease are estimated to total $286.5 billion.

To achieve our mission of reducing the burden of this devastating disease, we are committed to ensuring that patients have access to quality health care, including the medical treatment necessary to effectively prevent and control disease. For too long, senior citizens have had to work with an outdated healthcare delivery system.

Thank you for your leadership in the fight to modernize Medicare. The American Heart Association looks forward to continuing to work with you to ensure that senior citizens have access to preventive services and affordable prescription drugs.

Sincerely,

DIANE CANOVA, ESQ.,
Vice President, Advocacy.

THE AMERICAN GERIATRICS SOCIETY,
New York, NY, June 9, 1999.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The American Geriatrics Society (AGS) strongly supports your bill, the Healthy Seniors Promotion Act of 1999. The AGS thanks you for introducing this important legislation that will provide comprehensive preventive health benefits to the elderly.

The AGS is comprised of more than 6,000 physicians and other health professionals that treat frail elderly patients with chronic diseases and complex health needs.

As you know, preventive health care for the elderly can improve quality of life and delay functional decline. However, the current Medicare program does not cover substantive preventive health services. Your bill authorizes Medicare coverage of new preventive services as well as a prevention-related outpatient drug benefit. In this way, your bill would change the Medicare program from one that treats illness and disability to one that focuses on health promotion and disease prevention for Medicare beneficiaries. As the organization that represents physicians that treat only the elderly, we believe that this is a long overdue and critical program reform.

We applaud your long interest in Medicare prevention and we look forward to working with you on legislation that will enable the elderly to live longer, more productive, and healthier lives.

Sincerely,

JOSPEH G. OUSLANDER, MD,
President.

THE NATIONAL COUNCIL ON THE AGING,
Washington, DC, June 7, 1999.

Hon. BOB GRAHAM,
Hart Senate Office Building
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the National Council on the Aging (NCOA), I write to express our organization's support for the Healthy Seniors Promotion Act of 1999.

NCOA strongly believes that increased attention must be focused on actions and techniques intended to prevent illness or disability. It is easier to prevent disease than it is to cure it. The time has come to take action that would broaden and further coordinate federal programs such as Medicare related to health promotion.

Disease prevention, including access to health promotion activities, protocols, and regimens for older and disabled persons—should be included as an essential component throughout the continuum of care.

NCOA supports expanding the Medicare program to include coverage of a full range of preventive services, prevention education, and counseling, as well as prescription drugs. Your proposal is a significant step in achieving these objectives on a cost effective basis, in a manner which will dramatically improve the quality of the lives of millions of older Americans.

We deeply appreciate your strong leadership in the area of preventive care. NCOA looks forward to working with you and your staff to pass the Healthy Seniors Promotion Act.

Sincerely,

HOWARD BEDLIN,
Vice President, Public Policy and Advocacy.

AMERICAN COUNCIL OF THE BLIND,
Washington, DC, June 9, 1999.

Senator ROBERT GRAHAM,
Hart Senate Office Building
Washington, DC.

DEAR SENATOR GRAHAM. The American Council of the Blind is pleased to have the opportunity to support the Healthy Seniors Promotion Act. This legislation contains provisions for expanded Medicare coverage that are needed by a large number of visually impaired persons in this country, namely, coverage for glaucoma screening and medications.

The American Council of the Blind is a national organization of persons who are blind and visually impaired. Many of our members are seniors who have lost their vision due to glaucoma, diabetes or macular degeneration. In fact, this is the fastest growing segment of our membership. The expansion of Medicare coverage proposed in this bill would benefit these individuals by alleviating some of the financial burdens faced by those who have already developed conditions that cause vision loss, and giving peace of mind to those who can still take measures to prevent the onset of vision loss. We congratulate you for your foresight in proposing these measures and look forward to working with you to see that this legislation is approved by both houses of congress and signed into law by the president.

Thank you very much.

Respectfully,

MELANIE BRUNSON,
Director of Advocacy and Governmental Affairs.

NATIONAL OSTEOPOROSIS FOUNDATION,
Washington, DC, June 9, 1999.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The National Osteoporosis Foundation is pleased to offer its support for ''The Healthy Seniors Promotion Act of 1999''. We applaud your foresight regarding preventive health care and support your efforts to reduce, for example, stroke, osteoporosis, heart disease, and blindness.

Sincerely,

BENTE E. COONEY, MSW,
Director of Public Policy.

AMERICAN COLLEGE OF PREVENTIVE MEDICINE,
Washington, DC, June 9, 1999.

Senator BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The American College of Preventive Medicine is pleased to express its enthusiastic support for the ''Healthy Seniors Promotion Act of 1999.'' Your introduction of this bill underscores what preventive medicine professionals have known for many years, namely, that the benefits of preventive services for older Americans are just as great as for younger Americans. For many seniors, access to high quality preventive services can add years to life and life to years.

Your bill adds to the list of services covered by Medicare several services that we know to be effective in preventing serious disease. After an exhaustive and rigorous review of the scientific literature, the U.S. Preventive Services Task Force—considered by many to be the gold standard in determining the effectiveness of clinical preventive services—has identified a number of services for older Americans that are effective in preventing disease. These include tobacco cessation counseling, hypertension screening, and counseling on the benefits and risks of hormone replacement therapy—all of which would be covered under the ''Healthy Seniors Promotion Act of 1999.''

Your bill also helps ensure that important research gaps concerning preventive services for seniors are filled. It is incumbent upon the Congress to ensure that Medicare's preventive benefit package reflects the latest scientific research on the effectiveness of preventive services.

Basing coverage decisions on what the science tells us is effective is sound national health care policy. The American College of Preventive Medicine, which represents physicians concerned with health promotion and disease prevention, stands ready to assist you in working toward passage of this forward-looking and important bill.

Sincerely,

GEORGE K. ANDERSON, MD, MPH,
President.

By Mr. KOHL (for himself, Mr. BURNS, and Mr. HAGEL):

S. 1207. A bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers not increase a farmer's liability for the alternative minimum tax; to the Committee on Finance.

THE FARMER TAX FAIRNESS ACT

Mr. KOHL. Mr. President, I rise today to introduce the Farmer Tax Fairness Act, along with my farm state colleagues, Senators BURNS and HAGEL. This legislation is a targeted provision that will help ensure that farmers have access to tax benefits rightfully owed to them.

As you know, farmers' income often fluctuates from year to year based on unforeseen weather or market conditions. Income averaging allows farmers to ride out these unpredictable circumstances by spreading out their income over a period of years. Last year, we acted in a bipartisan manner to make income averaging a permanent provision of the tax code. Unfortunately, since that time, we have learned that, due to interaction with another tax code provision, the Alternative Minimum Tax (AMT), many of

our nation's farmers have been unfairly denied the benefits of this important accounting tool.

As you know, the AMT was originally designed to ensure that all taxpayers, particularly those eligible for certain tax preferences, paid a minimum level of taxes. Due to inflation and the enactment of other tax provisions, more and more Americans are now subject to the AMT. While other reforms are required to keep the AMT focused on its original mission, our legislation addresses the specific concern of farmers relying on income averaging. Under our legislation, if a farmer's AMT liability is greater than taxes due under the income averaging calculation, that farmer would disregard the AMT and pay taxes according to the averaging calculation. In this way, farmers would still pay tax, but would also have access to tools designed to alleviate the inevitable ups and downs of the agricultural economy.

This provision is a modest and reasonable measure designed to ensure farmers are treated fairly when it comes time to file their taxes. I urge my colleague to lend their support. Thank you.

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. 1207

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 ''Farmer Tax Fairness Act''.

SEC. 2. INCOME AVERAGING FOR FARMERS NOT TO INCREASE ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Section 55(c) of the Internal Revenue Code of 1986 (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

''(2) COORDINATION WITH INCOME AVERAGING FOR FARMERS.—Solely for purposes of this section, section 1301 (relating to averaging of farm income) shall not apply in computing the regular tax.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

By Mr. MURKOWSKI:

S. 1208. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Finance.

CHARITABLE MILEAGE

Mr. MURKOWSKI. Mr. President, I rise to introduce modest legislation that will eliminate controversy between the IRS and people who use their automobiles to perform charitable work.

Two years, ago I was successful in convincing my colleagues that the standard mileage rate for charitable activities should be raised to 14 cents a mile. I would have preferred that the mileage rate would have been set higher, but at least this was a step in the right direction.

It has recently come to my attention that if a charity reimburses a volunteer at a rate higher than 14 cents a mile, the volunteer must include such higher reimbursement in income. Thus, for example, if a person uses his car for a voluntary food delivery program or for patient transportation and the charity reimburses the volunteer 25 cents a mile, the individual would have 11 cents of income. That is absurd, Mr. President, especially when one considers that if a person was performing the same service as an employee of a company, the person could be reimbursed tax-free at the rate of 31 cents a mile.

I understand that there have been cases where volunteer drivers have been audited and subjected to back taxes, penalties, and interest because of unreported volunteer mileage reimbursement, even though that reimbursement did not exceed the allowable business rate and the dollar amounts were quite small. Does IRS have nothing better to do than audit such individuals?

My bill would eliminate this problem. It provides that all charitable volunteer mileage reimbursement is nontaxable income to the extent that it does not exceed the standard business mileage rate and appropriate records are kept. It is important to note that my bill does not increase the allowable deduction claimed by volunteers who are not reimbursed by a charity.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1208

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

SECTION 1. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 139 as section 140 and by inserting after section 138 the following new section:

''SEC. 139. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

''(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

''(1) by using the standard business mileage rate established under such section, and

''(2) as if the individual were an employee of an organization not described in section 170(c).

''(b) NO DOUBLE BENEFIT.—Subsection (a) shall not apply with respect to any expenses if the individual claims a deduction or credit for such expenses under any other provision of this title.

''(c) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).''

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 139 and inserting the following new items:

''Sec. 139. Reimbursement for use of passenger automobile for charity.
''Sec. 140. Cross reference to other Acts.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, and Mr. SANTORUM):

S. 1209. A bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes; to the Committee on Finance.

MODIFICATIONS TO THE SECTION 415 LIMITS

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation on behalf of workers who have responsibly saved for retirement through collectively bargained, multiemployer defined benefit pension plans. I am pleased to be joined by Senators STEVENS and SANTORUM in sponsoring this bill. This legislation would raise the Section 415 limits and ensure that workers are not unfairly penalized in the amount they may receive when they retire.

Under the current rules, for some workers, benefit cutbacks resulting from the current rules means that they will not be able to retire when they wanted or needed to. For other workers, it means retirement with less income to live on.

The bill that I am introducing today will give all of these workers relief from the most confiscatory provisions of Section 415 and enable them to receive the full measure of their retirement savings.

Congress has recognized and corrected the adverse effects of Section 415 on government employee pension plans. Most recently, as part of the Tax Relief Act of 1997 (Public Law 105–34) and the Small Business Jobs Protection Act of 1996 (Public Law 104–188), we exempted government employee pension plans from the compensation-based limit, from certain early retirement limits, and from other provisions of Section 415. Other relief for government employee plans was included in earlier legislation amending Section 415.

Section 415 was enacted more then two decades ago when the pension world was quite different than it is today. The Section 415 limits were designed to place limits on pensions that could be received by highly paid executives. The passage of time and Congressional action has stood this original design on its head. The limits are forcing cutbacks in the pensions of middle income workers.

Section 415 limits the benefits payable to a worker in a defined benefit

pension plans to the lessor of: (1) the worker's average annual compensation for the three consecutive years when his compensation was the highest [the ''compensation-based limit'']; and (2) a dollar limit that is sharply reduced for retirement before the worker's Social Security normal retirement age.

The compensation-based limit assumes that the pension earned under a plan is linked to each worker's salary, as is typical in corporate pension plans. Unfortunately, that formula does not work properly when applied to multiemployer pension plans. Multiemployer plans, which cover more than ten million individuals, have long based their benefits on the collectively bargained contribution rates and years of covered employment with one or more of the multiple employers which contribute to the plan. In other words, benefits earned under a multiemployer plan have no relationship to the wages received by a worker form the contributing employers. The same benefits level is paid to all workers with the same contribution and covered employment records regardless of their individual wage histories.

A second assumption underlying the compensation-based limit is that workers' salaries increase steadily over the course of their careers so that the three highest salary years will be the last three consecutive years. While this salary history may be the norm in the corporate world, it is unusual in the multiemployer plan world. In multiemployer plan industries like building and construction, workers' wage earnings typically fluctuate from year-to-year according to several variables, including the availability of covered work and whether the worker is unable to work due to illness or disability. An individual worker's wage history may include many dramatic ups-and-downs. Because of these fluctuations, the three highest years of compensation for many multiemployer plan participants are not consecutive. Consequently, the Section 415 compensation-based limit for the workers is artificially low; lower than it would be if they were covered by corporate plans.

Thus, the premises on which the compensation-based limit is founded do not fit the reality of workers covered by multiemployer plans. And, the limit should not apply.

This bill would exempt workers covered by multiemployer plans from the compensation-based limit, just as government employees are now exempt.

Section 415's dollar limits have also been forcing severe cutbacks in the earned pensions of workers who retire under multiemployer pension plans before they reach age 65.

Construction work is physically hard, and is often performed under harsh climatic conditions. Workers are worn down sooner than in most other industries. Often, early retirement is a must. Multiemployer pension plans accommodate these needs of their covered workers by providing for early retirement, disability, and service pensions that provide a subsidized, partial or full pension benefit.

Section 415 is forcing cutbacks in these pensions because the dollar limit is severely reduced for each year younger than the Social Security normal retirement age that a worker is when he retires. For a worker who retires at age 50, the reduced dollar limit is now about $40,000 per year.

This reduced limit applies regardless of the circumstances under which the worker retires and regardless of his plan's rules regarding retirement age. A multiemployer plan participant worn out after years of physical challenge who is forced into early retirement is nonetheless subject to a reduced limit. A construction worker who, after 30 years of demanding labor, has well earned a 30-and-out service pension at age 50 is nonetheless subject to the reduced limit.

This bill will ease this early retirement benefit cutback by extending to workers covered by multiemployer plans some of the more favorable early retirement rules that now apply to government employee pension plans and other retirement plans. These rules still provide for a reduced dollar limit for retirements earlier than age 62, but the reduction is less severe than under the current rules that apply to multiemployer plans.

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. 1209

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

SECTION 1. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. GENERAL RETIREMENT PLAN LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) IN GENERAL.—Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking ''$90,000'' and inserting ''$180,000''.

(B) AGE ADJUSTMENTS.—Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking ''$90,000'' each place it appears in the headings and the text and inserting ''$180,000''.

(C) COLLECTIVELY BARGAINED PLANS.—Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking ''the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000' '' and inserting ''one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$180,000' ''.

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking ''the social security retirement age'' each place it appears in the heading and text and inserting ''age 62''.

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking ''the social security retirement age'' each place it appears in the heading and text and inserting ''age 65''.

(4) MULTIEMPLOYER PLANS AND PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—Subparagraph (F) of section 415(b)(2) is amended to read as follows:

''(F) MULTIEMPLOYER PLANS AND PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—

''(i) IN GENERAL.—In the case of a governmental plan (within the meaning of section 414(d)), a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle, a multiemployer plan (as defined in section 414(f)), or a qualified merchant marine plan, subparagraph (C) shall be applied as if the last sentence thereof read as follows: 'The reduction under this subparagraph shall not reduce the limitation of paragraph (1)(A) below (i) $130,000 if the benefit begins at or after age 55, or (ii) if the benefit begins before age 55, the equivalent of the $130,000 limitation for age 55.'.

''(ii) DEFINITIONS.—For purposes of this subparagraph—

''(I) QUALIFIED MERCHANT MARINE PLAN.—The term 'qualified merchant marine plan' means a plan in existence on January 1, 1986, the participants in which are merchant marine officers holding licenses issued by the Secretary of Transportation under title 46, United States Code.

''(II) EXEMPT ORGANIZATION PLAN COVERING 50 PERCENT OF ITS EMPLOYEES.—A plan shall be treated as a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle if at least 50 percent of the employees benefiting under the plan are employees of an organization (other than a governmental unit) exempt from tax under this subtitle. If less than 50 percent of the employees benefiting under a plan are employees of an organization (other than a governmental unit) exempt from tax under this subtitle, the plan shall be treated as a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle only with respect to employees of such an organization.''

(5) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) in paragraph (1)(A) by striking ''$90,000'' and inserting ''$180,000'', and

(B) in paragraph (3)(A)—

(i) by striking ''$90,000'' in the heading and inserting ''$180,000'', and

(ii) by striking ''October 1, 1986'' and inserting ''July 1, 1999''.

(b) DEFINED CONTRIBUTION PLANS.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended to read as follows:

''(B) the participants' compensation.''

(2) CONFORMING AMENDMENT.—Section 415(n)(2)(B) is amended by striking ''percentage''.

(c) COST-OF-LIVING ADJUSTMENTS.—

(1) PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—Paragraph (1) of section 415(d) (as amended by subsection (a)) is amended by striking ''and'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) the $130,000 amount in subsection (b)(2)(F), and''

(2) BASE PERIOD.—Paragraph (3) of section 415(d) (as amended by subsection (a)) is amended by redesignating subparagraph (D)

as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) $130,000 AMOUNT.—The base period taken into account for purposes of paragraph (1)(C) is the calendar quarter beginning July 1, 1999.''

(3) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

''(4) ROUNDING.—

''(A) $180,000 AMOUNT.—Any increase under subparagraph (A) or (D) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

''(B) $130,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.''

(4) CONFORMING AMENDMENT.—Subparagraph (D) of section 415(d)(3) (as amended by paragraph (2)) is amended by striking ''paragraph (1)(C)'' and inserting ''paragraph (1)(D)''.

SEC. 3. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

''(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.''

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

''(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated with any other plan maintained by an employer for purposes of applying the limitations established in this section, except that such plan shall be combined or aggregated with another plan which is not such a multiemployer plan solely for purposes of determining whether such other plan meets the requirements of subsection (b)(1)(A).''.

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking ''The Secretary'' and inserting ''Except as provided in subsection (f)(3), the Secretary''.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to years beginning after December 31, 1999.

Mr. STEVENS. Mr. President, today I join Senator MURKOWSKI in introducing a measure that will fix a problem with the pension limits in section 415 of the tax code as they relate to multiemployer pension plans.

This is a problem I have been trying to fix for years, and I hope we can resolve this issue during this Congress.

Section 415, as it currently stands, deprives workers of the pensions they deserve.

In 1996, Congress addressed part of the problem by relieving public employees from the limits of section 415.

It is only proper that Congress does the same for private workers covered by multiemployer plans.

Section 415 negatively impacts workers who have various employers.

Currently, the pension level is set at the employee's highest consecutive 3-year average salary.

With fluctuations in industry, sometimes employees have up and down years rather than steady increases in their wages.

This can skew the 3-year salary average for the employee, resulting in a lower pension when the worker retires.

I would like to offer an example of section 415's impact to illustrate how unfairly the current law treats workers in multiemployer plans.

Assume we are talking about a worker employed for 15 years by a local union and her highest annual salary was $15,600.

The worker retires and applies for pension benefits from the two plans by which she was covered by virtue of her previous employment.

The worker had earned a monthly benefit of $1,000 from one plan and a monthly benefit of $474 from the second plan for a total monthly income of $1,474, or $17,688 per year.

The worker looked forward to receiving this full amount throughout her retirement.

However, the benefits had to be reduced by $202 per month, or about $2,400 per year to match her highest annual salary of $15,600.

The so-called ''compensation based limit'' of section 415 of the Tax Code did not take into account disparate benefits, but intended only to address workers with a single employer likely to receive steady increases in salary.

Currently section 415 limits a worker's pension to an equal amount of the worker's average salary for the three consecutive years when the worker's salary was the highest.

Instead of receiving the $17,688 per year pension that the worker had earned under the pension plans' rules, the worker can receive only $15,253 per year.

If the worker were a public employee covered by a public plan, her pension would not be cut.

This is because public pension plans are not restricted by the compensation-based limit language of section 415.

This robs employees of the money they have earned simply because they were not a public employee.

We are always looking for ways to encourage people to save for retirement and we try to educate people of the fact that relying on Social Security alone will not be enough.

Yet we penalize many private sector employees in multiemployer plans by arbitrarily limiting the amount of pension benefits they can receive.

It is wrong, and it should be fixed.

In addition, by changing the law to allow workers to receive the full pension benefits they are entitled to, we will see more money flowing to the treasury.

This is because greater pensions to retirees means greater retirement income, much of which is subject to taxes.

I urge my colleagues to support us in fixing this problem once and for all and I thank Senator MURKOWSKI for working with me on this issue.

By Mr. CHAFEE:

S. 1210. A bill to assist in the conservation of endangered and threatened species of fauna and flora found throughout the world; to the Committee on Foreign Relations.

FOREIGN ENDANGERED SPECIES CONSERVATION ACT OF 1999

Mr. CHAFEE. Mr. President, I am pleased to introduce a bill today that will offer a new tool for the conservation of imperiled species throughout the world. This legislation would establish a fund to provide financial assistance for conservation projects for these species, which often receive little, if any, help.

The primary Federal law protecting imperiled species is the Endangered Species Act (ESA). Of the 1700 species that are endangered or threatened under the ESA, more than 560—approximately one-third—are foreign species residing outside the United States. However, the general protections of the ESA do not apply overseas, nor does the Administration prepare recovery plans for foreign species.

The primary multilateral treaty protecting endangered and threatened species is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES identifies more than 30,000 species to be protected through restrictions on trade in their parts and products. It does not address other threats facing these species.

Consequently, the vast majority of endangered or threatened species throughout the world receive little, if any, funding by the United States. Presently, three grants programs exist for specific species—African elephants, Asian elephants, rhinos, and tigers. In FY 1999, they received an aggregate of $1.9 million. Other small conservation programs exist in India, Mexico, China, and Russia under agreements with those countries. However, no program addresses the general need to conserve imperiled species in foreign countries.

This need could not be greater. Recently, much deserved attention has been given to the decline of primate populations in both Africa and Asia as a result of habitat loss and poaching to supply a trade of bushmeat. These species vitally need funding to arrest their serious declines.

Numerous other species in the same rainforests across Africa and Asia, as well as the rainforests of the Americas, also face threats relating to habitat loss. Habitats as varied as the alpine reaches of the Himalayas, the bamboo forests of China, and tropical coral reef systems are all home to species facing the threat of extinction, such as the snow leopard, the panda and sea turtles. While the charismatic mega-fauna receive the most public attention, the vast multitude of species continue to

slip steadily towards extinction without even any public awareness.

A new grants program would be a powerful tool to begin to address the critical needs of these species, and would fill a significant gap in existing efforts. Such a program would be similar to the programs for elephants, rhinos and tigers, but would apply to any imperiled species. The existing programs have proven tremendously successful, particularly in creating local, long-term capacity within the foreign country to protect these species. The bill that I introduce today would build on these successful programs.

Specifically, the bill establishes a fund to support projects to conserve endangered and threatened species in foreign countries. The projects must be approved by the Secretary in cooperation with the Agency for International Development. Priority is to be given to projects that enhance conservation of the most imperiled species, that provide the greatest conservation benefit, that receive the greatest level of non-Federal funding, and that enhance local capacity for conservation efforts. The bill authorizes appropriations of $16 million annually for 4 years, 2001 to 2005, with $12 million authorized for the Fish and Wildlife Service, and $4 million for the National Marine Fisheries Service.

I urge my colleagues to cosponsor this worthwhile initiative. Mr. President, I ask unanimous consent the bill be printed in the RECORD.

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

S. 1210

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 ''Foreign Endangered Species Conservation Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) numerous species of fauna and flora in foreign countries have continued to decline to the point that the long-term survival of those species in the wild is in serious jeopardy;

(2) many of those species are listed as endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or in Appendix I, II, or III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

(3) there are insufficient resources available for addressing the threats facing those species, which will require the joint commitment and effort of foreign countries within the range of those species, the United States and other countries, and the private sector;

(4) the grant programs established by Congress for tigers, rhinoceroses, Asian elephants, and African elephants have proven to be extremely successful programs that provide Federal funds for conservation projects in an efficient and expeditious manner and that encourage additional support for conservation in the foreign countries where those species exist in the wild; and

(5) a new grant program modeled on the existing programs for tigers, rhinoceroses, and elephants would provide an effective means to assist in the conservation of foreign endangered species for which there are no existing grant programs.

(b) PURPOSE.—The purpose of this Act is to conserve endangered and threatened species of fauna and flora in foreign countries, and the ecosystems on which the species depend, by supporting the conservation programs for those species of foreign countries and the CITES Secretariat, promoting partnerships between the public and private sectors, and providing financial resources for those programs and partnerships.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNT.—The term ''Account'' means the Foreign Endangered and Threatened Species Conservation Account established by section 6.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Agency for International Development.

(3) CITES.—The term ''CITES'' means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249), including its appendices and amendments.

(4) CONSERVATION.—The term ''conservation'' means the use of methods and procedures necessary to bring a species to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of populations of foreign endangered or threatened species;

(B) maintenance, management, protection, restoration, and acquisition of habitat;

(C) research and monitoring;

(D) law enforcement;

(E) conflict resolution initiatives; and

(F) community outreach and education.

(5) FOREIGN ENDANGERED OR THREATENED SPECIES.—The term ''foreign endangered or threatened species'' means a species of fauna or flora—

(A) that is listed as an endangered or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or that is listed in Appendix I, II, or III of CITES; and

(B) whose range is partially or wholly located in a foreign country.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the Secretary of Commerce, as program responsibilities are vested under Reorganization Plan No. 4 of 1970 (5 U.S.C. App.).

SEC. 4. FOREIGN SPECIES CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of funds, the Secretary shall use amounts in the Account to provide financial assistance for projects for the conservation of foreign endangered or threatened species in foreign countries for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of foreign endangered or threatened species may be submitted to the Secretary by—

(A) any agency of a foreign country that has within its boundaries any part of the range of the foreign endangered or threatened species if the agency has authority over fauna or flora and the activities of the agency directly or indirectly affect the species;

(B) the CITES Secretariat; or

(C) any person with demonstrated expertise in the conservation of the foreign endangered or threatened species.

(2) REQUIRED INFORMATION.—A project proposal shall include—

(A) the name of the individual responsible for conducting the project, and a description of the qualifications of each individual who will conduct the project;

(B) the name of the foreign endangered or threatened species to benefit from the project;

(C) a succinct statement of the purposes of the project and the methodology for implementing the project, including an assessment of the status of the species and how the project will benefit the species;

(D) an estimate of the funds and time required to complete the project;

(E) evidence of support for the project by appropriate governmental agencies of the foreign countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(F) information regarding the source and amount of non-Federal funds available for the project; and

(G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROPOSAL REVIEW AND APPROVAL.—

(1) REQUEST FOR ADDITIONAL INFORMATION.—If, after receiving a project proposal, the Secretary determines that the project proposal is not complete, the Secretary may request further information from the person or entity that submitted the proposal before complying with the other provisions of this subsection.

(2) REQUEST FOR COMMENTS.—The Secretary shall request written comments, and provide an opportunity of not less than 30 days for comments, on the proposal from the appropriate governmental agencies of each foreign country in which the project is to be conducted.

(3) SUBMISSION TO ADMINISTRATOR.—The Secretary shall provide to the Administrator a copy of the proposal and a copy of any comments received under paragraph (2). The Administrator may provide comments to the Secretary within 30 days after receipt of the copy of the proposal and any comments.

(4) DECISION BY THE SECRETARY.—After taking into consideration any comments received in a timely manner from the governmental agencies under paragraph (2) and the Administrator under paragraph (3), the Secretary may approve the proposal if the Secretary determines that the project promotes the conservation of foreign endangered or threatened species in foreign countries.

(5) NOTIFICATION.—Not later than 180 days after receiving a completed project proposal, the Secretary shall provide written notification of the Secretary's approval or disapproval under paragraph (4) to the person or entity that submitted the proposal and the Administrator.

(d) PRIORITY GUIDANCE.—In funding approved project proposals, the Secretary shall give priority to the following types of projects:

(1) Projects that will enhance programs for the conservation of foreign endangered and threatened species that are most imperiled.

(2) Projects that will provide the greatest conservation benefit for a foreign endangered or threatened species.

(3) Projects that receive the greatest level of assistance, in cash or in-kind, from non-Federal sources.

(4) Projects that will enhance local capacity for the conservation of foreign endangered and threatened species.

(e) PROJECT REPORTING.—Each person or entity that receives assistance under this

section for a project shall submit to the Secretary and the Administrator periodic reports (at such intervals as the Secretary considers necessary) that include all information required by the Secretary, after consultation with the Administrator, for evaluating the progress and success of the project.

(f) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, after providing public notice and opportunity for comment, the Secretary of the Interior and the Secretary of Commerce shall each develop guidelines to carry out this section.

(2) PRIORITIES AND CRITERIA.—The guidelines shall specify—

(A) how the priorities for funding approved projects are to be determined; and

(B) criteria for determining which species are most imperiled and which projects provide the greatest conservation benefit.

SEC. 5. MULTILATERAL COLLABORATION.

The Secretary, in collaboration with the Secretary of State and the Administrator, shall—

(1) coordinate efforts to conserve foreign endangered and threatened species with the relevant agencies of foreign countries; and

(2) subject to the availability of appropriations, provide technical assistance to those agencies to further the agencies' conservation efforts.

SEC. 6. FOREIGN ENDANGERED AND THREATENED SPECIES CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the ''Foreign Endangered and Threatened Species Conservation Account'', consisting of—

(1) amounts donated to the Account;

(2) amounts appropriated to the Account under section 7; and

(3) any interest earned on investment of amounts in the Account under subsection (c).

(b) EXPENDITURES FROM ACCOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend from the Account, without further Act of appropriation, such amounts as are necessary to carry out section 4.

(2) ADMINISTRATIVE EXPENSES.—An amount not to exceed 6 percent of the amounts in the Account—

(A) shall be available for each fiscal year to pay the administrative expenses necessary to carry out this Act; and

(B) shall be divided between the Secretary of the Interior and the Secretary of Commerce in the same proportion as the amounts made available under section 7 are divided between the Secretaries.

(c) INVESTMENT OF AMOUNTS.—The Secretary shall invest such portion of the Account as is not required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be available until expended, without further Act of appropriation.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Account for each of fiscal years 2001 through 2005—

(1) $12,000,000 for use by the Secretary of the Interior; and

(2) $4,000,000 for use by the Secretary of Commerce.

By Mr. BENNETT:

S. 1211. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Energy and Natural Resources.

COLORADO RIVER BASIN SALINITY CONTROL REAUTHORIZATION LEGISLATION

Mr. BENNETT. Mr. President, I am pleased to rise today to introduce the Colorado River Basin Salinity Control Reauthorization Act of 1999. This legislation will reauthorize the funding of this program to a level of $175 million and will permit these important projects to continue forward for several years.

I do this because the Colorado River is the life link for more than 23 million people. It provides irrigation water for more than 4 million acres of land in the United States. Therefore, the quality of the water is crucial.

Salinity is one of the major problems affecting the quality of the water. Salinity damages range between $500 million and $750 million and could exceed $1.5 billion per year if future increases in salinity are not controlled. In an effort to limit future damages, the Basin States (Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming) and the Federal Government enacted the Colorado River Basin Salinity Control Act in 1974. Because the lengthy Congressional authorization process for Bureau of Reclamation projects was impeding the implementation of cost-effective measures, Congress authorized the Bureau in 1995 to implement a competitive, basin-wide approach for salinity control.

Under the new approach, termed the Basinwide Program salinity control projects were no longer built by the Federal Government. They were, for the most part, to be built by the private sector and local and state governments. Funds would be awarded to projects on a competitive bid basis. Since this was a pilot program, Congress originally limited funds to a $75 million ceiling.

Indeed, the Basinwide Salinity Program has far exceeded original expectations by proving to be both cost effective and successful. It has an average cost of $27 per ton of salt controlled, as compared to original authority program projects that averaged $76 per ton. One of the greatest advantages of the new program comes from the integration of Reclamation's program with the U.S. Department of Agriculture's program. By integrating the USDA's on-farm irrigation improvements with the Bureau's off-farm improvements, very high efficiency rates can be obtained.

Because the cost sharing partners (private organizations and states and federal agencies) often have funds available at specific times, the new program allows the Bureau of Reclamation to quickly respond to opportunities that are time sensitive. Another significant advantage of the Basinwide program is that completed projects are ''owned'' by the local entity, and not the Bureau. The entity is responsible for performing under the proposal negotiated with the Bureau.

In 1998, Bureau of Reclamation received a record number of proposals. While still working through the 1998 proposals, the Bureau also sought out 1999 proposals which are just now being received and evaluated. Although, not all proposals will be fully funded and constructed, funding requirements for even the most favorable projects surpasses the original $75 million funding authority. In fact, if all proposals go to completion and are fully funded, the Bureau might find itself in the position that no future requests for proposals can be considered until Congress raises the authorization ceiling. In an effort to prevent that from occurring, I am introducing this legislation today. I hope my colleagues will join me in this effort and I look forward to working on this legislation with them.

By Mr. CAMPBELL:

S. 1212. A bill to restrict United States assistance for certain reconstruction efforts in the Balkans region of Europe to United States-produced articles and services; to the Committee on Foreign Relations.

KOSOVO RECONSTRUCTION INVESTMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce the Kosovo Reconstruction Investment Act of 1999.

This legislation would require that the United States foreign aid funds committed to the reconstruction of Kosovo and other parts of the Balkans in the wake of the Kosovo conflict will be used to purchase American-made goods and services whenever possible.

This legislation provides a win-win approach to reconstruction by helping the people of Kosovo and others who live in the Balkans who have suffered as a result of the Kosovo conflict while also looking out for American workers.

The people of Kosovo and the Balkans will win by having new homes, hospitals, factories, bridges, and much more rebuilt. They will have roofs over their heads, places to go for health care and to work, and the roads and bridges needed to get there.

The American people will win as a sizable portion of their hard-earned taxpayer dollars will come back to the United States in the form of new orders for American-made goods and services. New jobs will be created. With this legislation we can make the best out of a looming, costly, and long-term burden on our Nation's budget.

This will be especially important for some of our key industries, such as agriculture and steel, that are facing hard times here at home. Other hard-working Americans from industries like manufacturing, engineering, construction, and telecommunications will also enjoy new opportunities to produce goods and services for the people of Southeastern Europe.

For example, our ranchers and farmers, many of whom are being severely harmed by a combination of tough

competition at home, cheap imports and closed markets overseas will benefit. This bill will help provide them with the opportunity to strengthen their share in Europe's Southeastern markets.

Our steel workers, many of whom are also in a tough situation, will benefit as U.S. made steel is used to reconstruct homes, hospitals, factories, and bridges. American engineers, contractors, and other service providers will play a key role in rebuilding telecommunications and other necessary infrastructure projects.

To ensure that the Kosovo Reconstruction Investment Act does not unduly hinder the reconstruction effort, it allows for American foreign aid funds to be used to buy goods and services produced by other parties in cases where U.S. made goods and services are deemed to be ''prohibitively expensive.''

The American taxpayers are already bearing the lion's share of waging the war in Kosovo. To date, our nation's military has spent about $3 billion Kosovo war effort. Our pilots flew the vast majority of the combat sorties. In addition, the Foreign Operations supplemental appropriations bill that passed last month provided $819 million for humanitarian and refugee aid for Kosovo and surrounding countries. It has been estimated that peace keeping operations will cost an additional $3 billion in the first year alone. This is just the beginning. In the future, American taxpayers will be spending many tens of billions of dollars more as we participate in the apparently openended peacekeeping effort.

Without this legislation, those countries who largely sat on the sidelines while we fought will be allowed to sweep in and clean up. The American taxpayers' dollars should not be used as a windfall profits program to boost Western European conglomerates. The American people deserve better. The Kosovo Reconstruction Investment Act of 1999 would remedy this situation.

Yet another problem this bill would help alleviate is our exploding trade deficit which is on track to an all time high of approximately $250 billion by the end of this year. In March of this year alone, the United States posted a record 1 month trade deficit of $19.7 billion.

Furthermore, many of the other industrialized countries that regularly distribute foreign aid do not distribute it with no strings attached. For many years now, countries like Japan have also required that the foreign aid funds they distribute be used to buy products produced by their domestic companies.

We also must face the reality that there is much more to rebuilding this region than money can buy. The various ethnic groups residing throughout the Balkans must realize that they have to change their hearts and ways if there is to be any lasting peace and prosperity. We cannot do this for them. They have to do it for themselves, as communities, families, and individuals.

If they commit themselves to rule of law, freedom of speech, free and open markets, the primacy of the ballot box over bullets and a live and let live tolerance of others, they will be well on their way as they head into the new millennium.

Once again, here we are reconstructing a part of Europe. Once again, we did not start the war, but we had to finish it and then were called on to come in, pick up the pieces, and put them back together again.

If America's airmen, sailors, marines, and soldiers are good enough to win a war, then America's hard-working taxpayers, including farmers, steel workers, and engineers are good enough to help rebuild shattered countries. If we are called on to put the Balkans back together, we should do it with a fair share of goods and services made in America.

The Kosovo Reconstruction Investment Act will help make sure that both the victims of the Kosovo conflict and the American people win. I urge my colleagues to support passage of this legislation.

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

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

S. 1212

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

SECTION 1. RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN THE BALKANS REGION.

(a) PROHIBITION.—

(1) IN GENERAL.—Except as provided in subsection (b), no part of any United States assistance furnished for reconstruction efforts in the Federal Republic of Yugoslavia, or any contiguous country, on account of the armed conflict or atrocities that have occurred in the Federal Republic of Yugoslavia since March 24, 1999, may consist of, or be used for the procurement of, any article produced outside the United States or any service provided by a foreign person.

(2) DETERMINATIONS OF FOREIGN PRODUCED ARTICLES.—In the application of paragraph (1), determinations of whether an article is produced outside the United States or whether a service is provided by a foreign person should be made consistent with the standards utilized by the Bureau of Economic Analysis of the Department of Commerce in its United States balance of payments statistical summary with respect to comparable determinations.

(b) EXCEPTION.—Subsection (a) shall not apply if doing so would require the procurement of any article or service that is prohibitively expensive or unavailable.

(c) DEFINITIONS.—In this section:

(1) ARTICLE.—The term ''article'' includes any agricultural commodity, steel, construction material, communications equipment, construction machinery, farm machinery, or petrochemical refinery equipment.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term ''Federal Republic of Yugoslavia'' means the Federal Republic of Yugoslavia (Serbia and Montenegro) and includes Kosovo.

(3) FOREIGN PERSON.—The term ''foreign person'' means any foreign national, including any foreign corporation, partnership, other legal entity, organization, or association that is beneficially owned by foreign nationals or controlled in fact by foreign nationals.

(4) PRODUCED.—The term ''produced'', with respect to an item, includes any item mined, manufactured, made, assembled, grown, or extracted.

(5) SERVICE.—The term ''service'' includes any engineering, construction, telecommunications, or financial service.

(6) STEEL.—The term ''steel'' includes the following categories of steel products: semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore, and coke products.

(7) UNITED STATES ASSISTANCE.—The term ''United States assistance'' means any grant, loan, financing, in-kind assistance, or any other assistance of any kind.

Mr. MCCAIN (for himself, Mr. CAMPBELL, and Mr. DOMENICI):

S. 1213. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Indian Affairs.

INDIAN CHILD WELFARE ACT AMENDMENTS OF 1999

Mr. MCCAIN. Mr. President, I rise today to introduce legislation to amend the Indian Child Welfare Act of 1978 to ensure stricter enforcement of timelines and fairness in Indian adoption proceedings. The primary intent of this legislation is to make the process that applies to voluntary Indian child custody and adoption proceedings more consistent, predictable, and certain. The provisions of this legislation would further advance the best interests of Indian children without eroding tribal sovereignty and the fundamental principles of Federal-Indian law.

I thank the principal cosponsors, Senators CAMPBELL and DOMENICI, for their continued support of this muchneeded legislation. Let me also point out that this bill is identical to legislation which passed the Senate by unanimous consent in 1996. It is the result of nearly two years of discussion and debate among representatives of the adoption community, Indian tribal governments, and the Congress that aimed to address some of the problems with the implementation of ICWA since its enactment in 1978.

Mr. President, ICWA was originally enacted to provide for procedural and substantive protection for Indian children and families and to recognize and formalize a substantial role for Indian tribes in cases involving involuntary and voluntary child custody proceedings, whether on or off the Indian reservation. It was also supposed to reduce uncertainties about which court had jurisdiction over an Indian child and who had what authority to influence child placement decisions. Although implementation of ICWA has been less than perfect, in the vast majority of cases ICWA has effectively provided the necessary protections. It has encouraged State and private adoption agencies and State courts to make extra efforts before removing Indian children from their homes and communities. It has required recognition by

everyone involved that an Indian child has a vital, long-term interest in keeping a connection with his or her Indian tribe.

Nonetheless, particularly in the voluntary adoption context, there have been occasional, high-profile cases which have resulted in lengthy, protracted litigation causing great anguish for the children, their adoptive families, their birth families, and their Indian tribes. This bill takes a measured and limited approach, crafted by representatives of tribal governments and the adoption community, to address these problems.

This legislation would achieve greater certainty and speed in the adoption process for Indian children by providing new guarantees of early and effective notice in all cases involving Indian children. The bill also establishes new, strict time restrictions on both the right of Indian tribes and birth families to intervene and the right of Indian birth parents to revoke their consent to an adoptive placement. Finally, the bill includes a provision which would encourage early identification of the relatively few cases involving controversy and promote the settlement of cases by making visitation agreements enforceable.

Mr. President, nothing is more sacred and more important to our future than our children. The issues surrounding Indian child welfare stir deep emotions. I am thankful that, in formulating the compromise that led to the introduction of this bill, the representatives of both the adoption community and tribal governments were able to put aside their individual desires and focus on the best interests of Indian children.

This bill represents an appropriate and fair-minded compromise proposal which would enhance the best interests of Indian children by guaranteeing speed, certainty, and stability in the adoption process. At the same time, the provisions of this bill preserve fundamental principles of Federal-Tribal law by recognizing the appropriate role of tribal governments in the lives of Indian children.

Mr. President, I believe these amendments would have been enacted several years ago had we been better able to dispel several misconceptions about the bill's purpose. I want to directly address one of these misplaced concerns—that the adoptive placement preferences in the underlying law, the Indian Child Welfare Act of 1978, would somehow lead an expectant mother seeking privacy to prefer abortion over adoption.

I want to be very clear when I say that it is my judgment, concurred in by Indian tribes, adoption advocates and many others involved with implementing the Indian Child Welfare Act, that this bill has everything to do with promoting adoption opportunities for Indian children and nothing to do with promoting abortion. It is a terrible injustice that such a misunderstanding has clouded the efforts of so many who wish to simply improve the chances for Indian children to enjoy a stable family life.

Over the years, I have had a consistently pro-life record and have actively worked with many pro-life groups to try to reduce and eliminate abortions at every possible opportunity. I firmly believe that this bill would make adoption, rather than abortion, a more compelling choice for an expectant birth mother. What could be more pro-life and pro-family than to change the law in ways which both Indian tribes and non-Indian adoptive families have asked to improve the adoption process? I strongly believe this bill, and the amendments it makes to the ICWA law, will work to the advantage of Indian children and adoptive families. It will encourage adoptions and discourage choices which lead to the tragedy of abortion.

A recent editorial by George F. Will in the Washington Post (''For Right-to-Life Realists'') underscores the importance of promoting legislative efforts, such as this bill, as good policy for protecting children and promoting families. He wrote:

> Temperate people on both sides of the abortion divide can support a requirement for parental notification, less as abortion policy than as sound family policy.
>
> . . . Republicans will be the party of adoption, removing all laws and other impediments, sparing no expense, to achieving a goal more noble even than landing on the moon—adoptive parents for every unwanted unborn baby.

Mr. President, this bill has been thoroughly analyzed and debated in the Senate, as well as among the adoption community and Indian tribal governments. I believe it is time for the Congress to act in the best interests of Indian children by enacting these amendments to the voluntary adoption procedures in the 1978 ICWA law. I urge my colleagues to once again pass these amendments and invite the House to do the same this year.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1213

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 ''Indian Child Welfare Act Amendments of 1999''.

SEC. 2. EXCLUSIVE JURISDICTION.

Section 101(a) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1911(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by striking the last sentence and inserting the following:

''(2) An Indian tribe shall retain exclusive jurisdiction over any child custody proceeding that involves an Indian child, notwithstanding any subsequent change in the residence or domicile of the Indian child, in any case in which the Indian child—

''(A) resides or is domiciled within the reservation of that Indian tribe and is made a ward of a tribal court of that Indian tribe; or

''(B) after a transfer of jurisdiction is carried out under subsection (b), becomes a ward of a tribal court of that Indian tribe.''.

SEC. 3. INTERVENTION IN STATE COURT PROCEEDINGS.

Section 101(c) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1911(c)) is amended by striking ''In any State court proceeding'' and inserting ''Except as provided in section 103(e), in any State court proceeding''.

SEC. 4. VOLUNTARY TERMINATION OF PARENTAL RIGHTS.

Section 103(a) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913(a)) is amended—

(1) by striking the first sentence and inserting the following:

''(a)(1) Where any parent or Indian custodian voluntarily consents to foster care or preadoptive or adoptive placement or to termination of parental rights, such consent shall not be valid unless—

''(A) executed in writing;

''(B) recorded before a judge of a court of competent jurisdiction; and

''(C) accompanied by the presiding judge's certificate that—

''(i) the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian; and

''(ii) any attorney or public or private agency that facilitates the voluntary termination of parental rights or preadoptive or adoptive placement has—

''(I) informed the natural parents of the placement options with respect to the child involved;

''(II) informed those parents of the applicable provisions of this Act; and

''(III) certified that the natural parents will be notified within 10 days after any change in the adoptive placement.'';

(2) by striking ''The court shall also certify'' and inserting the following:

''(2) The court shall also certify'';

(3) by striking ''Any consent given prior to,'' and inserting the following:

''(3) Any consent given prior to,''; and

(4) by adding at the end the following:

''(4) An Indian custodian who has the legal authority to consent to an adoptive placement shall be treated as a parent for the purposes of the notice and consent to adoption provisions of this Act.''.

SEC. 5. WITHDRAWAL OF CONSENT.

Section 103(b) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913(b)) is amended—

(1) by inserting ''(1)'' before ''Any''; and

(2) by adding at the end the following:

''(2) Except as provided in paragraph (4), a consent to adoption of an Indian child or voluntary termination of parental rights to an Indian child may be revoked, only if—

''(A) no final decree of adoption has been entered; and

''(B)(i) the adoptive placement specified by the parent terminates; or

''(ii) the revocation occurs before the later of the end of—

''(I) the 180-day period beginning on the date on which the tribe of the Indian child receives written notice of the adoptive placement provided in accordance with the requirements of subsections (c) and (d); or

''(II) the 30-day period beginning on the date on which the parent who revokes consent receives notice of the commencement of the adoption proceeding that includes an explanation of the revocation period specified in this subclause.

''(3 Immediately upon an effective revocation under paragraph (2), the Indian child who is the subject of that revocation shall be returned to the parent who revokes consent.

''(4) Subject to paragraph (6), if, by the end of the applicable period determined under subclause (I) or (II) of paragraph (2)(B)(ii), a

consent to adoption or voluntary termination of parental rights has not been revoked, a parent may revoke such consent after that date only—

''(A) pursuant to applicable State law; or

''(B) if the parent of the Indian child involved petitions a court of competent jurisdiction, and the court finds that the consent to adoption or voluntary termination of parental rights was obtained through fraud or duress.

''(5) Subject to paragraph (6), if a consent to adoption or voluntary termination of parental rights is revoked under paragraph (4)(B), with respect to the Indian child involved—

''(A) in a manner consistent with paragraph (3), the child shall be returned immediately to the parent who revokes consent; and

''(B) if a final decree of adoption has been entered, that final decree shall be vacated.

''(6) Except as otherwise provided under applicable State law, no adoption that has been in effect for a period longer than or equal to 2 years may be invalidated under this subsection.''.

SEC. 6. NOTICE TO INDIAN TRIBES

Section 103(c) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913(c)) is amended to read as follows:

''(c)(1) A party that seeks the voluntary placement of an Indian child or the voluntary termination of the parental rights of a parent of an Indian child shall provide written notice of the placement or proceeding to the tribe of that Indian child. A notice under this subsection shall be sent by registered mail (return receipt requested) to the tribe of the Indian child, not later than the applicable date specified in paragraph (2) or (3).

''(2)(A) Except as provided in paragraph (3), notice shall be provided under paragraph (1) by the applicable date specified in each of the following cases:

''(i) Not later than 100 days after any foster care placement of an Indian child occurs.

''(ii) Not later than 5 days after any preadoptive or adoptive placement of an Indian child.

''(iii) Not later than 10 days after the commencement of any proceeding for a termination of parental rights to an Indian child.

''(iv) Not later than 10 days after the commencement of any adoption proceeding concerning an Indian child.

''(B) A notice described in subparagraph (A)(ii) may be provided before the birth of an Indian child if a party referred to in paragraph (1) contemplates a specific adoptive or preadoptive placement.

''(3) If, after the expiration of the applicable period specified in paragraph (2), a party referred to in paragraph (1) discovers that the child involved may be an Indian child—

''(A) the party shall provide notice under paragraph (1) not later than 10 days after the discovery; and

''(B) any applicable time limit specified in subsection (e) shall apply to the notice provided under subparagraph (A) only if the party referred to in paragraph (1) has, on or before commencement of the placement, made reasonable inquiry concerning whether the child involved may be an Indian child.''.

SEC. 7. CONTENT OF NOTICE.

Section 103(d) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913(d)) is amended to read as follows:

''(d) Each written notice provided under subsection (c) shall be based on a good faith investigation and contain the following:

''(1) The name of the Indian child involved, and the actual or anticipated date and place of birth of the Indian child.

''(2) A list containing the name, address, date of birth, and (if applicable) the maiden name of each Indian parent and grandparent of the Indian child, if—

''(A) known after inquiry of—

''(i) the birth parent placing the child or relinquishing parental rights; and

''(ii) the other birth parent (if available); or

''(B) otherwise ascertainable through other reasonable inquiry.

''(3) A list containing the name and address of each known extended family member (if any), that has priority in placement under section 105.

''(4) A statement of the reasons why the child involved may be an Indian child.

''(5) The names and addresses of the parties involved in any applicable proceeding in a State court.

''(6)(A) The name and address of the State court in which a proceeding referred to in paragraph (5) is pending, or will be filed; and

''(B) the date and time of any related court proceeding that is scheduled as of the date on which the notice is provided under this subsection.

''(7) If any, the tribal affiliation of the prospective adoptive parents.

''(8) The name and address of any public or private social service agency or adoption agency involved.

''(9) An identification of any Indian tribe with respect to which the Indian child or parent may be a member.

''(10) A statement that each Indian tribe identified under paragraph (9) may have the right to intervene in the proceeding referred to in paragraph (5).

''(11) An inquiry concerning whether the Indian tribe that receives notice under subsection (c) intends to intervene under subsection (e) or waive any such right to intervention.

''(12) A statement that, if the Indian tribe that receives notice under subsection (c) fails to respond in accordance with subsection (e) by the applicable date specified in that subsection, the right of that Indian tribe to intervene in the proceeding involved shall be considered to have been waived by that Indian tribe.''.

SEC. 8. INTERVENTION BY INDIAN TRIBE.

Section 103 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913) is amended by adding at the end the following:

''(e)(1) The tribe of the Indian child involved shall have the right to intervene at any time in a voluntary child custody proceeding in a State court only if—

''(A) in the case of a voluntary proceeding to terminate parental rights, the Indian tribe sent a notice of intent to intervene or a written objection to the adoptive placement to the court or to the party that is seeking the voluntary placement of the Indian child, not later than 30 days after receiving notice that was provided in accordance with the requirements of subsections (c) and (d); or

''(B) in the case of a voluntary adoption proceeding, the Indian tribe sent a notice of intent to intervene or a written objection to the adoptive placement to the court or to the party that is seeking the voluntary placement of the Indian child, not later than the later of—

''(i) 90 days after receiving notice of the adoptive placement that was provided in accordance with the requirements of subsections (c) and (d); or

''(ii) 30 days after receiving a notice of the voluntary adoption proceeding that was provided in accordance with the requirements of subsections (c) and (d).

''(2)(A) Except as provided in subparagraph (B), the tribe of the Indian child involved shall have the right to intervene at any time in a voluntary child custody proceeding in a State court in any case in which the Indian tribe did not receive written notice provided in accordance with the requirements of subsections (c) and (d).

''(B) An Indian tribe may not intervene in any voluntary child custody proceeding in a State court if the Indian tribe gives written notice to the State court or any party involved of—

''(i) the intent of the Indian tribe not to intervene in the proceeding; or

''(ii) the determination by the Indian tribe that—

''(I) the child involved is not a member of, or is not eligible for membership in, the Indian tribe, or

''(II) neither parent of the child is a member of the Indian tribe.

''(3) If an Indian tribe files a motion for intervention in a State court under this subsection, the Indian tribe shall submit to the court, at the same time as the Indian tribe files that motion, a tribal certification that includes a statement that documents, with respect to the Indian child involved, the membership or eligibility for membership of that Indian child in the Indian tribe under applicable tribal law.

''(f) Any act or failure to act of an Indian tribe under subsection (e) shall not—

''(1) affect any placement preference or other right of any individual under this Act;

''(2) preclude the Indian tribe of the Indian child that is the subject of an action taken by the Indian tribe under subsection (e) from intervening in a proceeding concerning that Indian child if a proposed adoptive placement of that Indian child is changed after that action is taken; or

''(3) except as specifically provided in subsection (e), affect the applicability of this Act.

''(g) Notwithstanding any other provision of law, no proceeding for a voluntary termination of parental rights or adoption of an Indian child may be conducted under applicable State law before the date that is 30 days after the tribe of the Indian child receives notice of that proceeding that was provided in accordance with the requirements of subsections (c) and (d).

''(h) Notwithstanding any other provision of law (including any State law)—

''(1) a court may approve, if in the best interests of an Indian child, as part of an adoption decree of that Indian child, an agreement that states that a birth parent, an extended family member, or the tribe of the Indian child shall have an enforceable right of visitation or continued contact with the Indian child after the entry of a final decree of adoption; and

''(2) the failure to comply with any provision of a court order concerning the continued visitation or contact referred to in paragraph (1) shall not be considered to be grounds for setting aside a final decree of adoption.''.

SEC. 9. PLACEMENT OF INDIAN CHILDREN.

Section 105(c) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1915(c)) is amended—

(1) in the second sentence—

(A) by striking ''Indian child or parent'' and inserting ''parent or Indian child''; and

(B) by striking the colon after ''considered'' and inserting a period;

(2) by striking ''*Provided,* That where'' and inserting: ''In any case in which''; and

(3) by inserting after the second sentence the following: ''In any case in which a court determines that it is appropriate to consider the preference of a parent or Indian child, for purposes of subsection (a), that preference may be considered to constitute good cause.''.

SEC. 10. FRAUDULENT REPRESENTATION.

Title I of the Indian Child Welfare Act of 1978 (25 U.S.C. 1911 et seq.) is amended by adding at the end the following:

"SEC. 114. FRAUDULENT REPRESENTATION.

''(a) IN GENERAL.—With respect to any proceeding subject to this Act involving an Indian child or a child who may be considered to be an Indian child for purposes of this Act, a person, other than a birth parent of the child, shall, upon conviction, be subject to a criminal sanction under subsection (b) if that person knowingly and willfully—

''(1) falsifies, conceals, or covers up by any trick, scheme, or device, a material fact concerning whether, for purposes of this Act—

''(A) a child is an Indian child; or

''(B) a parent is an Indian;

''(2)(A) makes any false, fictitious, or fraudulent statement, omission, or representation; or

''(B) falsifies a written document knowing that the document contains a false, fictitious, or fraudulent statement or entry relating to a material fact described in paragraph (1); or

''(3) assists any person in physically removing a child from the United States in order to obstruct the application of this Act.

''(b) CRIMINAL SANCTIONS.—The criminal sanctions for a violation referred to in subsection (a) are as follows:

''(1) For an initial violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 1 year, or both.

''(2) For any subsequent violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 5 years, or both.''.

By Mr. THOMPSON (for himself, Mr. LEVIN, Mr. VOINOVICH, Mr. ROBB, Mr. COCHRAN, Mrs. LINCOLN, Mr. ENZI, Mr. BREAUX, Mr. ROTH, and Mr. BAYH):

S. 1214. A bill to ensure the liberties of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days to report or be discharged.

THE FEDERALISM ACCOUNTABILITY ACT OF 1999

Mr. THOMPSON. Mr. President, today I rise to introduce the ''Federalism Accountability Act,'' a bill to promote and preserve principles of federalism. Federalism raises two fundamental questions that policy makers should answer: What should government be doing? And what level of government should do it? Everything else flows from them. That's why federalism is at the heart of our Democracy.

The Founders created a dual system of governance for America, dividing power between the Federal Government and the States. The Tenth Amendment makes clear that States retain all governmental power not granted to the Federal Government by the Constitution. The Founders intended that the State and Federal governments would check each other's encroachment on individual rights. As Alexander Hamilton stated in the Federalist Papers, No. 28:

Power being almost always the rival of power, the general government will at times stand ready to check the usurpations of the state governments, and these will have the same disposition towards the general government. The people, by throwing themselves into either scale, will infallibly make it preponderate. If their rights are invaded by either, they can make use of the other as the instrument of redress.

The structure of our constitutional system assumes that the states will maintain a sovereign status independent of the national government. At the same time, the Supremacy Clause states that Federal laws made pursuant to the Constitution shall be the supreme law of the land. The ''Federalism Accountability Act'' is intended to require careful thought and accountability when we reconcile the competing principles embodied in the Tenth Amendment and the Supremacy Clause. Congress and the Executive Branch should not lightly exercise the powers conferred by the Supremacy Clause without also shouldering responsibility. As the Supreme Court has been signaling in recent decisions, where the authority exists, the democratic branches of the Federal Government should make the primary decisions whether or not to limit state power, and they ought to exercise this power unambiguously.

We need to face the fact that Congress and the Executive Branch too often have acted as if they have a general police power to engage in any issue, no matter how local. Both Congress and the Executive Branch have neglected to consider prudential and constitutional limits on their powers. We should not forget that even where the Federal Government has the constitutional authority to act, state governments may be better suited to address certain matters. Congress has a habit of preempting State and local law on a large scale, with little thought to the consequences. Congress and the White House are ever eager to pass federal criminal laws to appear responsive to highly publicized events. We are now finding that this often is not only unnecessary and unwise, but it also has harmful implications for crime control.

Too often, federalism principles have been ignored. The General Accounting Office reported to our Committee that there has been gross noncompliance by the agencies with the executive order on federalism that has been law since it was issued by President Reagan in 1987. In a review of over 11,000 Federal rules recently issued during a 3-year period, GAO found that the agencies had prepared only 5 federalism assessments under the federalism order. It is time for legislation to ensure that the agencies take such requirements more seriously.

To be sure, we have made some inroads on federalism. The Supreme Court has recently revived federalist doctrines. Congress passed the Unfunded Mandates Reform Act to help discourage the wholesale passage of new legislative unfunded mandates. Congress also gave the States the Safe Drinking Water Act, reduced agency micro-management, and provided block grants in welfare, transportation, drug prevention, and—just recently—education flexibility. Much of the innovation that has improved the country began at the State and local level.

But unless we really understand that federalism is the foundation of our governmental system, these bright achievements will fade. As we cross into the 21st century, federalism must constantly illuminate our path. Our governmental structure is based on an optimistic belief in the power of people and their communities. I share that view. It is my hope that the Federalism Accountability Act give a greater voice to State and local governments and the people they serve and reinvigorate the debate on federalism.

The ''Federalism Accountability Act'' will promote restraint in the exercise of federal power. It establishes a rule of construction requiring an explicit statement of congressional or agency intent to preempt. Congress would be required to make explicit statements on the extent to which bills or joint resolutions are intended to preempt State or local law, and if so, an explanation of the reasons for such preemption.

Agencies would designate a federalism officer to implement the requirements of this legislation and to serve as a liaison to State and local officials. Early in the process of developing rules, Federal agencies would be required to notify, consult with, and provide an opportunity for meaningful participation by public officials of State and local governments. The agency would prepare a federalism assessment for rules that have federalism impacts. Each federalism assessment would include an analysis of: whether, why, and to what degree the Federal rule preempts state law; other significant impacts on State and local governments; measures taken by the agency, including the consideration of regulatory alternatives, to minimize the impact on State and local governments; and the extent of the agency's prior consultation with public officials, the nature of their concerns, and the extent to which those concerns have been met.

The legislation also will require the Congressional Budget Office, with the help of the Office of Management and Budget and the Congressional Research Service, to compile a report on preemptions by Federal rules, court decisions, and legislation. I hope this report will lead to an informed debate on the appropriate use of preemption to reach policy goals.

Finally, the legislation amends two existing laws to promote federalism. First, it amends the Government Performance and Results Act of 1993 to clarify that performance measures for State-administered grant programs are to be determined in cooperation with public officials. Second, it amends the Unfunded Mandates Reform Act of 1995

to clarify that major new requirements imposed on States under entitlement authority are to be scored by CBO as unfunded mandates. It also requires that where Congress has capped the Federal share of an entitlement program, then the Committee report and the accompanying CBO report must analyze whether the legislation includes new flexibility or whether there is existing flexibility to offset additional costs.

Mr. President, this legislation was developed with representatives of the ''Big 7'' organizations representing State and local government, including the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, the National League of Cities, the National Association of Counties, the U.S. Conference of Mayors, and the International City/County Management Association. I am pleased that this legislation is supported by Senators LEVIN, VOINOVICH, ROBB, COCHRAN, LINCOLN, ENZI, BREAUX, ROTH, and BAYH. I urge my colleagues to support this much-needed legislation.

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

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

S. 1214

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 ''Federalism Accountability Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution created a strong Federal system, reserving to the States all powers not delegated to the Federal Government;

(2) preemptive statutes and regulations have at times been an appropriate exercise of Federal powers, and at other times have been an inappropriate infringement on State and local government authority;

(3) on numerous occasions, Congress has enacted statutes and the agencies have promulgated rules that explicitly preempt State and local government authority and describe the scope of the preemption;

(4) in addition to statutes and rules that explicitly preempt State and local government authority, many other statutes and rules that lack an explicit statement by Congress or the agencies of their intent to preempt and a clear description of the scope of the preemption have been construed to preempt State and local government authority;

(5) in the past, the lack of clear congressional intent regarding preemption has resulted in too much discretion for Federal agencies and uncertainty for State and local governments, leaving the presence or scope of preemption to be litigated and determined by the judiciary and sometimes producing results contrary to or beyond the intent of Congress; and

(6) State and local governments are full partners in all Federal programs administered by those governments.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) promote and preserve the integrity and effectiveness of our Federal system of government;

(2) set forth principles governing the interpretation of congressional and agency intent regarding preemption of State and local government authority by Federal laws and rules;

(3) establish an information collection system designed to monitor the incidence of Federal statutory, regulatory, and judicial preemption; and

(4) recognize the partnership between the Federal Government and State and local governments in the implementation of certain Federal programs.

SEC. 4. DEFINITIONS.

In this Act the definitions under section 551 of title 5, United States Code, shall apply and the term—

(1) ''local government'' means a county, city, town, borough, township, village, school district, special district, or other political subdivision of a State;

(2) ''public officials'' means elected State and local government officials and their representative organizations;

(3) ''State''—

(A) means a State of the United States and an agency or instrumentality of a State;

(B) includes the District of Columbia and any territory of the United States, and an agency or instrumentality of the District of Columbia or such territory;

(C) includes any tribal government and an agency or instrumentality of such government; and

(D) does not include a local government of a State; and

(4) ''tribal government'' means an Indian tribe as that term is defined under section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

SEC. 5. COMMITTEE OR CONFERENCE REPORTS.

(a) IN GENERAL.—The report accompanying any bill or joint resolution of a public character reported from a committee of the Senate or House of Representatives or from a conference between the Senate and the House of Representatives shall contain an explicit statement on the extent to which the bill or joint resolution preempts State or local government law, ordinance, or regulation and, if so, an explanation of the reasons for such preemption. In the absence of a committee or conference report, the committee or conference shall report to the Senate and the House of Representatives a statement containing the information described in this section before consideration of the bill, joint resolution, or conference report.

(b) CONTENT.—The statement under subsection (a) shall include an analysis of—

(1) the extent to which the bill or joint resolution legislates in an area of traditional State authority; and

(2) the extent to which State or local government authority will be maintained if the bill or joint resolution is enacted by Congress.

SEC. 6. RULE OF CONSTRUCTION RELATING TO PREEMPTION.

(a) STATUTES.—No statute enacted after the effective date of this Act shall be construed to preempt, in whole or in part, any State or local government law, ordinance, or regulation, unless—

(1) the statute explicitly states that such preemption is intended; or

(2) there is a direct conflict between such statute and a State or local law, ordinance, or regulation so that the two cannot be reconciled or consistently stand together.

(b) RULES.—No rule promulgated after the effective date of this Act shall be construed to preempt, in whole or in part, any State or local government law, ordinance, or regulation, unless—

(1)(A) such preemption is authorized by the statute under which the rule is promulgated; and

(B) the rule, in compliance with section 7, explicitly states that such preemption is intended; or

(2) there is a direct conflict between such rule and a State or local law, ordinance, or regulation so that the two cannot be reconciled or consistently stand together.

(c) FAVORABLE CONSTRUCTION.—Any ambiguities in this Act, or in any other law of the United States, shall be construed in favor of preserving the authority of the States and the people.

SEC. 7. AGENCY FEDERALISM ASSESSMENTS.

(a) IN GENERAL.—The head of each agency shall—

(1) be responsible for implementing this Act; and

(2) designate an officer (to be known as the federalism officer) to—

(A) manage the implementation of this Act; and

(B) serve as a liaison to State and local officials and their designated representatives.

(b) NOTICE AND CONSULTATION WITH POTENTIALLY AFFECTED STATE AND LOCAL GOVERNMENT.—Early in the process of developing a rule and before the publication of a notice of proposed rulemaking, the agency shall notify, consult with, and provide an opportunity for meaningful participation by public officials of governments that may potentially be affected by the rule for the purpose of identifying any preemption of State or local government authority or other significant federalism impacts that may result from issuance of the rule. If no notice of proposed rulemaking is published, consultation shall occur sufficiently in advance of publication of an interim final rule or final rule to provide an opportunity for meaningful participation.

(c) FEDERALISM ASSESSMENTS.—

(1) IN GENERAL.—In addition to whatever other actions the federalism officer may take to manage the implementation of this Act, such officer shall identify each proposed, interim final, and final rule having a federalism impact, including each rule with a federalism impact identified under subsection (b), that warrants the preparation of a federalism assessment.

(2) PREPARATION.—With respect to each such rule identified by the federalism officer, a federalism assessment, as described in subsection (d), shall be prepared and published in the Federal Register at the time the proposed, interim final, and final rule is published.

(3) CONSIDERATION OF ASSESSMENT.—The agency head shall consider any such assessment in all decisions involved in promulgating, implementing, and interpreting the rule.

(4) SUBMISSION TO THE OFFICE OF MANAGEMENT AND BUDGET.—Each federalism assessment shall be included in any submission made to the Office of Management and Budget by an agency for review of a rule.

(d) CONTENTS.—Each federalism assessment shall include—

(1) a statement on the extent to which the rule preempts State or local government law, ordinance, or regulation and, if so, an explanation of the reasons for such preemption;

(2) an analysis of—

(A) the extent to which the rule regulates in an area of traditional State authority; and

(B) the extent to which State or local authority will be maintained if the rule takes effect;

(3) a description of the significant impacts of the rule on State and local governments;

(4) any measures taken by the agency, including the consideration of regulatory alternatives, to minimize the impact on State and local governments; and

(5) the extent of the agency's prior consultation with public officials, the nature of their concerns, and the extent to which those concerns have been met.

(e) PUBLICATION.—For any applicable rule, the agency shall include a summary of the federalism assessment prepared under this section in a separately identified part of the statement of basis and purpose for the rule as it is to be published in the Federal Register. The summary shall include a list of the public officials consulted and briefly describe the views of such officials and the agency's response to such views.

SEC. 8. PERFORMANCE MEASURES.

Section 1115 of title 31, United States Code, is amended by adding at the end the following:

''(g) The head of an agency may not include in any performance plan under this section any agency activity that is a State-administered Federal grant program, unless the performance measures for the activity are determined in cooperation with public officials as defined under section 4 of the Federalism Accountability Act of 1999.''.

SEC. 9. CONGRESSIONAL BUDGET OFFICE PREEMPTION REPORT.

(a) OFFICE OF MANAGEMENT AND BUDGET INFORMATION.—Not later than the expiration of the calendar year beginning after the effective date of this Act, and every year thereafter, the Director of the Office of Management and Budget shall submit to the Director of the Congressional Budget Office information describing interim final rules and final rules issued during the preceding calendar year that preempt State or local government authority.

(b) CONGRESSIONAL RESEARCH SERVICE INFORMATION.—Not later than the expiration of the calendar year beginning after the effective date of this Act, and every year thereafter, the Director of the Congressional Research Service shall submit to the Director of the Congressional Budget Office information describing court decisions issued during the preceding calendar year that preempt State or local government authority.

(c) CONGRESSIONAL BUDGET OFFICE REPORT.—

(1) IN GENERAL.—After each session of Congress, the Congressional Budget Office shall prepare a report on the extent of Federal preemption of State or local government authority enacted into law or adopted through judicial or agency interpretation of Federal statutes during the previous session of Congress.

(2) CONTENT.—The report under paragraph (1) shall contain—

(A) a list of Federal statutes preempting, in whole or in part, State or local government authority;

(B) a summary of legislation reported from committee preempting, in whole or in part, State or local government authority;

(C) a summary of rules of agencies preempting, in whole or in part, State and local government authority; and

(D) a summary of Federal court decisions on preemption.

(3) AVAILABILITY.—The report under this section shall be made available to—

(A) each committee of Congress;

(B) each Governor of a State;

(C) the presiding officer of each chamber of the legislature of each State; and

(D) other public officials and the public on the Internet.

SEC. 10. FLEXIBILITY AND FEDERAL INTERGOVERNMENTAL MANDATES.

(a) DEFINITION.—Section 421(5)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658(5)(B)) is amended—

(1) by striking ''(i)(I) would'' and inserting ''(i) would'';

(2) by striking ''(II) would'' and inserting ''(ii)(I) would''; and

(3) by striking ''(ii) the'' and inserting ''(II) the''.

(b) COMMITTEE REPORTS.—Section 423(d) of the Congressional Budget Act of 1974 (2 U.S.C. 658b(d)) is amended—

(1) in paragraph (1)(C) by striking ''and'' after the semicolon;

(2) in paragraph (2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(3) if the bill or joint resolution would make the reduction specified in section 421(5)(B)(ii)(I), a statement of how the committee specifically intends the States to implement the reduction and to what extent the legislation provides additional flexibility, if any, to offset the reduction.''.

(c) CONGRESSIONAL BUDGET OFFICE ESTIMATES.—Section 424(a) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) ADDITIONAL FLEXIBILITY INFORMATION.—The Director shall include in the statement submitted under this subsection, in the case of legislation that makes changes as described in section 421(5)(B)(ii)(I)—

''(A) if no additional flexibility is provided in the legislation, a description of whether and how the States can offset the reduction under existing law; or

''(B) if additional flexibility is provided in the legislation, whether the resulting savings would offset the reductions in that program assuming the States fully implement that additional flexibility.''.

SEC. 11. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

Mr. LEVIN. Mr. President, I am happy to join Senators THOMPSON and VOINOVICH and a bipartisan group of our colleagues in introducing the Federalism Accountability Act of 1999. The bill would require an explicit statement of Federal preemption in Federal legislation in order for such preemption to occur unless there exists a direct conflict between the Federal law and a State or local law which cannot be reconciled. Enactment of this bill would close the back door of implied Federal preemption and put the responsibility for determining whether or not State or local governments should be preempted back in Congress, where it belongs. The bill would also institute procedures to ensure that, in issuing new regulations, federal agencies respect State and local authority.

Mr. President, we want to ensure that the federal government works in partnership with our State and local government colleagues. One way of making sure this happens is that preemption occurs only when Congress makes a conscious decision to preempt and it is amply clear to all parties that preemption will occur. In 1991, I sponsored a bill, S. 2080, to clarify when preemption does and does not occur. I have since sponsored two similar bills. When I introduced S. 2080, I noted that ''state and local officials have become increasingly concerned with the number of instances in which State and local laws have been preempted by Federal law—not because Congress has done so explicitly, but because the courts have implied such preemption. Since 1789, Congress has enacted approximately 350 laws specifically preempting State and local authority. Half of these laws have been enacted in the last 20 years. These figures, however, do not touch upon the extensive Federal preemption of State and local authority which has occurred as a result of judicial interpretation of congressional intent, when Congress' intention to preempt has not been explicitly stated in law. When Congress is unclear about its intent to preempt, the courts must then decide whether or not preemption was intended and, if so, to what extent.''

In the ensuing time, there have been some changes, such as the Unfunded Mandates Reform Act, which have strengthened the partnership between the federal, state and local governments. Unfortunately, in the big picture, there has been little or no evidence of a change in the trends that I attempted to address when I introduced S. 2080 in 1991. Sometimes we enact a law and it is clear as to the scope of the intended preemption. Just as often, we are not clear, or a court takes language that appeared to be clear and decides that it is not, and construes it in favor of preemption. Similarly, agencies take actions that are determined to be preemptive whether their language is clear or not.

Article VI of the Constitution, the supremacy clause, states that Federal laws made pursuant to the Constitution ''shall be the supreme law of the land.'' In its most basic sense, this clause means that a State law is negated or preempted when it is in conflict with a constitutionally enacted Federal law. A significant body of case law has been developed to arrive at standards by which to judge whether or not Congress intended to preempt State or local authority—standards which are subjective and have not resulted in a consistent and predictable doctrine in resolving preemption questions.

If we in Congress want Federal law to prevail, we should be clear about that. If we want the States to have discretion to go beyond Federal requirements, we should be clear about that. If, for example, we set a floor in a Federal statute, but are silent on actions which meet but then go beyond the Federal requirement, State and local governments should be able to act as they deem appropriate. State and local governments should not have to wait to see what they can and cannot do. Our bill would allow tougher State and local laws given congressional silence.

In addition, the bill contains a requirement that agencies notify, and consult with, state and local governments and their representative organizations during the development of rules, and publish proposed and final federalism assessments along with proposed and final rules. Mr. President, it

should not be necessary to enact legislation to accomplish these things. Federal agencies should never issue rules without having the best and most complete information possible. Our State and local governments are ready, willing, and able to provide their expertise on how Federal rules will impact those governments' ability to get their jobs done. Common sense dictates that they be notified and consulted before the federal government regulates in a way that weakens or eliminates the ability of State and local governments to do their jobs, or duplicates their efforts.

The current Administration and previous ones have recognized the value of having federal agencies consult with State and local governments. However, as was amply demonstrated by a recent GAO report, Executive Order requirements for federalism assessments have been ignored. The bill would correct this noncompliance by the Executive Branch, and ensure that independent agencies, as well, will engage in such consultation and publish assessments along with rules.

Not only will the compilation and issuance of federalism assessments force the agencies to think through what they are doing, they will bolster the confidence of the public and regulated entities in the regulatory process by assuring them that their governments are acting in concert and avoiding conflicting or duplicative requirements.

Our legislation also requires the Congressional Budget Office, with the assistance of the Congressional Research Service, at the end of each Congress, to compile a report on the number of statutory and judicially interpreted preemptions. This will constitute the first time such a complete report has been done, and the information will be valuable to the debate regarding the appropriate use of preemption to reach Federal goals.

Mr. President, legislation to clarify when preemption occurs and otherwise strengthen the intergovernmental relationship has been endorsed by the major state and local government organizations. I would like to thank Senators THOMPSON and VOINOVICH and their staffs for their hard work in this area.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation, the Federalism Accountability Act of 1999, along with my colleagues Senator FRED THOMPSON and Senator CARL LEVIN. Our legislation is the culmination of months of bipartisan effort that we believe will restore the fundamental principles of federalism.

In my 33 years of public service, at every level of government, I have seen first hand the relationship of the federal government with respect to state and local government. The nature of that relationship has molded my passion for the issue of federalism and the need to spell-out the appropriate role of the federal government with respect to our state and local governments. It is why I vowed that when I was elected to the Senate, I would work to find ways in which the federal government can be a better partner with these levels of government.

I have long been concerned with the federal government becoming involved in matters and issues which I believe are best handled by state and local governments. I also have been concerned about the tendency of the federal government to preempt our state and local governments and mandate new responsibilities without the funding to pay for them.

In a speech before the Volunteers of the National Archives in 1986 regarding thee relationship of the Constitution with America's cities and the evolution of federalism, I brought to the attention of the audience my observations since my early days in government regarding the course American government had been taking:

> We have seen the expansion of the federal government into new, non-traditional domestic policy areas. We have experienced a tremendous increase in the proclivity of Washington both to preempt state and local authority and to mandate actions on state and local governments. The cumulative effect of a series of actions by the Congress, the Executive Branch and the U.S. Supreme Court have caused some legal scholars to observe that while constitutional federalism is alive in scholarly treatises, it has expired as a practical political reality.

We have made great progress since I gave that speech more than a dozen years go.

An outstanding article last year written by Carl Tubbesing, the deputy executive director of the National Council of State Legislatures, in State Legislatures magazine, outlined what he called the five ''hallmarks of devolution''—legislation in the 1990's that changed the face of the federal-state-local government partnership and reversed the decades long trend toward federal centralization.

These bills are the Unfunded Mandates Reform Act, the Safe Drinking Water Reform Act Amendments, Welfare Reform, Medicaid reforms such as elimination of the Boren amendment, and the establishment of the Children's Health Insurance Program.

Also, just this year, Congress has passed and the President has signed into law two important pieces of legislation which enhance the state, local and federal partnership. Those initiatives are the Education Flexibility Act, which gives our states and school districts the freedom to use their federal funds for identified education priorities, and the Anti-Tobacco Recoupment provision in the Supplemental Appropriations bill that prevents the federal government from taking any portion of the $246 billion in tobacco settlement funds from the states.

Although these achievements have helped revive federalism, it is clear that state and local governments still need protection from federal encroachment in state and local affairs. It is equally clear that the federal government needs to do more to be better partners with our state and local governments. As Congress is less eager to impose unfunded mandates, largely because of the commitments we won through the Unfunded Mandates law, there is a growing interest in imposing policy preemptions. The proposed federal moratorium on all state and local taxes on Internet commerce is just one striking example that could have a devastating effect on the ability of States and localities to serve their citizens.

The danger of this growing trend toward federal preemption is the reason the Federalism Accountability Act is so important. The legislation makes Congress and federal agencies clear and accountable when enacting laws and rules that preempt State and local authority. It also directs the courts to err on the side of state sovereignty when interpreting vague Federal rules and statutes where the intent to preempt state authority is unclear.

I am particularly gratified that this legislation addresses a misinterpretation of the Unfunded Mandates Reform Act as it applies to large entitlement programs. The Federalism Accountability Act clarifies that major new requirements imposed on States under entitlement authority are to be scored by the Congressional Budget Office as unfunded mandates. It also requires that where Congress has capped the Federal share of an entitlement program, the accompanying committee and CBO reports must analyze whether the legislation includes new flexibility or whether there is existing flexibility to offset additional costs incurred by the States. This important ''fix'' to the Unfunded Mandates law is long overdue and I am pleased we are including it in our federalism bill.

The Federalism Accountability Act is a welcome and needed step toward protecting our States and communities against interference from Washington. It builds upon the gains we have already made in restoring the balance between the Federal Government and the States envisioned by the Framers of our Constitution. I am proud to have played a role in crafting it, and I hope all my colleagues will lend their support to this worthy legislation.

By Mr. DODD (for himself, Mr. CONRAD, and Mr. LEAHY):

S. 1215. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals; to the Committee on Veterans Affairs.

VETERANS HEADSTONES AND MARKERS

Mr. DODD. Mr. President, I rise today to introduce a bill that will entitle each deceased veteran to an official headstone or grave marker in recognition of that veteran's contribution to this nation. Currently the VA provides a headstone or grave marker upon request only if the veteran's grave is unmarked. This provision dates back to

the Civil War when this nation wanted to ensure that none of its soldiers was buried in an unmarked grave. Of course, in this day and age, a grave rarely goes unmarked, and the official headstone or marker instead serves specifically to recognize a deceased veteran's service.

Unfortunately, this provision has not changed with the times. When families go ahead and purchase a private headstone, as nearly every family does these days, they bar themselves from receiving the government headstone or marker. On the other hand, some families who happen to be aware of this provision request the official headstone or marker prior to placing a private marker. As a result, the grave of their veteran bears both the private marker and the government marker.

All deceased veterans deserve to have their service recognized, not just those whose families make their requests prior to purchasing a private marker. The Department of Veterans Affairs is well aware of this anomaly. VA officials receive thousands of complaints each year from families who are upset about this law's arbitrary effect.

A constituent of mine, Thomas Guzzo, first brought this matter to my attention last year. His late father, Agostino Guzzo, served in the Philippines and was honorably discharged from the Army in 1947. Today, Agostino Guzzo is interred in a mausoleum at Cedar Hill Cemetery in Hartford, but the mausoleum bears no reference to his service because of the current law. Like so many families, the Guzzo family bought its own marker and subsequently found that it could not request an official VA marker.

Thomas Guzzo then contacted me, and I attempted to straighten out what I thought to be a bureaucratic mix-up. I was surprised to realize that Thomas Guzzo's difficulties resulted not from some glitch in the system, but rather from the law itself. In the end, I wrote to the Secretary of Veterans Affairs regarding Thomas Guzzo's very reasonable request. The Secretary responded that his hands were tied as a result of the obscure law. Furthermore, the Secretary's response indicated that, even if a grave marker could be provided for Thomas Guzzo, that marker could not be placed on a cemetery bench or tree that would be dedicated to the elder Guzzo. The law prevented the Department from providing a marker for placement anywhere but the grave site and thus prevents families from recognizing their veteran's service as they wish.

This bill is a modest means of solving a massive problem. It has been scored by the Congressional Budget Office at less than three million dollars per year. That is a small price to pay to recognize our deceased veterans and put their families at ease. If a family wishes to dedicate a tree or bench to their deceased veteran, this bill allows the family to place the marker on those memorials. We should give these markers to the families when they request them, and we should allow each family to recognize their deceased veteran in their own way.

This bill allows the Department of Veterans Affairs to better serve veterans and their families. I stand with thousands of veterans' families and look forward to the day when this bill's changes will be written into law.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1216. A bill to amend the Marine Mammal Protection Act of 1972 to establish a Marine Mammal Rescue Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARINE MAMMAL RESCUE FUND

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation to establish the Marine Mammal Rescue Fund. This legislation will amend the Marine Mammal Protection Act of 1972 by establishing a grant program that Marine Mammal Stranding Centers and Networks can use to support the important work they do in responding to marine mammal strandings and mortality events.

Since the enactment of the Marine Mammal Protection Act in 1972, 47 facilities nationally have been authorized to handle the rehabilitation of stranded marine mammals and over 400 individuals and facilities across the country are part of an authorized National Stranding Network that responds to strandings and deaths.

Mr. President, these facilities and individuals provide our country with a variety of critical services, including rescue, housing, care, rehabilitation, transport, and tracking of marine mammals and sea turtles, as well as assistance in investigating mortality events, tissue sampling, and removal of carcasses. They also work very closely with the National Marine Fisheries Service, a variety of environmental groups, and with state and local officials in rescuing, tracking and protecting marine mammals and sea turtles on the Endangered Species List. Yet they rely primarily on private donations, fundraisers, and foundation grants for their operating budgets. They receive no federal assistance, and a very few of them get some financial assistance from their states.

As an example, Mr. President, the Marine Mammal Stranding Center located in Brigantine in my home state of New Jersey was formed in 1978. To date, it has responded to over 1,500 calls for stranded whales, dolphins, seals and sea turtles that have washed ashore on New Jersey's beaches. It has also been called on to assist in strandings as far away as Delaware, Maryland, and Virginia. Yet, their operating budget for the past year was just under $300,000, with less than 6 percent ($17,000) coming from the state. Although the Stranding Center in Brigantine has never turned down a request for assistance with a stranding, trying to maintain that level of responsiveness and service becomes increasingly more difficult each year.

Virtually all the money raised by the Center, Mr. President, goes to pay for the feeding, care, and transportation of rescued marine mammals, rehabilitation (including medical care), insurance, day-to-day operation of the Center, and staff payroll. Too many times the staff are called upon to pay out-of-pocket expenses in travel, subsistence, and quarters while responding to strandings or mortality events.

Mr. President, this should not happen. These people are performing a great service to Americans across the country, and they are being asked to pay their own way as well. And when responding to mortality events, Mr. President, they are performing work that protects public health and helps assess the potential danger to human life and to other marine mammals.

I feel very strongly that we should be providing some support to the people who are doing this work. To that end, Mr. President, the legislation I am introducing would create the Marine Mammal Rescue Fund under the Marine Mammal Protection Act. It would authorize funding at $5,000,000.00, annually, over the next five years, for grants to Marine Mammal Stranding Centers and Stranding Network Members authorized by the National Marine Fisheries Service (NMFS). Grants would not exceed $100,000.00 per year, and would require a 25 percent non-federal funding matching requirement.

I am proud to offer this legislation on behalf of the Stranding Centers across the country, and look forward to working with my colleagues to ensure its passage. 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. 1216

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

SECTION 1. MARINE MAMMAL RESCUE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

"SEC. 408. MARINE MAMMAL RESCUE GRANT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

''(2) CHIEF.—The term 'Chief' means the Chief of the Office.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''(4) STRANDING CENTER.—The term 'stranding center' means a center with respect to which the Secretary has entered into an agreement referred to in section 403 to take marine mammals under section 109(h)(1) in response to a stranding.

''(b) GRANTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Chief, shall conduct a grant program to be known as the Marine Mammal Rescue Grant Program, to provide grants to eligible stranding centers and eligible stranding network participants for the recovery or treatment of marine mammals and the collection of health information relating to marine mammals.

''(2) APPLICATION.—In order to receive a grant under this section, a stranding center or stranding network participant shall submit an application in such form and manner as the Secretary, acting through the Chief, may prescribe.

''(3) ELIGIBILITY CRITERIA.—The Secretary, acting through the Chief and in consultation with stranding network participants, shall establish criteria for eligibility for participation in the grant program under this section.

''(4) LIMITATION.—The amount of a grant awarded under this section shall not exceed $100,000.

''(5) MATCHING REQUIREMENT.—The non-Federal share for an activity conducted by a grant recipient under the grant program under this section shall be 25 percent of the cost of that activity.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce to carry out the grant program under this section, $5,000,000 for each of fiscal years 2000 through 2004.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

''Sec. 408. Marine Mammal Rescue Grant Program.
''Sec. 409. Authorization of appropriations.
''Sec. 410. Definitions.''.

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. COVERDELL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 87

At the request of Mr. BUNNING, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 87, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from New York [Mr. SCHUMER] was added as a cosponsor of S. 216, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 281

At the request of Mr. HARKIN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 281, a bill to amend the Tariff Act of 1930 to clarify that forced or indentured labor includes forced or indentured child labor.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from Connecticut [Mr. DODD] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 296

At the request of Mr. FRIST, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Illinois [Mr. FITZGERALD] was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 600

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 600, a bill to combat the crime of international trafficking and to protect the rights of victims.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 654

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 654, a bill to strengthen the rights of workers to associate, organize and strike, and for other purposes.

S. 659

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 670

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 864

At the request of Mr. BINGAMAN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 864, a bill to designate April 22 as Earth Day.

S. 866

At the request of Mr. CONRAD, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 872

At the request of Mr. VOINOVICH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 872, a bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 897

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 897, a bill to provide

matching grants for the construction, renovation and repair of school facilities in areas affected by Federal activities, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1010

At the request of Mr. JEFFORDS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations.

S. 1053

At the request of Mr. BOND, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1070

At the request of Mr. BOND, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1084

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 1084, a bill to amend the Communications Act of 1934 to protect consumers from the unauthorized switching of their long-distance service.

S. 1150

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1166

At the request of Mr. NICKLES, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1166, a bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation.

S. 1194

At the request of Mr. HUTCHINSON, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 1194, a bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Florida [Mr. MACK], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 115—EXPRESSING THE SENSE OF THE SENATE REGARDING UNITED STATES CITIZENS KILLED IN TERRORIST ATTACKS IN ISRAEL

Mr. ASHCROFT (for himself, Mr. SHELBY, Mr. SCHUMER, Mr. BURNS, Mr. KYL, and Mr. SPECTER) submitted the following resolution; which was referred to the committee on foreign relations:

S. RES. 115

Whereas the Palestinian Authority, in formal commitments made under the Oslo peace process, repeatedly has pledged to wage a relentless campaign against terrorism;

Whereas at least 12 United States citizens have been killed in terrorist attacks in Israel since the Oslo process began in 1993, and full cooperation from the Palestinian Authority regarding these cases has not been forthcoming;

Whereas at least 280 Israeli citizens have died in terrorist attacks since the Oslo process began, a greater loss of life than in the 15 years prior to 1993;

Whereas the Palestinian Authority has released terrorist suspects repeatedly, and suspects implicated in the murder of United States citizens have found shelter in the Palestinian Authority, even serving in the Palestinian police force;

Whereas the Palestinian Authority uses official institutions such as the Palestinian Broadcasting Corporation to train Palestinian children to hate the Jewish people; and

Whereas terrorist violence likely will undermine a genuine peace settlement and jeopardize the security of Israel and United States citizens in that country as long as incitement against the Jewish people and the State of Israel continues: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is the solemn duty of the United States and every Administration to bring to justice those suspected of murdering United States citizens in acts of terrorism;

(2) the Palestinian Authority has not taken adequate steps to undermine and eradicate terrorism and has not cooperated fully in detaining and prosecuting suspects implicated in the murder of United States citizens;

(3) Yasser Arafat and senior Palestinian leadership continue to create an environment conducive to terrorism by releasing terrorist suspects and inciting violence against Israel and the United States; and

(4) United States assistance to the Palestinian Authority should be conditioned on full cooperation in combating terrorist violence and full cooperation in investigating and prosecuting terrorist suspects involved in the murder of United States citizens.

SENATE RESOLUTION 116—CONDEMNING THE ARREST AND DETENTION OF 13 IRANIAN JEWS ACCUSED OF ESPIONAGE

Mr. FITZGERALD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 116

Whereas 13 Iranian Jews were arrested on accusation of espionage, and have been detained since April, 1999;

Whereas the United States and Israel have dismissed the charges as false, denying any connection to the detainees;

Whereas Germany, as the current president of the European Union, has expressed its deep concern at the arrest of the 13 Iranian Jews, and Joschka Fischer, German Foreign Minister, has expressed his deep skepticism over the charges, and has called for the release of the 13 detainees;

Whereas the 13 detainees are rabbis and religious teachers, living in a Jewish community in a southern province of Iran, with no apparent ties to any type of espionage;

Whereas more than half the Iranian Jews have been forced to leave the country, and five Jews have been executed by Iranian authorities over the past five years, without receiving a trial;

Whereas Iran hanged two people convicted of spying for Israel and the U.S. in 1997, which implies impending danger for these 13 prisoners;

Whereas espionage is punishable by death in Iran:

Now, therefore be it

Resolved, That the Senate—

(1) condemns the arrest and detention of 13 Iranian Jews accused of spying for the United States and Israel; and

(2) calls upon the Iranian authorities to release these individuals immediately and without harm.

(3) calls upon the Iranian authorities to provide internationally accepted legal protections to all its citizens, regardless of their status or position.

● Mr. FITZGERALD. Mr. President, today I rise to submit a resolution condemning the arrest and detention of 13 Iranian Jews accused of espionage.

In April of this year, 13 rabbis and religious leaders were arrested at their homes in the Iranian cities of Shiraz and Isfahan. According to the Israeli newspaper, Ha'aretz, the names of the detainees are David Tefilin, Doni Tefilin, Javid Beth Jacob, Farhad Seleh, Nasser Levi Haim, Asher Zadmehror, Navid Balazadeh, Nejat Beroukkhim, Aarash Beroukhim, Farzad Kashi, Faramaz Kashi, Shahrokh Pak Nahad, and Ramin (last name unknown). They have remained imprisoned since the time of their arrest, without charge, under accusation of spying for the United States and Israel, although they have no apparent ties to any type of espionage. Both the United States and Israel have dismissed the charges as false, denying any connection to the detainees. In addition to the United States, Israel, and Germany have denounced these arrests and Secretary of State Madeleine Albright as well as Joschka Fischer, the German Foreign Minister, have called for their release.

Iran's treatment of its Jewish residents in recent years has been deplorable, forcing half of its Jews to flee the country. In the past five years alone, five Jews have been executed by Iranian authorities, without the fundamental right of a trial. In 1997, Iran hanged two people convicted of spying,

an event that emphasizes the extreme importance of timely action on the matter of these 13 detainees. Espionage is punishable by death in Iran, so the lives of these 13 people need our support and protection. The Iranian government's actions are deplorable and fly in the face of justice. This resolution condemns the arrests and calls upon Iran to release these 13 people immediately and without harm.●

SENATE RESOLUTION 117—EXPRESSING THE SENSE OF THE SENATE REGARDING THE UNITED STATES SHARE OF ANY RECONSTRUCTION MEASURES UNDERTAKEN IN THE BALKANS REGION OF EUROPE ON ACCOUNT OF THE ARMED CONFLICT AND ATROCITIES THAT HAVE OCCURRED IN THE FEDERAL REPUBLIC OF YUGOSLAVIA SINCE MARCH 24, 1999

Mr. CAMPBELL submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 117

Resolved,

SECTION 1. SENSE OF SENATE ON UNITED STATES SHARE OF RECONSTRUCTION COSTS.

It is the sense of the Senate that the United States share of the total costs of reconstruction measures carried out in the Federal Republic of Yugoslavia or contiguous countries, on account of the armed conflict and atrocities that have occurred in the Federal Republic of Yugoslavia since March 24, 1999, should not exceed the United States percentage share of the common-funded budgets of NATO.

SEC. 2. DEFINITIONS.

In this resolution:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means—

(A) the Military Budget, the Security Investment Program, and the Civil Budget of NATO; and

(B) any successor or additional account or program of NATO.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term ''Federal Republic of Yugoslavia'' means the Federal Republic of Yugoslavia (Serbia and Montenegro) and includes Kosovo.

(3) UNITED STATES PERCENTAGE SHARE OF THE COMMON-FUNDED BUDGETS OF NATO.—The term ''United States percentage share of the common-funded budgets of NATO'' means the percentage that the total of all United States payments during a fiscal year to the common-funded budgets of NATO represent to the total amounts payable by all NATO members to those budgets during that fiscal year.

Mr. CAMPBELL. Mr. President, today I submit the Kosovo Reconstruction Fair Share Resolution of 1999.

This resolution's goal is to express the sense of the Senate that the United States should not end up paying more than its fair share of the Kosovo reconstruction effort.

Specifically, the Kosovo Reconstruction Fair Share Resolution states that the United States' share of the costs of reconstructing Kosovo and the surrounding region following the conflict in the Balkans should not exceed the United States' portion of NATO's three ''Common Funds Burdensharing'' budgets.

Our contributions to NATO come in two basic forms. The first and most significant portion by far comprises our direct deployment of troops and equipment. Over the years America has contributed the lion's share of the troops and equipment.

America's disproportionally heavy burden has continued into the late 1990s as the War in Kosovo clearly demonstrated. The vast majority of the fighting needed to wage the war in Kosovo was done in large part by American air power. We should not have to also carry the burden in the Kosovo reconstruction effort.

That's why the Kosovo Reconstruction Fair Share Resolution states that America's portion of the reconstruction costs should not exceed the portion we contribute to NATO's three Common Fund Accounts, which is smaller than our contributions of troops and equipment.

Factors considered when determining each country's portion includes its respective Gross Domestic Product and other considerations. Over the past three decades the U.S. portion has declined, as it should.

For the years 1996 through 1998, America's contribution to these three NATO common funds averaged around 23 percent according to the Congressional Research Service. Accordingly, this resolution calls for capping our portion of the reconstruction costs at the same level of 23 percent.

In light of the fact that we carried the vast majority of the burden in ending the fighting I think that this is still too much. Perhaps 10 percent is a fairer share. It is time for our European allies to do their fair share.

Following World War Two, a war that would not have been won without America, the American people invested in the Marshall Plan. The Marshall Plan was vital in the effort to rebuild Europe from the ashes of WWII. Fifty years later we won the Cold War. Now, just yesterday, we put an end to the fighting in Kosovo. It is time for our NATO European allies to shoulder the financial burden to rebuild a region of their own continent that has been ravaged by war.

The Kosovo Reconstruction Fair Share Resolution indicates that America will not pay more than our fair share. I urge my colleagues to support passage of this legislation.

AMENDMENTS SUBMITTED

Y2K ACT

EDWARDS AMENDMENT NO. 619

Mr. EDWARDS proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems relating to processing data that includes a 2-digit expression of the year's date; as follows:

Strike Section 12 and insert the following:

''SEC. 12. DAMAGES IN TORT CLAIMS.

''A party to a Y2K action making a tort claim may only recover for economic losses to the extent allowed under applicable state or federal law in effect on January 1, 1999.''.

EDWARDS AMENDMENT NO. 620

Mr. EDWARDS proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

On page 7, line 17, after ''capacity'' strike ''.'' and insert:

''; and

''(D) does not include an action in which the plaintiff's alleged harm resulted from an actual or potential Y2K failure of a product placed without reasonable care into the stream of commerce after January 1, 1999, or to a claim or defense related to an actual or potential Y2K failure of a product placed without reasonable care into the stream of commerce after January 1, 1999. However, Section 7 of this Act shall apply to such actions.''

BOXER AMENDMENT NO. 621

Mrs. BOXER proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make available to the plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1995; and

(ii) make available at no charge to the plaintiff a repair or replacement, if available, for a device or other product that was first introduced for sale after December 31, 1994.

(B) DAMAGES.—If a defendant fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

INHOFE AMENDMENT NO. 622

Mr. GORTON (for Mr. INHOFE) proposed an amendment to the bill S. 96, supra; as follows:

On page 11, between lines 22 and 23, insert the following:

(6) APPLICATION TO ACTIONS BROUGHT BY A GOVERNMENTAL ENTITY.—

(1) IN GENERAL.—To the extent provided in this subsection, this Act shall apply to an

action brought by a governmental entity described in section 3(1)(C).

(2) DEFINITIONS.—In this subsection:

(A) DEFENDANT.—

(i) IN GENERAL.—The term ''defendant'' includes a State or local government.

(ii) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(iii) LOCAL GOVERNMENT.—The term ''local government'' means—

(I) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(II) any combination of political subdivisions described in subclause (I) recognized by the Secretary of Housing and Urban Development.

(B) Y2K UPSET.—The term ''Y2K upset''—

(i) means an exceptional incident involving temporary noncompliance with applicable federally enforceable measurement or reporting requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(ii) does not include—

(I) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(II) noncompliance with applicable federally enforceable requirements that provide for the safety and soundness of the banking or monetary system, including the protection of depositors;

(III) noncompliance to the extent caused by operational error or negligence;

(IV) lack of reasonable preventative maintenance; or

(V) lack of preparedness for Y2K.

(3) CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(A) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(B) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(C) noncompliance with the applicable federally enforceable measurement or reporting requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(D) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable measurement or reporting requirements; and

(E) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

(4) GRANT OF A Y2K UPSET DEFENSE.—Subject to the other provisions of this subsection, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable measurement or reporting requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in paragraph (3) are met.

(5) LENGTH OF Y2K UPSET.—The maximum allowable length of the Y2K upset shall be not more than 15 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

(6) VIOLATION OF A Y2K UPSET.—Fraudulent use of the Y2K upset defense provided for in this subsection shall be subject to penalties provided in section 1001 of title 18, United States Code.

(7) EXPIRATION OF DEFENSE.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

At the appropriate place, insert the following:

SEC. . CREDIT PROTECTION FROM YEAR 2000 FAILURES.

(a) IN GENERAL.—No person who transacts business on matters directly or indirectly affecting mortgages, credit accounts, banking, or other financial transactions shall cause or permit a foreclosure, default, or other adverse action against any other person as a result of the improper or incorrect transmission or inability to cause transaction to occur, which is caused directly or indirectly by an actual or potential Y2K failure that results in an inability to accurately or timely process any information or data, including data regarding payments and transfers.

(b) SCOPE.—The prohibition of such adverse action to enforce obligations referred to in subsection (a) includes but is not limited to mortgages, contracts, landlord-tenant agreements, consumer credit obligations, utilities, and banking transactions.

(c) ADVERSE CREDIT INFORMATION.—The prohibition on adverse action in subsection (a) includes the entry of any negative credit information to any credit reporting agency, if the negative credit information is due directly or indirectly by an actual or potential disruption of the proper processing of financial responsibilities and information, or the inability of the consumer to cause payments to be made to creditors where such inability is due directly or indirectly to an actual or potential Y2K failure.

(d) ACTIONS MAY RESUME AFTER PROBLEM IS FIXED.—No enforcement or other adverse action prohibited by subsection (a) shall resume until the obligor has a reasonable time after the full restoration of the ability to regularly receive and dispense data necessary to perform the financial transaction required to fulfill the obligation.

(e) SECTION DOES NOT APPLY TO NON-Y2K-RELATED PROBLEMS.—This section shall not affect transactions upon which a default has occurred prior to a Y2K failure that disrupts financial or data transfer operations of either party.

(f) ENFORCEMENT OF OBLIGATIONS MERELY TOLLED.—This section delays but does not prevent the enforcement of financial obligations.

SESSIONS AMENDMENT NO. 623

Mr. SESSIONS proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

At an appropriate place, add the following section:

SEC. . ADMISSIBLE EVIDENCE ULTIMATE ISSUE IN STATE COURTS.

Any party to a Y2K action in a State court in a State that has not adopted a rule of evidence substantially similar to Rule 704 of the Federal Rules of Evidence may introduce in such action evidence that would be admissible if Rule 704 applied in that jurisdiction.

GREGG (AND BOND) AMENDMENT NO. 624

Mr. GREGG (for himself and Mr. BOND) proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF PENALTIES FOR CERTAIN YEAR 2000 FAILURES BY SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means any executive agency, as defined in section 105 of title 5, United States Code, that has the authority to impose civil penalties on small business concerns;

(2) the term ''first-time violation'' means a violation by a small business concern of a Federal rule or regulation resulting from a Y2K failure if that Federal rule or regulation had not been violated by that small business concern within the preceding 3 years; and

(3) the term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (25 U.S.C. 632).

(b) ESTABLISHMENT OF LIAISONS.—Not later than 30 days after the date of enactment of this section each agency shall—

(1) establish a point of contact within the agency to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations; and

(2) publish the name and phone number of the point of contact for the agency in the Federal Register.

(c) GENERAL RULE.—Subject to subsections (d) and (e), no agency shall impose any civil money penalty on a small business concern for a first-time violation.

(d) STANDARDS FOR WAIVER.—In order to receive a waiver of civil money penalties from an agency for a first-time violation, a small business concern shall demonstrate that—

(1) the small business concern previously made a good faith effort to effectively remediate Y2K problems;

(2) a first-time violation occurred as a result of the Y2K system failure of the small business concern or other entity, which affected the small business concern's ability to comply with a federal rule or regulation;

(3) the first-time violation was unavoidable in the face of a Y2K system failure or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property;

(4) upon identification of a first-time violation, the small business concern initiated reasonable and timely measures to remediate the violation; and

(5) the small business concern submitted notice to the appropriate agency of the first-time violation within a reasonable time not to exceed 7 business days from the time that the small business concern became aware that a first-time violation had occurred.

(e) EXCEPTIONS.—An agency may impose civil money penalties authorized under Federal law on a small business concern for a first-time violation if the small business concern fails to correct the violation not later than 6 months after initial notification to the agency.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Senate Subcommittee on Forests and Public Land Management.

The hearing will take place on Wednesday, June 30, 1999 at 2:00 p.m. in SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct general oversight of the United States Forest Service Economic Action Programs.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

AUTHORITY OF COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSE, AND HOUSING, AND URBAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 10, 1999, to conduct a hearing on ''Export Control Issues in the Cox Report.''

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be authorized to meet on Thursday, June 10, 1999, at 9:30 a.m. on S. 798–the PROTECT Act (Promote online transactions to encourage commerce and trade).

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, June 10, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the report of the National Recreation Lakes Study Commission.

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

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, June 10, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Government Affairs Committee be permitted to meet on Thursday, June 10, 1999 at 10:00 a.m. for a hearing on Dual-Use and Munitions List Export Control Processes and Implementation at the Department of Energy.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''ESEA: Special Populations'' during the session of the Senate on Thursday, June 10, 1999, at 10:00 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re The Competitive Implications of the Proposed Goodrich/Coltec Merger, during the session of the Senate on Thursday, June 10, 1999, at 2:00 p.m., in SD226.

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

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for an executive business meeting during the session of the Senate on Thursday, June 10, 1999.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday June 10, 1999 at 2:00 p.m. to hold a hearing on intelligence matters.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Governmental Affairs Committee's Permanent Subcommittee on Investigations be permitted to meet on Thursday, June 10, 1999 at 2:00 p.m. for a hearing on the topic of ''Home Health Care: Will the New Payment System & Regulatory Overkill Hurt Our Seniors?''

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that subcommittee on Near Eastern and South Asian Affairs authorized to meet during the session of the Senate on Thursday June 10, 1999 at 10:00 a.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

REGARDING HORATIO ALGER AWARD RECIPIENT LESLIE JONES

• Mr. FRIST. Mr. President, on March 9th of this year, 105 students—out of 80,000 applicants nationwide—were selected to receive the prestigious Horatio Alger Award, an honor bestowed each year on students and adults who excel despite significant adversity.

One of those recipients was Leslie Jones, a 16-year-old student from White Station High School in Memphis, Tennessee who, despite brain surgery to remove a tumor and medical complications that damaged her vision and rendered her facial muscles incapable of managing even a smile, will nevertheless graduate with her class this year—with honors. Her high school was also recognized as a Horatio Alger School of Excellence.

Despite physical setbacks that kept her from attending classes, Leslie used a homebound teacher to keep up with her studies. When her eyes crossed and refused to cooperate, she—as her teacher described it—''just covered one eye with her palm and continued on.'' When asked if the homework was too much, Leslie never once said yes, even when some work had to be done over because faulty vision caused her to miss some lines on the page.

In the essay which helped her win the competition over tens of thousands of others, Leslie wrote that despite the pity, the lack of understanding, and even the alienation of other people, she never once lost faith in her own ability to focus on her goals. ''In my heart,'' she said, ''I know my dreams are greater than the forces of adversity and I trust that, by the way of hope and fortitude, I shall make these dreams a reality.''

And so she has. Yet, what is perhaps even more remarkable than the courage and determination with which she pursued her dreams, is the humility with which she has accepted her hard-earned reward.

When 1,900 students gathered to honor her achievement, she down played her accomplishment saying instead that everyone possesses the same ability to rise above adversity. Rather than dwell on her medical problems, she insists that they don't define who she is.

Emphasizing the power of positive thinking, the Italian author, Dr. Piero Ferrucci, once observed, ''How often—even before we begin—have we declared a task 'impossible'? How often have we construed a picture of ourselves as inadequate? A great deal depends upon the thought patterns we choose and on the persistence with which we affirm them.''

Mr. President, Leslie Jones stands as a testament to the truth of those words just as surely as White Station High School proves that public institutions committed to helping students achieve can be a major influence in helping them shape a positive future for themselves and others. Both the school, and especially the student, deserve our admiration, our praise, and our thanks—all of which I enthusiastically extend on behalf of all the people of Tennessee and, indeed, all Americans everywhere.•

TRIBUTE TO GOVERNOR JOHN McKEITHEN

• Mr. BREAUX. Mr. President, last week Louisiana lost of one its most prominent sons. An era passed into history with the death of former Governor John McKeithen, who served his state with distinction as governor during the turbulent years of 1964 to 1972.

When he died at the age of 81 in his hometown of Columbia, Louisiana, on the banks of the Ouachita River, John McKeithen left a legacy of accomplishment as governor that will likely not be matched in our lifetime. As one political leader observed last week, with John McKeithen's death ''we have witnessed the passing of a giant, both in physical stature and in character.''

Indeed, McKeithen was not affectionately called ''Big John'' for nothing. Like most great leaders, he thought big and acted big.

Louisiana was blessed with John McKeithen's strong, determined leadership at a time when a lesser man, with lesser convictions, might have exploited racial tensions for political gain.

In fact, throughout the South, McKeithen had plenty of mentors had he wanted to follow such a course. But Governor McKeithen was decent enough, tolerant enough and principled enough to resist any urge for race baiting. In his own, unique way, to borrow a phrase from Robert Frost, he took the road less traveled and that made all the difference.

John McKeithen's wise, moral leadership at a time of tremendous social and economic transformation in Louisiana stands as his greatest accomplishment in public life. Not only did he encourage the citizens of Louisiana to tolerate and observe the new civil rights laws passed by Congress in the mid-1960s, he worked proactively to bring black citizens into the mainstream of Louisiana's political and economic life.

Hundreds of African-Americans will never forget the courageous way that National guardsmen under John McKeithen's command protected them from harm as they marched from Bogalusa to the State Capitol in the mid-1960s in support of civil rights. And generations of African-American political leaders will always have John McKeithen to thank for the way he helped open door of opportunity to them and their predecessors.

But racial harmony will not stand as Governor McKeithen's only legacy. All of Louisiana has ''Big John'' to thank for the way our state has become one of the world's top tourist destinations by virtue of the construction in the early 1970s of the Louisiana Superdome. To many—those who did not dream as big as ''Big John''—the idea of building the world's largest indoor arena seemed a folly, sure to fail. But like a modern-day Noah building his ark, McKeithen endured the taunts and jeers of his critics while he forged ahead—sure that his vision for the success of the Superdome was sound.

And today, more than a quarter century later, the citizens of Louisiana, particularly those in New Orleans, are only beginning to understand the enormous economic benefits that Louisiana had reaped by virtue of the Superdome and the world-wide attention and notoriety it has brought to New Orleans.

Even at that time, Louisiana's citizens recognized that there was something unique and very special about their governor. And so it was for that reason that they amended the state's Constitution to allow him to become the first man in the state's history to serve two consecutive terms in the Governor's Mansion.

Senator LANDRIEU and I doubt that we will never see the likes of John McKeithen again—a big man, with a big heart, who dreamed big dreams and left an enormous legacy in his wake. We know that all our colleagues join us in expressing their deepest sympathy to his wife, Marjorie, his children and his grandchildren.●

TRIBUTE TO ELLIOTT HAYNES

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Elliott Haynes, a great American and Vermonter, who passed away on May 19, of this year. Elliott served his country and his community in so many ways, and I feel blessed to have known him.

Elliot and I came from similar backgrounds: he lived in my home town of Shrewsbury, Vermont, where we both served on the volunteer fire department; we received our BA's at Yale; and we both served our country in the Navy.

The list of contributions Elliott made to the International, National, and local arenas is impressive not only for its length, but also for its variety. This tribute can only touch on a few of them, but I hope the highlights will give the Senate an impression of how great a man we have lost. He began his career writing for the United Nations World Magazine. In 1954, Elliott co-founded the Business International Corporation in New York. Its purpose was to provide information and to help those who worked in the worldwide economic market. In addition to being the co-founder, he also served as the Director, Managing Editor, Editor-in-Chief, and as Chairman of the Board.

In 1959, Elliott joined a group of executives called the ''Alliance for Progress,'' who advised then President-Elect Kennedy on US business policy towards Latin America. He then served as the President of the Council for the International Progress of Management and as the Chairman of the Board of the International Management Development Institute, a non-profit organization devoted to managerial training in Africa and Latin American.

Elliott was also the manager of numerous International business round tables held throughout the years. While all of these activities would be enough work for two people, Elliott found time to create the US branch of the AIESEC-US, an International organization which gave university students the opportunity to train in businesses throughout the world. Later on in his life, he served as their International Chairman and was inducted into their Hall of Fame. Throughout all of this, he served as an advisor and occasional lecturer for various business schools, including Indiana University, Pace University, and Harvard Business School.

Elliott Haynes was also very active in the State of Vermont. He was a member the Rutland Rotary, served on the Board of Directors of the Visiting Nurses Association and was Chair of the Board of the Vermont Independence Fund, which provided seed money to organizations which helped the elderly and disabled lead more active and independent lives.

And while Elliott's list of business accomplishments is phenomenal, it was his ability to turn a personal tragedy into an inspiration for others that is his greatest legacy. In 1994 he was diagnosed with Parkinson's Disease, and from that moment on, he devoted his life to improving the lives of others with the disease. In 1997, Elliott founded the Rutland Regional Parkinson's Support Group in 1997. He brought the needs and concerns of those with Parkinson's Disease to the attention of the Senate Health, Education, Labor and Pensions Committee, which I chair. Elliott was essential in getting legislation passed which provides federal money for research into this crippling disease. I am so proud to have worked with him on this landmark legislation and I only wish he could have lived to see the fruits of his labor.

Elliott Haynes was a wonderful and influential man who's life touched thousands of people in direct and indirect ways. He will be remembered as a man who gave wholly of himself and who was willing to go the extra mile for his friend and neighbor, regardless of whether it was a neighbor in Shrewsbury or a ''neighbor'' halfway around the world. Elliott Haynes will be deeply missed.●

BOYCOTT THE ALTERNATIVE ICE CREAM PARTY

● Mr. KOHL. Mr. President, I rise today to request a boycott by all Senators to the ''Alternative Ice Cream Party'' being sponsored by Senators from the Northeastern United States. The ''Party'' is designed to rally support for the Northeast Interstate Dairy Compact. The dairy compact that was eliminated by the recently revised milk marketing orders has cost consumers in the Northeast over $60 million and cost child and nutrition programs an additional $9 million. If proposals to expand dairy compacts to 27 states this year are adopted, it will force 60% of the consumers in the nation to pay an additional $2 billion, that's correct, $2 billion a year in higher milk prices. And while the Northeast's consumers are purchasing overpriced milk, Wisconsin is losing dairy farmers by the day—over 7,000 in the past few years.

Mr. President, rather than ice cream, the Northeast Senators should give away cow manure instead: At least

then the freebies would have some relation to the legislation they are pushing. There are many other areas of concern I have in regard to this issue, particularly why the hard-working cows in the Northeast are not seeing the money from the extra profits that the large processors are making. I am surprised that animal rights and labor activists have not raised issue with the long hours worked and extra milk that cows in the Northeast are forced to produce. I am doubly surprised that my good friends from the Northeast can sit in Washington eating free ice cream while poor children in New England end up paying more for their school lunch milk because of the dairy compact.

If we as the United States can no longer expect to give a fair (milk) shake to dairy farmers and consumers across the country, then maybe it is time for the Northeast to secede from the Union. Maybe Canada would be willing to accept them. But then, of course, the North American Free Trade Agreement would require them to practice free trade and eliminate the dairy compact.●

TRIBUTE TO MICHAEL DROBAC

● Mr. SMITH of Oregon. Mr. President, I rise today to thank a departing member of my staff for his contributions to the State of Oregon. Michael Drobac, who currently serves as my legislative aide for defense, labor and judiciary issues, is a native of Eugene, Oregon. Michael received his undergraduate and graduate degrees from Stanford University and has been a highly valued aide in my office since my election to the United States Senate.

In my short time in the Senate, I have grown to expect and receive unadorned direct advice from Michael on a variety of issues and projects helping Oregonians. He has worked tirelessly on drug control issues and judicial appointments. Michael has worked attentively with affected Oregon communities and the Department of the Army to resolve safety and economic issues surrounding the Chemical Demilitarization program at the Umatilla Depot in Oregon. His advice and work on defense related issues on both the national level and in conjunction with Oregon's fine National Guard has always been exemplary.

Michael, is returning to Oregon to attend Law School at the University of Oregon. I wish him well and do not doubt that Michael will put his law degree to good work. I join my staff in thanking him for his time and expertise. Given his background, good character and passion for public service, I would not be surprised to see Michael's return to Washington, DC, sometime in the future, working again on behalf of the state of Oregon.●

COMMEMORATING THE 80TH ANNIVERSARY OF THE AMERICAN LEGION

● Mr. JOHNSON. Mr. President, as we enter the twilight of the Twentieth Century, we can look back at the immense multitude of achievements that led to the ascension of the United States of America as the preeminent nation in modern history. We owe this title as world's greatest superpower in large part to the twenty-five million men and women who served in our armed services and who defended the principles and ideals of our nation.

Before we embark upon the Twenty-First Century, the American Legion will celebrate its 80th anniversary serving our nation's veterans. Since the first gathering of American World War I Doughboys in Paris, France on March 15th, 1919, the American Legion has upheld the values of freedom, justice, respect and equality. The American Legion eventually was chartered by Congress in 1919 as a patriotic, mutual-help, war-time veterans organization. A community-service organization which now numbers nearly 3 million members—men and women—in nearly 15,000 American Legion Posts worldwide.

The American Legion's support for our nation's veterans has been exemplary over the last eighty years. Shortly after it's founding, the American Legion successfully lobbied for the creation of a federal veterans bureau. With the American Legion's support, the agency developed a veterans hospital system in the 1930s. In 1989, another American Legion plan became reality: the elevation of the Department of Veterans Affairs as a cabinet-level agency. The American Legion also successfully advocated for the compensatory rights of veterans, victims of atomic radiation, PTSD, Agent Orange, and Persian Gulf syndrome.

Over the past eighty years, the American Legion also has been active in promoting the values of patriotism and competition with our nation's young people. There are many sons and daughters participating in American Legion sponsored programs such as American Legion Boys and Girls State, Boys and Girls Nation, the National High School Oratorical Contest, and the Junior Shooting Sports and American Legion Baseball.

Throughout my service in Congress, I have long appreciated the leadership of the South Dakota American Legion for its input on a variety of issues impacting veterans and their families in recent years. The American Legion's insight and efforts have proven very valuable to me and my staff, and I commend each and every one of them for their leadership on issues of importance to all veterans of the armed forces.

Mr. President, as Americans, we should never forget the men and women who served our nation with such dedication and patriotism. I close my remarks by offering my gratitude and support for all the achievements performed by the American Legion. For eighty years now, the American Legion has been the standard bearer in the representation of our veterans. I want to extend my sincerest appreciation to the American Legion for its continued leadership.●

ELIZABETH BURKE

● Mr. SANTORUM. Mr. President, I rise today to recognize Elizabeth Burke, who has been chosen as a 1999 Community Health Leader by the Robert Wood Johnson Foundation for her efforts to combat domestic violence. As one of 10 outstanding individuals selected each year to receive this distinguished award for finding innovative ways to bring health care to communities whose needs have been ignored and unmet, Ms. Burke's work on behalf of domestic violence victims has become a national model.

A former victim of domestic violence, Elizabeth Burke was hired to start up the Domestic Violence Medical Advocacy Project at Mercy Hospital in Pittsburgh in 1994. The project is a joint effort between Mercy Hospital and the Women's Center and Shelter of Greater Pittsburgh, and since its start five years ago, the hospital has increased the identification of domestic violence victims by more than 500 percent. Women are offered counseling, education, shelter and employment programs in the 24 hour, 40 bed facility. The Center screens all women who are admitted into the hospital, identifying domestic violence victims at a point when they are most receptive to help.

Ms. Burke is responsible for training hundreds of physicians, nurses, social workers as well as others in prevention diagnosis, treatment and advocacy for victims of domestic violence. Since coming to the project she has successfully bridged the gap between the domestic violence and medical fields to create a comprehensive response to victims of domestic violence. From emergency room screenings to follow-up services to an extensive prevention network, she ensures that abused women get help before the violence destroys their lives.

Ms. Burke's efforts don't stop there. She also chairs the Pennsylvania Coalition Against Domestic Violence and makes presentations on domestic violence to a broad community. In addition, she serves as adjunct faculty at the University of Pittsburgh, University of Missouri and West Virginia University.

Mr. President, many victims of domestic violence have been touched by Elizabeth Burke's compassionate spirit. I ask my colleagues to join with me in commending Ms. Burke for her extraordinary contribution to the Pittsburgh community and to all victims of domestic violence.●

YOUTH VIOLENCE

• Mr. LEVIN. Mr. President, our nation has been riveted by the violence in Littleton, CO and Conyers, GA and our youth's easy access to guns. Communities have become increasingly concerned about their own schools and are more sensitized to the dangers of youth violence. Yet, despite this scrutiny, firearms continue to claim the lives of our young people. Every day on the average, another 14 children in America are killed with guns because of the gaping loopholes in our Federal firearms laws. We took steps to eliminate some of these loopholes during Senate consideration of the juvenile justice bill. Unfortunately, the legislation passed by the Senate did not go far enough to reduce the easy availability of lethal weapons to persons who should not have them.

Today, I saw an ABC News Wire report called ''Michigan sting operation shows felons can buy guns.'' According to this report, two investigators in Michigan, one posing as a felon and the other as his friend, went to ten different firearms dealers to purchase guns. Remember, selling a gun to a felon is illegal but these investigators had no problems with the gun dealers they approached. Out of the 10 dealers in this investigation, nine reportedly allowed, apparently, illegal purchases. In total, 37 guns were apparently purchased illegally during this selling spree. And still, the NRA wants Congress to expand the loopholes in our firearms laws, rather than taking modest steps to close them.

Since the moment the Senate passed the Juvenile Justice bill, NRA lobbyists in Washington have been working around the clock to lobby Members of the House of Representatives. The NRA has named as its ''top priority, the defeat of any Lautenberg-style gun show amendment in the U.S. House.'' The Lautenberg amendment, adopted by the Senate, simply requires dealers at gun shows to follow the same rules as other gun dealers, by using the existing Brady system for background checks. It accomplishes this goal without creating any new burdens for law-abiding citizens and without any additional fees imposed on gun sellers or gun buyers. But the NRA wants to create additional loopholes by creating a special category of gun show dealers, who would be exempt from even the most minimum standards. They also want to weaken the bill by establishing a 24-hour limit on the time that vendors have to complete background checks, rather than the current standard of 3 business days, the time the FBI says is necessary. It will be a sad day if the NRA can successfully lobby the House to eliminate these moderate proposals in the Juvenile Justice bill.

I hope the House will amend its current bill to include language, passed by the Senate, to limit the importation of large capacity ammunition devices, clips that domestic companies were prohibited from manufacturing in 1994. Again, this is a moderate measure designed to keep clips with rounds as high as 250 off our streets and out of the hands of young people.

As the House begins their consideration of the juvenile justice bill next week, I hope it will strengthen, not weaken, the moderate gun control measures that we passed in the Senate. For example, Congress should take steps to prevent unintentional shootings, which occur as a result of unsafe storage of guns. These daily tragedies, resulting from the careless storage of guns, can easily be prevented by requiring the use of locking devices for guns, which are inexpensive and easy to use. We should also take steps to eliminate illegal gun trafficking and ban semiautomatic assault weapons and handguns for persons under 21 years of age.

The legislation passed in the Senate was a step in the right direction, but those moderate reforms are in jeopardy if Congress allows our legislative priorities to be dictated by the NRA.•

OUTSTANDING STUDENT—COURTENAY BURT

• Mr. BURNS. Mr. President, I rise today to acknowledge the achievements of an outstanding student from Kalispell, Montana. The Montana chapter of the American Association of University Women sponsors an annual essay contests for students in grades 11 and 12. The topic of the essays was ''Women in Montana History.''

Courtenay Burt, an Eleventh Grader at Bigfork High School, had her essay chosen as the best of all submitted in Montana. She writes about her grandmother, a woman of integrity and wisdom who died when Courtenay was only eight months old. Her essay tells us the story of a woman who grew up during the Great Depression, survived the often harsh climate of Montana, raised a family, earned the respect of her community, and maintained a healthy sense of humor throughout it all.

I ask that Courtenay Burt's essay ''Big Mama'' be printed in the RECORD.

The essay follows:

''OLD MAMA''

(By Courtenay Burt)

''Dear Courtenay, I wish you could only know how much I had looked forward to watching you grow up, but I guess that just wasn't meant to be. Not to worry, though—we'll get better acquainted later.'' My grandmother, who was affectionately referred to as ''Old Mama,'' wrote those words in a shaky hand just before she passed away in 1982. I was eight months old, then, and so I have no memories of her; instead I've borrowed the memories of those who knew and lover her, as I wish I could have. Through reminiscing with those close to her, I have discovered the courageous, colorful woman my grandmother was and I have begun to paint a picture in my mind.

''Old Mama,'' was born Mary Katherine Emmert on February 7, 1918, in Kalispell, Montana. From an early age, it was apparent she would make her own decisions, and her strong will served her well. Using her active imagination, young Mary reportedly kept her parents as a full gallop.

Mary's adolescent years might have been similar to any of ours, but they were marked by the hardships of the Great Depression, which began in 1929. ''Old Mama'' actually was one of those children who walked three miles to school in a blizzard. Like many, young Mary was eager to grow up. ''You always look up to the next step and think how grown up you would feel to be there, but when you get there, you don't feel any different than you ever did. I have found this to be the way with life,'' she stated in a paper for her English class at Flathead County High School.

As a young woman, Mary lived the American Dream: She married Tommy Riedel, a local boy, and they eventually had two children. The couple worked side by side building a home on family farmland south of Kalispell, and the years that followed were typical for a young family of the '50's: Tommy worked while Mary raised the children. There were neighborhood events, outdoors activities, and there were always the joys of the farm life. My mother recalls horseback rides with Old Mama on those long-ago summer evenings, dusk falling hazy and pink as they loped the long fields home.

Old Mama was a constant and steady support for her children. At one time she drove all the way to Nebraska to watch my mother compete in the National track finals. ''During those teen years, it was her never-failing presence more than her words that assured me of her love,'' my mother once wrote.

After Tommy had a sudden heart attack in his mid-forties and became disabled, Mary did not sit helplessly by. She inventoried her skills and went to work in Kalispell, becoming a legal secretary. She took great pride in her work. Years later, when it was fashionable for women to have more grandiose plans, my mother once made the mistake of remarking that she intended to be more than ''just a secretary.'' Old Mama gathered herself to full indignation and retorted that, indeed, *Christ* had been ''just a carpenter.''

Eventually, hard work and commitment opened a door for Mary Riedel. When the Justice of the Peace fell ill—for whom she'd been ''just a secretary''—Mary was appointed to act in his place. From all accounts, the job was perfect for her. ''Old Mama,'' had an uncanny ability to discern people's character and it served her well, as did her dry sense of humor. On one occasion, Mary intercepted a note that a previous offender had written to a friend who was due to appear in her court.

''Watch out for Mary Redneck,'' the note cautioned; it went on to complain of a substantial fine and a stern lecture. As Judge Mary read the note, all eyes were riveted on her. Slowly, Mary began to smile. Then she was laughing-tear streaming, gut-wrenching laughter. She returned the note to offender with the notation: ''Sorry. This seems to have gotten misdirected. Best wishes, Judge Mary Redneck.''

So often, in the shadow of life's triumphs come the cruel, unexpected twists. My grandmother was diagnosed with terminal cancer only a few years after being elected Justice of the Peace. Determined to battle the disease, she struggled to survive the ravages of chemotherapy. With all of her heart she fought, until she could see that it was time to give in with grace.

On the last evening, she gathered her family together. ''I told God I wanted ten more years,'' she said, that wry smile still working the corners of her mouth. ''But when you're dealing with Him . . . you have to compromise a little.'' To the end, Old Mama was indomitable.

On April 14, 1982, Mary Riedel was layed to rest. Although she is not here in person, her

spirit lives on in the hearts of those who loved her; her strength, faith, and courage fire my imagination and warm my heart. Mary Riedel was a woman to be admired and remembered, and I am proud that she was my grandmother. She showed us how to live . . . and when the time came, she showed us how to die.

WORKS CITED

Beers, Burton F., *World History: Patterns of Civilization:* Prentice Hall; Englewood Cliffs, New Jersey; Needham, Massachusetts; Updated Edition, 1993.

The Bible, New International Version as written by the Apostles.

Burt, Justin, ''Mary Riedel: An Influencing Force in Montana History,'' *Women of Montana Essays 1991–1995;* American Association of University Women; Kalispell, Montana 1996.

Burt, Kathleen, ''Remembering Mary Redneck,'' an unpublished paper.

Burt, Kathleen, A personal interview.

Riedel, Mary, ''Pat,'' an unpublished autobiography.●

PLEASANT VIEW GARDENS

● Mr. SARBANES. Mr. Chairman, recently the Washington Post contained an article recognizing an innovative and successful approach to public housing in Baltimore, MD. Pleasant View Gardens, a new housing development, holds great promise as a new approach to public housing in the Nation.

The birth of this new project began in 1994, when the City of Baltimore in cooperation with the Department of Housing and Urban Development and the State of Maryland, made funds available for the demolition of Lafayette Courts and began the process of replacing it with the new Pleasant View Gardens. As the Washington Post reported, high rise buildings in the ''densest tract of poverty and crime in [Baltimore] city'' have been replaced by low-rise, low density public housing where in the evenings you hear ''the murmur of children playing on the jungle gym at sunset,. . .police officers [chat] with residents..[and] the street corners [are] empty.'' Residents who once referred to their housing as a ''cage,'' now allow their children to play outside.

Pleasant View offers homeownership opportunities and affordable rental housing to its residents as well as a medical clinic, a gymnasium, a job training center, an auditorium and includes a 110-bed housing complex for senior citizens. Pleasant View is part of a plan to replace more than 11,000 high-rise units in Baltimore with approximately 6,700 low-rise units to be completed by 2002, with remaining residents to be relocated throughout the city. I believe that the Pleasant View initiative offers a new path for public housing in the future and demonstrates that working with the community, the government can help to make an important difference. I ask that the full text of this article be printed in the RECORD.

The article follows:

[Washington Post, April 26, 1999.]

PLEASANT VIEW LIVES UP TO NAME—NEW PUBLIC HOUSING HAS LESS CRIME

(By Raja Mishra)

BALTIMORE.—On a recent April evening in the Pleasant View public housing development here, the ordinary was the extraordinary.

The only sound was the murmur of children playing on a jungle gym at sunset. Police officers chatted with residents on the sidewalk. Street corners were empty. Just over three years ago, Lafayette Towers stood on this spot five blocks northeast of the Inner Harbor. The half-dozen 11-story high-rise buildings were the densest tract of poverty and crime in the city.

Public planners trace the lineage of Lafayette Towers—and hundreds of high-rise buildings like them in other cities—to modernist European architects and planners of the post-World War II era. When the need for urban housing gave birth to such places, the term ''projects'' was viewed with favor.

Plasant View residents who once lived in Lafayette Towers had their own term for the buildings: cages. Life in the project remains seared in their memories.

''I had to lug groceries up to the 10th floor because the elevator was always broke,'' said Dolores Martin, 68. ''But you're afraid to go up the steps because you don't know who's lurking there.''

Eva Riley, 32, spent the first 18 years of her life in Lafayette Towers.

''It gives you a feeling of despair,'' she recalled. ''You're locked up in a cage with a fence around you and everything stinks.''

In Pleasant View, the federal government's more recent theories of public housing—which stress low-rise, lower density public housing rather than concentrations of massive high-rises—have been put to the test.

The physical layout of Pleasant View is the heart of the new approach. Each family has space: large apartments, a yard and a door of their own. There are no elevators or staircases to navigate. Playgrounds and landscaping fill the space between town houses. There is a new community center.

One year into the life of the new development, the results present a striking contrast to life in the old high-rise complex: Crime has plummeted. Drugs and homicide have all but disappeared. Employment is up.

''Folks are revitalized. The old is but, the new is in. And the new is much better,'' said Twyla Owens, 41, who lived in Lafayette Towers for six years and moved into Pleasant View last year.

''People who live here care about how it looks and keeping it safe,'' said Thomas Dennis, 63, who heads a group of volunteers that patrols Pleasant View. ''We all pull together. There was nothing like that at Lafayette.''

''Federal housing officials say they view Pleasant View as their first large-scale success in rectifying a disastrous decision half a century ago to build high-rise public housing.

''It's an acknowledgment that what existed before was not the right answer,'' said Deborah Vincent, deputy assistant secretary for public housing at the Department of Housing and Urban Development.

The about-face is a welcome change for longtime critics of high-rise projects.

''I don't hold any real animosity to the people who sat down in the 1940s and planned Lafayette Towers,'' said Baltimore City Housing commissioner Daniel P. Henson III. ''But, boy, were they short-sighted.''

In retrospect, it seems as if the idea of the urban apartment project was destined to lead to problems, several housing experts said.

It concentrated the poorest of the poor in small spaces set apart from the rest of the city. The idea is thought to have originated with Le Corbusier, considered one of the giants of 20th century architecture.

Le Corbusier was grappling with the problem of crowding in big cities in France as populations swelled at the beginning of the century. Slums were rapidly expanding in urban areas. Rather than move housing outward, Le Corbusier thought it would be better to move it upward: high-rises. He conceived of them as little towns unto themselves, with commerce, recreation and limited self-government.

As hundreds of thousands of young Americans returned from World War II, eager to find transitional housing for their young families, and a mass migration began from the rural South to the urban North, Le Corbusier's thinking influenced a generation of U.S. policymakers.

In this country, cost became a central issue. The new projects were designed to house as many people as possible for as little money as possible.

''Who wanted to put poor people in lavish housing? So they used shoddy materials and were built poorly,'' said Marie Howland, head of the Urban Studies and Planning Department at the University of Maryland at College Park.

The tall high-rises soon because symbols of blight.

''Then the sigma of public housing increased because everyone could just point to the housing high-rises,'' said Sandra Neuman, interim director of the Institute for Policy Studies at Johns Hopkins University.

As the ex-servicemen departed for new suburban developments, many of the projects took on the appearance of segregated housing, particularly in cities south of the Mason-Dixon line. Baltimore housing department officials unearthed official city documents from the 1940s that refer to the planned high-rises as ''Negro housing.''

The most public initial concession that high-rise public housing had failed came on July 15, 1972, when the notorious Pruitt-Igoe projects of St. Louis were demolished with explosives.

High-rise projects have been crashing down across the country with increasing frequency in recent years. They have been replaced with low-rise, low-density public housing in 22 cities, including Alexandria, New York, Chicago, Philadelphia and Atlanta.

The $3 billion effort there aims to replace more than 11,000 high-rise units. HUD hopes to have all the construction done by 2002. Most of the new units will be town houses. There will be a few low-rise apartments and some stand-alone homes as well. Those who do not get space in the new units will be relocated in other, existing low-rise apartments.

The facilities reflect other shifts in public housing philosophy; social needs must also be addressed and a positive environment must be created.

Twenty-seven of the 228 homes in Pleasant View are owned by their occupants. The city is trying to coax some of the renters, as well as others, to buy. The idea is to have a mixed-income population with long-term responsibilities. All residents are required to have a job or be enrolled in job training.

''Before, you had too many people with too many social problems concentrated in one area. Here you have a mix of incomes,'' said U-Md.'s Howland.

Pleasant View has a new medical clinic, a gymnasium, a 110-bed housing complex for senior citizens, a job training center and an auditorium, where President Clinton recently delivered a speech on homelessness.

Pleasant View also has its own police force, a small cadre of officers from the Baltimore City Housing Authority police unit.

From a small station in the community center, officers monitor the community using cameras that are mounted throughout the neighborhood.

In 1994, the last year Lafayette was fully operative, there were 39 robberies. In Pleasant View, there have been three. In 1994, there were 108 assaults; Pleasant View had seven. Lafayette had nine rapes, Pleasant View none.

Four hundred of the 500 people who lived in Lafayette Towers have returned to live in Pleasant View, among them Eva Riley. After a childhood in the high rises, she left as soon as she could afford subsidized housing in another part of the city, vowing never to raise her children in a place like Lafayette Towers.

But when she visited Pleasant View shortly after its construction, she decided to return to her old neighborhood with her children, Jerod, 13, and Lakeisha, 11.

''It's much safer,'' she said. ''I don't mind my kids playing outside in the evening.''●

25TH ANNIVERSARY OF THE VERMONT COUNCIL ON THE HUMANITIES

● Mr. JEFFORDS. Mr. President, I am pleased today to recognize the Vermont Council on the Humanities on the occasion of its 25th anniversary.

In 1965, Congress created the National Endowment for the Humanities (NEH) with the goal of promoting and supporting research, education, and public programs in the humanities. The mission of the NEH was to make the worlds of history, language, literature and philosophy a part of the lives of more Americans. Over the past three decades, the NEH has lived up to its founding mission and has made the humanities more accessible. As Chairman of the Senate Health, Education, Labor and Pensions Committee, which has jurisdiction over the agency, I have been extraordinarily proud to support NEH during my years in Congress.

NEH brings the humanities to our lives in many unique and exciting ways. NEH makes grants for preserving historic resources like books, presidential papers, and newspapers. It provides support for interpretive exhibitions, television and radio programs. The agency facilitates basic research and scholarship in the humanities. And NEH strengthens teacher education in the humanities through its summer institutes and seminars. Yet, in my view, one of the most important ways that NEH broadens our understanding of the humanities is through the support it provides for state humanities councils. These state humanities councils, at the grassroots level, encourage participation in locally initiated humanities projects. Every state has one, but few are as innovative, creative and self-sufficient as the Vermont Council on the Humanities.

Early on, the Vermont Council on the Humanities determined that the first step in engaging Vermonters in the humanities was to ensure that all Vermonters were able to read. The Vermont Humanities Council met this challenge head on and provided support for reading programs and book discussions targeted at people of all levels of literacy—from the Connections programs which serve adult new readers to the scholar-led discussions held in public libraries. In 1996, the Council initiated the Creating Communities of Readers program. Five Vermont communities received grants to help them achieve full literacy for their communities. This undertaking of ''creating a state in which every individual reads, participates in public affairs and continues to learn throughout life,'' involves an enormous commitment. Yet, undaunted by the enormity of the challenge, the Vermont Humanities Council stepped to the plate and hit a home run.

Vermont has taken quite literally the mission of bringing the humanities to everyone and, in doing so, the Vermont Council has distinguished itself as a national leader in promoting reading as a path towards participation in the humanities. Recently, the Vermont Council received a national award of $250,000 from the NEH to implement humanities based book discussions for adult new readers nationwide. Through this national Connections program, 14,000 children's books will become part of the home libraries of adults who are learning to read.

There is much we can gain from studying the humanities. The small amount of money that the federal government spends on NEH goes a long way toward building a national community. Coming together to learn from literature, learn from our past, and learn from each other is, in my view, an extraordinarily valuable use of our public dollars.

Twenty-five years ago, the Vermont Humanities Council chose the road less traveled, and that has made all the difference in Vermont and in the nation. The Council, with its focus on literacy, chose to experiment by developing new and different ways of bringing the humanities to all Vermonters. By choosing to move to the beat of its own drum, the Vermont Humanities Council has become a unique and independent actor promoting the importance of literacy as a means of pursuing the humanities.

In honor of this twenty-fifth anniversary, I offer my sincere congratulations to the Vermont Council on the Humanities for a job well done. I would also like to offer a special note of gratitude to Victor Swenson and the Council's extraordinary Board of Directors. Victor's leadership and the commitment of the Board has made our Council a shining example of excellence. Keep up the good work.●

COMMEMORATING THE 100TH ANNIVERSARY OF THE VETERANS OF FOREIGN WARS

● Mr. JOHNSON. Mr. President, as we enter the twilight of the Twentieth Century, we can look back at the immense multitude of achievements that led to the ascension of the United States of America as the preeminent nation in modern history. We owe this title as world's greatest superpower in large part to the twenty-five million men and women who served in our armed services and who defended the principles and ideals of our nation.

Before we embark upon the Twenty-First Century, the Veterans of Foreign Wars (VFW) will celebrate an historic milestone. On September 29, the VFW will celebrate the 100th anniversary of the organization's founding. For over one hundred years, the VFW has supported our armed forces from the battlefields to the home front. From letter-writing campaigns in WWI to ''welcome home'' rallies after the Persian Gulf War to care packages sent to Bosnia, the VFW continues to take pride in supporting American troops overseas.

The VFW's support for our nation's armed forces has been exemplary over the last one hundred years, but it is the VFW's work with our nation's veterans that has been most impressive. The original intention of the VFW, in fact, was to ensure that the veterans of the Spanish-American war would not be forgotten and that they received medical care and support in return for their service and sacrifice. The VFW's motto, ''Honor The Dead By Honoring The Living'', resonates to this day and will carry forth into the next century. Since organizing the first national veterans service office in 1919, to today's nationwide network of service offices, the VFW provides the assistance veterans need in order to obtain much-deserved benefits.

To celebrate this prestigious occasion, a resolution, S. J. Resolution 21, has been introduced in the United States Senate designating September 29, 1999 as ''Veterans of Foreign Wars of the United States Day'', and the President of the United States is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the day with appropriate ceremonies, programs, and activities. I am a proud cosponsor of this resolution which honors the VFW's recognition of military service and remembrance of the sacrifices made in our nation's defense. I feel this resolution presents an opportunity to recognize, honor, and pay tribute to the more than 2,000,000 veterans of the armed forces represented by the VFW, and to all the individuals who have served in the armed forces

Throughout my service in Congress, I have long appreciated the leadership of both the South Dakota VFW and the Ladies Auxiliary for their input on a variety of issues impacting veterans and their families in recent years. Their insight and efforts have proven very valuable to me and my staff, and I commend each and every one of them for their leadership on issues of importance to all veterans of the armed forces. I was honored to have the

VFW's strong support when I offered my amendment to increase veterans health care in this year's budget to $3 billion. Even though it wasn't the full amount of my amendment, the final Budget Resolution contained a $1.7 billion increase above what the Clinton Administration had requested for veterans health care. This never would have been possible without the grassroots support of the VFW.

Mr. President, as Americans, we should never forget the men and women who served our nation with such dedication and patriotism. I close my remarks by offering my gratitude and support for all the achievements performed by the Veterans of Foreign Wars. For a century, this organization has been the standard bearer in the representation of our veterans, as well as their undying patronage to our armed forces and support for the maintenance of a strong national defense.●

TRIBUTE TO ANTONIO J. PALUMBO

● Mr. SANTORUM. Mr. President, I rise today to recognize Antonio J. (Tony) Palumbo, a coal miner from Western Pennsylvania who humbly represents the generous spirit of community.

President and owner of the New Shawmut Mining company, Mr. Palumbo was born in Pennsylvania on June 14, 1906 and actively serves as a Trustee for La Roche College, Duquesne University, Carlow College, Gannon College, the Villa Nazareth School in Rome, Italy, and the Mayo Clinic Foundation for Medical Education and Research. He has also developed unique relationships with the Catholic Diocese of Erie, Elk County Christian High School, the Nicaraguan-American Nursing Collaboration, the Cystic Fibrosis Foundation, the Holy Family Institute and the Boy Scouts of St. Marys, PA.

Throughout his years of involvement at these institutions, Mr. Palumbo has gained the admiration and respect of the many students that he has come in contact with. His influence in their lives will be felt for many years to come.

Mr. Palumbo was recently presented with a Lifetime Achievement Award by the National Society of Fund Raising Executives. His efforts have helped build educational and health care facilities, endow research, provide scholarships, deliver care to the poor and support community initiatives. As varied as each of these causes are, they all reflect Tony Palumbo's compassion for the needs of others and his commitment to using his time and talents to enrich the lives of those around him.

Mr. President, I ask my colleagues to join with me in commending Tony Palumbo for the leadership and compassion that he has portrayed, as well as the platform that he has created for motivating the stewardship of others.●

75TH ANNIVERSARY OF THE FOREIGN SERVICE

● Mr. SARBANES. Mr. President, on May 24, 1924, President Calvin Coolidge signed into law the Rogers Act, establishing a unified corps of career diplomats to represent the United States abroad. Based on the principles of professionalism, non-partisanship and merit-based promotion, thus was born the modern foreign service.

This year we join in commemorating the 75th anniversary of the foreign service. Over the years there have been many changes: it has become more diverse, more specialized, and has been called to deal with an ever-expanding list of issues. While this milestone is an occasion for celebration and congratulations, there are some sobering reminders of the task that still awaits us. 1998 saw the worst attack on American diplomats in history, with two tragic bombings that resulted in the deaths of over 220 persons, twelve of them Americans. Here in Washington, we continue to contend with budget cuts that handicap the ability of our foreign service officers to perform their duties safely and effectively.

On the occasion of this anniversary, Secretary Albright hosted a dinner at the State Department as a tribute to the efforts of the brave men and women who have served over the past three-quarters of a century. In her speech, she challenged the unfortunate and inaccurate stereotypes of the foreign service and emphasized the urgency of providing adequate resources to promote U.S. interests abroad. I strongly agree with the thrust of her remarks, and I ask that the full text of her statement be printed in the RECORD.

The statement follows:

REMARKS BY SECRETARY OF STATE MADELEINE K. ALBRIGHT, 75TH ANNIVERSARY DINNER OF THE UNITED STATES FOREIGN SERVICE, MAY 24, 1999

Secretary Albright: It is indeed a pleasure to be able to first congratulate Nicholas (Bombay) for winning the essay contest. It's never too early in life to learn the value of strong diplomatic leadership, and although I didn't meet you until tonight, I already like the sound of the name Bombay preceded by the term ''Ambassador'' or ''Secretary of State.'' (Laughter.)

Congratulations, once again.

Thank you, Cokie, and good evening to all of you. It's a great pleasure to be able to spend the evening here with you, and I must say that a special pleasure for me to have had George Kennan on my right and Paul Sarbanes on my left—can't ask for much more. It has been a great evening to be able to exchange views.

Members of Congress and distinguished colleagues and friends, and so many of you who have contributed to the rich legacy of the modern US Foreign Service, as we mark our 75th anniversary, I want to begin by thanking Under Secretary Pickering for his remarks. There is really no better advertisement for what can be achieved in the Foreign Service than the career of Tom Pickering. From 1959 to 1999, as Cokie explained, he has served everywhere and done everything; and he's still doing it. Tom, the Foreign Service doesn't have a Hall of Fame, but it should, and you and others here tonight belong in it.

I also want to congratulate Ambassador Brandon Grove and Dan Geisler and Louise Eaton and our Director General, Skip Gnehm, our generous sponsors and everyone who helped to organize this magnificent event. It was a big job and everybody's done it terrifically well.

I especially endorse the conception of this anniversary as a challenge to look forward. Your goal of outreach through this essay contest and other initiatives is right on target, for if we are to match or surpass the accomplishments of the past 75 years, we must have the understanding and support of the American people. This requires that we tell the story of U.S. diplomacy clearly and well. It is to that purpose that I will attempt a modest contribution in my remarks here tonight.

Thank God I don't have to win any contests. [Laughter.]

I start with a simple request. Let us take the old, but persistent, stereotype of the diplomat as dilettante and do to it what one Presidential candidate wanted us to do to the tax code: let us drive a stake through it, kill it, bury it and make sure that it never rises again.

The job of the Foreign Service today is done with hands on and sleeves rolled up. It is rarely glamorous, often dangerous and always vital.

In my travels, I have seen our people at work not only in conference rooms, but in visits to refugee camps, AIDS clinics and mass grave sites. I have seen them share their knowledge and enthusiasm for democracy with those striving to build a better life in larger freedom.

I have seen them and their families give freely of their energy and time to comfort the ill and aid the impoverished. I have seen them provide incredible administrative support despite antiquated equipment, crowded workspace and impossible time constraints. And I've stood with head bowed at memorial services for heroes struck down while representing America or helping others to achieve peace. In the past 35 years, the number of names listed on the AFSA plaque has grown from 77 to 186. And the memory of those most recently inscribed, as Tom Pickering's toast reflected, is fresh and painful in our hearts.

So let us not be shy about proclaiming this truth. In a turbulent and perilous world, the men and women of the Foreign Service are on the front lines every day, on every continent for us. Like the men and women of our armed forces—no more, but no less—they deserve, for they have earned, the gratitude and full backing of the American people.

Now, having impaled that stereotype, let's proceed to the second challenge. Let us make clear to our citizens the connection between what we do and the quality of life they enjoy; let us demonstrate that there's nothing foreign about foreign policy any more.

Consult any poll, visit any community hall, listen to any radio talk show; it's no secret what Americans care about, fear and hope for the most. Certainly, foreign policy isn't everything. We cannot tell any American that our diplomacy will guarantee safe schools, clean up the Internet or pay for long term health care.

But we can say to every American that foreign policy may well help you to land a good job; protect your environment; safeguard your neighborhood from drugs; shield your family from a terrorist attack; and spare your children the nightmare of nuclear, chemical or biological war.

Our Foreign Service, Foreign Service National and Civil Service personnel contribute every day to America through the dangers they help contain, the crimes they help prevent, the deals they help close, the rights

they help ensure and the travelers they just plain help. Right, Cokie?

There is much more we could say and 100 different ways to say it, but the bottom line is clear. The success or failure of U.S. foreign policy will be a major factor in the lives of all Americans. It will make the difference between a 21st Century characterized by peace, rising prosperity and law, and a more uncertain future in which our economy and security are always at risk; our values always under attack; and our peace of mind never assured.

To convince the public of this, we must erase another myth, which is that technology and the end of the Cold War have made diplomacy obsolete.

Some argue that Americans concluded after Vietnam that there was nothing we could do in the world; after the Berlin Wall fell, that there was nothing we could not do; and after the Gulf War, that there was nothing left to do. Others suggest that whatever we want to do, there is no need to be diplomatic about it. Our military is the best, our economy the biggest; so what's left to negotiate?

But as Walter Lippmann once wrote, ''Without diplomacy to prepare the way, soften the impact, reduce the friction and allay the tension, money and military power are double-edged instruments. Used without diplomacy, they may, and usually do, augment the difficulties they are employed to overcome. Then more power and money are needed.'' So spake Walter Lippmann.

The United States emerged from the Cold War with unequaled might. On every continent, when problems arise, countries turn to us. Few major international initiatives can succeed without our support.

But with these truths comes a paradox: In this new global era, there are few goals vital to America that we can achieve through our actions alone. In most situations, for most purposes, we need the cooperation of others; and diplomacy is about understanding others and explaining ourselves. It is about building and nourishing partnerships for common action toward shared goals. It's about listening and persuading, analyzing and moving in at the right time. And certainly, at this time, there is no shortage of important diplomatic work to be done.

As I speak, we are using diplomacy in support of force to bring the confrontation in Kosovo to an end on NATO's terms. We are launching a strategy for drawing the entire Balkans region into the mainstream of a democratic Europe. We are preparing for a new push on all tracks of the Middle East peace process. We have a high-level team in Pyongyang to explore options for enhancing stability on the Korean Peninsula. And we're working hard to help democracy take a firmer hold in capitals such as Jakarta and Lagos, Bogota and Phnom Penh.

Around Africa, we are supporting African efforts to end conflicts and promote new opportunities for growth. And around the world, we are striving to prevent the spread of advanced technologies, so that the new century does not end up even bloodier than the old one.

Certainly, the diplomatic pace has quickened since 1924, when the Rogers Act was signed, Calvin Coolidge was President, the State Department's entire budget was $2 million and the Secretary of State had a beard. (Laughter.)

In that time, the door of the Foreign Service has opened further to minorities and women, although not far and fast enough. America's overseas presence has grown several fold, as has the demand for our consular services. Public diplomacy has become an integral part of our work. And we've learned that, merely to keep pace, we must constantly manage smarter, recruit better, adjust quicker and look ahead further.

That is why we are modernizing our technology, training in 21st Century skills and implementing a historic restructure of our foreign policy institutions. And it's why we know that the Foreign Service of 75 years from now—or even ten years from now—will look far different than the Foreign Service of today.

What has not and will not change are the fundamentals: the professionalism; the pride; the patriotism; the tradition of excellence reflected here tonight by the wondrous George Kennan and other giants of the Foreign Service. And what has not changed, as well, is the need for resources.

The problem of finding adequate resources for American foreign policy has been with us ever since the Continental Congress sent Ben Franklin to Paris. But it has reached a new stage.

Today, we allocate less than one-tenth of the portion of our wealth that we did a generation ago to support democracy and growth overseas. In this respect, we rank dead last among industrialized nations.

For years, we have been cutting positions, shutting AID missions and eliminating USIS posts. And now, under the year 2000 budget allocations that Congress is considering, we may be asked to go beyond absorbing cuts to the guillotine.

We face overall reductions of 14 percent to 29 percent from the President's foreign operations request and 20 percent for State Department operations and programs. Yes, members of Congress, this is a commercial. This will undermine our efforts to protect our borders, help Americans overseas and make urgently needed improvements in embassy security. And it could translate into cuts of 50 percent or more in key programs from fighting drugs to promoting democracy to helping UNICEF.

Now, I'm not here to assign blame. We have gotten bipartisan support from those in Congress—including those with us tonight—who know the most about foreign policy. And Congress did approve the President's request for supplemental funds for Central America, Jordan and the Balkans.

But this is madness. America is the world's wealthiest and most powerful country. Our economy is the envy of the globe. We have important interests, face threats to them, and nearly everywhere.

And I hope you agree. Military readiness is vital, but so is diplomatic effectiveness. When negotiations break down, we don't send our soldiers without weapons to fight. Why, then, do we so often send our diplomats to negotiate without the leverage that resources provide? The savings yielded by successful diplomacy are incalculable. So are the costs of failed diplomacy—not only in hard cash, but in human lives.

Tonight, I say to all our friends on Capitol Hill, act in the spirit of Arthur Vandenberg and Everett Dirksen and Scoop Jackson and Ed Muskie: help us to help America. Provide us the funds we need to protect our people and to do our jobs. Let America lead!

As we look around this room, we see depictions of liberty's birth and America's transformation from wilderness to greatness.

From the adjoining balcony, we can see the memorials to Lincoln and Jefferson, the Washington Monument, the Roosevelt Bridge, the white stone markets of Arlington and the silent, etched, eloquent black wall of the Vietnam Wall.

It is said there is nothing that time does not conquer. But the principles celebrated here have neither withered nor worn. Through Depression and war, controversy and conflict, they continue to unite and inspire us and to identify America to the world.

From the Treaty of Paris to the round-the-clock deliberations of our own era, the story of US diplomacy is the story of a unique and free society emerging from isolation to cross vast oceans and to assume its rightful role on the world stage. It is the story of America first learning, then accepting and then acting on its responsibility.

Above all, it is the story of individuals, from Franklin onwards, who answered the call of their country and who have given their life and labor in service to its citizens.

As Secretary of State, the greatest privilege I have had has been to work with you, the members of the Foreign Service and others on America's team.

Together, tonight, let us vow to continue to do our jobs to the absolute best of our abilities, and to tell our stories in language and at a volume all can understand.

By so doing, we will keep faith with those who came before us, and we will preserve the legacy of liberty that was our most precious inheritance and must become our untarnished bequest.

To the men and women of the Foreign Service who are here this evening or at outposts around the world or enjoying their retirement, I wish you a happy 75th anniversary; and I pledge my best efforts for as long as I have breath, to see that you get the support and respect you deserve.

Thank you and happy birthday. (Applause.)●

TRIBUTE TO LEONARD AND MADLYN ABRAMSON FAMILY CANCER RESEARCH INSTITUTE

● Mr. SPECTER. Mr. President, I have sought recognition today to pay tribute to two distinguished Pennsylvanians, Leonard and Madlyn Abramson, upon the establishment of the Abramson Family Cancer Research Institute at the University of Pennsylvania Cancer Center. The $100 million commitment from The Abramson Family Foundation—the largest single contribution for cancer research to a National Cancer Institute-designated comprehensive cancer center—supports the unprecedented expansion of cancer research, education and patient care at Penn's Cancer Center.

The Abramson Family Foundation is a trust fund directed by Leonard and Madlyn Abramson. Mr. Abramson is the founder and former chairman and CEO of U.S. Healthcare, Inc. Best known for his accurate predictions in the changing world of health care over the past two decades, Mr. Abramson believed in HMOs as the best health care alternative in the early 1970s. He went on to build one of the nation's largest and most successful managed care organizations before selling it to Aetna in 1996. Madlyn Abramson is a trustee of the University of Pennsylvania, as well as a member of the Health System's Board of Trustees and the Graduate School of Education's Board of Overseers.

The Abramsons have been supporters of cancer research, as well as numerous other causes, for more than a decade. The family's long and generous history with the University of Pennsylvania Health System includes gifts to endow two professorships and a multi-year grant through the former U.S.

Healthcare to the Cancer Center's Bone Marrow Transplant Program.

The Abramson Family Cancer Research Institute has created a revolutionary framework for facilitating innovation in cancer research, enabling the Penn Cancer Center to bring together the best scientists, physicians, and staff and to develop new approaches in an effort to make current treatments for cancer obsolete. John H. Glick, M.D., the Leonard and Madlyn Abramson Professor of Clinical Oncology and Director of Penn's Cancer Center for more than a decade, serves as Director and President of the Abramson Family Cancer Research Institute.

The gift of The Abramson Family Foundation will significantly increase our opportunities to break new ground in the war on cancer—especially in the areas of cancer genetics and molecular diagnosis, from which future research and patient care advances will occur.

The Institute supports leading-edge cancer research through the recruitment of outstanding scientists and physicians from around the world and the design of innovative patient care paradigms. The Abramson pledge propels the University of Pennsylvania Cancer Center—already one of the nation's top cancer centers—to the next level of research and patient-focused care.●

NEW BUDGET MATH

● Mr. KOHL. Mr. President, I rise today to recommend an article that appeared this week on *National Journal's* website. It is ''More New Budget Math'' by Stan Collender and discusses in a very readable way why gross federal debt continues to rise even when the government is running a surplus. The concepts of deficit, surplus, debt, and trust funds lie at the heart of many of our fiercest budget battles, and everyone has an opinion, or a one-liner, about all of them. But these concepts are as technical and difficult to understand as they are controversial, and I always appreciate it when they are explained in a clear manner, as they are in this article.

Mr. President, I ask that the article ''More New Budget Math'' be printed in the RECORD.

The article follows.

[From the National Journal's Cloakroom, June 8, 1999]

BUDGET BATTLES—MORE NEW BUDGET MATH

(By Stan Collender)

This column pointed out a year ago (*June 2, 1998*) that, in light of the surplus, the old mathematics of the federal budget were no longer adequate to explain what was happening. A variety of new calculations would have to become as commonplace as the old measures to move the debate along. Now we have yet another example.

One of the questions I get most these days is, how is it possible for total federal debt to be increasing if there is a surplus? That inevitably leads to someone insisting that there really isn't a surplus at all, and that all the talk about it coming from Washington is just an accounting trick or an X-Files-style government conspiracy.

Here, however, is the new math to explain things:

A federal surplus or deficit is the amount of revenues the government collects compared to the amount it spends during a fiscal year. Whenever spending exceeds revenues the government runs a deficit, and has to find a way to make up the difference. It can sell assets (like gold from Fort Knox, timber from national forests or an aircraft carrier) or borrow from financial markets to raise the cash it needs to cover a shortfall.

But the revenues vs. spending calculation is not as straightforward as it seems. Because of rules enacted in 1990 as part of the Budget Enforcement Act, the federal budget does not show the actual amount of cash the government uses to make loans (i.e., to students or to farmers). Instead, the budget shows only the amount needed to cover the net costs to the government of lending that money.

But because the government lends real money rather than this calculation, its actual cash needs are greater than what is in the budget. This is not an insignificant amount. OMB is projecting that the fiscal 1999 net cash requirements for all federal direct loans will be $25 billion, which must be financed either by reducing the surplus or, when there is a deficit, by additional federal borrowing. As a result, the actual surplus is a bit lower, and the amount available to reduce debt is lower than is immediately apparent.

Then there are the loans made to the government. When ever it borrows to finance a deficit, the government incurs debt. Conversely, whenever it runs a surplus, debt is reduced. As might be expected given the surpluses that are projected over the next 10 years, this debt, formally known as ''debt held by the public,'' was projected in January by the Congressional Budget Office to fall from its current level of about $3.6 trillion to $1.2 trillion by the end of fiscal 2009.

However, financing the deficit is not the only reason the federal government borrows. Whenever any federal trust fund takes in more than it spends in a particular year, that surplus must be invested in federal government securities. In effect, a trust fund's surplus is lent to the government, so federal debt increases.

CBO's January forecast showed this separate category of debt—''debt held by the government''—increasing from almost $2.0 trillion in fiscal 1999 to $4.4 trillion by the end of 2009.

The combination of debt held by the public and debt held by the government—''gross federal debt''—is increasing, according to CBO, from $5.57 trillion in 1999 to $5.67 trillion in 2000 and $5.84 trillion in 2005.

The bottom line, therefore, is that the measurement of what the government borrows to finance its debt is projected to decline because of the surplus. However, overall federal debt will be increasing because of the growing surpluses in the Social Security and other federal trust funds.

This shows that the situation is neither the budget sophistry nor government conspiracy that some talk show hosts and conservative columnists often make it out to be. It is also hardly unique. Try to imagine the following situation:

Your personal budget is not just in balance, but you are actually running a small surplus each month. Because of that, you are also slowly paying down your credit cards.

The next month, you buy a bigger and more expensive home. Because of lower interest rates and other financing options, your monthly payments actually go down from their current levels so your surplus goes up. As a result, you increase the payments you make each month on your credit cards, so that portion or your debt decreases faster.

However, the bigger and more expensive house you just bought increases the overall amount you have borrowed by, say, $200,000. Your budget is still in surplus, and some of your debt is decreasing, but your overall debt is actually growing substantially.

This is roughly the same situation now facing the federal government, given the new budget math of the surplus.

One more thought: The debt ceiling was raised in the 1997 budget deal to accommodate the deficits that had been projected to require additional federal borrowing through fiscal 2002. But if the limit had not been raised that high in 1997, this new budget math could have meant that Congress would be in the anomalous, ironic, and certainly frustrating situation of having to pass an increase in the debt ceiling at the same time the budget was in surplus. Try to imagine explaining *that* to constituents.

Budget Battles Fiscal Y2K Countdown; As of today there are 54 days potential legislative days left before the start of fiscal 2000. If Mondays and Fridays, when Congress does not typically conduct legislative business are excluded, there are only 33 legislative days left before the start of the fiscal year.

The House and Senate have not yet passed even their own versions of any of the regular fiscal 2000 appropriations bills, much less sent legislation on to the president.

Question Of The Week; Last Week's Question. The statutory deadline for reconciliation is established by Section 300 of the Congressional Budget Act, which shows that Congress is required to complete action by June 15 each year. This year's congressional budget resolution conference report established the deadline as July 16 for the House Ways and Means Committee and July 23 for the Senate Finance Committee to report their proposed changes to their respective houses. But, as a concurrent resolution, the budget resolution did not amend the Congressional Budget Act so the dates are not statutory requirements.

Congratulations and an ''I Won A Budget Battle'' T-shirt to Stephanie Giesecke, director for budget and appropriations of the National Association of Independent Colleges and Universities, who was selected at random from the many correct answers.

This Week's Question. A T-shirt also goes to Amy Abraham of the Democratic staff of the Senate Budget Committee, who suggested this week's question as a follow-up to last week's. If June 15 is the statutory date for Congress to complete reconciliation, what is the official sanction for failing to comply with that deadline? Send your response to *scollender@njdc.com* and you might win an ''I Won A Budget Battle'' T-shirt to wear while watching the July 4th fireworks.●

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

On June 8, 1999, the Senate passed S. 1122, Department of Defense Appropriations Act, 2000. The text of S. 1122 follows:

S. 1122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $22,041,094,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,236,001,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $6,562,336,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,873,759,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,278,696,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,450,788,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $410,650,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $884,794,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,622,479,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,494,496,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,624,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $19,161,852,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $5,155,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $22,841,510,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,758,139,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,882,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $20,760,429,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $11,537,333,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $32,300,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,438,776,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and

administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $946,478,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $126,711,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,760,591,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $3,156,378,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $3,229,638,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces; $2,087,600,000, to remain available until expended: Provided, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts, within this title, the Defense Health Program appropriation, and to working capital funds: *Provided further,* That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $7,621,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $378,170,000, to remain available until transferred: *Provided,* That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $284,000,000, to remain available until transferred: *Provided,* That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $376,800,000, to remain available until transferred: *Provided,* That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $25,370,000, to remain available until transferred: *Provided,* That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $239,214,000, to remain available until transferred: *Provided,* That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $55,800,000, to remain available until September 30, 2001.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $475,500,000, to remain available until September 30, 2002: *Provided,* That of the amounts provided under this heading, $25,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

PENTAGON RENOVATION TRANSFER FUND

For expenses, not otherwise provided for, resulting from the Department of Defense renovation of the Pentagon Reservation; $246,439,000, for the renovation of the Pentagon Reservation, which shall remain available for obligation until September 30, 2001.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,440,788,000, to remain available for obligation until September 30, 2002.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,267,698,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,526,265,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,145,566,000, to remain available for obligation until September 30, 2002.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 36 passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $3,658,070,000, to remain available for obligation until September 30, 2002.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $8,608,684,000, to remain available for obligation until September 30, 2002.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,423,713,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $510,300,000, to remain available for obligation until September 30, 2002.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

NSSN (AP), $748,497,000;

CVN–77 (AP), $751,540,000;

CVN Refuelings (AP), $345,565,000;

DDG–51 destroyer program, $2,681,653,000;

LPD–17 amphibious transport dock ship, $1,508,338,000;

LHD–8 (AP), $500,000,000;

ADC(X), $439,966,000;

LCAC landing craft air cushion program, $31,776,000; and

For craft, outfitting, post delivery, conversions, and first destination transportation, $171,119,000;

In all: $7,178,454,000, to remain available for obligation until September 30, 2006: *Provided*, That additional obligations may be incurred after September 30, 2006, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further,* That the Secretary of the Navy is hereby granted the authority to enter into a contract for an LHD–1 Amphibious Assault Ship which shall be funded on an incremental basis.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 25 passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $4,184,891,000, to remain available for obligation until September 30, 2002.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 43 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; $1,236,620,000, to remain available for obligation until September 30, 2002.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon

prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $9,758,333,000, to remain available for obligation until September 30, 2002.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,338,505,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $427,537,000, to remain available for obligation until September 30, 2002.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 53 passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $7,198,627,000, to remain available for obligation until September 30, 2002.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 103 passenger motor vehicles for replacement only; the purchase of 7 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,327,965,000, to remain available for obligation until September 30, 2002.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $300,000,000, to remain available for obligation until September 30, 2002: *Provided,* That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $4,905,294,000, to remain available for obligation until September 30, 2001.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $8,448,816,000, to remain available for obligation until September 30, 2001.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $13,489,909,000, to remain available for obligation until September 30, 2001.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment; $9,325,315,000, to remain available for obligation until September 30, 2001.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $251,957,000, to remain available for obligation until September 30, 2001.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $34,434,000, to remain available for obligation until September 30, 2001.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds; $90,344,000.

NATIONAL DEFENSE SEALIFT FUND

(INCLUDING TRANSFER OF FUNDS)

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); $354,700,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $11,184,857,000, of which $10,527,887,000 shall be for Operation and maintenance, of which not to exceed 2 per centum shall remain available until September 30, 2001, of which $356,970,000, to remain available for obligation until September 30, 2002, shall be for Procurement: and of which $300,000,000, to remain available for obligation until September 30, 2001, shall be for Research, development, test and evaluation.

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $68,295,000, of which $12,696,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided,* That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United

States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,029,000,000, of which $543,500,000 shall be for Operation and maintenance to remain available until September 30, 2001, $191,500,000 shall be for Procurement to remain available until September 30, 2002, and $294,000,000 shall be for Research, development, test and evaluation to remain available until September 30, 2001: *Provided,* That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further,* That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $842,300,000: *Provided,* That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $137,544,000, of which $136,244,000 shall be for Operation and maintenance, of which not to exceed $500,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,300,000 to remain available until September 30, 2002, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $209,100,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account; $149,415,000, of which $34,923,000 for the Advanced Research and Development Committee shall remain available until September 30, 2001: *Provided*, That of the funds appropriated under this heading, $27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2002, and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2001.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law; $35,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS—DEPARTMENT OF DEFENSE

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

Longbow Apache Helicopter; MLRS Rocket Launcher; Abrams M1A2 Upgrade; Bradley M2A3 Vehicle; F/A–18E/F aircraft; C–17 aircraft; and F–16 aircraft.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2000, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2001 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2001 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2001.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(c) of title 38, United States Code, for any member of the armed services who, on or after the date of the enactment of this Act, enlists in the armed services for a period of active duty of less than three years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That this limitation shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 per centum Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2001 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1

Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 per centum of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8022. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8023. A member of a reserve component whose unit or whose residence is located in a State which is not contiguous with another State is authorized to travel in a space required status on aircraft of the Armed Forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation between those locations): *Provided*, That a member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.

SEC. 8024. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That contractors participating in the test program established by section 854 of Public Law 101–189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8025. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8026. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8027. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8028. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8029. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8030. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8031. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8032. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8033. Of the funds made available in this Act, not less than $26,470,000 shall be available for the Civil Air Patrol Corporation, of which $18,000,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $2,000,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for ''Civil Air Patrol'' under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8034. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) LIMITATION ON COMPENSATION—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER (FFRDC).—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal 2000 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2000, not more than 6,100 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,000 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2001 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8035. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8036. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8037. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8038. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2000. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8039. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8040. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8041. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8042. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense agencies.

SEC. 8043. Notwithstanding any other provision of law, funds available for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

SEC. 8044. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until thirty days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2000 and 2001, and the specific expenditures to be made using funds transferred from this account during fiscal year 2000.

SEC. 8045. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8046. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8047. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2001 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2001 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2001 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8048. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2001: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8049. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8050. Of the funds appropriated by the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8051. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8052. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8053. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8054. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services

entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8055. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8056. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2000 until the enactment of the Intelligence Authorization Act for Fiscal Year 2000.

SEC. 8057. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8058. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act from the following accounts and programs in the specified amounts:

Under the heading, ''Other Procurement, Air Force, 1999/2001'', $5,405,000;

Under the heading, ''Missile Procurement, Air Force, 1999/2001'', $8,000,000 ; and

Under the heading, ''Research, Development, Test and Evaluation, Air Force, 1999/2000'', $40,000,000.

SEC. 8059. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8060. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8061. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8062. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8063. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1999 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8064. (a) None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,222,000,000.

(b) The Secretary shall, in conjunction with the Pentagon Renovation, design and construct secure secretarial offices and support facilities and security-related changes to the subway entrance at the Pentagon Reservation.

SEC. 8065. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8066. Appropriations available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8067. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8068. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8069. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8070. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8071. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: *Provided*, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8072. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the

Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8073. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8074. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense shall issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8075. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8076. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8077. None of the funds provided in title II of this Act for ''Former Soviet Union Threat Reduction'' may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8078. During the current fiscal year, no more than $10,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8079. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8080. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8081. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided,* That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further,* That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1988/2001'':

SSN–688 attack submarine program, $6,585,000;

CG–47 cruiser program, $12,100,000;

Aircraft carrier service life extension program, $202,000;

LHD–1 amphibious assault ship program, $2,311,000;

LSD–41 cargo variant ship program, $566,000;

T–AO fleet oiler program, $3,494,000;

AO conversion program, $133,000;

Craft, outfitting, and post delivery, $1,688,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1995/2001'':

DDG–51 destroyer program, $27,079,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1989/2000'':

DDG–51 destroyer program, $13,200,000;

Aircraft carrier service life extension program, $186,000;

LHD–1 amphibious assault ship program, $3,621,000;

LCAC landing craft, air cushioned program, $1,313,000;

T–AO fleet oiler program, $258,000;

AOE combat support ship program, $1,078,000;

AO conversion program, $881,000;

T–AGOS drug interdiction conversion, $407,000;

Outfitting and post delivery, $219,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2000'':

LPD–17 amphibious transport dock ship, $21,163,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1990/2002'':

SSN–688 attack submarine program, $5,606,000;

DDG–51 destroyer program, $6,000,000;

ENTERPRISE refueling/modernization program, $2,306,000;

LHD–1 amphibious assault ship program, $183,000;

LSD–41 dock landing ship cargo variant program, $501,000;

LCAC landing craft, air cushioned program, $345,000;

MCM mine countermeasures program, $1,369,000;

Moored training ship demonstration program, $1,906,000;

Oceanographic ship program, $1,296,000;
AOE combat support ship program, $4,086,000;
AO conversion program, $143,000;
Craft, outfitting, post delivery, and ship special support equipment, $1,209,000;
To:
Under the heading, ''Shipbuilding and Conversion, Navy, 1990/2002'':
T–AGOS surveillance ship program, $5,000,000;
Coast Guard icebreaker program, $8,153,000;
Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2002'':
LPD–17 amphibious transport dock ship, $7,192,000;
Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'':
CVN refuelings, $4,605,000;
From:
Under the heading, ''Shipbuilding and Conversion, Navy, 1991/2001'':
SSN–21(AP) attack submarine program, $1,614,000;
LHD–1 amphibious assault ship program, $5,647,000;
LSD–41 dock landing ship cargo variant program, $1,389,000;
LCAC landing craft, air cushioned program, $330,000;
AOE combat support ship program, $1,435,000;
To:
Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2001'':
CVN refuelings, $10,415,000;
From:
Under the heading, ''Shipbuilding and Conversion, Navy, 1992/2001'':
SSN–21 attack submarine program, $11,983,000;
Craft, outfitting, post delivery, and DBOF transfer, $836,000;
Escalation, $5,378,000;
To:
Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2001'':
CVN refuelings, $18,197,000;
From:
Under the heading, ''Shipbuilding and Conversion, Navy, 1993/2002'':
Carrier replacement program(AP), $30,332,000;
LSD–41 cargo variant ship program, $676,000;
AOE combat support ship program, $2,066,000;
Craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $2,127,000;
To:
Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'':
CVN refuelings, $29,884,000;
Under the heading, ''Shipbuilding and Conversion, Navy, 1999/2002'':
Craft, outfitting, post delivery, conversions, and first destination transportation, $5,317,000;
From:
Under the heading, ''Shipbuilding and Conversion, Navy, 1994/2003'':
LHD–1 amphibious assault ship program, $18,349,000;
Oceanographic ship program, $9,000;
To:
Under the heading, ''Shipbuilding and Conversion, Navy, 1994/2003'':
DDG–51 destroyer program, $18,349,000;
Under the heading, ''Shipbuilding and Conversion, Navy, 1999/2003'':
Craft, outfitting, post delivery, conversions, and first destination transportation, $9,000;
From:
Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2000'':
SSN–21 attack submarine program, $10,100,000;
LHD–1 amphibious assault ship program, $7,100,000;
To:
Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2000'':
DDG–51 destroyer program, $3,723,000;
LPD–17 amphibious transport dock ship, $13,477,000.

SEC. 8082. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8083. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8084. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8085. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8086. During the current fiscal year, refunds attributable to the use of the Government travel card and the Government Purchase Card by military personnel and civilian employees of the Department of Defense and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to the accounts current when the refunds are received that are available for the same purposes as the accounts originally charged.

SEC. 8087. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8088. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8089. Funds made available to the Civil Air Patrol in this Act under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'' may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State and local government agencies for the use of these funds.

SEC. 8090. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 1999, may be extended for two years: *Provided*, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 1998, may include a base contract period for transition and up to seven one-year option periods.

SEC. 8091. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $452,100,000 to reflect savings from revised economic assumptions, to be distributed as follows:

''Aircraft Procurement, Army'', $8,000,000;

''Missile Procurement, Army'', $7,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army'', $9,000,000;

''Procurement of Ammunition, Army'', $6,000,000;

''Other Procurement, Army'', $19,000,000;

''Aircraft Procurement, Navy'', $44,000,000;

''Weapons Procurement, Navy'', $8,000,000;

''Procurement of Ammunition, Navy and Marine Corps'', $3,000,000;

''Shipbuilding and Conversion, Navy'', $37,000,000;

''Other Procurement, Navy'', $23,000,000;

''Procurement, Marine Corps'', $5,000,000;

''Aircraft Procurement, Air Force'', $46,000,000;

''Missile Procurement, Air Force'', $14,000,000;

''Procurement of Ammunition, Air Force'', $2,000,000;

''Other Procurement, Air Force'', $44,400,000;

''Procurement, Defense-Wide'', $5,200,000;

''Chemical Agents and Munitions Destruction, Army'', $5,000,000;

''Research, Development, Test and Evaluation, Army'', $20,000,000;

''Research, Development, Test and Evaluation, Navy'', $40,900,000;

''Research, Development, Test and Evaluation, Air Force'', $76,900,000; and

''Research, Development, Test and Evaluation, Defense-Wide'', $28,700,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8092. TRAINING AND OTHER PROGRAMS. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8093. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8094. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $209,300,000 to reflect savings from the pay of civilian personnel, to be distributed as follows:

''Operation and Maintenance, Army'', $45,100,000;

''Operation and Maintenance, Navy'', $74,400,000;

''Operation and Maintenance, Air Force'', $59,800,000; and

''Operation and Maintenance, Defense-Wide'', $30,000,000.

SEC. 8095. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $206,600,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

''Operation and Maintenance, Army'', $138,000,000;

''Operation and Maintenance, Navy'', $10,600,000;

''Operation and Maintenance, Marine Corps'', $2,000,000;

''Operation and Maintenance, Air Force'', $43,000,000; and

''Operation and Maintenance, Defense-Wide'', $13,000,000.

SEC. 8096. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $250,307,000 to reflect savings from reductions in the price of bulk fuel, to be distributed as follows:

''Operation and Maintenance, Army'', $56,000,000;

''Operation and Maintenance, Navy'', $67,000,000;

''Operation and Maintenance, Marine Corps'', $7,700,000;

''Operation and Maintenance, Air Force'', $62,000,000;

''Operation and Maintenance, Defense-Wide'', $34,000,000;

''Operation and Maintenance, Army Reserve'', $4,107,000;

''Operation and Maintenance, Navy Reserve'', $2,700,000;

''Operation and Maintenance, Air Force Reserve'', $5,000,000;

''Operation and Maintenance, Army National Guard'', $8,700,000; and

''Operation and Maintenance, Air National Guard'', $3,100,000.

SEC. 8097. Notwithstanding any other provision of law, the Secretary of Defense may retain all or a portion of the family housing at Fort Buchanan, Puerto Rico, as the Secretary deems necessary to meet military family housing needs arising out of the relocation of elements of the United States Army South to Fort Buchanan.

SEC. 8098. Funds appropriated to the Department of the Navy in title II of this Act may be available to replace lost and canceled Treasury checks issued to Trans World Airlines in the total amount of $255,333.24 for which timely claims were filed and for which detailed supporting records no longer exist.

SEC. 8099. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration in the case of a lease of personal property for a period not in excess of one year to—

(1) any department or agency of the Federal Government;

(2) any State or local government, including any interstate organization established by agreement of two or more States;

(3) any organization determined by the Chief of the National Guard Bureau, or his designee, to be a youth or charitable organization; or

(4) any other entity that the Chief of the National Guard Bureau, or his designee, approves on a case-by-case basis.

SEC. 8100. In the current fiscal year and hereafter, funds appropriated for the Pacific Disaster Center may be obligated to carry out such missions as the Secretary of Defense may specify for disaster information management and related supporting activities in the geographic area of responsibility of the Commander in Chief, Pacific and beyond in support of a global disaster information network: *Provided*, That the Secretary may enable the Pacific Disaster Center and its derivatives to enter into flexible public-private cooperative arrangements for the delegation or implementation of some or all of its missions and accept and provide grants, or other remuneration to or from any agency of the Federal government, state or local government, private source or foreign government to carry out any of its activities: *Provided further*, That the Pacific Disaster Center may not accept any remuneration or provide any service or grant which could compromise national security.

SEC. 8101. Notwithstanding any other provision in this Act, the total amount appropriated in Title I of this Act is hereby reduced by $1,838,426,000 to reflect amounts appropriated in H.R. 1141, as enacted. This amount is to be distributed as follows:

''Military Personnel, Army'', $559,533,000;

''Military Personnel, Navy'', $436,773,000;

''Military Personnel, Marine Corps'', $177,980,000;

''Military Personnel, Air Force'', $471,892,000;

''Reserve Personnel, Army'', $40,574,000;

''Reserve Personnel, Navy'', $29,833,000;

''Reserve Personnel, Marine Corps'', $7,820,000;

''Reserve Personnel, Air Force'', $13,143,000;

''National Guard Personnel, Army'', $70,416,000; and

''National Guard Personnel, Air Force'', $30,462,000.

SEC. 8102. Notwithstanding any other provision of law, that not more than twenty-five per centum of funds provided in this Act, may be obligated for environmental remediation under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8103. Of the funds made available under the heading ''Operation and Maintenance, Air Force'', $5,000,000 shall be transferred to the Department of Transportation to enable the Secretary of Transportation to realign railroad track on Elmendorf Air Force Base.

SEC. 8104. (a) Of the amounts provided in Title II of this Act, not less than $1,353,900,000 shall be available for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

(b) The budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, for each fiscal year after fiscal year 2000 shall set forth separately for a single account the amount requested for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

SEC. 8105. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic

beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8106. (a) The Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A–11.

(b) The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

(c) The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a nongovernmental lessor to a nongovernmental lessee.

(d) The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

(e) Notwithstanding any other provision of law any payments required under a lease under this section, and any payments made pursuant to subsection (d), may be made from—

(1) appropriations available for the performance of the lease at the time the lease takes effect;

(2) appropriations for the operation and maintenance available at the time which the payment is due; and

(3) funds appropriated for those payments.

(f) The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.

SEC. 8107. (a) The Communications Act of 1934 is amended in section 337(b) (47 U.S.C. 337(b)), by deleting paragraph (2). Upon enactment of this provision, the FCC shall initiate the competitive bidding process in fiscal year 1999 and shall conduct the competitive bidding in a manner that ensures that all proceeds of such bidding are deposited in accordance with section 309(j)(8) of the Act not later than September 30, 2000. To expedite the assignment by competitive bidding of the frequencies identified in section 337(a)(2) of the Act, the rules governing such frequencies shall be effective immediately upon publication in the Federal Register, notwithstanding 5 U.S.C. 553(d), 801(a)(3), 804(2), and 806(a). Chapter 6 of such title, 15 U.S.C. 632, and 44 U.S.C. 3507 and 3512, shall not apply to the rules and competitive bidding procedures governing such frequencies. Notwithstanding section 309(b) of the Act, no application for an instrument of authorization for such frequencies shall be granted by the Commission earlier than 7 days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereto. Notwithstanding section 309(d)(1) of such Act, the Commission may specify a period (no less than 5 days following issuance of such public notice) for the filing of petitions to deny any application for an instrument of authorization for such frequencies.

(b)(1) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

(i) preparing and conducting the competitive bidding process required by subsection (a); and

(ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process;

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a);

(D) set forth for each spectrum auction held by the Federal Communications Commission since 1993 information on—

(i) the time required for each stage of preparation for the auction;

(ii) the date of the commencement and of the completion of the auction;

(iii) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and

(iv) the dates of all subsequent deposits of receipts from the auction in the Treasury; and

(E) include an assessment of how the stages of the competitive bidding process required by subsection (a), including preparation, commencement and completion, and deposit of receipts, will differ from similar stages in the auctions referred to in subparagraph (D).

(2) Not later than October 5, 2000, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees the report which shall—

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(3) The Federal Communications Commission may not consult with the Director in the preparation and submittal of the reports required of the Commission by this subsection.

(4) In this subsection, the term ''appropriate congressional committees'' means the following:

(A) The Committees on Appropriations, the Budget, and Commerce of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

SEC. 8108. Notwithstanding any other provision in this Act, the total amount appropriated in this Act for Titles II and III is hereby reduced by $3,100,000,000 to reflect supplemental appropriations provided under Public Law 106–31 for Readiness/Munitions; Operational Rapid Response Transfer Fund; Spare Parts; Depot Maintenance; Recruiting; Readiness Training/OPTEMPO; and Base Operations.

SEC. 8109. Section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note), is amended—

(1) by striking ''not later than June 30, 1997,''; and

(2) by striking ''$1,000,000'' and inserting ''$500,000''.

SEC. 8110. In addition to any funds appropriated elsewhere in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', $9,000,000 is hereby appropriated only for the Army Test Ranges and Facilities program element.

SEC. 8111. Notwithstanding any other provision in this Act, the total amount appropriated in this Act for title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', is hereby reduced by $26,840,000 and the total amount appropriated in this Act for title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', is hereby increased by $51,840,000 to reflect the transfer of the Joint Warfighting Experimentation Program: *Provided,* That none of the funds provided for the Joint Warfighting Experimentation Program may be obligated until the Vice Chairman of the Joint Chiefs of Staff reports to the congressional defense committees on the role and participation of all unified and specified commands in the JWEP.

SEC. 8112. In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, $23,000,000, to remain available until September 30, 2000 is hereby appropriated to the Department of Defense: *Provided,* That the Secretary of Defense shall make a grant in the amount of $23,000,000 to the American Red Cross for Armed Forces Emergency Services.

SEC. 8113. In addition to the funds available in title III, $10,000,000 is hereby appropriated for U–2 cockpit modifications.

SEC. 8114. The Department of the Army is directed to conduct a live fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH–64D Longbow helicopter. The operational test is to be completed utilizing funds provided for in this Act in addition to funding provided for this purpose in the Fiscal Year 1999 Defense Appropriations Act (P.L. 105–262): *Provided,* That notwithstanding any other provision of law, the Department is to ensure that the development, procurement or integration of any missile for use on the AH–64 or RAH–66 helicopters, as an air-to-air missile, is subject to a full and open competition which includes the conduct of a live-fire, side-by-side test as an element of the source selection criteria: *Provided further,* That the Under Secretary of Defense (Acquisition & Technology) will conduct an independent review of the need, and the merits of acquiring an air-to-air missile to provide self-protection for the AH–64 and RAH–66 from the threat of hostile forces. The Secretary is to provide his findings in a report to the defense oversight committees, no later than March 31, 2000.

SEC. 8115. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $6,000,000 may be made available for the 3–D advanced track acquisition and imaging system.

SEC. 8116. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be made available for electronic propulsion systems.

SEC. 8117. Of the funds appropriated in title IV under the heading ''COUNTER-DRUG ACTIVITIES, DEFENSE'', up to $5,000,000 may be

made available for a ground processing station to support a tropical remote sensing radar.

SEC. 8118. Of the funds made available under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $6,000,000 may be provided to the United States Army Construction Engineering Research Laboratory to continue research and development to reduce pollution associated with industrial manufacturing waste systems.

SEC. 8119. Of the funds appropriated in title II under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $13,000,000 may be available for depot overhaul of the MK–45 weapon system, and up to $19,000,000 may be available for depot overhaul of the Close In Weapon System.

SEC. 8120. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,500,000 may be available for prototyping and testing of a water distributor for the Pallet-Loading System Engineer Mission Module System.

SEC. 8121. Of the funds provided under title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $1,000,000 may be made available only for alternative missile engine source development.

SEC. 8122. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,000,000 may be made available for the National Defense Center for Environmental Excellence Pollution Prevention Initiative.

SEC. 8123. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $4,500,000 may be made available for a hot gas decontamination facility.

SEC. 8124. Of the funds made available under the heading ''DEFENSE HEALTH PROGRAM'', up to $2,000,000 may be made available to support the establishment of a Department of Defense Center for Medical Informatics.

SEC. 8125. Of the funds appropriated in title III under the heading ''PROCUREMENT, MARINE CORPS'', up to $2,800,000 may be made available for the K-Band Test Obscuration Pairing System.

SEC. 8126. Of the funds made available under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $2,000,000 may be made available to continue and expand on-going work in recombinant vaccine research against biological warfare agents.

SEC. 8127. (a) The purpose of this section is to provide means for the City of Bayonne, New Jersey, to furnish fire protection through the City's municipal fire department for the tenants, including the Coast Guard, and property at Military Ocean Terminal, New Jersey, thereby enhancing the City's capability for furnishing safety services that is a fundamental capability necessary for encouraging the economic development of Military Ocean Terminal.

(b) The Secretary of the Army may, notwithstanding title II of the Federal Property and Administrative Services Act of 1949, convey without consideration to the Bayonne Local Redevelopment Authority, Bayonne, New Jersey, and to the City of Bayonne, New Jersey, jointly, all right, title, and interest of the United States in and to the firefighting equipment described in subsection (c).

(c) The equipment to be conveyed under subsection (b) is firefighting equipment at Military Ocean Terminal, Bayonne, New Jersey, as follows:

(1) Pierce Dash 2000 Gpm Pumper, manufactured September 1995.

(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994.

(3) Pierce HAZMAT truck, manufactured 1993.

(4) Ford E–350, manufactured 1992.

(5) Ford E–302, manufactured 1990.

(6) Bauer Compressor, Bauer–UN 12–E#5000psi, manufactured November 1989.

(d) The conveyance and delivery of the property shall be at no cost to the United States.

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

SEC. 8128. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be made available for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and co-infusion resin transfer molding).

SEC. 8129. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $5,000,000 may be available for Information Warfare Vulnerability Analysis.

SEC. 8130. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $7,500,000 may be made available for the GEO High Resolution Space Object Imaging Program.

SEC. 8131. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $4,000,000 may be available solely for research, development, test, and evaluation of elastin-based artificial tissues and dye targeted laser fusion techniques for healing internal injuries.

SEC. 8132. Of the funds made available in title IV of this Act for the Defense Advanced Research Projects Agency under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $20,000,000 may be made available for supersonic aircraft noise mitigation research and development efforts.

SEC. 8133. From within the funds provided for the Defense Acquisition University, up to $5,000,000 may be spent on a pilot program using state-of-the-art training technology that would train the acquisition workforce in a simulated Government procurement environment.

SEC. 8134. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management and humanitarian assistance: *Provided,* That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: *Provided further,* That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

SEC. 8135. Of the funds appropriated in title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', up to $4,000,000 may be made available for the Manufacturing Technology Assistance Pilot Program.

SEC. 8136. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $5,000,000 may be available for visual display performance and visual display environmental research and development.

SEC. 8137. Of the funds appropriated in title III under the heading ''OTHER PROCUREMENT, ARMY'', $51,250,000 shall be available for the Information System Security Program, of which up to $10,000,000 may be made available for an immediate assessment of biometrics sensors and templates repository requirements and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort.

SEC. 8138. Of the funds appropriated in title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' for the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses, up to $10,000,000 may be made available for carrying out the first-year actions under the 5-year research plan outlined in the report entitled ''Department of Defense Strategy to Address Low-Level Exposures to Chemical Warfare Agents (CWAs)'', dated May 1999, that was submitted to committees of Congress pursuant to section 247(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1957).

SEC. 8139. (a) Congress makes the following findings:

(1) The B–2 bomber has been used in combat for the first time in Operation Allied Force against Yugoslavia.

(2) The B–2 bomber has demonstrated unparalleled strike capability in Operation Allied Force, with cursory data indicating that the bomber could have dropped nearly 20 percent of the precision ordnance while flying less than 3 percent of the attack sorties.

(3) According to the congressionally mandated Long Range Air Power Panel, ''long range air power is an increasingly important element of United States military capability''.

(4) The crews of the B–2 bomber and the personnel of Whiteman Air Force Base, Missouri, deserve particular credit for flying and supporting the strike missions against Yugoslavia, some of the longest combat missions in the history of the Air Force.

(5) The bravery and professionalism of the personnel of Whiteman Air Force Base have advanced American interests in the face of significant challenge and hardship.

(6) The dedication of those who serve in the Armed Forces, exemplified clearly by the personnel of Whiteman Air Force Base, is the greatest national security asset of the United States.

(b) It is the sense of Congress that—

(1) the skill and professionalism with which the B–2 bomber has been used in Operation Allied Force is a credit to the personnel of Whiteman Air Force Base, Missouri, and the Air Force;

(2) the B–2 bomber has demonstrated an unparalleled capability to travel long distances and deliver devastating weapons payloads, proving its essential role for United States power projection in the future; and

(3) the crews of the B–2 bomber and the personnel of Whiteman Air Force Base deserve the gratitude of the American people for their dedicated performance in an indispensable role in the air campaign against Yugoslavia and in the defense of the United States.

SEC. 8140. Of the funds appropriated in title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', up to $10,000,000 may be made available for U–2 aircraft defensive system modernization.

SEC. 8141. Of the amount appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', $25,185,000 shall be available

for research and development relating to Persian Gulf illnesses, of which $4,000,000 shall be available for continuation of research into Gulf War syndrome that includes multidisciplinary studies of fibromyalgia, chronic fatigue syndrome, multiple chemical sensitivity, and the use of research methods of cognitive and computational neuroscience, and of which up to $2,000,000 may be made available for expansion of the research program in the Upper Great Plains region.

SEC. 8142. Of the total amount appropriated in title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', up to $17,500,000 may be made available for procurement of the F–15A/B data link for the Air National Guard.

SEC. 8143. Of the funds appropriated in title III under the heading ''WEAPONS PROCUREMENT, NAVY'', up to $3,000,000 may be made available for the MK–43 Machine Gun Conversion Program.

SEC. 8144. DEVELOPMENT OF FORD ISLAND, HAWAII. (a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

(2) The Secretary may not exercise any authority under this section until—

(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island; and

(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is excess to the needs of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is not needed for current operations of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A lease under this subsection shall be subject to section 2667(b)(1) of title 10, United States Code, and may include such others terms as the Secretary considers appropriate to protect the interests of the United States.

(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for the purpose of this section.

(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

(A) The construction or improvement of facilities at Ford Island.

(B) The restoration or rehabilitation of real property at Ford Island.

(C) The provision of property support services for property or facilities at Ford Island.

(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

(A) a detailed description of the transaction; and

(B) a justification for the transaction specifying the manner in which the transaction will meet the purpose of this section; and

(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the ''Ford Island Improvement Account''.

(2) There shall be deposited into the account the following amounts:

(A) Amounts authorized and appropriated to the account.

(B) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

(B) To carry out improvements of property or facilities at Ford Island.

(C) To obtain property support services for property or facilities at Ford Island.

(2) To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing at Ford Island.

(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of that title.

(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code, for activities authorized under subchapter IV of chapter 169 of that title at Ford Island.

(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

(l) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

''(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(i) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section.''; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

''(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(ii) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section.''.

(m) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' has the meaning given that term in section 2801(4) of title 10, United States Code.

(2) The term ''property support service'' means the following:

(A) Any utility service or other service listed in section 2686(a) of title 10, United States Code.

(B) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.

SEC. 8145. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order 13084 (issued

May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term ''Native Hawaiian'' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8146. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be made available to continue research and development on polymer cased ammunition.

SEC. 8147. (a) Of the amounts appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $220,000 may be made available to carry out the study described in subsection (b).

(b)(1) The Secretary of the Army, acting through the Chief of Engineers, shall carry out a study for purposes of evaluating the cost-effectiveness of various technologies utilized, or having the potential to be utilized, in the demolition and cleanup of facilities contaminated with chemical residue at facilities used in the production of weapons and ammunition.

(2) The Secretary shall carry out the study at the Badger Army Ammunition Plant, Wisconsin.

(3) The Secretary shall provide for the carrying out of work under the study through the Omaha District Corps of Engineers and in cooperation with the Department of Energy Federal Technology Center, Morgantown, West Virginia.

(4) The Secretary may make available to other departments and agencies of the Federal Government information developed as a result of the study.

SEC. 8148. Of the funds appropriated in this Act under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $500,000 may be available for a study of the costs and feasibility of a project to remove ordnance from the Toussaint River.

SEC. 8149. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', $63,041,000 may be available for C–5 aircraft modernization.

SEC. 8150. None of the funds appropriated or otherwise made available by this or any other Act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 8151. Office of Net Assessment in the Office of the Secretary of Defense, jointly with the United States Pacific Command, shall submit a report to Congress no later than 180 days after the enactment of this Act which addresses the following issues:

(1) A review and evaluation of the operational planning and other preparations of the United States Department of Defense, including but not limited to the United States Pacific Command, to implement the relevant sections of the Taiwan Relations Act since its enactment in 1979.

(2) A review and evaluation of all gaps in relevant knowledge about the current and future military balance between Taiwan and mainland China, including but not limited to Chinese open source writings.

(3) A set of recommendations, based on these reviews and evaluations, concerning further research and analysis that the Office of Net Assessment and the Pacific Command believe to be necessary and desirable to be performed by the National Defense University and other defense research centers.

SEC. 8152. (a) Congress makes the following findings:

(1) Congress recognizes and supports, as being fundamental to the national defense, the ability of the Armed Forces to test weapons and weapon systems thoroughly, and to train members of the Armed Forces in the use of weapons and weapon systems before the forces enter hostile military engagements.

(2) It is the policy of the United States that the Armed Forces at all times exercise the utmost degree of caution in the training with weapons and weapon systems in order to avoid endangering civilian populations and the environment.

(3) In the adherence to these policies, it is essential to the public safety that the Armed Forces not test weapons or weapon systems, or engage in training exercises with live ammunition, in close proximity to civilian populations unless there is no reasonable alternative available.

(b) It is the sense of Congress that—

(1) there should be a thorough investigation of the circumstances that led to the accidental death of a civilian employee of the Navy installation in Vieques, Puerto Rico, and the wounding of four other civilians during a live-ammunition weapons test at Vieques, including a reexamination of the adequacy of the measures that are in place to protect the civilian population during such training;

(2) the Secretary of Defense should not authorize the Navy to resume live ammunition training on the Island of Vieques, Puerto Rico, unless and until he has advised the congressional defense committees of the Senate and the House of Representatives that—

(A) there is not available an alternative training site with no civilian population located in close proximity;

(B) the national security of the United States requires that the training be carried out;

(C) measures to provide the utmost level of safety to the civilian population are to be in place and maintained throughout the training; and

(D) training with ammunition containing radioactive materials that could cause environmental degradation should not be authorized;

(3) in addition to advising committees of Congress of the findings as described in paragraph (2), the Secretary of Defense should advise the Governor of Puerto Rico of those findings and, if the Secretary of Defense decides to resume live-ammunition weapons training on the Island of Vieques, consult with the Governor on a regular basis regarding the measures being taken from time to time to protect civilians from harm from the training.

SEC. 8153. Of the funds appropriated in title IV for Research, Development, Test and Evaluation, Army, up to $10,000,000 may be utilized for Army Space Control Technology.

SEC. 8154. (a) Of the funds appropriated in title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'' (other than the funds appropriated for space launch facilities), up to $7,300,000 may be available, in addition to other funds appropriated under that heading for space launch facilities, for a second team of personnel for space launch facilities for range reconfiguration to accommodate launch schedules.

(b) The funds set aside under subsection (a) may not be obligated for any purpose other than the purpose specified in subsection (a).

SEC. 8155. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $4,000,000 may be made available for the Advanced Integrated Helmet System Program.

SEC. 8156. PROHIBITION ON USE OF REFUGEE RELIEF FUNDS FOR LONG-TERM REGIONAL DEVELOPMENT OR RECONSTRUCTION IN SOUTHEASTERN EUROPE. None of the funds made available in the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31) may be made available to implement a long-term, regional program of development or reconstruction in Southeastern Europe except pursuant to specific statutory authorization enacted on or after the date of enactment of this Act.

SEC. 8157. Of the funds appropriated in title III, Procurement, under the heading ''MISSILE PROCUREMENT, ARMY'', up to $35,000,000 may be made available to retrofit and improve the current inventory of Patriot missiles in order to meet current and projected threats from cruise missiles.

SEC. 8158. (a) PURPOSE.—The purpose of this section is to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less-costly base support services, where available.

(b) AUTHORITY.—(1) The Secretary of the Air Force may carry out at Brooks Air Force Base, Texas, a demonstration project to be known as the ''Base Efficiency Project'' to improve mission effectiveness and reduce the cost of providing quality installation support at Brooks Air Force Base.

(2) The Secretary shall carry out the Project in consultation with the Community to the extent the Secretary determines such consultation is necessary and appropriate.

(3) The authority provided in this section is in addition to any other authority vested in or delegated to the Secretary, and the Secretary may exercise any authority or combination of authorities provided under this section or elsewhere to carry out the purposes of the Project.

(c) EFFICIENT PRACTICES.—(1) The Secretary may convert services at or for the benefit of the Base from accomplishment by military personnel or by Department civilian employees (appropriated fund or non-appropriated fund), to services performed by contract or provided as consideration for the lease, sale, or other conveyance or transfer of property.

(2) Notwithstanding section 2462 of title 10, United States Code, a contract for services may be awarded based on ''best value'' if the Secretary determines that the award will advance the purposes of a joint activity conducted under the Project and is in the best interest of the Department.

(3) Notwithstanding that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary may contract for public services at or for the benefit of the Base in exchange for such consideration, if any, the Secretary determines to be appropriate.

(4)(A) The Secretary may conduct joint activities with the Community, the State, and any private parties or entities on or for the benefit of the Base.

(B) Payments or reimbursements received from participants for their share of direct and indirect costs of joint activities, including the costs of providing, operating, and maintaining facilities, shall be in an amount and type determined to be adequate and appropriate by the Secretary.

(C) Such payments or reimbursements received by the Department shall be deposited into the Project Fund.

(d) LEASE AUTHORITY.—(1) The Secretary may lease real or personal property located on the Base to any lessee upon such terms and conditions as the Secretary considers appropriate and in the interest of the United States, if the Secretary determines that the

lease would facilitate the purposes of the Project.

(2) Consideration for a lease under this subsection shall be determined in accordance with subsection (g).

(3) A lease under this subsection—

(A) may be for such period as the Secretary determines is necessary to accomplish the goals of the Project; and

(B) may give the lessee the first right to purchase the property if the lease is terminated to allow the United States to sell the property under any other provision of law.

(4)(A) The interest of a lessee of property leased under this subsection may be taxed by the State or the Community.

(B) A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State governments or local governments under Federal law, the lease shall be renegotiated.

(5) The Department may furnish a lessee with utilities, custodial services, and other base operation, maintenance, or support services, in exchange for such consideration, payment, or reimbursement as the Secretary determines appropriate.

(6) All amounts received from leases under this subsection shall be deposited into the Project Fund.

(7) A lease under this subsection shall not be subject to the following provisions of law:

(A) Section 2667 of title 10, United States Code, other than subsection (b)(1) of that section.

(B) Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(C) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(e) PROPERTY DISPOSAL.—(1) The Secretary may sell or otherwise convey or transfer real and personal property located at the Base to the Community or to another public or private party during the Project, upon such terms and conditions as the Secretary considers appropriate for purposes of the Project.

(2) Consideration for a sale or other conveyance or transfer or property under this subsection shall be determined in accordance with subsection (g).

(3) The sale or other conveyance or transfer of property under this subsection shall not be subject to the following provisions of law:

(A) Section 2693 of title 10, United States Code.

(B) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)

(4) Cash payments received as consideration for the sale or other conveyance or transfer of property under this subsection shall be deposited into the Project Fund.

(f) LEASEBACK OF PROPERTY LEASED OR DISPOSED.—(1) The Secretary may lease, sell, or otherwise convey or transfer real property at the Base under subsections (b) and (e), as applicable, which will be retained for use by the Department or by another military department or other Federal agency, if the lessee, purchaser, or other grantee or transferee of the property agrees to enter into a leaseback to the Department in connection with the lease, sale, or other conveyance or transfer of one or more portions or all of the property leased, sold, or otherwise conveyed or transferred, as applicable.

(2) A leaseback of real property under this subsection shall be an operating lease for no more than 20 years unless the Secretary of Defense determines that a longer term is appropriate.

(3)(A) Consideration, if any, for real property leased under a leaseback entered into under this subsection shall be in such form and amount as the Secretary considers appropriate.

(B) The Secretary may use funds in the Project Fund or other funds appropriated or otherwise available to the Department for use at the Base for payment of any such cash rent.

(4) Notwithstanding any other provision of law, the Department or other military department or other Federal agency using the real property leased under a leaseback entered into under this subsection may construct and erect facilities on or otherwise improve the leased property using funds appropriated or otherwise available to the Department or other military department or other Federal agency for such purpose. Funds available to the Department for such purpose include funds in the Project Fund.

(g) CONSIDERATION.—(1) The Secretary shall determine the nature, value, and adequacy of consideration required or offered in exchange for a lease, sale, or other conveyance or transfer of real or personal property or for other actions taken under the Project.

(2) Consideration may be in cash or in-kind or any combination thereof. In-kind consideration may include the following:

(A) Real property.

(B) Personal property.

(C) Goods or services, including operation, maintenance, protection, repair, or restoration (including environmental restoration) of any property or facilities (including nonappropriated fund facilities).

(D) Base operating support services.

(E) Construction or improvement of Department facilities.

(F) Provision of facilities, including office, storage, or other usable space, for use by the Department on or off the Base.

(G) Public services.

(3) Consideration may not be for less than the fair market value.

(h) PROJECT FUND.—(1) There is established on the books of the Treasury a fund to be known as the ''Base Efficiency Project Fund'' into which all cash rents, proceeds, payments, reimbursements, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and all other actions taken under the Project shall be deposited. All amounts deposited into the Project Fund are without fiscal year limitation.

(2) Amounts in the Project Fund may be used only for operation, base operating support services, maintenance, repair, construction, or improvement of Department facilities, payment of consideration for acquisitions of interests in real property (including payment of rentals for leasebacks), and environmental protection or restoration, in addition to or in combination with other amounts appropriated for these purposes.

(3) Subject to generally prescribed financial management regulations, the Secretary shall establish the structure of the Project Fund and such administrative policies and procedures as the Secretary considers necessary to account for and control deposits into and disbursements from the Project Fund effectively.

(4) All amounts in the Project Fund shall be available for use for the purposes authorized in paragraph (2) at the Base, except that the Secretary may redirect up to 50 per cent of amounts in the Project Fund for such uses at other installations under the control and jurisdiction of the Secretary as the Secretary determines necessary and in the best interest of the Department.

(i) FEDERAL AGENCIES.—(1)(A) Any Federal agency, its contractors, or its grantees shall pay rent, in cash or services, for the use of facilities or property at the Base, in an amount and type determined to be adequate by the Secretary.

(B) Such rent shall generally be the fair market rental of the property provided, but in any case shall be sufficient to compensate the Base for the direct and overhead costs incurred by the Base due to the presence of the tenant agency on the Base.

(2) Transfers of real or personal property at the Base to other Federal agencies shall be at fair market value consideration. Such consideration may be paid in cash, by appropriation transfer, or in property, goods, or services.

(3) Amounts received from other Federal agencies, their contractors, or grantees, including any amounts paid by appropriation transfer, shall be deposited in the Project Fund.

(j) ACQUISITION OF INTERESTS IN REAL PROPERTY.—(1) The Secretary may acquire any interest in real property in and around the Community that the Secretary determines will advance the purposes of the Project.

(2) The Secretary shall determine the value of the interest in the real property to be acquired and the consideration (if any) to be offered in exchange for the interest.

(3) The authority to acquire an interest in real property under this subsection includes authority to make surveys and acquire such interest by purchase, exchange, lease, or gift.

(4) Payments for such acquisitions may be made from amounts in the Project Fund or from such other funds appropriated or otherwise available to the Department for such purposes.

(k) REPORTS TO CONGRESS.—(1) Section 2662 of title 10, United States Code, shall not apply to transactions at the Base during the Project.

(2)(A) Not later than March 1 each year, the Secretary shall submit to the appropriate committees of Congress a report on any transactions at the Base during the preceding fiscal year that would be subject to such section 2662, but for paragraph (1).

(B) The report shall include a detailed cost analysis of the financial savings and gains realized through joint activities and other actions under the Project authorized by this section and a description of the status of the Project.

(l) LIMITATION.—None of the authorities in this section shall create any legal rights in any person or entity except rights embodied in leases, deeds, or contracts.

(m) EXPIRATION OF AUTHORITY.—The authority to enter into a lease, deed, permit, license, contract, or other agreement under this section shall expire on September 30, 2004.

(n) DEFINITIONS.—In this section:

(1) The term ''Project'' means the Base Efficiency Project authorized by this section.

(2) The term ''Base'' means Brooks Air Force Base, Texas.

(3) The term ''Community'' means the City of San Antonio, Texas.

(4) The term ''Department'' means the Department of the Air Force.

(5) The term ''facility'' means a building, structure, or other improvement to real property (except a military family housing unit as that term is used in subchapter IV of chapter 169 of title 10, United States Code).

(6) The term ''joint activity'' means an activity conducted on or for the benefit of the Base by the Department, jointly with the Community, the State, or any private entity, or any combination thereof.

(7) The term ''Project Fund'' means the Base Efficiency Project Fund established by subsection (h).

(8) The term ''public services'' means public services (except public schools, fire protection, and police protection) that are funded by local and State taxes and provided without specific charge to the public at large.

(9) The term ''Secretary'' means the Secretary of the Air Force or the Secretary's

designee, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate.

(10) The term ''State'' means the State of Texas.

SEC. 8159. (a) Subject to subsection (c) and except as provided in subsection (d), the Secretary of Defense may waive any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize procurements of items that are grown, reprocessed, reused, produced, or manufactured—

(1) inside a foreign country the government of which is a party to a reciprocal defense memorandum of understanding that is entered into with the Secretary of Defense and is in effect;

(2) inside the United States or its possessions; or

(3) inside the United States or its possessions partly or wholly from components grown, reprocessed, reused, produced, or manufactured outside the United States or its possessions.

(b) For purposes of this section:

(1) A domestic source requirement is any requirement under law that the Department of Defense must satisfy its needs for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States, its possessions, or a part of the national technology and industrial base.

(2) A domestic content requirement is any requirement under law that the Department must satisfy its needs for an item by procuring an item produced or manufactured partly or wholly from components grown, reprocessed, reused, produced, or manufactured in the United States or its possessions.

(c) The authority to waive a requirement under subsection (a) applies to procurements of items if the Secretary of Defense first determines that—

(1) the application of the requirement to procurements of those items would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items that is entered into between the Department of Defense and a foreign country in accordance with section 2531 of title 10, United States Code;

(2) the foreign country does not discriminate against items produced in the United States to a greater degree than the United States discriminates against items produced in that country; and

(3) one or more of the conditions set forth in section 2534(d) of title 10, United States Code, exists with respect to the procurement.

(d) LAWS NOT WAIVED.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any of the following laws:

(1) The Small Business Act.

(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46–48c).

(3) Sections 7309 and 7310 of title 10, United States Code, with respect to ships in Federal Supply Class 1905.

(4) Section 9005 of Public Law 102–396 (10 U.S.C. 2241 note), with respect to articles or items of textiles, apparel, shoe findings, tents, and flags listed in Federal Supply Classes 8305, 8310, 8315, 8320, 8335, 8340, and 8345 and articles or items of clothing, footware, individual equipment, and insignia listed in Federal Supply Classes 8405, 8410, 8415, 8420, 8425, 8430, 8435, 8440, 8445, 8450, 8455, 8465, 8470, and 8475.

(e) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

SEC. 8160. In addition to funds appropriated elsewhere in this Act, the amount appropriated in title III of this Act under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'' is hereby increased by $220,000,000 only to procure four (4) F–15E aircraft: *Provided,* That the amount provided in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'' is hereby reduced by $50,000,000 to reduce the total amount available for National Missile Defense: *Provided further,* That the amount provided in title III of this Act under the heading ''NATIONAL GUARD AND RESERVE EQUIPMENT'' is hereby reduced by $50,000,000 on a pro-rata basis: *Provided further,* That the amount provided in title III of this Act under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'' is hereby reduced by $70,000,000 to reduce the total amount available for Spares and Repair Parts: *Provided further,* That the amount provided in title III of this Act under the heading ''AIRCRAFT PROCUREMENT, NAVY'' is hereby reduced by $50,000,000 to reduce the total amount available for Spares and Repair Parts.

SEC. 8161. (a) FINDINGS.—Congress makes the following findings—

(1) on June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force, and injuring hundreds more;

(2) an FBI investigation of the bombing, soon to enter its fourth year, has not yet determined who was responsible for the attack; and

(3) the Senate in Senate Resolution 273 in the One Hundred Fourth Congress condemned this terrorist attack in the strongest terms and urged the United States Government to use all reasonable means available to the Government of the United States to punish the parties responsible for the bombings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Government must continue its investigation into the Khobar Towers bombing until every terrorist involved is identified, held accountable, and punished;

(2) the FBI, together with the Department of State, should report to Congress no later than December 31, 1999, on the status of its investigation into the Khobar Towers bombing; and

(3) once responsibility for the attack has been established the United States Government must take steps to punish the parties involved.

TITLE IX

MILITARY LAND WITHDRAWALS

CHAPTER 1

RENEWAL OF MILITARY LAND WITHDRAWALS

SEC. 9001. SHORT TITLE. This chapter may be cited as the ''Military Lands Withdrawal Renewal Act of 1999''.

SEC. 9002. WITHDRAWALS. (a) MCGREGOR RANGE.—(1) Subject to valid existing rights and except as otherwise provided in this chapter, the public lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws).

(2) Such lands are reserved for use by the Secretary of the Army—

(A) for training and weapons testing; and

(B) subject to the requirements of section 9004(f), for other defense-related purposes consistent with the purposes specified in this paragraph.

(3) The lands referred to in paragraph (1) are the lands comprising approximately 608,384.87 acres in Otero County, New Mexico, as generally depicted on the map entitled ''McGregor Range Withdrawal—Proposed'', dated January 1985, and withdrawn by the provisions of section 1(d) of the Military Lands Withdrawal Act of 1986. Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

(4) Any of the public lands withdrawn under paragraph (1) which, as of the date of the enactment of this Act, are managed pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall continue to be managed under that section until otherwise expressly provided by law.

(b) FORT GREELY MANEUVER AREA AND FORT GREELY AIR DROP ZONE.—(1) Subject to valid existing rights and except as otherwise provided in this chapter, the lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under the Act entitled ''An Act to provide for the admission of the State of Alaska into the Union'', approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing; and

(B) subject to the requirements of section 9004(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(3)(A) The lands referred to in paragraph (1) are—

(i) the lands comprising approximately 571,995 acres in the Big Delta Area, Alaska, as generally depicted on the map entitled ''Fort Greely Maneuver Area Withdrawal—Proposed'', dated January 1985, and withdrawn by the provisions of section 1(e) of the Military Lands Withdrawal Act of 1986; and

(ii) the lands comprising approximately 51,590 acres in the Granite Creek Area, Alaska, as generally depicted on the map entitled ''Fort Greely, Air Drop Zone Withdrawal—Proposed'', dated January 1985, and withdrawn by the provisions of such section.

(B) Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

(c) FORT WAINWRIGHT MANEUVER AREA.—(1) Subject to valid existing rights and except as otherwise provided in this chapter, the public lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under the Act entitled ''An Act to provide for the admission of the State of Alaska into the Union'', approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering;

(B) training for artillery firing, aerial gunnery, and infantry tactics; and

(C) subject to the requirements of section 9004(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(3) The lands referred to in paragraph (1) are the lands comprising approximately 247,951.67 acres of land in the Fourth Judicial District, Alaska, as generally depicted on

the map entitled ''Fort Wainwright Maneuver Area Withdrawal—Proposed'', dated January 1985, and withdrawn by the provisions of section 1(f) of the Military Lands Withdrawal Act of 1986. Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

SEC. 9003. MAPS AND LEGAL DESCRIPTIONS. (a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn by this chapter; and

(2) file maps and the legal description of the lands withdrawn by this chapter with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this chapter except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the following offices:

(1) The Office of the Secretary of Defense.

(2) The offices of the Director and appropriate State Directors of the Bureau of Land Management.

(3) The offices of the Director and appropriate Regional Directors of the United States Fish and Wildlife Service.

(4) The office of the commander, McGregor Range.

(5) The office of the installation commander, Fort Richardson, Alaska.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in carrying out this section.

SEC. 9004. MANAGEMENT OF WITHDRAWN LANDS. (a) MANAGEMENT BY SECRETARY OF THE INTERIOR.—(1) The Secretary of the Interior shall manage the lands withdrawn by this chapter pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including the Recreation Use of Wildlife Areas Act of 1962 (16 U.S.C. 460k et seq.) and this chapter. The Secretary shall manage such lands through the Bureau of Land Management.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn by this chapter may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of the enactment of this Act;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation; and

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities.

(3)(A) All nonmilitary use of the lands withdrawn by this chapter, other than the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this chapter.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the military department concerned.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the military department concerned determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this chapter, that Secretary may take such action as that Secretary determines necessary to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the military department concerned determines are required to carry out this subsection.

(3) During any closure under this subsection, the Secretary of the military department concerned shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—(1)(A) The Secretary of the Interior (after consultation with the Secretary of the military department concerned) shall develop a plan for the management of each area withdrawn by this chapter.

(2) Each plan shall—

(A) be consistent with applicable law;

(B) be subject to conditions and restrictions specified in subsection (a)(3); and

(C) include such provisions as may be necessary for proper management and protection of the resources and values of such areas.

(3) The Secretary of the Interior shall develop each plan required by this subsection not later than three years after the date of the enactment of this Act. In developing a plan for an area, the Secretary may utilize or modify appropriate provisions of the management plan developed for the area under section 3(c) of the Military Lands Withdrawal Act of 1986.

(d) BRUSH AND RANGE FIRES.—(1) The Secretary of the military department concerned shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn by this chapter as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires.

(2) Each memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of fires referred to in paragraph (1) in the area covered by the memorandum of understanding, and for a transfer of funds from the military department concerned to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the military department concerned shall (with respect to each area withdrawn by section 9002) enter into a memorandum of understanding to implement the management plan developed under subsection (c).

(2) Each memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn by this chapter if requested by the Secretary of the military department concerned.

(f) ADDITIONAL MILITARY USES.—(1) The lands withdrawn by this chapter may be used for defense-related uses other than those specified in the applicable provision of section 9002. The use of such lands for such purposes shall be governed by all laws applicable to such lands, including this chapter.

(2)(A) The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this chapter will be used for defense-related purposes other than those specified in section 9002.

(B) Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the land or portions thereof.

(3) Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources on the lands withdrawn by this chapter when the use of such resources is required to meet the construction needs of the military department concerned on the lands withdrawn by this chapter.

SEC. 9005. LAND MANAGEMENT ANALYSIS. (a) PERIODIC ANALYSIS REQUIRED.—Not later than 10 years after the date of the enactment of this Act, and every 10 years thereafter, the Secretary of the military department concerned shall, in consultation with the Secretary of the Interior, conduct an analysis of the degree to which the management of the lands withdrawn by this chapter conforms to the requirements of laws applicable to the management of such lands, including this chapter.

(b) DEADLINE.—Each analysis under this section shall be completed not later than 270 days after the commencement of such analysis.

(c) LIMITATION ON COST.—The cost of each analysis under this section may not exceed $900,000 in constant 1999 dollars.

(d) REPORT.—Not later than 90 days after the date of the completion of an analysis under this section, the Secretary of the military department concerned shall submit to Congress a report on the analysis. The report shall set forth the results of the analysis and include any other matters relating to the management of the lands withdrawn by this chapter that such Secretary considers appropriate.

SEC. 9006. ONGOING ENVIRONMENTAL RESTORATION. (a) REQUIREMENT.—To the extent provided in advance in appropriations Acts, the Secretary of the military department concerned shall carry out a program to provide for the environmental restoration of the lands withdrawn by this chapter in order to ensure a level of environmental decontamination of such lands equivalent to the level of environmental decontamination that exists on such lands as of the date of the enactment of this Act.

(b) REPORTS.—(1) At the same time the President submits to Congress the budget for any fiscal year after fiscal year 2000, the Secretary of the military department concerned shall submit to the committees referred to in paragraph (2) a report on environmental restoration activities relating to the lands withdrawn by this chapter. The report shall satisfy the requirements of section 2706(a) of title 10, United States Code, with respect to the activities on such lands.

(2) The committees referred to in paragraph (1) are the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and the Committees on Appropriations, Armed Services, and Resources of the House of Representatives.

SEC. 9007. RELINQUISHMENT. (a) AUTHORITY.—The Secretary of the military department concerned may relinquish all or any of the lands withdrawn by this chapter to the Secretary of the Interior.

(b) NOTICE.—If the Secretary of the military department concerned determines to relinquish any lands withdrawn by this chapter under subsection (a), that Secretary shall transmit to the Secretary of the Interior a notice of intent to relinquish such lands.

(c) DETERMINATION OF CONTAMINATION.—(1) Before transmitting a notice of intent to relinquish any lands under subsection (b), the

Secretary of Defense, acting through the military department concerned, shall determine whether and to what extent such lands are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of a determination with respect to any lands under paragraph (1) shall be transmitted to the Secretary of the Interior together with the notice of intent to relinquish such lands under subsection (b).

(3) Copies of both the notice of intent to relinquish lands under subsection (b) and the determination regarding the contamination of such lands under this subsection shall be published in the Federal Register by the Secretary of the Interior.

(d) DECONTAMINATION.—(1) If any land subject to a notice of intent to relinquish under subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the military department concerned, makes the determination described in paragraph (2), the Secretary of the military department concerned shall, to the extent provided in advance in appropriations Acts, undertake the environmental decontamination of the land.

(2) A determination referred to in this paragraph is a determination that—

(A) decontamination of the land concerned is practicable and economically feasible (taking into consideration the potential future use and value of the land); and

(B) upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws.

(e) ALTERNATIVES.—(1) If a circumstance described in paragraph (2) arises with respect to any land which is covered by a notice of intent to relinquish under subsection (a), the Secretary of the Interior shall not be required to accept the land under this section.

(2) A circumstance referred to in this paragraph is—

(A) a determination by the Secretary of the Interior, in consultation with the Secretary of the military department concerned that—

(i) decontamination of the land is not practicable or economically feasible; or

(ii) the land cannot be decontaminated to a sufficient extent to permit its opening to the operation of some or all of the public land laws; or

(B) the appropriation by Congress of amounts that are insufficient to provide for the decontamination of the land.

(f) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this chapter which have been proposed for relinquishment under subsection (a)—

(1) the Secretary of the military department concerned shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands; and

(2) the Secretary of the military department concerned shall report to the Secretary of the Interior and to Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(g) REVOCATION OF AUTHORITY.—(1) Notwithstanding any other provision of law, the Secretary of the Interior may, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), revoke the withdrawal established by this chapter as it applies to such lands.

(2) Should the decision be made to revoke the withdrawal, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) terminate the withdrawal;

(B) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(C) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

(h) TREATMENT OF CERTAIN RELINQUISHED LANDS.—Any lands withdrawn by section 9002(b) or 9002(c) that are relinquished under this section shall be public lands under the jurisdiction of the Bureau of Land Management and shall be consider vacant, unreserved, and unappropriated for purposes of the public land laws.

SEC. 9008. DELEGABILITY. (a) DEFENSE.—The functions of the Secretary of Defense or of the Secretary of a military department under this chapter may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this chapter may be delegated, except that an order described in section 9007(g) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Interior.

SEC. 9009. WATER RIGHTS. Nothing in this chapter shall be construed to establish a reservation to the United States with respect to any water or water right on the lands described in section 9002. No provision of this chapter shall be construed as authorizing the appropriation of water on lands described in section 9002 by the United States after the date of the enactment of this Act except in accordance with the law of the relevant State in which lands described in section 9002 are located. This section shall not be construed to affect water rights acquired by the United States before the date of the enactment of this Act.

SEC. 9010. HUNTING, FISHING, AND TRAPPING. All hunting, fishing, and trapping on the lands withdrawn by this chapter shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 9011. MINING AND MINERAL LEASING. (a) DETERMINATION OF LANDS SUITABLE FOR OPENING.—(1) As soon as practicable after the date of the enactment of this Act and at least every five years thereafter, the Secretary of the Interior shall determine, with the concurrence of the Secretary of the military department concerned, which public and acquired lands (except as provided in this subsection) described in subsections (a), (b), and (c) of section 9002 the Secretary of the Interior considers suitable for opening to the operation of the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts.

(2) The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable for opening pursuant to this section and specifying the opening date.

(b) OPENING LANDS.—On the day specified by the Secretary of the Interior in a notice published in the Federal Register pursuant to subsection (a), the land identified under subsection (a) as suitable for opening to the operation of one or more of the laws specified in subsection (a) shall automatically be open to the operation of such laws without the necessity for further action by the Secretary or Congress.

(c) EXCEPTION FOR COMMON VARIETIES.—No deposit of minerals or materials of the types identified by section 3 of the Act of July 23, 1955 (69 Stat. 367), whether or not included in the term ''common varieties'' in that Act, shall be subject to location under the Mining Law of 1872 on lands described in section 9002.

(d) REGULATIONS.—(1) The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to implement this section as may be necessary to assure safe, uninterrupted, and unimpeded use of the lands described in section 9002 for military purposes.

(2) Such regulations shall contain guidelines to assist mining claimants in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to mining.

(e) CLOSURE OF MINING LANDS.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to mining or to mineral or geothermal leasing pursuant to this section.

(f) LAWS GOVERNING MINING ON WITHDRAWN LANDS.—(1) Except as otherwise provided in this chapter, mining claims located pursuant to this chapter shall be subject to the provisions of the mining laws. In the event of a conflict between those laws and this chapter, this chapter shall prevail.

(2) All mining claims located under the terms of this chapter shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS.—(1) Patents issued pursuant to this chapter for locatable minerals shall convey title to locatable minerals only, together with the right to use so much of the surface as may be necessary for purposes incident to mining under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) All such patents shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on those lands.

(3) For the purposes of this subsection, all minerals subject to location under the Mining Law of 1872 shall be treated as locatable minerals.

SEC. 9012. IMMUNITY OF UNITED STATES. The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining or mineral or geothermal leasing activity conducted on lands described in section 9002.

CHAPTER 2

MCGREGOR RANGE LAND WITHDRAWAL

SEC. 9051. SHORT TITLE. This chapter may be cited as the ''McGregor Range Withdrawal Act''.

SEC. 9052. DEFINITIONS. In this chapter:

(1) The term ''Materials Act'' means the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601–604).

(2) The term ''management plan'' means the natural resources management plan prepared by the Secretary of the Army pursuant to section 9055(e).

(3) The term ''withdrawn lands'' means the lands described in subsection (d) of section 9053 that are withdrawn and reserved under section 9053.

(4) The term ''withdrawal period'' means the period specified in section 9057(a).

SEC. 9053. WITHDRAWAL AND RESERVATION OF LANDS AT MCGREGOR RANGE, NEW MEXICO. (a) WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this chapter, the Federal lands at McGregor Range in the State of New Mexico that are described in subsection (d) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the Materials Act.

(b) PURPOSE.—The purpose of the withdrawal is to support military training and testing, all other uses of the withdrawn lands shall be secondary in nature.

(c) RESERVATION.—The withdrawn lands are reserved for use by the Secretary of the Army for military training and testing.

(d) LAND DESCRIPTION.—The lands withdrawn and reserved by this section (a) comprise approximately 608,000 acres of Federal land in Otero County, New Mexico, as generally depicted on the map entitled ''McGregor Range Land Withdrawal-Proposed,'' dated January ____, 1999, and filed in accordance with section 9054.

SEC. 9054. MAPS AND LEGAL DESCRIPTION. (a) PREPARATION OF MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the withdrawn lands; and

(2) file one or more maps of the withdrawn lands and the legal description of the withdrawn lands with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) LEGAL EFFECT.—The maps and legal description shall have the same force and effect as if they were included in this chapter, except that the Secretary of the Interior may correct clerical and typographical errors in the maps and legal description.

(c) AVAILABILITY.—Copies of the maps and the legal description shall be available for public inspection in the offices of the New Mexico State Director and Las Cruces Field Office Manager of the Bureau of Land Management and in the office of the Commander Officer of Fort Bliss, Texas.

SEC. 9055. MANAGEMENT OF WITHDRAWN LANDS. (a) GENERAL MANAGEMENT AUTHORITY.—During the withdrawal period, the Secretary of the Army shall manage the withdrawn lands, in accordance with the provisions of this chapter and the management plan prepared under subsection (e), for the military purposes specified in section 9053(c).

(b) ACCESS RESTRICTIONS.—

(1) AUTHORITY TO CLOSE.—Subject to paragraph (2), if the Secretary of the Army determines that military operations, public safety, or national security require the closure to public use of any portion of the withdrawn lands (including any road or trail therein) commonly in public use, the Secretary of the Army is authorized to take such action.

(2) REQUIREMENTS.—Any closure under paragraph (1) shall be limited to the minimum areas and periods required for the purposes specified in such paragraph. During a closure, the Secretary of the Army shall keep appropriate warning notices posted and take appropriate steps to notify the public about the closure.

(c) MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of McGregor Range in accordance with Public Law 85–337 (commonly known as the Engle Act; 43 U.S.C. 155–158).

(2) MANAGEMENT OF MINERAL MATERIALS.—Notwithstanding any other provision of this chapter or the Materials Act, the Secretary of the Army may use, from the withdrawn lands, sand, gravel, or similar mineral material resources of the type subject to disposition under the Materials Act, when the use of such resources is required for construction needs of Fort Bliss.

(d) HUNTING, FISHING, AND TRAPPING.—All hunting, fishing, and trapping on the withdrawn lands shall be conducted in accordance with section 2671 of title 10, United States Code, and the Sikes Act (16 U.S.C. 670 et seq.).

(e) MANAGEMENT PLAN.—

(1) REQUIRED.—The Secretary of the Army and the Secretary of the Interior shall jointly develop a natural resources management plan for the lands withdrawn under this chapter for the withdrawal period. The management plan shall be developed not later than three years after the date of the enactment of this Act and shall be reviewed at least once every five years after its adoption to determine if it should be amended.

(2) CONTENT.—The management plan shall—

(A) include provisions for proper management and protection of the natural, cultural, and other resources and values of the withdrawn lands and for use of such resources to the extent consistent with the purpose of the withdrawal specified in section 9053(b);

(B) identify the withdrawn lands (if any) that are suitable for opening to the operation of the mineral leasing or geothermal leasing laws;

(C) provide for the continuation of livestock grazing at the discretion of the Secretary of the Army under such authorities as are available to the Secretary; and

(D) provide that the Secretary of the Army shall take necessary precautions to prevent, suppress, or manage brush and range fires occurring within the boundaries of McGregor Range, as well as brush and range fires occurring outside the boundaries of McGregor Range resulting from military activities at the range.

(3) FIRE SUPPRESSION ASSISTANCE.—The Secretary of the Army may seek assistance from the Bureau of Land Management in suppressing any brush or range fire occurring within the boundaries of McGregor Range or any brush or range fire occurring outside the boundaries of McGregor Range resulting from military activities at the range. The memorandum of understanding under section 9056 shall provide for assistance from the Bureau of Land Management in the suppression of such fires and require the Secretary of the Army to reimburse the Bureau of Land Management for such assistance.

SEC. 9056. MEMORANDUM OF UNDERSTANDING. (a) REQUIREMENT.—The Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding to implement this chapter and the management plan.

(b) DURATION.—The duration of the memorandum of understanding shall be the same as the withdrawal period.

(c) AMENDMENT.—The memorandum of understanding may be amended by agreement of both Secretaries.

SEC. 9057. TERMINATION OF WITHDRAWAL AND RESERVATION; EXTENSION. (a) TERMINATION DATE.—The withdrawal and reservation made by this chapter shall terminate 50 years after the date of enactment of this Act.

(b) REQUIREMENTS FOR EXTENSION.—

(1) NOTICE OF CONTINUED MILITARY NEED.—Not later than five years before the end of the withdrawal period, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Army will have a continuing military need for any or all of the withdrawn lands after the end of the withdrawal period.

(2) APPLICATION FOR EXTENSION.—If the Secretary of the Army determines that there will be a continuing military need for any or all of the withdrawn lands after the end of the withdrawal period, the Secretary of the Army shall file an application for extension of the withdrawal and reservation of the lands in accordance with the then existing regulations and procedures of the Department of the Interior applicable to extension of withdrawal of lands for military purposes and that are consistent with this chapter. The application shall be filed with the Department of the Interior not later than four years before the end of the withdrawal period.

(c) LIMITATION ON EXTENSION.—The withdrawal and reservation made by this chapter may not be extended or renewed except by Act or joint resolution.

SEC. 9058. RELINQUISHMENT OF WITHDRAWN LANDS. (a) FILING OF RELINQUISHMENT NOTICE.—If, during the withdrawal period, the Secretary of the Army decides to relinquish all or any portion of the withdrawn lands, the Secretary of the Army shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) DETERMINATION OF PRESENCE OF CONTAMINATION.—Before transmitting a relinquishment notice under subsection (a), the Secretary of the Army, in consultation with the Secretary of the Interior, shall prepare a written determination concerning whether and to what extent the lands to be relinquished are contaminated with explosive, toxic, or other hazardous wastes and substances. A copy of such determination shall be transmitted with the relinquishment notice.

(c) DECONTAMINATION AND REMEDIATION.—In the case of contaminated lands which are the subject of a relinquishment notice, the Secretary of the Army shall decontaminate or remediate the land to the extent that funds are appropriated for such purpose if the Secretary of the Interior, in consultation with the Secretary of the Army, determines that—

(1) decontamination or remediation of the lands is practicable and economically feasible, taking into consideration the potential future use and value of the land; and

(2) upon decontamination or remediation, the land could be opened to the operation of some or all of the public land laws, including the mining laws.

(d) DECONTAMINATION AND REMEDIATION ACTIVITIES SUBJECT TO OTHER LAWS.—The activities of the Secretary of the Army under subsection (c) are subject to applicable laws and regulations, including the Defense Environmental Restoration Program established under section 2701 of title 10, United States Code, the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) AUTHORITY OF SECRETARY OF THE INTERIOR TO REFUSE CONTAMINATED LANDS.—The Secretary of the Interior shall not be required to accept lands specified in a relinquishment notice if the Secretary of the Interior, after consultation with the Secretary of the Army, concludes that—

(1) decontamination or remediation of any land subject to the relinquishment notice is not practicable or economically feasible;

(2) the land cannot be decontaminated or remediated sufficiently to be opened to operation of some or all of the public land laws; or

(3) a sufficient amount of funds are not appropriated for the decontamination of the land.

(f) STATUS OF CONTAMINATED LANDS.—If, because of the condition of the lands, the Secretary of the Interior declines to accept jurisdiction of lands proposed for relinquishment or, if at the expiration of the withdrawal made under this chapter, the Secretary of the Interior determines that some of the withdrawn lands are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Army shall retain jurisdiction over the withdrawn lands, but shall

undertake no activities on such lands except in connection with the decontamination or remediation of such lands; and

(3) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken under paragraphs (1) and (2).

(g) SUBSEQUENT DECONTAMINATION OR REMEDIATION.—If lands covered by subsection (f) are subsequently decontaminated or remediated and the Secretary of the Army certifies that the lands are safe for nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(h) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, upon deciding that it is in the public interest to accept jurisdiction over lands specified in a relinquishment notice, the Secretary of the Interior may revoke the withdrawal and reservation made under this chapter as it applies to such lands. If the decision be made to accept the relinquishment and to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws, if appropriate.

SEC. 9059. DELEGATIONS OF AUTHORITY. (a) SECRETARY OF THE ARMY.—The functions of the Secretary of the Army under this chapter may be delegated.

(b) SECRETARY OF THE INTERIOR.—The functions of the Secretary of the Interior under this chapter may be delegated, except that an order under section 9058(h) to accept relinquishment of withdrawn lands may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

TITLE X

SUSPENSION OF CERTAIN SANCTIONS AGAINST INDIA AND PAKISTAN

SEC. 10001. SUSPENSION OF SANCTIONS. (a) IN GENERAL.—Effective for the period of five years commencing on the date of enactment of this Act, the sanctions contained in the following provisions of law shall not apply to India and Pakistan with respect to any grounds for the imposition of sanctions under those provisions arising prior to that date:

(1) Section 101 of the Arms Export Control Act (22 U.S.C. 2799aa).

(2) Section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1) other than subsection (b)(2)(B), (C), or (G).

(3) Section 2(b)(4) of the Export Import Bank Act of 1945 (12 U.S.C. 635(b)(4)).

(b) SPECIAL RULE FOR COMMERCIAL EXPORTS OF DUAL-USE ARTICLES AND TECHNOLOGY.—The sanction contained in section 102(b)(2)(G) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)(G)) shall not apply to India or Pakistan with respect to any grounds for the imposition of that sanction arising prior to the date of enactment of this Act if imposition of the sanction (but for this paragraph) would deny any license for the export of any dual-use article, or related dual-use technology (including software), listed on the Commerce Control List of the Export Administration Regulations that would not contribute directly to missile development or to a nuclear weapons program. For purposes of this subsection, an article or technology that is not primarily used for missile development or nuclear weapons programs.

(c) NATIONAL SECURITY INTERESTS WAIVER OF SANCTIONS.—

(1) IN GENERAL.—The restriction on assistance in section 102(b)(2)(B), (C), or (G) of the Arms Export Control Act shall not apply if the President determines, and so certifies to Congress, that the application of the restriction would not be in the national security interests of the United States.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that—

(A) no waiver under paragraph (1) should be invoked for section 102(b)(2)(B) or (C) of the Arms Export Control Act with respect to any party that initiates or supports activities that jeopardize peace and security in Jammu and Kashmir;

(B) the broad application of export controls to nearly 300 Indian and Pakistani entities is inconsistent with the specific national security interests of the United States and that this control list requires refinement; and

(C) export controls should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs and only to those items that can contribute such programs.

(d) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees listing those Indian and Pakistani entities whose activities contribute directly and materially to missile programs or weapons of mass destruction programs.

(e) CONGRESSIONAL NOTIFICATION.—A license for the export of a defense article, defense service, or technology is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), including the transmittal of information and the application of congressional review procedures described in that section.

(f) RENEWAL OF SUSPENSION.—Upon the expiration of the initial five-year period of suspension of the sanctions contained in paragraph (1) or (2) of subsection (a), the President may renew the suspension with respect to India, Pakistan, or both for additional periods of five years each if, not less than 30 days prior to each renewal of suspension, the President certifies to the appropriate congressional committees that it is in the national interest of the United States to do so.

(g) RESTRICTION.—The authority of subsection (a) may not be used to provide assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to economic support fund assistance) except for—

(1) assistance that supports the activities of nongovernmental organizations;

(2) assistance that supports democracy or the establishment of democratic institutions; or

(3) humanitarian assistance.

(h) STATUTORY CONSTRUCTION.—Nothing in this Act prohibits the imposition of sanctions by the President under any provision of law specified in subsection (a) or (b) by reason of any grounds for the imposition of sanctions under that provision of law arising on or after the date of enactment of this Act.

SEC. 10002. REPEALS. The following provisions of law are repealed:

(1) Section 620E(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(e)).

(2) The India-Pakistan Relief Act (title IX of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, as contained in section 101(a) of Public Law 105–277).

SEC. 10003. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED. In this title, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

This Act may be cited as the ''Department of Defense Appropriations Act, 2000''.

RECOGNITION OF JEANINE ESPERNE

Mr. KYL. Mr. President, it is common for Members of the Senate to thank members of their staff, particularly after handling an important piece of legislation. I am sure our constituents realize much of what we do is in reliance on very capable members of our staff. I have never taken the opportunity to talk about a member of my staff before, but on this occasion I wish to do so very briefly, because tomorrow a member of my staff is leaving to go on to another wonderful opportunity. I think it is important to recognize her as someone who embodies really the qualifications and the qualities of staff that all of us would like to have work with us and represent our constituents' interests.

Her name is Jeanine Esperne. She began working with me about a dozen years ago when I was a Member of the House of Representatives and served on the House Armed Services Committee. She became my chief legislative assistant on defense matters. She came from the office of General Abramson, who at the time was head of the Strategic Defense Initiative Organization at the Pentagon, with rich experience in defense and national security matters.

She worked with me as staff person on my Defense Armed Services Committee matters throughout my career in the House. Then, when I came to the Senate, she remained on my staff responsible for all foreign policy and national security matters.

That was important, because I began serving immediately on the Senate Select Committee on Intelligence in an active capacity and had a significant need for someone of her qualifications and experience.

In addition to that, I chaired the Subcommittee on Technology, Terrorism, and Government Information of the Judiciary Committee, again requiring someone with her expertise to assist me in those matters.

Throughout her tenure on my staff, she has worked with Arizona companies and interests that have important defense-related concerns and with other people around the country who share a strong desire that we have a strong national defense, including contractors and other individuals with a direct interest in the government process.

During this time, the feedback I received from both my own constituents and others around the country was uniformly in praise of Jeanine Esperne for her willingness to listen, her professionalism, the fact she used time very economically. She didn't waste time; she understood that time was important to everyone. She got her job done

very quickly with a minimum of excess effort, almost always satisfying the interests of the constituent or the person with whom we were trying to work.

It is with mixed emotions that today I pay tribute to Jeanine Esperne on her next to last day on my staff as she moves on to another opportunity. I do so not only because she has worked for me in a way which exemplifies the way most Members would have their staffs work with them, but I think it is important for our constituency to know that we have very fine staff in the Congress, that our work could not be done without that staff, and that when we take the opportunity to praise the staff, it is really to praise their exceptional abilities and the way in which they have served our constituents.

In the case of Jeanine Esperne, I certainly express all of those sentiments, wish her very well in her new endeavors, and certainly suggest that occasionally those Members who are so busy doing jobs here take the time more often to thank those staff who, after all, are responsible for so much of our success.

Jeanine Esperne, good wishes and thank you for all of your services on behalf of the U.S. Government, and on my behalf specifically.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

KOSOVO

Mr. DASCHLE. Mr. President, the agreement signed yesterday between NATO and Yugoslavia is hopeful news as we move toward our goals of ending the atrocities and genocide in Kosovo and bolstering stability in southeastern Europe. The vote by the UN Security Council today authorizing an international peacekeeping force in Kosovo is yet another hopeful sign.

This agreement is a victory for freedom. It is a defeat for dictators around the world. NATO's resolve to halt and redress Milosevic's crimes against humanity sends an important message to world leaders who engage in ethnic cleansing and other atrocities. NATO's victory over Yugoslav aggression also sends a positive signal to the forces of democracy in the region.

President Clinton deserves immense credit for his leadership throughout this 11-week military operation. When so many said it was impossible, he kept a 19-member NATO alliance intact. When so many said it would never work, he stuck to the air campaign that led that NATO alliance to victory.

The President never wavered in his commitment to the alliance's goals of ending the atrocities in Kosovo, forcing the withdrawal of Serb forces from the region, and ensuring the safe return of Kosovar refugees to their homes. President Clinton's steadfast resolve, together with our NATO allies, forced President Milosevic to back down and accept NATO's conditions for a halt in the bombing campaign.

It would appear that some of those who were most critical of the President's Kosovo policies were more concerned with waging a political assault than in stopping the Serbs' military assault on Kosovo. But now that the Serbs have conceded defeat, one can only hope that those who were so harshly critical of the President might concede they were mistaken.

Our NATO allies also deserve great credit and much gratitude. They understood the long-term implications of failing to address the Yugoslav threat to Kosovo and to regional stability. They met the challenge head-on and showed that NATO remains the most formidable military alliance in the world.

And the front-line states—Albania, Macedonia, Bulgaria, and Romania—were forced to experience firsthand the consequences of Milosevic's ethnic cleansing. They, and the Republic of Montenegro, should be commended for accepting hundreds of thousands of refugees and enduring the instability caused by the actions of the Yugoslav government.

Of course, those truly on the front lines were our U.S. military forces who contributed so skillfully to the success of the air campaign. They deserve our full support and our thanks for carrying out their mission so bravely, and for achieving our military goals with virtually no casualties.

It is now vitally important that the United States and our NATO allies remain vigilant to ensure that the Serbs live up to their agreement so that the Kosovars can return to their country and their homes, and rebuild their lives. They have a right to live in peace without fear of further atrocities.

The agreement reached yesterday is cause for great hope that we can achieve those goals, and I want to again commend the President, our troops, NATO, and those front line countries who gave so much for the success and the victory that we celebrate today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I commend the democratic leader on behalf of the entire country for the statement he has just made. Think for just a minute what has taken place: Thousands and thousands of individual sorties by 19 member nations. There are some, who were detractors, who referred to this as Clinton and GORE's war. No, it was not Clinton and GORE's war, but rather a war of those people of good will around the world, and certainly in this country, who detest evil, repudiate ethnic cleansing, and, in short, believe that atrocities by bullies like Slobodan Milosevic should be no more.

So, I am confident and hopeful this will send a message to those around the world who feel they can maim and kill and displace those people with whom they disagree for purposes only they understand—the color of their skin, their religion—a message that this will no longer happen.

So I, too, applaud the Commander in Chief. I especially applaud Secretary of Defense William Cohen for his leadership and commend all the American forces deployed in the Balkan region who have served and succeeded in the highest traditions of our country, and, finally, I wish to thank the families of the brave service men and women who participated in Operation Allied Force, who have borne the burden of being separated from their families for these many weeks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—KOSOVO

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Kosovo-related resolution; that the resolution and preamble be agreed to en bloc; and that the motion to reconsider be laid upon the table.

Mr. LOTT. Mr. President, I have to object at this time, not that I will object to it in the end. The Senate will go on record on this matter, but we just saw the language 15 minutes ago. I have already initiated a process to have it reviewed by the chairman of the Armed Services Committee, the chairman of the Foreign Relations Committee, the chairman of the Foreign Operations Appropriations Subcommittee, and other interested Senators, to make sure they are comfortable with the language, because it does go beyond just the resolution we see underway now concerning Kosovo and the withdrawal of the Serbian troops and, hopefully, the return of the Kosovars. It also goes into some language with regard to what should happen in Kosovo now and also language with regard to President Milosevic.

All I am saying is we want to review the language and make sure all interested Senators are aware of it. We will be glad to work with Senator REID, Senator DASCHLE, and others to have a statement by the Senate on this matter, as we usually do when there are events such as this.

I do want to go ahead and say for the Record, as others have, that the Senate is, I am sure, and I personally am very pleased an agreement appears to have been worked out and appears to be going forward.

Earlier I was able to discuss this matter with the President. It does appear that the Serbian troops are beginning to be withdrawn and the bombing will be halted. This should lead to a process where the Kosovars can return to their homeland. That is good news.

I think we all should express our appreciation for the leadership that has occurred in this area, and also for the good and outstanding work done by our troops. That is the thrust of what is in this resolution. So I think we all should acknowledge that. I think there is a sigh of relief that it did not go on further, with great problems facing U.S. men and women in uniform who had to go in as ground troops, or as the weather turned bad. We are all very pleased that this appears to be working out.

As the President said to me when we talked earlier today—and I do not want to quote the President, because you do not do that, but the upshot of it was we still have a long way to go. And we do. But we all can hope and pray for the best.

So while I will reserve the right to object at this point, we will work with the leadership on both sides of the aisle and develop some language on which the Senate can act.

Mr. REID. Mr. President, we understand the objection of the majority leader. We wish we could have gotten the information in the form of this resolution to him sooner. But the war just ended, and the United Nations resolution just a matter of hours ago was passed.

We thought it was very appropriate prior to this weekend—we are going out of session now until Monday—that the President, the Secretary of Defense, and especially those military men and women who have been away from home for weeks—the bombing has taken 11 weeks—that we commend and applaud the work they have done.

The way to do that formally is through a resolution. As the leader has said, he agrees generally with the thrust of what we are trying to do. We will be happy to work with the Republican leadership to come up with a resolution that makes sure the fighting men and women of this country are commended, that the Secretary of Defense is commended, the Commander in Chief, and that also we acknowledge we set out to make sure the Serb forces got out of Kosovo—they are on their way out—that the ethnic Albanians are allowed to return—they are on their way back—and, of course, there be a peacekeeping force on the ground, which this body has already approved.

So with that, I will yield the floor, recognizing that this is a great day in the history of the United States, and it is a great day in the history of the other 18 nations in that we have been able to force evil to come to an end. We have won the war. It is very important that we now win the peace.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. One final comment on that. The record will show the Senate is working on an appropriate resolution. We will have one, I am sure, early next week.

Mr. REID. Mr. President, I ask unanimous consent that the Daschle-Reid resolution be printed in the RECORD.

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

S. CON. RES. —

Whereas United States and NATO Forces have achieved remarkable success in forcing Yugoslavia to accept NATO's conditions to halt the air campaign;

Whereas these historic accomplishments have been achieved at an astoundingly small loss of life and number of casualties among American and NATO forces;

Whereas to date two Americans have been killed in the line of duty;

Whereas hundreds of thousands of Kosovar civilians have been ethnically cleansed or killed by Serb security forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That:

(1) The Congress applauds and expresses the appreciation of the Nation to:

(A) President Clinton, Commander in Chief of all American Armed Forces, for his leadership during Operation Allied Force.

(B) Secretary of Defense William Cohen, Armed Forces Chief of Staff Hugh Shelton and Supreme Allied Commander—Europe Wesley Clark, for their planning and implementation of Operation Allied Force.

(C) All of the American forces deployed in the Balkan region, who have served and succeeded in the highest traditions of the Armed Forces of the United States.

(D) All of the forces from our NATO allies, who served with distinction and success.

(E) The families of American service men and women participating in Operation Allied Force, who have bravely borne the burden of separation from their loved ones, and staunchly supported them in this crisis.

(2) The Congress notes with deep sadness the loss of life on all sides in Operation Allied Force.

(3) The Congress demands from Slobodan Milosevic:

(A) The withdrawal of all Serb forces from Kosovo according to relevant provisions of the Military Technical Agreement between NATO and the Federal Republic of Yugoslavia.

(B) An end to the hostilities in Kosovo on the part of Serb forces.

(C) The unconditional return to their homes of all Kosovar citizens displaced by Serb aggression.

(4) The Congress urges the KLA to observe the ceasefire and demilitarize.

(5) The Congress urges all relevant authorities to seriously examine the issue of possible war crimes by Slobodan Milosevic and other Serb military leaders and forces.

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to calendar No. 89, S. 557, the budget process bill to which the lockbox issue has been offered as an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 557) to provide guidance for the designation of emergencies as a part of the budget process.

The Senate resumed consideration of the bill.

CLOTURE MOTION

Mr. LOTT. I send a cloture motion to the desk to the pending amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 297 to Calendar No. 89, S. 557, a bill to provide guidance for the designation of emergencies as a part of the budget process:

Trent Lott, Pete Domenici, Rod Grams, Mike Crapo, Bill Frist, Michael B. Enzi, Ben Nighthorse Campbell, Judd Gregg, Strom Thurmond, Chuck Hagel, Thad Cochran, Rick Santorum, Paul Coverdell, Jim Inhofe, Bob Smith of New Hampshire, and Wayne Allard.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote will occur then on Tuesday under rule XXII.

CALL OF THE ROLL

I now ask unanimous consent that the vote occur immediately following the passage vote on the Y2K bill Tuesday, with the mandatory quorum under rule XXII being waived.

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

STEEL, OIL AND GAS LOAN GUARANTEE PROGRAM—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. I now move to proceed to H.R. 1664 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 121, H.R. 1664, the steel, oil and gas loan guarantee program legislation:

Trent Lott, Pete Domenici, Rick Santorum, Mike DeWine, Ted Stevens, Kent Conrad, Joe Lieberman, Robert C. Byrd, Byron L. Dorgan, Jay Rockefeller, Tom Daschle, Harry Reid, Paul Wellstone, Tom Harkin, Fritz Hollings, Robert J. Kerrey, and Tim Johnson.

Mr. LOTT. For the information of all Senators, this cloture vote will also occur on Tuesday.

CALL OF THE ROLL

I ask unanimous consent that the cloture vote occur immediately following the cloture vote on the lockbox

issue, if not invoked, on Tuesday. In addition, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

NATIONAL YOUTH FITNESS WEEK

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 34, which was reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 34) designating the week beginning April 30, 1999, as ''National Youth Fitness Week.''

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

Mr. LOTT. I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the title, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed at the appropriate place in the RECORD.

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

The committee amendment was agreed to.

The resolution (S. Res. 34), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 34

Whereas the Nation is witnessing a historic decrease in the health of the youth in the United States, with only 22 percent of the youth being physically active for the recommended 30 minutes each day and nearly 15 percent of the youth being almost completely inactive each day;

Whereas physical education classes are on the decline, with 75 percent of students in the United States not attending daily physical education classes and 25 percent of students not participating in any form of physical education in schools, which is a decrease in participation of almost 20 percent in 4 years;

Whereas more than 60,000,000 people, ⅓ of the population of the United States, are overweight;

Whereas the percentage of overweight youth in the United States has doubled in the last 30 years;

Whereas these serious trends have resulted in a decrease in the self-esteem of, and an increase in the risk of future health problems for, youth in the United States;

Whereas youth in the United States represent the future of the Nation and the decrease in physical fitness of the youth may destroy the future potential of the United States unless the Nation invests in the youth in the United States to increase productivity and stability for tomorrow;

Whereas regular physical activity has been proven to be effective in fighting depression, anxiety, premature death, diabetes, heart disease, high blood pressure, colon cancer, and a variety of weight problems;

Whereas physical fitness campaigns help encourage consideration of the mental and physical health of the youth in the United States; and

Whereas Congress should take steps to reverse a trend which, if not resolved, could destroy future opportunities for millions of today's youth because a healthy child makes a healthy, happy, and productive adult: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning June 21, 1999, as ''National Youth Fitness Week'';

(2) urges parents, families, caregivers, and teachers to encourage and help youth in the United States to participate in athletic activities and to teach adolescents to engage in healthy lifestyles; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

The title was amended so as to read: ''A resolution designating the week beginning June 21, 1999, as 'National Youth Fitness Week'.''

THE YEAR OF SAFE DRINKING WATER

Mr. LOTT. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 81, which was reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A resolution (S. Res. 81) designating the year of 1999 as ''The Year of Safe Drinking Water'' and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

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

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 81) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 81

Whereas clean and safe drinking water is essential to every American;

Whereas the health, comfort, and standard of living of all people in this Nation depends upon a sufficient supply of safe drinking water;

Whereas behind every drop of clean water are the combined efforts of thousands of water plant operators, engineers, scientists, public and environmental advocacy groups, legislators, and regulatory officials;

Whereas public health protection took an historic leap when society began treating water to remove disease-causing organisms;

Whereas over 180,000 individual water systems in the United States serve over 250,000,000 Americans;

Whereas the Safe Drinking Water Act is one of the most significant legislative landmarks in 20th century public health protection;

Whereas the enactment of the Safe Drinking Water Act on December 16, 1974, enabled the United States to take great strides toward the protection of public health by treating and monitoring drinking water, protecting sources of drinking water, and providing consumers with more information regarding their drinking water;

Whereas Americans rightfully expect to drink the best water possible, and expect advances in the public health sciences, water treatment methods, and the identification of potential contaminants; and

Whereas the continued high quality of drinking water in this country depends upon advancing drinking water research, vigilantly monitoring current operations, increasing citizen understanding, investing in infrastructure, and protecting sources of drinking water: Now, therefore, be it

Resolved, That the Senate—

(1) designates the year of 1999 as ''The Year of Safe Drinking Water'';

(2) commemorates the 25th anniversary of the enactment of the Safe Drinking Water Act; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the year with appropriate programs that enhance public awareness of—

(A) drinking water issues;

(B) the advancements made by the United States in the quality of drinking water during the past 25 years; and

(C) the challenges that lie ahead in further protecting public health.

NATIONAL PEDIATRIC AIDS AWARENESS DAY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 114, which was also reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 114) designating June 22, 1999, as ''National Pediatric AIDS Awareness Day.''

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

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 114) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 114

Whereas acquired immune deficiency syndrome (referred to in this resolution as ''AIDS'') is the 7th leading cause of death for children in the United States;

Whereas approximately 15,000 children in the United States are currently infected with human immunodeficiency virus (referred to in this resolution as ''HIV''), the virus that causes AIDS;

Whereas the number of children who have died from AIDS worldwide since the AIDS epidemic began has reached 2,700,000;

Whereas it is estimated that an additional 40,000,000 children will die from AIDS by the year 2020;

Whereas perinatal transmission of HIV from mother to child accounts for 91 percent of pediatric HIV cases;

Whereas studies have demonstrated that the maternal transmission of HIV to an infant decreased from 30 percent to less than 8 percent after therapeutic intervention was employed;

Whereas effective drug treatments have decreased the percentage of deaths from AIDS in the United States by 47 percent in both 1998 and 1999;

Whereas the number of children of color infected with HIV is disproportionate to the national statistics with respect to all children;

Whereas The Elizabeth Glaser Pediatric AIDS Foundation has been devoted over the past decade to the education, research, prevention, and elimination of acquired immune deficiency syndrome (AIDS); and

Whereas the people of the United States should resolve to do everything possible to control and eliminate this epidemic that threatens our future generations: Now, therefore, be it

Resolved, That the Senate—

(1) in recognition of all of the individuals who have devoted their time and energy toward combatting the spread and costly effects of acquired immune deficiency syndrome (AIDS) epidemic, designates June 22, 1999, as ''National Pediatric AIDS Awareness Day''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

PRESENTATION OF GOLD MEDAL TO ROSA PARKS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 127, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A concurrent resolution (H. Con. Res. 127) permitting the use of the Rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to Rosa Parks.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The concurrent resolution (H. Con. Res. 127) was agreed to.

MEASURE PLACED ON THE CALENDAR—H.R. 1259

Mr. LOTT. Mr. President, I ask unanimous consent that H.R. 1259 be placed on the calendar.

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

COMMENDING THE PAGES

Mr. LOTT. Mr. President, today is the last day of work of the present group of pages—the ''youngest Government employees.'' I commend all of the pages and wish them good luck in their future endeavors. I know all Members would want to personally thank them for their hard work. Many days they have worked late into the night, and the next morning they would get up early to go to school. It is not an easy job being a Senate page. Their work here is very important, as we move through our legislative process and quite often move a lot of paper around. They help us an awful lot.

I have particularly enjoyed watching this group and seeing them at the door and seeing them in the halls and seeing them led by Senator THURMOND into the dining room for ice cream for one and all.

I therefore ask consent that the names of this class of Senate pages be printed in the RECORD with our heartiest appreciation.

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

SENATE PAGES

REPUBLICAN PAGES

Jennifer Duomato.
Micah Ceremele.
Rick Carrol.
Cathy Cone.
Courtney Mims.
Marian Thorpe.
Jessica Lipschultz.
Derrek Allsup.
Mark Nexon.
Clay Crockett.

DEMOCRAT PAGES

Stephanie Valencia.
Patrick Hallahan.
Danielle Driscoll.
Halicia Burns.
Bud Vana.
Stephanie Stahl.
Mark Hadley.
Devin Barta.
Brendan McCann.
Jennifer Machacek.
Chandra Obie.

Mr. REID. Will the leader yield?

Mr. LOTT. I am glad to yield.

Mr. REID. I also say to the pages that there has been an example set in years past that pages become Members of the Senate, not the least of which is our own Senator CHRIS DODD. If you think the example we have set for you is one you would want to follow later in life, you should know you have a very good foundation by being a page.

ORDERS FOR MONDAY, JUNE 14, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, June 14. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 1 p.m. with Senators permitted to speak for up to 10 minutes each.

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

Mr. LOTT. I further ask consent that at 1 p.m. the Senate begin consideration of the energy and water appropriations bill.

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

PROGRAM

Mr. LOTT. For the information of all Senators, tomorrow the Senate will not be in session. On Monday, the Senate will consider the energy and water appropriations bill, as was just agreed to, with the first rollcall vote expected to occur at approximately 5:30 on Monday. We will need to work with all Senators to make sure Senators can be present for that vote but, as is usually the case, unless notified otherwise, there will be votes on Monday at approximately 5:30 or sometime shortly thereafter.

It is my hope the energy and water appropriations bill can be completed during Monday's session of the Senate. Two cloture motions were filed with respect to the Social Security lockbox issue and the oil, gas, and steel appropriations revolving fund bill.

Also, under previous consent, the Y2K bill will be completed on Tuesday. Therefore, a series of votes will occur beginning at 2:15 on Tuesday, June 15.

ADJOURNMENT UNTIL MONDAY, JUNE 14, 1999

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Monday, June 14, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 10, 1999:

CONSUMER PRODUCT SAFETY COMMISSION

ANN BROWN, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 1999. (REAPPOINTMENT)

ANN BROWN, OF FLORIDA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION. (REAPPOINTMENT)

DEPARTMENT OF STATE

JAMES CATHERWOOD HORMEL, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF JUSTICE

DAVID W. OGDEN, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE FRANK HUNGER, RESIGNED.

Executive nomination received by the Senate May 26, 1999:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

*RAAN R. AALGAARD
CARLENA A. ABALOS
JOSEPH D. ABEL
JOSEPH A. ABRIGO
PATRICK K. ADAMS
BRIAN T. ADKINS
ROY ALAN C. AGUSTIN
DONALD W. AILSWORTH
KRISTOPHER J. ALDEN
*STEPHEN J. ALEXANDER
MICHAEL D. ALFORD
ALEE R. ALI
CHARLES T. ALLEN
KEVIN S. ALLEN
MARK P. ALLEN
*SCOT T. ALLEN
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PETER A. RIDILLA
CURTIS B. RIEDEL
KEITH B. RIGGLE
*ROBERT J. RIGGLES
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RUBEN RIOS
RANDOLPH E. RIPLEY
DAVID G. RISCH
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LUIS A. ROJAS
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DAVID J. ROSE
LEE W. ROSEN
RONALD L. ROSENKRANZ
GREGORY J. ROSENMERKEL
JAMES P. ROSS
SCOTT K. ROSS
*DETLEF H. ROST, JR.
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RICHARD P. ROTH
ROBERT B. ROTTSCHAFER
CHRISTOPHER E. ROUND
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JAMES M. RUPA
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THOMAS G. SADLO
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BIENVENIDA M. SALAZAR
JOHN C. SALENTINE
MATTHEW D. SAMBORA
ALBERTO C. SAMONTE
KIRK J. SAMPSON
MONTAGUE D. SAMUEL
JOHN J. SANCHEZ
PABLO A. SANCHEZ
DAVID P. SANCLEMENTE
ALBERT G. SANDERS
ELIA P. SANJUME
*J. EMMANUEL I. SANTATERESA
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ROY C. SANTOS
MARK A. SARDELLI
PETER E. SARTINO
PETER A. SARTORI
TIMOTHY D. SARTZ
TODD M. SASAKI
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SHERRIE L. SAUNDERSGOLDSON
DUANE A. SAUVE
JEFFREY A. SAXTON
DARRYL F. SCARVER
DOUGLAS P. SCHAARE
DOROTHY RUTH SCHANZ
KEVIN D. SCHARFF
*RAFAEL A. SCHARRON
*CHRISTOPHER S. SCHARVEN
PAUL E. SCHERER
NICOLAUS A. SCHERMER
TIMOTHY K. SCHIMMING
CONSTANCE E. SCHLAEFER
DAVID J. SCHLUCKEBIER
JAMES G. SCHMEHIL, JR.
ALLEN T. SCHMELZEL
GARRETT J. SCHMIDT
LISA A. SCHMIDT
MARK C. SCHMIDT
BRIAN A. SCHOOLEY
SUZET SCHREIER
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JOHANNA Q. SCHULTZ
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ROBERT J. SCHUTT
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TERRY SCOTT
JEFFREY E. SCUDDER
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MALINDA K. SEAGRAVES
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JAMES N. SEAWARD
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MICHAEL A. SEMENOV
DANIEL M. SEMSEL
JAMES L. SENN
JAMES N. SERPA
KIMBERLY D. SEUFERT
CHAD R. SEVIGNY
JOSEPH A. SEXTON
JOHN K. SHAFER
MILHADO L. SHAFFER III
RAY A. SHANKLES
MICHAEL P. SHANNAHAN
BRETT D. SHARP
JEFFREY M. SHAW
ETHEL S. SHEARER
CHRISTINE J. SHEAROUSE
PERRY T. SHEAROUSE
*LISA C. SHEEHAN
BRYAN H. SHELBURN
MARIAN B. SHEPHERD
JOHN M. SHEPLEY
RYAN M. SHERCLIFFE
JEFFREY R. SHERK
GEORGE A. SHERMAN III
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MICHAEL W. SHIELDS
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WILLIAM T. SHEPHERD SHIRLEY
WILLIAM L. SHOPP
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CHARLES A. SHUMAKER
DALE G. SHYMKEWICH

CHARLES P. SIDERIUS
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*THOMAS A. SILVIA
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NAVNIT K. SINGH
JAMES M. SIRES
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RICHARD A. P. SISON
LOUANN SITES
JOHN H. SITTON
JONATHAN L. SKAVDAHL
DAVID W. SKOWRON
MICHAEL L. SLOJKOWSKI
GREGORY L. SLOVER
ROBERT L. SLUGA
THOMAS E. SLUSHER
KALWANT S. SMAGH
KENNETH SMALLS
MARK P. SMEKRUD
DOUGLAS S. SMELLIE
BETTY M. SMITH
CHRISTOPHER AVERY SMITH
CORNELL SMITH
DAVID A. SMITH
DAVID GILMAN SMITH
DIRK D. SMITH
DORRISS E. SMITH
DOUGLAS R. SMITH
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GLENN P. SMITH
GREGORY A. SMITH
KENDA C. SMITH
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RANDELL P. SMITH
*RICKY L. SMITH
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SCOTT T. SMITH
THOMAS J. SMITH
VERNETT SMITH
CRAIG A. SMYSER
*DAVID ROBERT SNYDER
RICHARD H. SOBOTTKA
CLARK M. SODERSTEN
JAMES P. SOLTI
NEBOJSA SOLUNAC
EDWARD D. SOMMERS
DWIGHT C. SONES
MAURO D. SONGCUAN, JR.
DAVID M. SONNTAG
JOHN G. SOPER
*PETER A. SORENSEN
EVA CHRISTINE SORROW
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ROBERT L. SOWERS II
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MILTON C. SPANGLER II
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HAROLD S. SPINDLER
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CLIFFORD B. STANSELL
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SHERRY L. STEARNS
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JOHN C. STEINAUER
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KEVIN STEWART
DAVID R. STIMAC
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DANA E. STRUCKMAN
NELSON R. STURDIVANT
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CHARLES S. SUFFRIDGE
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SCOTT A. SULLIVAN
BEVERLY J. SUMMERS
LUTHER W. SURRATT II
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PETER F. SVOBODA
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MICHAEL W. SWANN
RUSSELL L. SWART
BRUCE A. SWAYNE
BRYAN E. SWECKER
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RICHARD W. SWEETEN
VIRGINIA G. SWENTKOFSKE
JOHN B. SWISHER
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STEVEN F. SZEWCZAK
DENISE M. TABARY
SCOTT D. TABOR
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MOLLY L. TATARKA
JAMES S. TATE
KYLE F. TAYLOR
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STEVEN M. TAYLOR
TIMOTHY S. TAYLOR
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ALVARO L. TEENEY
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KEVIN C. TOMPKINS
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ADDISON P. TOWER
JOEL B. TOWER
NELSON TOY
REBECCA A. TRACTON
DEE A. TRACY
HAI N. TRAN
GARY S. TRAUTMANN
SCOTT L. TRAXLER
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MARVIN H. TREU
CHERYL SCHARNELL TROCK
SANDRA K. TROEBER
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THOMAS J. TRUMBULL II
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ZENA A. TUCKER
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RICHARD E. WALLACE
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MITCHELL D. WALROD
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NINA A. WATSON
RICHARD A. WATSON
ROBERT O. WATT
MICHAEL K. WEBB
TIMOTHY S. WEBB
ERNEST P. WEBER
ROBERT J. WEBER
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HAL J. WEIDMAN
JERRY A. WEIHE
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CAROL P. WELSCH
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KRISTA K. WENZEL
ELIZABETH A. WEST
OTIS K. WEST
DANIEL H. WESTBROOK
BEATRIZ WESTMORELAND
RALPH D. WESTMORELAND
GREGORY G. WEYDERT
JEFFERY C. WHARTON
ROBERT L. WHITAKER
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MARK H. WHITE
MICHAEL I. WHITE
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TIMOTHY M. WHITE
MARY M. WHITEHEAD
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GLEN M. WIGGY
HOLLY R. WIGHT
JOHN L. WILKERSON
KIRK D. WILLBURGER
DAVID R. WILLE
APRIL Y. WILLIAMS
CARL J. WILLIAMS
CARY M. WILLIAMS
DOUGLAS A. WILLIAMS
GREGORY A. WILLIAMS
GREGORY S. WILLIAMS
MICHAEL R. WILLIAMS
NANCY J. WILLIAMS
NANCY T. WILLIAMS
NANETTE M. WILLIAMS
PATRICK J. WILLIAMS
PAUL E. WILLIAMS
PAUL R. WILLIAMS
THOMAS M. WILLIAMS
TIMOTHY L. WILLIAMS
*ANNETTE J. WILLIAMSON
SHERI L. WILLIAMSON
ERIC E. WILLINGHAM
ADAM B. WILLIS
ANTHONY W. WILLIS
TRAVIS A. WILLIS, JR.
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STEWART S. WILLITS
CEDRIC N. WILSON
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DWAYNE L. WILSON
GREGORY WILSON
JANET L. WILSON
JOEL L. WILSON
KAREN G. WILSON
KELLY D. WILSON
MARTY E. WILSON
TIMOTHY D. WILSON
VAN A. WIMMER, JR.
MARTIN G. WINKLER
MARYELLEN M. WINKLER
MATTHEW R. WINKLER
BRAD S. WINTERTON
DUDLEY C. WIREMAN
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DOUGLAS P. WISE
JAMES H. WISE
COLLEEN M. WISEVANNATTA
*CHARLES F. WISNIEWSKI
*BRIAN E. WITHROW
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*TERRI S. WOMACK
DEANNA C. WON
GRAND F. WONG
*KEVIN K.Y. WONG
*THERESA G. WOOD
TIMOTHY S. WOOD
NEIL E. WOODS
VINCENT G. WOODS
LARRY D. WORLEY, JR.
MICHAEL A. WORMLEY
NORMAN M. WORTHEN
BARBARA L. WRIGHT
EDDY R. WRIGHT
EDWARD K. WRIGHT, JR.
*JOEL C. WRIGHT
*NATASHA V. WROBEL
JOHN R. WROCKLOFF
DANIEL M. WUCHENICH
CHRISTIE M. WYATT
MARK P. WYROSDICK
JULIE ANN WYZYWANY
JASON R. XIQUES
JOSEPH M. YANKOVICH, JR.
ANCEL B. YARBROUGH II
TAMARA YASELSKY
JEFFREY H.L. YEE
JEFFREY K. YEVCAK
BRIAN B. YOO
JOHN P. YORK
DAVID A. YOUNG
JANE C. YOUNG
RICHARD R. YOUNG
WILLIAM G. YOUNG
RAMONA D. YOUNGHANSE
RITA R. YOUSEF
LING YUNG
*WILLIAM Z. ZECK
GREGORY S ZEHNER
ELIZABETH A. ZEIGER
WILLIAM E. ZERKLE
*STEPHEN T. ZIADIE
*JAMES D. ZIMMERMAN
THOMAS ZUPANCICH
STEVEN R. ZWICKER

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

HARRY B. AXSON, JR.
GUY M. BOURN
RONALD L. BURGESS, JR.
REMO BUTLER
WILLIAM B. CALDWELL IV
RANDAL R. CASTRO
STEPHEN J. CURRY
ROBERT L. DECKER
ANN E. DUNWOODY
WILLIAM C. FEYK
LESLIE L. FULLER
DAVID F. GROSS
EDWARD M. HARRINGTON
KEITH M. HUBER
GALEN B. JACKMAN
JEROME JOHNSON
RONALD L. JOHNSON
JOHN F. KIMMONS
WILLIAM M. LENAERS
TIMOTHY D. LIVSEY
JAMES A. MARKS
MICHAEL R. MAZZUCCHI
STANLEY A. MC CHRYSTAL
DAVID F. MELCHER
DENNIS C. MORAN
ROGER NADEAU
CRAIG A. PETERSON
JAMES H. PILLSBURY
GREGORY J. PREMO
KENNETH J. QUINLAN, JR.
FRED D. ROBINSON, JR.
JAMES E. SIMMONS
STEPHEN M. SPEAKES
EDGAR E. STANTON III
RANDAL M. TIESZEN
BENNIE E. WILLIAMS
JOHN A. YINGLING