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## Senate

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Thomas Tewell, of the Fifth Avenue Presbyterian Church, New York City.

We are very pleased to have you with us.

### PRAYER

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

Will you pray with me.

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

Gracious God of love, protect the Senators from going beyond their human limitations where burnout brings discouragement. Make them wise in their responsibilities to their families, themselves, and most of all to You. Grant them the humility to remember their need for Sabbath rest, daily relaxation, and spiritual renewal. Most of all, O God, teach the Members of the Senate and all leaders in our Nation to wait upon You and thus renew their strength. May we put You first in our lives by remembering the words of the prophet Isaiah who said, "They that wait upon the Lord shall renew

their strength, they shall mount up with wings like eagles; they shall run and not be weary, they shall walk and not faint." We pray in the strong name of the One who was never in a hurry, yet finished the work He came to do. Amen.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. I thank the President pro tempore.

### APPRECIATION TO THE GUEST CHAPLAIN

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

We appreciate having you here with us today.

### SCHEDULE

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

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

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

I commend the managers on both sides of the aisle for the work they have done, but I do think we need to get a definite list of amendments locked in. Otherwise, I am sure some Senators will continue to think of ideas they may want to have addressed. If Senators have amendments they want to have considered today, they need to see the managers during this next vote. After that, we hope to limit the amendments, limit the time, get the votes, and complete this work. This is very important legislation that needs to be completed and must be completed before tonight.

I thank my colleagues for their cooperation.

### MEASURE PLACED ON CALENDAR

Mr. LOTT. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will report.

The legislative assistant read as follows:

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

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

The PRESIDING OFFICER. The bill will go to the calendar.

### RESERVATION OF LEADER TIME

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

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



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S6159

# NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1059, which the clerk will report.

The legislative assistant read as follows:

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

Pending:

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

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

AMENDMENTS NOS. 411 THROUGH 441, EN BLOC

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

That is indicated, so I think I will proceed.

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

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

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, and on behalf of other Senators, proposes amendments en bloc numbered 411 through 441.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc and that the motion to reconsider be laid upon the table. I further ask that any statements relating to these amendments be printed in the RECORD.

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

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

AMENDMENT NO. 411

(Purpose: To authorize the Secretary of Defense to incorporate into the Pentagon Renovation Program the construction of certain security enhancements)

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

## SEC. . ENHANCEMENT OF PENTAGON RENOVATION ACTIVITIES.

The Secretary of Defense in conjunction with the Pentagon Renovation Program is authorized to design and construct secure secretarial office and support facilities and

security-related changes to the METRO entrance at the Pentagon Reservation. The Secretary shall, not later than January 15, 2000, submit to the congressional defense committees the estimated cost for the planning, design, construction, and installation of equipment for these enhancements, together with the revised estimate for the total cost of the renovation of the Pentagon.

AMENDMENT NO. 412

(Purpose: To authorize the appropriation for the increased pay and pay reform for members of the uniformed services contained in the 1999 Emergency Supplemental Appropriations Act)

On page 98, line 15, strike "\$71,693,093,000." and insert in lieu thereof the following: "\$71,693,093,000, and in addition funds in the total amount of \$1,838,426,000 are authorized to be appropriated as emergency appropriations to the Department of Defense for fiscal year 2000 for military personnel, as appropriated in section 1012 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31)."

AMENDMENT NO. 413

(Purpose: To authorize dental benefits for retirees that are comparable to those provided for dependents of members of the uniformed services)

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

## SEC. 717. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES.

Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

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

AMENDMENT NO. 413

Mr. ALLARD. Mr. President, this Amendment will give the Department of Defense the ability to significantly strengthen the dental benefits for over 270,000 of our nation's military retirees and their family members.

The TRICARE retiree dental program began on February 1, 1998 and is an affordable plan paid for exclusively by retiree premiums. According to the Department, the enrollment in the program has exceeded all projections. While current law covers the most basic dental procedures, the Department of Defense does not have the flexibility to expand their benefits without a legislative change. Our nation's military retirees have expressed a desire to both the Department and the contractors for more services, and are willing to pay a reasonable price for these extra benefits.

Currently, the retiree dental program is limited to an annual cleaning, fillings, root canals, oral surgeries and the like. This amendment would change the law to allow, but not mandate, the Department the opportunity to offer an expanded list of benefits such as dentures, bridges and crowns, which are needs characteristic of our nation's re-

tired military members. If the Department decided to offer these service, they would continue to be paid for by member premiums.

In conclusion, I would ask the support of all my colleagues for this important amendment to allow the Department to give the needed dental services to our valued military retirees. Thank you for the time.

AMENDMENT NO. 414

(Purpose: To provide \$6,000,000 (in PE 604604F) for the Air Force for the 3-D advanced track acquisition and imaging system, and to provide an offset)

On page 29, line 12, increase the amount by \$6,000,000.

On page 29, line 14, decrease the amount by \$6,000,000.

## 3-D ADVANCED TRACK ACQUISITION AND IMAGING SYSTEM

Mr. MACK. Mr. President, I rise today in support of additional funds to be made available for Air Force Research, Development, Test and Evaluation in the Fiscal Year 2000 Department of Defense Authorization measure to be used to complete development of a state-of-the-art 3 dimensional optical imaging and tracking instrumentation data system.

The 3 Data System is a laser radar system that provides high fidelity time, space, positioning information (TSPI) on test articles during flight. The instrumentation can be applied to air, ground, and sea targets. Additionally, it will provide the potential capability for over-the-horizon tracking from an airborne platform or pedestal mounted ground platform. It includes a multi-object tracking capability that will allow simultaneous tracking of up to 20 targets throughout their profile. The system will enable testing of advanced smart weapon systems; force-on-force exercises where multiple aircraft and ground vehicle tracking is involved; over water scoring of large footprint autonomous guided and unguided munitions; and enable an improvement to existing aging radar presently in service. It is mobile and can support testing at other major ranges and locations in support of other Service's requirements.

The Air Force has identified the 3-Data System as having high military value as it will enable the effective evaluation of the performance of advanced weapon systems to be utilized in future conflicts. The Air Force has informed me that precision engagement is one of the emerging operational concepts in Joint Vision 2010. The 3-Data system would provide a capability to effectively evaluate the performance of advanced precision guided munitions and smart weapons prior to their use in a wartime environment. It would also directly support ongoing activities abroad through Quick Reaction Tasking that may require a multiple object tracking device to evaluate engagement profiles. This requirement is documented through 46th Test Wing strategic planning initiatives, developmental program test plans, and munitions strategic planning roadmaps.

The Air Force is presently attempting to meet this requirement through existing radar systems and optical tracking systems which cannot track multiple objects to the fidelity levels required and which require extensive post-mission data reduction times. This system will provide the capability to effectively track multiple targets simultaneously.

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

#### AMENDMENT NO. 415

(Purpose: To amend a per purchase dollar limitation of funding assistance for procurement of equipment for the National Guard for drug interdiction and counter-drug activities so as to apply the limitation to each item of equipment procured)

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

#### SEC. 349. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

Section 112(a)(3) of title 32, United States Code, is amended by striking "per purchase order" in the second sentence and inserting "per item".

#### AMENDMENT NO. 416

(Purpose: To require the Secretary of the Army to review the incidence of violations of State and local motor vehicle laws and to submit a report on the review to Congress)

On page 357, between lines 11 and 12, insert the following:

#### SEC. 1032. REVIEW OF INCIDENCE OF STATE MOTOR VEHICLE VIOLATIONS BY ARMY PERSONNEL.

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

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

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

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

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

#### AMENDMENT NO. 417

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

Strike section 654, and insert the following:

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

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

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

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on

the first day of the first month that begins after the date of the enactment of this Act.

#### REPEAL DUAL COMPENSATION LIMITATIONS

Mr. CRAPO. Mr. President, my amendment is co-sponsored by the Senate Majority Leader, Senator LOTT. On February 23, 1999, the Senate voted 87 to 11 in favor of this same amendment during consideration of S. 4.

My amendment will repeal the current statute that reduces retirement pay for regular officers of a uniformed service who chose to work for the federal government.

The uniformed services include the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service and the National Oceanographic and Atmospheric Agency.

If a retired officer from the uniform services comes to work for the Senate, his or her retirement pay is reduced by about 50 percent, after the first \$8,000, to offset for payments from the Senate.

The retired officer can request a waiver but the executive, legislative and judicial branches of government handle the waiver process differently on a case by case basis.

The current dual compensation limitation is also discriminatory in that regular officers are covered but reservists or enlisted personnel are not covered by the limitation.

The Congressional Budget Office has recently looked at the current dual compensation limitation and it is estimated that around 6,000 military retirees lose an average of \$800 per month because of this prohibition.

I have been unable to find one good reason to explain why we should want our law to discourage retired members of the uniformed services from seeking full time employment with the Federal Government.

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

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

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

#### AMENDMENT NO. 418

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

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

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

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—

(1) IN GENERAL.—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage

in hostilities against any foreign country, the President shall as appropriate—

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

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

(b) REPORTS.—Not later than 20 days, or earlier than 14 days, after the first day of the engagement of the United States in any armed conflict described in subsection (a), the President shall, if the armed conflict continues, submit a report to Congress setting forth—

(1) the specific steps the United States has taken and will continue to take to institute the embargo and financial asset seizures pursuant to subsection (a); and

(2) any foreign sources of trade of revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the Armed Forces of the United States.

#### AMENDMENT NO. 419

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

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

#### Subtitle E—Other Matters

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

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

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

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

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

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

#### AMENDMENT NO. 420

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

On page 48, line 5, after "laboratory", insert the following: ", and the director of one test and evaluation laboratory."

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

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

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

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

## AMENDMENT NO. 421

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

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

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

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

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

(c) CONSIDERATION.—As a consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

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

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

## AMENDMENT NO. 422

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

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

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

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

## AMENDMENT NO. 423

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

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

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

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

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

## AMENDMENT NO. 424

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

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

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

## AMENDMENT NO. 425

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

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

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

Of the funds authorized to be appropriated under section 101(2), \$500,000 may be made available to complete the development of reuse and demilitarization tools and technologies for use in the disposition of Army MLRS inventory.

## AMENDMENT NO. 426

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

On page 440, between lines 6 and 7, insert the following:

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

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

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

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

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

(b) GENERAL AUTHORITY.—Section 2872 of such title is amended by striking "private persons" and inserting "eligible entities".

(c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2873 of such title is amended—

(1) in subsection (a)(1)—

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

(B) by striking "such persons" and inserting "the eligible entity"; and

(2) in subsection (b)(1)—

(A) by striking "any person in the private sector" and inserting "an eligible entity"; and

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

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

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

(2) in subsection (c)—

(A) by striking "a nongovernmental entity" both places it appears and inserting "an eligible entity"; and

(B) by striking "the entity" each place it appears and inserting "the eligible entity";

(3) in subsection (d), by striking "nongovernmental" and inserting "eligible"; and

(4) in subsection (e), by striking "a nongovernmental entity" and inserting "an eligible entity".

(e) RENTAL GUARANTEES.—Section 2876 of such title is amended by striking "private persons" and inserting "eligible entities".

(f) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is amended by striking "private".

(g) CONVEYANCE OR LEASE OF EXISTING PROPERTY AND FACILITIES.—Section 2878(a) of such title is amended by striking "private persons" and inserting "eligible entities".

(h) CLERICAL AMENDMENTS.—(1) The heading of section 2875 of such title is amended to read as follows:

**"§ 2875. Investments".**

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2875 and inserting the following new item:

"2875. Investments."

## AMENDMENT NO. 427

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

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

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

(a) ORDER TO ACTIVE DUTY AUTHORIZED.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following:

**"§ 12322. Active duty for health care**

"A member of a uniformed service described in paragraph (1)(B) or (2)(B) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(A) or (2)(A) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in such paragraph."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"12322. Active duty for health care."

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

"(e)(1) A member of a uniformed service on active duty for health care or recuperation reasons, as described in paragraph (2), is entitled to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty.

"(2) Paragraph (1) applies to a member described in paragraph (1) or (2) of subsection (a) who, while being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty, is continued on active duty pursuant to a modification or extension of orders, or is ordered to active duty, so as to result in active duty for a period of more than 30 days."

(c) MEDICAL AND DENTAL CARE FOR DEPENDENTS.—Subparagraph (D) of section 1076(a)(2) of such title is amended to read as follows:

“(D) A member on active duty who is entitled to benefits under subsection (e) of section 1074a of this title by reason of paragraph (1), (2), or (3) of subsection (a) of such section.”.

Mr. CLELAND. Mr. President, I am pleased to offer this amendment to S. 1059, The National Defense Authorization Act for Fiscal Year 2000, which seeks to protect the men and women of our reserve military components. The 1998 National Defense Authorization Act provided health care coverage for Reservists and Guardsmen incurring injury, illness or disease while performing duty in an active-duty status. However, it overlooked those servicemen and women performing duty in “inactive duty” status, which is the status they are in while performing their monthly “drill weekends.”

This problem was dramatically illustrated recently when an Air Force Reserve C-130 crashed in Honduras, killing three crewmembers. One of the survivors was unable to work for over a year due to the serious nature of his injuries. While he was reimbursed for lost earnings, this serviceman was only eligible for military medical care related to injuries sustained in the crash. His family lost their civilian health insurance and was ineligible to receive medical from the military. Had he been on military orders of more than 30 days, both he and his family would have been eligible for full military medical benefits for the duration of his recovery.

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

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

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

In addition to significant contributions to military operations, members of the reserve components have delivered millions of pounds of humanitarian cargo to all corners of the globe. Closer to home, they have responded to numerous state emergencies, such as the devastating floods that struck in America's heartland last year. The

men and women of the Reserve Components are on duty all over the world, every day of the year.

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

#### AMENDMENT NO. 428

(Purpose: To refine and extend Federal acquisition streamlining)

At the end of title VIII, add the following:

#### SEC. 807. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

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

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

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

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

“(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

“(i) Contracts or subcontracts for the acquisition of commercial items.

“(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

“(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

“(iv) Contracts or subcontracts with a value that is less than \$5,000,000.”.

(b) WAIVER.—Such section is further amended by adding at the end the following:

“(5)(A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value less than \$10,000,000 if that official determines in writing that—

“(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

“(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

“(B) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

“(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below the senior policymaking level in the executive agency.

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

“(i) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

“(ii) The specific circumstances under which such a waiver may be granted.

“(E) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.”.

(c) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by this section shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A-21, as in effect on January 1, 1999; or

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

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

(a) GUIDANCE IN THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts in accordance with sections 2304a through 2304d of title 10, United States Code, and sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k).

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

(1) Specific guidance on the appropriate use of government-wide and other multi-agency contracts entered in accordance with the provisions of law referred to in that subsection.

(2) Specific guidance on steps that agencies should take in entering and administering multiple award task order and delivery order contracts to ensure compliance with—

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

(B) the requirement in section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) to ensure that all contractors are afforded a fair opportunity to be considered for the award of task orders and delivery orders; and

(C) the requirement in section 2304c(c) of title 10, United States Code, and section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivered under the order.

(c) GSA FEDERAL SUPPLY SCHEDULES PROGRAM.—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to assess the effectiveness of the multiple awards schedule program of the General Services Administration referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3)) that is administered as the Federal Supply Schedules program. The assessment shall include examination of the following:

(1) The administration of the program by the Administrator of General Services.

(2) The ordering and program practices followed by Federal customer agencies in using schedules established under the program.

(d) GAO REPORT.—Not later than one year after the date on which the regulations required by subsection (a) are published in the

Federal Register, the Comptroller General shall submit to Congress an evaluation of executive agency compliance with the regulations, together with any recommendations that the Comptroller General considers appropriate.

**SEC. 809. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED SERVICES.**

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

"(E) Installation services, maintenance services, repair services, training services, and other services if—

"(i) the services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the item; and

"(ii) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government."

**SEC. 810. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.**

(a) EXTENSION OF AUTHORITY.—Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking "three years after the date on which such amendments take effect pursuant to section 4401(b)" and inserting "January 1, 2002".

(b) GAO REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program authorized by section 4204 of the Clinger-Cohen Act of 1996, together with any recommendations that the Comptroller General considers appropriate regarding the test program or the use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.

**SEC. 811. EXTENSION OF INTERIM REPORTING RULE FOR CERTAIN PROCUREMENTS LESS THAN \$100,000.**

Section 31(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(e)) is amended by striking "October 1, 1999" and inserting "October 1, 2004".

Mr. THOMPSON. Mr. President, I offer this amendment on behalf of myself as chairman of the Governmental Affairs Committee and Senator LIEBERMAN, the Committee's ranking minority member, and Senators WARNER and LEVIN, the chairman and ranking minority member of the Armed Services Committee. Senator LIEBERMAN and I thank the Armed Services chairman and ranking member for their cooperation and assistance in preparing this amendment which will benefit not only the procurement process within the Department of Defense, but other agencies across the Federal government as well.

The amendment which we offer today began as a request from the Administration and others to include additional procurement-related reforms to those enacted over the past several years and those already included in S. 1059. Our amendment includes five provisions, as follows: (1) Streamlined Applicability of Cost Accounting Standards; (2) Task Order and Delivery Order Contracts; (3) Clarification to the Definition of Commercial Items; (4) Two-

year Extension of Commercial Items Test Program; and (5) Extension of Interim Reporting Rule on Contracts with Small Business. I ask unanimous consent that a joint statement of sponsors explaining the amendment be placed in the RECORD immediately following my statement. This statement represents the consensus view of the sponsors as to the meaning and intent of the amendment.

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

**JOINT STATEMENT OF SPONSORS**

**1. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS**

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

Since the early 1900's, the Federal government has required certain unique accounting standards or criteria designed to protect it from the risk of overpaying for goods and services by directing the manner or degree to which Federal contractors apportion costs to their contracts with the government. The Cost Accounting Standards (CAS standards) are a set of 19 accounting principles developed and maintained by the Cost Accounting Standards (CAS) Board, a body created by Congress to develop uniform and consistent standards. The CAS standards require government contractors to account for their costs on a consistent basis and prohibit any shifting of overhead or other costs from commercial contracts to government contracts, or from fixed-priced contracts to cost-type contracts.

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

This provision carefully balances the government's need for greater access to commercial items, particularly those of non-traditional suppliers, with the need for a strong set of CAS standards to protect the taxpayers from overpayments to contractors. The provision would modify the CAS standards to streamline their applicability, while maintaining the applicability of the standards to the vast majority of contract dollars that are currently covered. In particular, the provision would raise the threshold for coverage under the CAS standards from \$25 million to \$50 million; exempt con-

tractors from coverage if they do not have a contract in excess of \$5 million; and exclude coverage based on firm, fixed price contracts awarded on the basis of adequate price competition without the submission of certified cost or pricing data.

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

**2. TASK ORDER AND DELIVERY ORDER CONTRACTS**

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

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

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

**3. CLARIFICATION TO THE DEFINITION OF COMMERCIAL ITEMS**

FASA included a broad new definition of "commercial items," designed to give the Federal government greater access to previously unavailable advanced commercial products and technologies. However, the FASA definition of commercial items included only a limited definition of commercial services. Under FASA, commercial items include services purchased to support a commercial product as a commercial service. This language has been interpreted by some to mean that these ancillary services must be procured at the same time or from

the same vendor as the commercial item the service is intended to support.

This provision would clarify that services ancillary to a commercial item, such as installation, maintenance, repair, training, and other support services, would be considered a commercial service regardless of whether the service is provided by the same vendor or at the same time as the item if the service is provided contemporaneously to the general public under similar terms and conditions.

#### 4. TWO-YEAR EXTENSION OF COMMERCIAL ITEMS TEST PROGRAM

Section 4202 of the Clinger-Cohen Act of 1996 provided the authority for Federal agencies to use special simplified procedures to purchases for amounts greater than \$100,000 but not greater than \$5 million if the agency reasonably expects that the offers will include only commercial items. The purpose of this test program was to give agencies additional procedural discretion and flexibility so that purchases of commercial items in this dollar range could be solicited, offered, evaluated, and awarded in a simplified manner that maximizes efficiency and economy and minimizes paperwork burden and administration costs for both government and industry. Authority to use this test program expires on January 1, 2000.

The Administration has reported that, due to delays in implementing the test program, the data available from the test program is insufficient to assess the effectiveness of the test, and additional data is required to determine whether this authority should be made permanent. This provision would extend the authority to January 1, 2002.

The provision also requires the Comptroller General to report to Congress on the impact of the provision. The sponsors note that the shortened notice period authorized under the test program may have a different impact on competition, depending on the complexity of the commercial items to be procured. For this reason, the sponsors expect the Comptroller General's report to address the extent to which the test authority has been used, the types of commercial items procured under the test program, and the impact of the test program on competition for agency contracts and on the small business share of such contracts. The Comptroller General's report also should assess the extent to which the test program has streamlined the procurement process.

#### 5. EXTENSION OF INTERIM REPORTING RULE ON CONTRACTS WITH SMALL BUSINESS

Section 31(f) of the OFPP Act, as amended by FASA, requires detailed reporting of contract activity between \$25,000 and \$100,000 in the Federal Procurement Data System (FPDS). This requirement gives the government the ability to track the impact of acquisition reform on the share of contracts in this dollar range that are awarded to small businesses, small disadvantaged businesses and woman-owned small businesses. It also enables the government to track progress and compliance on a variety of Federal procurement programs, such as Small Business Competitiveness Demonstration Program, the Small Disadvantaged Business Reform Program, the HUBZone Small Business Program, and the IRS Offset Program.

Under FASA, this provision is scheduled to expire on October 1, 1999, so that after that date agencies would only be required to report summary data for procurements below \$100,000. Because the implementation of acquisition reform measures is ongoing and information on the impact of those measures on small business is important both to Congress and the executive branch, this provision would extend the current reporting requirement until October 1, 2004, as requested by the Administration.

#### AMENDMENT NO. 429

(Purpose: To authorize an additional \$21,700,000 for research, development, test, and evaluation for the Army for the Force XXI Battle Command, Brigade and Below (FBCB2) (PE0203759A), and to offset the additional amount by decreasing by \$21,700,000 the authorization for other procurement for the Army for the Maneuver Control System (MCS)

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

On page 29, line 10, strike, \$4,671,194,000" and insert "\$4,692,894,000".

#### AMENDMENT NO. 430

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

On page 321, line 18, strike out "and".

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

(iv) obligations and expenditures are recorded contemporaneously with each transaction;

(v) organizational and functional duties are performed separately at each step in the cycles of transactions (including, in the case of a contract, the specification of requirements, the formation of the contract, the certification of contract performance, receiving and warehousing, accounting, and disbursing); and

(vi) use of progress payment allocation systems results in posting of payments to appropriation accounts consistent with section 1301 of title 31, United States Code.

On page 322, line 4, insert before the semicolon the following: "that, at a minimum, uses double-entry bookkeeping and complies with the United States Government Standard General Ledger at the transaction level as required under section 803(a) of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note)".

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

(5) An internal controls checklist which, consistent with the authority in sections 3511 and 3512 of title 31, United States Code, the Comptroller General shall prescribe as the standards for use throughout the Department of Defense, together with a statement of the Department of Defense policy on use of the checklist throughout the department.

On page 323, line 14, before the period insert "or the certified date of receipt of the items".

On page 324, between the matter following line 20 and the matter on line 21, insert the following:

(C) STUDY AND REPORT ON DEPARTMENT OF DEFENSE ELECTRONIC FUND TRANSFERS.—(1) Subject to paragraph (3), the Secretary of Defense shall conduct a feasibility study to determine—

(A) whether all electronic payments issued by the Department of Defense should be routed through the Regional Finance Centers of the Department of the Treasury for verification and reconciliation;

(B) whether all electronic payments made by the Department of Defense should be subjected to the same level of reconciliation as United States Treasury checks, including matching each payment issued with each corresponding deposit at financial institutions;

(C) whether the appropriate computer security controls are in place in order to ensure the integrity of electronic payments;

(D) the estimated costs of implementing the processes and controls described in subparagraphs (A), (B), (C); and

(E) the period that would be required to implement the processes and controls.

(2) Not later than March 1, 2000, the Secretary of Defense shall submit a report to

Congress containing the results of the study required by paragraph (1).

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

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

#### SEC. 1009. RESPONSIBILITIES AND ACCOUNTABILITY FOR FINANCIAL MANAGEMENT.

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

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

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

"(d)(1) The Under Secretary is responsible for ensuring that the financial statements of the Department of Defense are in a condition to receive an unqualified audit opinion and that such an opinion is obtained for the statements.

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

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

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

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

(A) There is a record of all credited card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder.

(B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

(C) Disputes and discrepancies are resolved in the manner prescribed in the applicable Governmentwide credit card contracts entered into by the Administrator of General Services.

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

(E) Rebates and refunds based on prompt payment on credit card accounts are properly recorded in the books of account.

(F) Records of a credit card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Federal Government policies on the disposition of records.

(c) REMITTANCE ADDRESSES.—The Under Secretary of Defense (Comptroller) shall prescribe regulations setting forth controls on alteration of remittance addresses. The regulations shall ensure that—



(1) a remittance address for a disbursement that is provided by an officer or employee of the Department of Defense authorizing or requesting the disbursement is not altered by any officer or employee of the department authorized to prepare the disbursement; and

(2) a remittance address for a disbursement is altered only if the alteration is—

(A) requested by the person to whom the disbursement is authorized to be remitted; and

(B) made by an officer or employee authorized to do so who is not an officer or employee referred to in paragraph (1).

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

The bill before us today provides the first major increase in defense spending since 1985.

The increase in defense spending authorized in this bill was initially approved by the Budget Committee back in March.

As a Member of the Budget Committee, I voted for the extra 8 billion dollars for national defense.

That may come as a surprise to some of my colleagues.

In the past, I have opposed increases in the defense budget. Now, I don't. My colleagues must be wondering why.

I would like to explain my position.

I support this year's increase in defense spending for one reason and one reason only.

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

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

This is music to my ears.

We should not pump up the DOD budget without a solid commitment to financial management reform.

The Committees are telling DOD to do what DOD is already required to do—under the law.

The Budget Committee's report on the Concurrent Resolution for FY 2000 contained strong language on the need for financial management reform at the Pentagon.

While the Budget Committee's language is not binding, it sends a clear, unambiguous message to the Pentagon: clean up your books—now!

The Armed Services Committee reached the same conclusions—independently.

The Armed Services Committee has cranked up the pressure a notch. The Committee has taken the next logical step.

The bill before us today contains much more than a strong message.

It mandates financial management reform.

If adopted in conference, the language in this bill would become the law of the land.

And with it, I hope we are able to generate more pressure for financial reform at the Pentagon.

The legislative language on financial management reform is reflected in several provisions in Title X [ten] of the bill.

Mr. President, if financial reforms were not in the bill, I would be standing here with a different kind of amendment in my hand.

I would be asking my colleagues to support an amendment to cut the DOD budget.

Fortunately, that's not necessary.

It's not necessary because the Armed Services Committee has seen the light and seized the initiative.

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

First, I would like to thank my friend from Virginia, Senator WARNER—the Committee Chairman—for recognizing and accepting the need for financial management reform at the Pentagon.

I would also like to thank my friend from Oklahoma, Senator INHOFE—Chairman of the Readiness Subcommittee—for putting some horsepower behind DOD financial management reform.

His hearing on DOD Financial Management on April 14th helped to highlight the need for reform and set the stage for the corrective measures in the bill.

But above all, I would like to thank the entire Armed Services Committee for taking time to listen to my concerns and for addressing them in the bill in a meaningful way.

I hope the Committee's efforts to strengthen internal controls—when combined with mine—will improve DOD's ability to detect and prevent fraud and better protect the peoples' money.

Mr. President, this bill does not contain all the new financial management controls that I wanted. There had to be give-and-take along the way.

I remain especially concerned about the need for restrictions on the use of credit cards for making large payments on R&D and procurement contracts.

The Committee has assured me that there will be a good faith effort to examine this issue before the conference on this bill is concluded.

Based on information to be provided by the Department and the General Accounting Office and Inspector General, the final version of the bill may include: (1) a dollar ceiling on credit card transactions; and (2) strict limits on using credit cards to make large contract payments.

I hope that is possible.

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

We need to lean on the Pentagon bureaucrats to make it happen.

Without reform, the vast effort dedicated to auditing the annual financial statements will be a wasted effort.

The bill before us will hopefully establish a solid foundation—and create

a new environment—where financial management reform can begin to happen.

In doing what we are doing, I hope we are providing the Pentagon with the wherewithal to get the job done.

The reforms in the bill are not new or dramatic.

In my mind, it's basic accounting 101 stuff: DOD needs to record financial transactions in the books of account as they occur. Now, that's not complicated or difficult, but it's the essential first step. And it's not being done today.

The Committee is telling DOD to get on the stick and do what it's already supposed to be doing—under the law. And it calls for some accountability to help get the job done.

The language in this bill—I hope—will get DOD moving toward a "clean" audit opinion.

I hope that's where we are headed.

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

As I stated right up front, we are looking at the first big increase in defense spending since 1985.

I think this Committee needs to be on the record, telling the Pentagon to get its financial house in order.

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

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

And second, it needs to be able to provide a full and accurate accounting of how all the money gets spent.

DOD must be able to present an accurate and complete accounting of all financial transactions—including all receipts and expenditures. It needs to be able to do this once a year—accurately and completely.

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

That's the goal.

I want to see us reach that goal reached in my lifetime.

Mr. President, I would like to extend a special word of thanks to the entire Armed Service Committee for helping me with my DOD financial management reform initiative.

I would like to thank the committee for helping to push the Pentagon in the right direction—toward sound financial management practices.

I would like to thank the Committee Chairman, Senator WARNER, and his Subcommittee Chairman, Senator INHOFE, for throwing their weight behind the effort.

I would like to thank them for working with me and helping me craft an acceptable piece of legislation.

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

Higher defense budgets need to be hooked up to financial reforms—just



like a horse and buggy—one behind the other. They need to move together.

## AMENDMENT NO. 431

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

On page 18, line 13, strike "\$1,169,000,000" and insert "\$1,164,500,000".

On page 29, line 14, strike "\$9,400,081,000" and insert "\$9,404,581,000".

## AMENDMENT NO. 432

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

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

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

## AMENDMENT NO. 433

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

At the end of title XI, add the following:

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

(a) LUMP-SUM PAYMENT OF SEVERANCE PAY.—Section 5595(i)(4) of title 5, United States Code, is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999" and inserting "February 10, 1996, and before October 1, 2003".

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 5597(e) of such title is amended by striking "September 30, 2001" and inserting "September 30, 2003".

(c) CONTINUATION OF FEHBP ELIGIBILITY.—Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting the following:

"(i) October 1, 2003; or

"(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003."

## EXIT SURVEY

Ms. LANDRIEU. Mr. President, I thank our chairman, Senator WARNER, and the ranking member, Senator LEVIN, for agreeing to this very important amendment. As a new member of the Senate Armed Services Committee, I was a little taken aback by the way the Committee launched into major legislation at the very start of this session. I am glad that we did. From the very start of the year, it was clear that we had a very real problem in retention that threatened to reach crisis proportions. Furthermore, this crisis was looming just when our country most needed every talented soldier, sailor, and airman that we could keep in the service.

The structural reasons behind the retention shortfalls have already been well documented on the floor; a booming economy, long deployment, and a lack of predictability for family life have all taken their toll. However, what I have found very frustrating is

that we have no sense of priority behind these problems. Are soldiers leaving because the pay is too low, or because the retirement package is insufficient? Do we need to address operations tempo first, or health care? The evidence is all anecdotal. We have a strong sense of the universe of problems, but no qualifiable data on their relative importance.

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

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

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

## AMENDMENT NO. 434

(Purpose: To require the Secretary of Defense to carry out an exit survey on military service for members of the Armed Forces separating from the Armed Forces)

In title V, at the end of subtitle F, add the following:

**SEC. 582. EXIT SURVEY FOR SEPARATING MEMBERS.**

(a) REQUIREMENT.—The Secretary of Defense shall develop and carry out a survey on attitudes toward military service to be completed by members of the Armed Forces who voluntarily separate from the Armed Forces or transfer from a regular component to a reserve component during the period beginning on January 1, 2000, and ending on June 30, 2000, or such later date as the Secretary determines necessary in order to obtain enough

survey responses to provide a sufficient basis for meaningful analysis of survey results. Completion of the survey shall be required of such personnel as part of outprocessing activities. The Secretary of each military department shall suspend exit surveys and interviews of that department during the period described in the first sentence.

(b) SURVEY CONTENT.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).

(3) Affiliation with a Reserve component, together with the reasons for affiliating or not affiliating, as the case may be.

(4) Attitude toward pay and benefits for service in the Armed Forces.

(5) Extent of job satisfaction during service as a member of the Armed Forces.

(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons for choosing to separate from the Armed Forces.

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

## AMENDMENT NO. 435

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

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

**SEC. 3175. USE OF AMOUNTS FOR AWARD FEES FOR DEPARTMENT OF ENERGY CLOSURE PROJECTS FOR ADDITIONAL CLEANUP PROJECTS AT CLOSURE PROJECT SITES.**

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

(1) anticipates that such amount will not be obligated for payment of award fees in the fiscal year in which such amount is authorized to be appropriated; and

(2) determines the use will not result in a deferral of the payment of the award fees for more than 12 months.

(b) REPORT ON USE OF AUTHORITY.—Not later than 30 days after each exercise of the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report the exercise of the authority.

## AMENDMENT NO. 436

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

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

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

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under

section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

Mr. ABRAHAM. Mr. President, I rise today to offer this amendment to authorize the awarding of the Medal of Honor to Alfred Rascon. Mr. Rascon, a Mexican-born immigrant, represents the finest tradition of service to this country. This award, after these many years, will correct an oversight and provide Mr. Rascon with the recognition he has earned. I would like to acknowledge the hard work of Representative LANE EVANS, who I am working with on this issue and who has worked to help correct the oversight that prevented the awarding of the Medal of Honor to Mr. Rascon.

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

Alfred Rascon was born in Chihuahua, Mexico and immigrated to the United States with his parents in the 1950s. He served two tours in Vietnam, one as a medic, and was known as "Doc." When Rascon volunteered for the service he was not a citizen but still a lawful permanent resident. He was 17 years old but tricked his mother into signing his papers so he could enlist.

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

Specialist 4th Class Larry Gibson crawled forward looking for ammunition. The other machine gunner was already dead and Gibson had no ammunition with which to defend the platoon. Rascon grabbed the dead soldier's ammo and gave it to Gibson. Then, amid relentless enemy fire and grenades, Rascon hobbled back up the trail, snared the dead soldier's machine gun and, most importantly, 400 rounds of additional ammunition.

The pace quickened and the grenades dropped. One ripped open Rascon's face. It didn't stop him. He saw another grenade drop five feet from a wounded Neil Haffy. He tackled Haffy and absorbed the grenade blast himself, saving Haffy's life.

Though severely wounded, Rascon crawled back among the other wounded and gave them aid. A few minutes later, Rascon saw Sergeant Ray Compton being hit by gunfire.

As Rascon moved toward him, another hand grenade dropped. Instead of seeking cover Rascon dove on top of the wounded sergeant and again absorbed the blow. That time the explosion smashed through Rascon's helmet and ripped into his scalp. He saved Compton's life.

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

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

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

Rascon was once asked why he acted with such courage on the battlefield even though he was an immigrant and not yet a citizen. Rascon replied, "I was always an American in my heart."

Mr. President, the approach of Memorial Day is a proper occasion for us to reflect on what it means to live in a nation that can attract young men and women who were not even born here to volunteer and, if necessary, die for their adopted country. It is an occasion to reflect on what it means to live in a nation where to this day the children of immigrants volunteer and serve.

Today, over 60,000 active military personnel are immigrants to his country. This desire to serve is consistent with our history. More than 20 percent of the recipients of our highest military award, the Congressional Medal of Honor, have been immigrants. Indeed America remains free because in no small part she has been blessed with many American heroes willing to give their lives in her defense.

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

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

We owe a debt to all those people, wherever they or their parents were

born, who have kept our Nation free and safe in a dangerous world. And we owe a continuing debt of gratitude to those today who serve, guarding our country, our homes and our freedom. Like all good things, freedom must be won again and again. I hope all of us will remember those, immigrants and native born, who have won freedom for us in the past, and stand ready to win freedom for us again, if they must. May we never forget our debt to the brave who have fallen and the brave who stand ready to fight.

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

AMENDMENT NO. 437

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

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

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

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad."

Mr. THOMAS. Mr. President, amendment No. 437 to S. 1059, the Defense Authorization bill, prohibits the return to a foreign country of any portion of a memorial to American veterans without the express authorization of Congress.

I would not have thought that an amendment like this was necessary, Mr. President. It would never have occurred to me that an administration would even briefly consider dismantling part of a memorial to American soldiers who died in the line of duty in order to send a piece of that memorial to a foreign country; but a real possibility of just that happening exists in my state of Wyoming involving what are known as the "Bells of Balangiga."

In 1898, the Treaty of Paris brought to a close the Spanish-American War.

As part of the treaty, Spain ceded possession of the Philippines to the United States. At about the same time, the Filipino people began an insurrection in their country. In August 1901, as part of the American efforts to stem the insurrection, a company of 74 officers and men from the 9th Infantry, Company G, occupied the town of Balangiga on the island of Samar. These men came from Ft. Russel in Cheyenne, WY—today's F.E. Warren Air Force Base.

On September 28 of that year, taking advantage of the preoccupation of the American troops with a church service for the just-assassinated President McKinley, a group of Filipino insurgents infiltrated the town. Only three American sentries were on duty that day. As described in an article in the November 19, 1997 edition of the *Wall Street Journal*:

Officers slept in, and enlisted men didn't bother to carry their rifles as they ambled out of their quarters for breakfast. Balangiga had been a boringly peaceful site since the infantry company arrived a month earlier, according to military accounts and soldiers' statements. The quiet ended abruptly when a 23 year old U.S. sentry named Adolph Gamlin walked past the local police chief. In one swift move, the Filipino grabbed the slightly built Iowan's rifle and smashed the butt across [Gamlin's] head. As PFC Gamlin crumpled, the bells of Balangiga began to peal.

With the signal, hundreds of Filipino fighters swarmed out of the surrounding forest, armed with clubs, picks and machete-like bolo knives. Others poured out of the church; they had arrived the night before, disguised as women mourners and carrying coffins filled with bolos. A sergeant was beheaded in the mess tent and dumped into a vat of steaming wash water. A young bugler was cut down in a nearby stream. The company commander was hacked to death after jumping out a window. Besieged infantrymen defended themselves with kitchen forks, mess kits and baseball bats. Others threw rocks and cans of beans.

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

The remaining soldiers escaped in five dug-out canoes. Only three boats made it to safety on Leyte. Seven men died of exposure at sea, and other 8 died of their wounds; only 20 of the company's 74 members survived.

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

The bells and canon have been displayed in front of the base flagpole on the central parade grounds since that time. The canon was restored by local volunteers and placed under a glass display case in 1985 to protect it from the

elements. The bells were placed in openings in a large specially constructed masonry wall with a plaque dedicating the memorial to the memory of the fallen soldiers.

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

Last year, developments indicated to me that the White House was seriously contemplating returning one or both of the bells to the Philippines. 1998 marked the 100th anniversary of the Treaty of Paris, and a state visit by then-President Fidel Ramos—his last as President—to the United States. The disposition of the bells was high on President Ramos' agenda; he has spoken personally to President Clinton and several members of Congress about it over the last three years, and made it one of only three agenda items the Filipino delegation brought to the table. Since January 1998, the Filipino press has included almost weekly articles on the bells' supposed return, including several in the *Manila Times* in April and May which reported that a new tower to house the bells was being constructed in Borongon, Samar, to receive them in May. In addition, there have been a variety of reports vilifying me and the veterans in Wyoming for our position on the issue, and others threatening economic boycotts of US products or other unspecified acts of retaliation to force capitulation on the issue.

Moreover, inquiries to me from various agencies of the administration soliciting the opinion of the Wyoming congressional delegation on the issue increased in frequency in the first 4 months of 1998. I also learned that the Defense Department, perhaps in conjunction with the Justice Department, prepared a legal memorandum outlining its opinion of who actually controls the disposition of the bells.

In response, the Wyoming congressional delegation wrote a letter to President Clinton on January 9, 1998, to make clear our opposition to removing the bells. Mr. President, I ask unanimous consent that the text of that letter be inserted at this point in the RECORD. In response to that letter, on May 26, I received a letter from Sandy Berger of the National Security Council which I think is perhaps one of the best indicators of the direction the White House was headed on this issue.

To head off any move by the administration to dispose of the bells, I and Senator ENZI introduced S. 1003 on April 1, 1998. The bill had 18 cosponsors, including the distinguished Chairmen

of the Committees on Armed Services, Foreign Relations, Finance, Energy and Natural Resources, Rules, Ethics, and Banking; the Chairmen of five Subcommittees of the Foreign Relations Committee; and five members of the Armed Services Committee.

While time has passed since this issue came to a head last April, Mr. President, my deep concern that the administration might still dispose of the bells has not. The administration has not disavowed its earlier intent to seek to return the bells—an intent derailed by the introduction of S. 1003 last year. In addition, despite article IV, section 3, clause 2 of the Constitution, which states that the "Congress shall have the power to dispose of . . . Property belonging to the United States," the Justice Department has issued an informal memorandum stating that the bells could possibly be disposed of by the President pursuant to the provisions of 10 U.S.C. §2572.

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

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

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

#### AMENDMENT NO. 438

(Purpose: To authorize emergency supplemental appropriations for fiscal year 1999)

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

#### SEC. 1009. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) are hereby adjusted with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased

(by a supplemental appropriation) or decreased (by a rescission), or both, in the 1999 Emergency Supplemental Appropriations Act.

## AMENDMENT NO. 439

(Purpose: To clarify the scope of the requirements of section 1049, relating to the prevention of interference with Department of Defense use of the frequency spectrum)

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

On page 372, line 3, insert "fielded" after "apparatus".

(d) This section does not apply to any upgrades, modifications, or system redesign to a Department of Defense communication system made after the date of enactment of this Act where that modification, upgrade or redesign would result in interference with or receiving interference from a non-Department of Defense system.

## AMENDMENT NO. 440

(Purpose: To ensure continued participation by small businesses in providing services of a commercial nature)

On page 281, line 13, after "Government." insert the following: "These items shall not be considered commercial items for purposes of Section 4202(e) of the Clinger-Cohen Act (10 U.S.C. 2304 note)."

On page 282, line 19, after "concerns," insert the following: "HUBZone small business concerns."

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 284, between lines 6 and 7, insert the following:

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

## AMENDMENT NO. 441

(Purpose: To authorize the Secretary of Defense to provide assistance to civil authorities in responding to terrorism)

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

**SEC. 1061. MILITARY ASSISTANCE TO CIVIL AUTHORITIES FOR RESPONDING TO TERRORISM.**

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

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

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

(b) **NATURE OF ASSISTANCE.**—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel and the use of any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat described in that subsection. Actions taken to provide the as-

sistance may include the prepositioning of Department of Defense personnel, equipment, and supplies.

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

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

(d) **LIMITATION ON FUNDING.**—Not more than \$10,000,000 may be obligated to provide assistance pursuant to subsection (a) in a fiscal year.

(e) **PERSONNEL RESTRICTIONS.**—In carrying out this section, a member of the Army, Navy, Air Force, or Marine Corps may not, unless authorized by another provision of law—

(1) directly participate in a search, seizure, arrest, or other similar activity; or

(2) collect intelligence for law enforcement purposes.

(f) **NONDELEGABILITY OF AUTHORITY.**—(1) The Secretary of Defense may not delegate to any other official authority to make determinations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(h) **RELATIONSHIP TO OTHER AUTHORITY.**—(1) The authority provided in this section is in addition to any other authority available to the Secretary of Defense.

(2) Nothing in this section shall be construed to restrict any authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of enactment of this Act.

(i) **DEFINITIONS.**—In this section:

(1) The term "threat of an act of terrorism" includes any circumstance providing a basis for reasonably anticipating an act of terrorism, as determined by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

(2) The term "weapon of mass destruction" has the meaning given the term in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

Mr. WARNER. Now, Mr. President, momentarily we will proceed to the amendment by Mr. ALLARD. If the Senators are ready, I will yield the floor.

## AMENDMENT NO. 396

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

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. If I might just briefly before I yield the floor for Senator HARKIN, I ask unanimous consent to add Senator ENZI as a cosponsor of the amendment.

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

Mr. ALLARD. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

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

The PRESIDING OFFICER. Correct.

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

The PRESIDING OFFICER. We will.

Mr. HARKIN. I appreciate that.

Mr. President, I would like to take a few minutes to speak about the Civil Air Patrol, a unique group of volunteer civilian airmen and others, who support this nation in a variety of ways.

CAP members represent a cross-section of America and include pilots, emergency medical technicians, and teachers who use their professional skills to provide emergency services, youth programs, and aerospace education. Its more than 60,000 senior and cadet members are located in small towns and large cities across this country. Day in and day out, its aircrews fly search and rescue, disaster relief, counter-drug and Air Force operational support missions while teachers and others run a youth program for thousands of cadets and support aerospace education programs in hundreds of schools.

CAP began its service to the nation under very unusual circumstances. As World War II approached, civilian pilots began to look for ways to help with the expected war effort. They organized together as an air arm of the Office of Civil Defense and, in the first months of the war, they were quick to respond as ships were torpedoed within sight of land. During a period when we lacked the Army and Navy aircraft needed to patrol thousands of square miles off our coasts looking for German submarines, the CAP was there.

Flying their own aircraft, sometimes using automobile inner tubes for life preservers, CAP pilots did what the military could not, find enemy submarines in the Atlantic and Gulf of Mexico. They spotted so many submarines, in fact, that they finally convinced the military that they should be armed. At first they simply carried the bombs on their laps and dropped them out the door of the aircraft, later they improvised homemade bomb aiming sights and put bomb racks under their Beech, Fairchild, Sikorsky, and Stinson aircraft. It was over a year and a half before the military could accomplish this mission without CAP's help.

By July of 1943, CAP pilots had flown over 24 million miles on anti-submarine combat missions and had spotted and reported the location of 173 submarines to the military. CAP itself attacked 57 of those submarines and sank or damaged two. Hundreds of survivors from sunk ships and military

aircraft crashes (at sea) were rescued as part of CAP's anti-submarine patrol efforts. Twenty-six CAP volunteer lives and 90 aircraft were lost on these civilian-flown combat missions.

CAP's World War II service also set the foundation for its modern day service to America. During the war, CAP became a part of the Army Air Force and flew hundreds of thousands of hours nationwide on border patrol, search and rescue, forest fire watch, target-towing, courier flights, and military training exercises. It began its cadet program to help the military recruit young Americans and to teach them about aviation. These were invaluable missions that contributed greatly to the war effort. Many of the same missions and the tradition of service established then, continues today.

Today, CAP again flies support missions off the coast of America in support of another kind of war, the war against drugs. Since 1985, CAP has flown hundreds of thousands of hours in support of the U.S. Customs, U.S. Drug Enforcement Agency, and other federal and local law enforcement agencies. CAP aircrews fly reconnaissance, communications relay, and transport missions which take place over water along the 12-mile territorial limit, along the nation's borders, and in most of the 50 states.

The cost to the taxpayer is very little as CAP aircraft are flown by volunteer aircrews for about \$55 a hour. Aircrew members donate their time, often using their own personal leave from work to fly these missions. They provide essential support to the government, which would cost the taxpayer, even if the government had the pilots and aircraft to use, up to \$2,000 an hour. In 1998 alone, Civil Air Patrol flew 41,721 hours in support of counter-drug efforts.

CAP also flies and conducts more traditional missions. While it is the official auxiliary of the Air Force, it also performs numerous emergency services missions, youth programs and aerospace education programs in support of states and local communities across this nation. It's pilots routinely fly about 85 percent of all the search and rescue hours flown in the United States. Whether searching for a lost child in a state park or looking for downed military aviator, Civil Air Patrol is there. In 1998, Civil Air Patrol conducted 3,155 search and rescue missions and saved 116 lives. CAP also supports local communities and states during time of disaster. In 1998, during a period lasting weeks, hundreds of CAP members in drought-stricken Florida and Texas flew emergency fire watch while others maintained airborne communications relay stations, around the clock, supporting fire fighters on the ground. As recently as three weeks ago, when the Oklahoma tornadoes killed 45, CAP aerial and ground units quickly joined with community and state disaster relief efforts. Other

emergency and humanitarian missions include flood surveillance, tornado and hurricane reconnaissance, blood collection and distribution flights, and the emergency airlift of medical material.

Over 26,000 young people participate in CAP's growing cadet program where they not only have opportunities to fly, but they too learn discipline, leadership and public service skills. Not only are many of these cadets model citizens but they help their communities and states during times of emergency. Indeed, during CAP's emergency operations cadets operate many of its radios and make up the bulk of its ground rescue units. The cadet program also includes local unit activities, physical fitness, leadership laboratories, aerospace education, and moral leadership. A wide range of annual special cadet activities include nationwide flight encampments where cadets each summer, working with adult flight instructors, learn how to fly powered aircraft and gliders. In 1998, 180 young men and women learned how to fly at these encampments. CAP also conducts nearly 200 aerospace education workshops that reach over 5,000 educators annually and routinely provides Air Force ROTC and CAP cadets in a series of orientation flights—over 17,500 in 1998—to introduce them to modern aviation.

It is impossible to adequately capture the essence of the Civil Air Patrol in just a few short words, however, I hope it is clear that the CAP is a unique organization that touches Americans at all levels. While it is the official auxiliary of the Air Force, it is also a benevolent, civilian non-profit corporation chartered by Congress to support emergency service and educational organizations such as the American Red Cross, all fifty states, the District of Columbia and the Commonwealth of Puerto Rico as well as thousands of local communities across the nation. Its more than 50,000 members, 1,700 squadrons, 535 light aircraft and thousands of communications stations stand ready to support not only the Air Force and other Federal agencies but all the citizens of the United States, no matter where they live. Civil Air Patrol does this valuable humanitarian and public service mission 24 hours a day, 365 days a year with little or no fan fare. Its volunteers deserve our thanks and appreciation.

#### AIR FORCE PROPOSAL

I rise in support of the Allard amendment to ensure civilian leadership of the Civil Air Patrol and to require studies of proposals to improve its operations.

The Air Force has proposed a takeover of the governance of CAP. The Defense Authorization bill includes this proposal. It is not warranted, nor will it necessarily address alleged problem with CAP.

I am joining with Senator ALLARD and a long, bipartisan list of cosponsors to offer an alternative that has Congress make a more considered decision.

The Air Force has proposed some huge and abrupt changes to the operations and governance of the Civil Air Patrol. The Air Force wants to place themselves in control of the CAP Board and operations. The proposal would put an Air Force Reserve Major General in charge of Headquarters, place an oversight Board—appointed by the Air Force—in control of CAP and replace a lot of the civilian staff with Air Force uniformed staff. This represents a major change to the CAP. It represents a higher financial cost to the taxpayer. It also represents placing a civilian volunteer nonprofit organization under the control of the Air Force.

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

The Air Force is citing allegations of financial mismanagement and safety lapses as the reasons for the change. While the Air Force has told the press there are serious problems with CAP, they have yet to make clear the evidence to support the allegations. There has been no report by the Air Force Inspector General, no report by the DOD IG, nor by the GAO. The Air Force did write a report a year ago arguing for an adoption of a new financial management process—the adoption of an OMB circular—but CAP is waiting for the OMB to review the plan.

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

The Senator from Oklahoma described many allegations of CAP missteps. All I heard were allegations. In fact, many were made by unnamed former members. Where is the evidence? Where is the formal review? Where are the hearings? Are we going to base legislation on unchecked allegations?

Let me address just one allegation made by the Air Force and repeated by the Senator from Oklahoma—the infamous CAP cruise, which has been purported as the worst of CAP's missteps.

I have looked into the matter and here is what I have found. It is true that, in 1998 the southeast region had a meeting aboard a ship instead of at a hotel. CAP regions have meetings regularly with the region wings deciding on the location. Let's look at a few more facts.

First, no CAP member used federal dollars to pay for the cruise. None. That's right, the volunteer members of CAP all pay their own way out of their own pockets. It is true that some CAP headquarters staff attended that meeting and were reimbursed for the cost.

This has long been the normal practice for staff—who are paid federal employees, not members—to get reimbursed. This is the normal federal practice as far as travel expenses relating to work. The Air Force had no criticism of the staff attendance, but said that staff members received unauthorized reimbursement.

But here is the key point: the reimbursement was approved by the Air Force before the event. The Air Force has about thirty Air Force staff overseeing operations and financial matters at headquarters, at the CAP headquarters in Alabama. Before the event, these Air Force staff, at the headquarters, approved the event for reimbursement.

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

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

Let me also turn to an important down-side to the Air Force proposal: cost. The Air Force proposes to use many more uniformed military personnel to run CAP headquarters, replacing the civilian employees. I don't have to point out the financial implication to my colleagues. Uniformed Air Force personnel simply cost more. In fact, the Air Force is even talking about placing a 2-star general instead of the current civilian director. This alone is a \$60,000 difference that the taxpayers would have to bear.

Rather than simply take the Air Force proposal, we should require the DOD Inspector General to do a study of the allegations. I have already started the GAO on a study. We should also require an Inspector General study. This way, we in Congress, can make an informed decision that considers all possible alternatives.

I must pose a question to my colleagues. Why would anyone make a lasting decision to make major changes to an important organization using unilateral input—in this case from the Air Force? Right or wrong, would it not be better to have an unbiased and factual determination, and then make a judgment based on the facts?

Our amendment simply requires that we take some time to look at the Air Force proposal on CAP, examine other potentially better proposals, and have the IG and GAO make recommendations. Let's not rush to a hasty judgment without the facts.

Mr. President, I want to give my disclaimer and talk about my own involvement in the Civil Air Patrol. I have been involved in the Civil Air Patrol for about the last 15 years. I am at present the commander of the Congressional Civil Air Patrol Squadron. I go out and fly missions. I fly with the Civil Air Patrol quite regularly. So I just wanted to lay it out that I am very much involved with the Civil Air Patrol and have been involved most of the time I have been in the Senate.

It is a proud and good organization. I am just going to give a little bit of the background: More than 60,000 senior and cadet members, all across America, in small towns, large cities, flying every day in search and rescue missions. Almost 85 percent of all the search and rescue missions in America are done by the Civil Air Patrol. We have youth programs for thousands of cadets around America.

This organization started in World War II when German submarines were sinking our ships off the coast, sometimes within sight of land. We didn't have the Army and Navy aircraft to patrol, so, flying their own small aircraft, sometimes using automobile inner tubes as their life preservers, the CAP pilots did what the military could not—they found the enemy submarines in the Atlantic and Gulf of Mexico. They spotted so many submarines. In fact, they finally convinced the military they should be armed. At first they actually carried bombs on their laps in the plane. They would see a submarine, and they would throw them out the window on top of the submarine, on top of the German U-boat. By July of 1943, CAP pilots had flown over 24 million miles on antisubmarine combat missions. They had spotted and reported the location of 173 submarines to the military and the CAP itself attacked 57 of those submarines and sank or damaged two of them. I wanted to lay that out as a kind of proud history of the Civil Air Patrol.

Since that time, under civilian control, the Patrol has had a great cadet program to recruit young people into its program. Many of the pilots we have had in the Air Force, the Navy, came out of the Civil Air Patrol. It is just an invaluable youth program. One time I came over here to talk to a youth group from the Cleveland, OH, Civil Air Patrol squadron, all young African Americans, male and female, taken out of the inner city. They had uniforms. They were given discipline. They had summer programs. It was just a wonderful thing to see, this cadet program instilling good American values in these young people.

Again, I point that out as a way of saying that this is a very proud, very good organization, one that has done a lot of good. As I said, 85 percent of all search and rescue is done by the Civil Air Patrol. In 1998, we conducted 3,155 search and rescue missions and saved 116 lives.

We also support communities and States in times of disaster. In 1998, dur-

ing a period lasting weeks, when we saw all the fires in Florida and Texas, hundreds of CAP members flew emergency fire watch, while others maintained airborne communication relay stations.

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

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

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

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

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

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

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

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



these allegations. Let's find out where the truth lies. That is what our amendment says.

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

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

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

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

We don't need to rush to a hasty decision. I talked personally to both the Acting Secretary of the Air Force and to the CAP leadership. I asked them if we could get them both together in the same room, across the table from each other, and talk to one another. I said I would be there. Senator ALLARD would be there. Anybody else is invited to come, too. Let's get these two entities together, and let's talk it out, just see what is the basis of this problem. I think that is the proper way to proceed.

The Senator from Oklahoma described many of the allegations of CAP missteps. Some were made, as I understand, in the record by unnamed former members. Again I ask, where is the evidence? Where is the formal review? Where are the hearings? Are we going to base this legislation on unchecked allegations by unnamed former members?

I must say at the outset, I know of some former members of the Civil Air Patrol who are still upset because they were run out because they were mismanaging things. Now they are coming back, writing letters, and doing things like that. Well, OK, if they want to do that, that is fine. But let's check into it.

We heard last night about the infamous CAP cruise, I say to my friend from Oklahoma, a CAP cruise to wherever it was, the Bahamas or Nassau, some place like that, purported as one of the worse CAP missteps, I looked into the matter, and here is what I found.

It is true that in 1998 the southeast region—that is basically Florida, Alabama, Mississippi, Georgia, Tennessee;

I may have missed a couple States—had a meeting. They had it aboard a ship instead of at a hotel.

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

Let's look at the facts. First, no Civil Air Patrol member used Federal dollars to pay for that cruise, not one. They paid for it out of their own pockets, volunteer members. It is true that some of the Civil Air Patrol headquarters staff at Maxwell Air Force Base attended the meeting. They were reimbursed for the cost. But this has long been the normal practice. They are paid Federal employees. They are not volunteer members. When they go to meetings like this, they get reimbursed.

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

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

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

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

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

Well, now I hear there are some safety concerns. Again, we only have allegations. I talked to Mr. Bobick about them. I asked if there is a need for a safety officer, an Air Force safety officer. I say to my friend from Oklahoma that his response was fairly open. He didn't know about the incident cited. Again, these are letters from unknown sources, unsubstantiated. But he said they would welcome an Air Force safety officer. He pointed this out, I say to my friend from Oklahoma. The Air Force can place a safety officer at the headquarters without this legislation. They always could. They could tomorrow. Why haven't they? Perhaps the

Air Force didn't think it was a very serious matter.

Yes, I want to point out that the Air Force could—today, if they want—place a safety officer at headquarters in Alabama. They have never done so. I am not saying they should not, but I am saying let's get some studies down here and have some hearings on this before we run off and do something without even knowing what the facts are.

I want to make just one other observation. Prior to 1995, we had some 170-plus—I will leave myself a little room—Air Force personnel at Maxwell running the Civil Air Patrol. The Air Force, as I have stated, didn't want to do any more. We replaced them with civilians over a period of time. We replaced 170-some Air Force personnel—they drew them down—with I think about 104 civilians. They pay less and we are actually saving the taxpayers money.

Now, I understand the Air Force is talking about placing a two-star general as the executive director of the Civil Air Patrol instead of the civilian we have there now. I asked for a cost estimate on that. It would cost about \$60,000 more per year to do that.

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. HARKIN. I thank the Chair.

I ask, where is the sense in doing this? Again, I am not going to say we should not make some changes in the Civil Air Patrol. I believe some changes are warranted. I have been involved in this a long time. I am not going to say I have all the knowledge on exactly how to do it, but I believe we ought to bring the Air Force and Civil Air Patrol together and hammer this thing out. We need hearings, a GAO investigation, an IG investigation, and then let's do it in a logical manner, in a manner which really is going to keep the civilian nature of the Civil Air Patrol and even make it better than it is today. I believe that can be done.

That is why I am so strongly supportive of the Allard amendment. I think it takes that kind of a common-sense, logical approach to improve and make the Civil Air Patrol even better in the next century.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. How much time do I have remaining?

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

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

The PRESIDING OFFICER. The Senator has 5 minutes.

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

First of all, I don't disagree with many of the things the Senator from Iowa is saying. The only thing I disagree with is, we have much better



proof than he is implying in terms of mismanagement.

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

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

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

#### A SAD COMMENTARY

(By Cameron F. Warner)

DEAR CAP MEMBERSHIP: Folks, today as I watched the debate about CAP v. USAF take place on the Senate floor. I couldn't help but think how sad all of this truly is. Just listen to the subject matter. All this dirty laundry about CAP being aired out on the Senate Floor in front of the American public. Today, the image of CAP took a giant step in the wrong direction relative to public perception. How embarrassing to say the least! Years of good work and wonderful acts by members being tarnished by the actions of a few. Indeed, this is a dark day in the history of CAP.

It is a personal heartbreak to see just where the leadership of Bobick and Albano have taken CAP. Here is CAP, center stage on the United States Senate floor for all to see, but not for all it's good deeds or accomplishments. Quite the contrary! Rather, we have United States Senators on the Senate floor talking about all the wrong doings of leadership and the bad management of CAP. Sen. Inhofe talks about FBI investigations of CAP. Ask yourself, how bad does that sound to the American public? How does that really sound to you?

The Allard amendment was not resolved as earlier thought, so the debate will continue early tomorrow morning with a vote to follow. For those of you who are interested, live Senate coverage will air on CSPAN2 first thing in the morning. No matter what the outcome, it will only get worse for CAP and CAP will end up the big loser. Tomorrow is but one battle, not the entire war. The longer this goes on and the more public this becomes, the worse CAP will look in the public eye no matter how you cut it. Don't be surprised if Sen. Warner's concerns about the 60 Minutes bad press possibility becomes a reality. CAP will not be portrayed in a positive light at all.

How sad that this is right where Bobick, Albano, the NEC and NB have lead CAP at the end of this century! Today is tomorrow's history. Good work, guys!

Mr. INHOFE. Mr. President, the other thing I want to mention is that we all love the CAP. There isn't a person in the 100 Members here who has worked closer with them than I have. I was a flight instructor, and I have been involved with these people. We love them. We don't want something to happen where all of a sudden we find out

bad things are going on and the Air Force says we can't be responsible for it, dump the program. We all want to save the CAP.

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

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

I reserve the remainder of my time.

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

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

So if they want to go with a voice vote, that is acceptable to me, with the idea that we have a GAO study and we have an inspector general study, and then we have some hearings and get the facts laid out.

I think Senator HARKIN, my colleague from Iowa, has made a good suggestion, that we need to get both of them in the same room to talk about these differences. I think there is all sorts of room to correct some misunderstandings between the Air Force and Civil Air Patrol. I think we can do it in an honest manner.

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

I ask unanimous consent to add another cosponsor to the amendment, Senator ROD GRAMS of Minnesota.

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

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

The PRESIDING OFFICER. Four minutes remain.

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

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

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

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

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

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

I have been trying for a long time to beef up the cadet program in the Civil Air Patrol. We need to strengthen the cadet program. These inner-city kids especially are looking for things to do. They need some order. They need some structure and discipline in their lives.

This is what the Civil Air Patrol can do for them. It will help build up our summer camps where these kids get to go for a couple of weeks. They can learn some technology and get some discipline and order in their lives. They can wear a uniform of which they can be proud. Believe me. I think we ought to do more to strengthen and to build up the cadet program in the Civil Air Patrol. I think it would be one of the best things we could do for the future of our country.

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

Again, if we want to have a voice vote on it, that is fine with me.

I thank my colleague from Colorado.

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

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma has 3 minutes remaining.

Mr. INHOFE. The other side?

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

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

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

I yield the remaining time.

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

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

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

The amendment (No. 396) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

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

Mr. WARNER. Mr. President, can I get more clearly in mind the amount of time the Senator needs?

Mr. WELLSTONE. I say to my colleague that I think I can do everything in 5 minutes.

Mr. WARNER. Is it related to the bill?

Mr. WELLSTONE. No.

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

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

Mr. President, while I have the floor, we are going to go forward with the Kennedy amendment. Is that correct? Can I ask unanimous consent that after we dispense with the Kennedy amendment I have 5 minutes?

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

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

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

The PRESIDING OFFICER. The Senator from Massachusetts.

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

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

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

to vote at any time during the course of the day.

The PRESIDING OFFICER. The Senator from Virginia.

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

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

Mr. WARNER. Then I would suggest the following: The Senator from Minnesota is very anxious and very patient to try to get 5 minutes to address the Senate on a matter other than the bill. I am perfectly willing, as this manager, to grant him 5 minutes within which time the Senator can contact Senator LAUTENBERG. Then that will be followed, as soon as the Senator from Minnesota has concluded his remarks, with 20 minutes of debate on the Kennedy amendment, with, let's say, 12 minutes under the control of the Senator from Massachusetts, and 8 minutes under the control of Senator BROWNBACK.

Then we will proceed to a record vote on the Kennedy amendment.

Mr. KENNEDY. If the Senator wanted to modify 10 minutes on our side, that is fine. Senator LAUTENBERG indicated he only wanted 5 minutes, so that would be fine.

Mr. LEVIN. Is that modification agreeable?

Mr. WARNER. I withhold the request momentarily, because I am just now informed that Senator FEINGOLD is ready, in which case we would stack the votes to make it convenient, if we can determine the time the Senator from Wisconsin desires.

Mr. FEINGOLD. I have two amendments. It is perfectly acceptable to have the votes stacked after they are presented. The only issue is the time agreement.

Mr. WARNER. The Senator desires a record vote on both amendments?

Mr. FEINGOLD. I do. In terms of time on my side for the presentation, 30 minutes.

Mr. LEVIN. Could the Senator identify which amendment that is?

Mr. FEINGOLD. The first amendment is the so-called cost cap amendment which I ask for a total of 30 minutes on my side; the other is the amendment having to do with contract specifications, and we only need 15 minutes on my side.

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

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

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

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

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

Mr. WARNER. That is the first amendment.

As to the second amendment, the amount of time?

Mr. FEINGOLD. I would like 15 minutes.

Mr. WARNER. Fifteen minutes; we would take 10 minutes on this side.

So that concludes those two amendments.

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

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

Mr. WARNER. We will reserve 5, in the event someone is in opposition.

We have three amendments: two from the Senator from Wisconsin, one from the Senator from Massachusetts. Has the Senator decided who goes first?

Mr. KENNEDY. I appreciate going first because we will be very brief.

Mr. WARNER. Preceding these amendments, we want to accommodate the Senator from Minnesota for just 5 minutes. Is that agreeable?

Mr. KENNEDY. Yes.

Mr. WARNER. We will proceed as follows: 5 minutes allocated to the Senator from Minnesota to address the Senate; followed by the Senator from Massachusetts, with 10 minutes under his control; 5 minutes under the control of the Senator from Virginia, if necessary. That will require a record vote, and it will be stacked. We will then proceed to the Feingold amendments, the first one with 20 minutes under the control of the Senator from Wisconsin, 15 under the control of the Senator from Virginia; then to the second Feingold amendment, 15 minutes under the control of the Senator from Wisconsin and 10 minutes under the control of the Senator from Virginia. That will be two record votes.

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

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

Mr. WARNER. That is correct.

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

The Senator from Minnesota is recognized for 5 minutes.

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

KOSOVO

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

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

[From the New York Times, May 27, 1999]

HAVE WE FORGOTTEN THE PATH TO PEACE?

(By Jimmy Carter)

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

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

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

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

The approach the United States has taken recently has been to devise a solution that best suits its own purposes, recruit at least tacit support in whichever forum it can best

influence, provide the dominant military force, present an ultimatum to recalcitrant parties and then take punitive action against the entire nation to force compliance.

The often tragic result of this final decision is that already oppressed citizens suffer, while the oppressor may feel free of further consequences if he perpetrates even worse crimes. Through control of the news media, he is often made to seem heroic by defending his homeland against foreign aggression and shifting blame for economic or political woes away from himself.

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

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

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

Instead of focusing on Serbian military forces, missiles and bombs are now concentrating on the destruction of bridges, railways, roads, electric power, and fuel and fresh water supplies. Serbian citizens report that they are living like cave-men, and their torment increases daily. Realizing that we must save face but cannot change what has already been done, NATO leaders now have three basic choices: to continue bombing ever more targets until Yugoslavia (include Kosovo and Montenegro) is almost totally destroyed, to rely on Russia to resolve our dilemma through indirect diplomacy, or to accept American casualties by sending military forces into Kosovo.

So far, we are following the first, and worst, option—and seem to be moving toward including the third. Despite earlier denials by American and other leaders, the recent decision to deploy a military force of 50,000 troops on the Kosovo border confirms that the use of ground troops will be necessary to assure the return of expelled Albanians to their homes.

How did we end up in this quagmire? We have ignored some basic principals that should be applied to the prevention or resolution of all conflicts;

Short-circuiting the long-established principles of patient negotiation leads to war, not peace.

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

The exclusion of nongovernmental organizations from peacemaking precludes vital "second track" opportunities for resolving disputes.

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

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

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

Even for the world's only superpower, the ends don't always justify the means.

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

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

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

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

Instead of focusing on Serbian military forces, missiles and bombs are now concentrating on the destruction of bridges, railways, roads, electric power, and fuel and fresh water supplies. Serbian citizens report that they are living like cave-men, and their torment increases daily. Realizing that we must save face but cannot change what has already been done, NATO leaders now have three basic choices: to continue bombing ever more targets until Yugoslavia (including Kosovo and Montenegro) is almost totally destroyed, to rely on Russia to resolve our dilemma through indirect diplomacy, or to accept American casualties by sending military forces into Kosovo.

The reason I read from this piece today is to build on what I said last night in the debate. Today there is a report in the Washington Post that we are going to be going after telephone systems, communications, in Yugoslavia, as well as bombing electrical grids. This ends up targeting the people there.

Slobodan Milosevic has been indicted as a war criminal. He has committed brutal crimes against the Kosovars. But the citizens of Yugoslavia have not been the ones who have committed these crimes.

I come to the floor to say to all of my colleagues, I hope you have time to read President Carter's piece. I believe we are severely undercutting our own moral authority by targeting the civilian infrastructure. I think we are making a terrible mistake by doing so. I come to the floor of the Senate to

speak out against this and to make it clear that this goes far beyond what we said was our original goal of these airstrikes and our military action—which was to degrade the military capacity of Milosevic.

Now this infrastructure is being targeted. Too many civilians are being targeted. As a Senator, I call into question these airstrikes. I think Jimmy Carter has done a real service for the country by writing this piece, putting the emphasis on diplomacy, putting the emphasis on a diplomatic solution to this conflict.

#### VETERANS ACCOUNTABILITY DAY

Mr. WELLSTONE. Mr. President, I rise today to inform my colleagues about a nationwide event which is going to be taking place the Memorial Day weekend.

This is going to be an accountability day. It is organized by the Disabled American Veterans. It is an extremely important gathering.

I ask unanimous consent to have the list of the locations and the dates of these events printed in the RECORD.

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

#### DAV SAVE VA HEALTH CARE RALLIES, 1999 MEMORIAL DAY WEEKEND

(As of 5/26/99)

##### Alabama

DAV National Service Office: 334-213-3365  
Birmingham—2 pm, Sunday, 5/30/99  
Montgomery—2 pm, Sunday, 5/30/99  
Tuscaloosa—2 pm, Sunday, 5/30/99  
Tuskegee—2 pm, Sunday, 5/30/99

##### Arizona

DAV National Service Office: 602-640-4655  
Phoenix—10 am, Sunday, 5/30/99  
Prescott—10 am, Sunday, 5/30/99  
Tucson—10 am, Sunday, 5/30/99

##### Arkansas

DAV National Service Office: 501-370-3838  
Little Rock—3 pm, Sunday, 5/30/99

##### California

W. Los Angeles DAV National Service Office:  
310-235-2539

West Los Angeles—12 noon, Friday, 5/28/99  
Lorna Linda—11 am, Sunday, 5/30/99  
Long Beach—11 am, Sunday, 5/30/99  
Oakland DAV National Service Office: 510-834-2921

Fresno—10 am, Friday, 5/28/99  
Palo Alto—10 am, Sunday, 5/30/99  
San Francisco—1 pm, Friday, 5/28/99

##### Colorado

DAV National Service Office: 303-914-5570  
Denver—8 am, Saturday, 5/29/99  
Fort Lyon—2 pm, Sunday, 5/30/99  
Grand Junction—1 pm, Sunday, 5/28/99

##### Connecticut

DAV National Service Office: 860-240-3335  
West Haven—3 pm, Sunday, 5/30/99

##### Delaware

National Service Office: 302-633-5324  
Wilmington—1 pm, Sunday, 5/30/99

##### District of Columbia

National Service Office: 202-691-3060  
Washington, DC.—12:30 pm, Sunday, 5/30/99

##### Florida

National Service Office: 727-319-7444  
Bay Pines—2 pm, Sunday, 5/30/99

Gainesville—2 pm, Sunday, 5/30/99  
Miami—2 pm, Sunday, 5/30/99  
Tampa—2 pm, Sunday, 5/30/99  
West Palm Beach—2 pm, Sunday, 5/30/99

##### Georgia

National Service Office: 404-347-2204

Augusta—2 pm, Sunday, 5/30/99  
Decatur—2 pm, Sunday, 5/30/99  
Dublin—2 pm, Sunday, 5/30/99  
Savannah—2 pm, Sunday, 5/30/99

##### Hawaii

DAV National Service Office: 808-566-1610  
Honolulu @ VARO—1 pm, Friday, 5/28/99

##### Idaho

DAV National Service Office: 208-334-1956  
Boise—1 pm, Sunday, 5/30/99

##### Illinois

DAV National Service Office: 312-353-3960  
Chicago (Lakeside)—2 pm, Sunday, 5/30/99  
Danville—2 pm, Sunday, 5/30/99  
Hines—2 pm, Sunday, 5/30/99  
Marion—2 pm, Sunday, 5/30/99  
North Chicago—2 pm, Sunday, 5/30/99

##### Indiana

DAV National Service Office: 317-226-7928  
Fort Wayne—1 pm, Sunday, 5/30/99  
Marion—1 pm, Sunday, 5/30/99

##### Iowa

DAV National Service Office: 515-284-4658  
Des Moines—12 pm, Sunday, 5/30/99  
Iowa City—12 pm, Sunday, 5/30/99  
Knoxville—12 pm, Sunday, 5/30/99

##### Kansas

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

##### Kentucky

DAV National Service Office: 502-582-5849  
Lexington—3 pm, Sunday, 5/30/99  
Louisville—3 pm, Sunday, 5/30/99

##### Louisiana

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

##### Maryland

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

##### Massachusetts

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

##### Michigan

DAV National Service Office: 313-964-6595  
Allen Park—11 am, Sunday, 5/30/99  
Ann Arbor—11 am, Sunday, 5/30/99  
Battle Creek—11 am, Sunday, 5/30/99  
Iron Mountain—11 am, Sunday, 5/30/99  
Saginaw—11 am, Sunday, 5/30/99

##### Minnesota

DAV National Service Office: 612-970-5665  
Minneapolis—1 pm, Sunday, 5/30/99

##### Mississippi

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

##### Missouri

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

##### Montana

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

##### Nebraska

DAV National Service Office: 402-420-4025  
Grand Island—

Lincoln—2 pm, Sunday, 5/30/99  
 Omaha—2 pm, Sunday, 5/30/99

*Nevada*  
 DAV National Service Office: 775-784-5239  
 Reno—2 pm, Sunday, 5/30/99  
 Las Vegas—2 pm, Sunday, 5/30/99

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

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

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

*New York*  
 Albany DAV National Service Office : 518-462-3311 ext. 3574  
 Albany—1 pm, Sunday, 5/30/99  
 Buffalo DAV National Service Office: 716-551-5216  
 Buffalo—1 pm, Sunday, 5/30/99  
 Bath—1 pm, Sunday, 5/30/99  
 Rochester OC—1 pm, Sunday, 5/30/99  
 New York City DAV National Service Office: 212-807-3157  
 New York City—1 pm, Sunday, 5/30/99  
 Syracuse DAV National Service Office: 315-423-5541  
 Syracuse—2 pm, Sunday, 5/30/99  
 Canandaigua—1 pm, Sunday, 5/30/99

*North Carolina*  
 DAV National Service Office: 336-631-5481  
 Asheville—10 am, Saturday, 5/29/99  
 Fayetteville—10 am, Friday, 5/28/99

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

*Ohio*  
 Cleveland DAV National Service Office: 216-522-3507  
 Chillicothe—3 pm, Sunday, 5/30/99  
 Cleveland—3 pm, Sunday, 5/30/99  
 Dayton—3 pm, Sunday, 5/30/99  
 Cincinnati DAV National Service Office: 513-684-2676  
 Cincinnati—2 pm, Sunday, 5/30/99

*Oklahoma*  
 DAV National Service Office: 918-687-2108  
 Muskogee—2 pm, Sunday, 5/30/99  
 Oklahoma City—2 pm, Sunday, 5/30/99

*Oregon*  
 DAV National Service Office: 503-326-2620  
 Portland—1 pm, Sunday, 5/30/99

*Pennsylvania*  
 Philadelphia DAV National Service Office: 215-381-3065  
 Philadelphia—1 pm, Sunday, 5/30/99  
 Altoona—1 pm, Sunday, 5/30/99  
 Coatesville—1 pm, Sunday, 5/30/99  
 Lebanon—1 pm, Sunday, 5/30/99  
 Pittsburgh DAV National Service Office: 412-395-6787  
 Pittsburgh—1 pm, Sunday, 5/30/99  
 Erie—3 pm, Sunday, 5/30/99  
 Butler—1 pm, Sunday, 5/30/99

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

*Rhode Island*  
 DAV National Service Office: 401-528-4415  
 Providence—1 pm, Sunday, 5/30/99

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

Columbia—1 pm, Sunday, 5/30/99

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

*Tennessee*  
 DAV National Service Office: 605-736-5735  
 (VISN director has said no to any rallies on hospital grounds)  
 Memphis—2 pm, Sunday, 5/30/99  
 Mountain Home—10 am, Sunday, 5/30/99  
 Nashville—1 pm, Sunday, 5/30/99

*Texas*  
 San Antonio DAV National Service Office: 210-949-3259  
 Kerrville—11 am, Saturday, 5/29/99  
 Waco DAV National Service Office: 254-299-9932  
 Amarillo—1:30 pm, Sunday, 5/30/99  
 Big Spring—1 pm, Sunday, 5/30/99  
 Waco—1:30 pm, Sunday, 5/30/99  
 Dallas DAV National Service Office: 214-857-1119  
 Dallas—1 pm, Sunday, 5/30/99  
 Houston DAV National Service Office: 713-794-3665  
 Houston—10 am, Sunday, 5/30/99  
 Marlin—11 am, Sunday, 5/30/99  
 San Antonio—3 pm, Sunday, 5/30/99

*Utah*  
 DAV National Service Office: 801-524-5941  
 Salt Lake City—5 pm, Friday, 5/28/99

*Vermont*  
 DAV National Service Office: 802-296-5167  
 White River Junction—12:30 pm, Sunday, 5/30/99

*Virginia*  
 Roanoke DAV National Service Office: 540-857-2373  
 Hampton—2 pm, Sunday, 5/30/99  
 Richmond—2 pm, Sunday, 5/30/99  
 Salem—2 pm, Sunday, 5/30/99  
 Norfolk DAV National Service Office: 757-423-7100  
 Newport News—12 pm, Sunday, 5/30/99

*Washington*  
 DAV National Service Office: 206-220-6225  
 Seattle—10 am, Sunday, 5/30/99  
 Spokane—10 am, Sunday, 5/30/99  
 Walla Walla—10 am, Sunday, 5/30/99

*West Virginia*  
 DAV National Service Office: 304-529-5465  
 Beckley—3 pm, Sunday, 5/30/99  
 Clarksburg—2 pm, Sunday, 5/30/99  
 Huntington—2 pm, Sunday, 5/30/99  
 Martinsburg—2 pm, Sunday, 5/30/99

*Wisconsin*  
 DAV National Service Office: 414-382-5225  
 Madison—10 am, Sunday, 5/30/99  
 Milwaukee—10 am, Sunday, 5/30/99  
 Tomah—10 am, Sunday, 5/30/99

*Wyoming*  
 DAV National Service Office (Denver): 303-914-5570  
 Cheyenne—12 pm, Sunday, 5/30/99  
 Sheridan—1 pm, Monday, 5/31/99

Mr. WELLSTONE. Let me urge colleagues during this recess to attend these sessions with the veterans community. This is an important voice. They have many important concerns to raise with us. I hope the Democrat and Republican Senators will make sure they meet with veterans as we move forward in this whole budget debate and appropriations. Right now the mes-

sage is that the veterans should not expect timely care, the veterans can do with less health care, the veterans are not a top priority. We have to change that.

The veterans are organizing and the veterans are going to put the pressure on us and I hope we will respond.

I thank my colleagues for their graciousness and yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Massachusetts is recognized.

AMENDMENT NO. 442

(Purpose: To express the sense of Congress regarding the continuation of sanctions against Libya)

Mr. KENNEDY. Mr. President, I send an amendment for myself and the Senator from New Jersey and others to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. LAUTENBERG, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. MOYNIHAN, Mr. SCHUMER, Mr. TORRICELLI, Ms. MIKULSKI, and Mr. KYL, proposes an amendment numbered 442.

Mr. KENNEDY. 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 in the bill, insert the following:

**SEC. \_\_\_\_ SENSE OF THE CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.**

(a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am 103 Flight over Lockerbie, Scotland.

(2) Britain and the United States indicted two Libyan intelligence agents, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation.

(5) The sanctions in United Nations Security Council Resolutions 748 and 883 include—

(A) a worldwide ban on Libya's national airline;

(B) a ban on flights into and out of Libya by other nations' airlines; and

(C) a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(6) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had insisted that he would only

transfer the suspects to a third and neutral country to stand trial.

(7) On August 24, 1998, the United States and the United Kingdom agreed to the proposal that Colonel Qadhafi transfer the suspects to The Netherlands, where they would stand trial under a Scottish court, under Scottish law, and with a panel of Scottish judges.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998 in United Nations Security Council Resolution 1192.

(9) The United States, consistent with United Nations Security Council resolutions, called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(10) After years of intensive diplomacy, Colonel Qadhafi finally transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

(11) Libya has only fulfilled one of four conditions (the transfer of the two suspects accused in the Lockerbie bombing) set forth in United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya.

(12) Libya has not fulfilled the other three conditions (cooperation with the Lockerbie investigation and trial; renunciation of and ending support for terrorism; and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

(13) The United Nations Secretary General is expected to issue a report to the Security Council on or before July 5, 1999, on the issue of Libya's compliance with the remaining conditions.

(14) Any member of the United Nations Security Council has the right to introduce a resolution to lift the sanctions against Libya after the United Nations Secretary General's report has been issued.

(15) The United States Government considers Libya a state sponsor of terrorism and the State Department Report, "Patterns of Global Terrorism; 1998", stated that Colonel Qadhafi "continued publicly and privately to support Palestinian terrorist groups, including the PIJ and the PFLP-GC".

(16) United States Government sanctions (other than sanctions on food or medicine) should be maintained on Libya, and in accordance with U.S. law, the Secretary of State should keep Libya on the list of countries the governments of which have repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 in light of Libya's ongoing support for terrorists groups.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should use all diplomatic means necessary, including the use of the United States veto at the United Nations Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions set forth in United Nations Security Council Resolutions 731, 748, and 883.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

This is an amendment on behalf of myself and Senators LAUTENBERG, BROWNBACK, GORDON SMITH, MOYNIHAN, SCHUMER, TORRICELLI, MIKULSKI, and KYL. This amendment states the sense of the Congress that UN Security Council sanctions against Libya should

not be lifted until Libya meets all conditions specified in UN Security Council Resolutions 731, 748, and 883, and urges the Secretary of State to use all diplomatic means necessary to prevent sanctions from being lifted before these conditions are met.

On December 21, 1988, 270 people, including 189 U.S. citizens, were killed in the terrorist bombing of Pan Am 103 Flight over Lockerbie, Scotland. In 1991, Britain and the United States indicted two Libyan intelligence agents and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this despicable act. Libyan leader Qadhafi refused to transfer the suspects, and the United Nations Security Council imposed sanctions on Libya.

The sanctions in United Nations Security Council Resolutions 748 and 883 include a worldwide ban on Libya's national airline; a ban on flights into and out of Libya by other nations' airlines; a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

The Security Council demanded that Libya cease all support for terrorism and terrorist groups, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation for the victims' families before sanctions could be lifted.

Last month, after years of intensive diplomacy, a compromise was finally reached, and Colonel Qadhafi transferred the two suspects to The Netherlands, where they will be tried under a Scottish court, under Scottish law, before a panel of Scottish judges. The United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

On or before July 5, the United Nations Secretary General will issue a report to the Security Council on the issue of Libya's compliance with the remaining conditions. I hope he will recommend that the sanctions against Libya should not be permanently lifted.

It is clear that Libya has only fulfilled one of the four conditions—the transfer of the suspects accused in the Lockerbie bombing—in the UN Security Council resolutions. Libya has not ceased its support for terrorist groups.

The State Department's "Patterns of Global Terrorism: 1998" clearly states that Colonel Qadhafi "continued publicly and privately to support Palestinian terrorist groups . . ." In addition, because the trial has not begun and is expected to last at least several months, it would be premature to conclude that Libya has fulfilled the other remaining conditions.

The amendment I am offering expresses our view that the United Nations Security Council should not permanently lift the sanctions against Libya, until Libya has fulfilled all of the remaining conditions in the Security Council resolutions. It also calls

upon the Secretary of State to use all diplomatic means necessary, including the use of our veto at the U.N. Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions.

The Secretary of State has steadfastly and commendably maintained a vigilant stand against Libya, and this amendment will provide the strong support of Congress for using all diplomatic means necessary, including the use of the veto, to block the lifting of the sanctions.

Mr. President, it would be a gross injustice to the Pan Am 103 families, who have suffered so much in this ordeal, to reward Libya for policies it has not fulfilled. We must all remain vigilant and make sure that justice is served in all of its aspects in the Lockerbie bombing trial. We must remain vigilant and make sure that Libya ceases—not just in words, but in deeds—its support for terrorist groups.

I know of no opposition to this amendment, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent my colleague, Senator LAUTENBERG, be able to retain his 5 minutes on this.

It is the intention, if I could ask the floor managers, to ask for the yeas and nays at the appropriate time for all the amendments. Am I correct?

Mr. LEVIN. Can we get the yeas and nays on the Kennedy amendment now? Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. The Senator from Massachusetts has requested, and I surely have no objection, that the remainder of his time be saved and reserved until some point either during or after the conclusion of the Feingold amendments. If that is agreeable with the Senator from Wisconsin, I think that would accommodate Senator LAUTENBERG.

Mr. FEINGOLD. I have no objection, Mr. President.

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

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I want to clarify, the votes would still all be stacked at the end of that period; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. If the Senator will yield on that point? My friend from Virginia is attempting, if the Senator from Virginia is able to do this, to see if we cannot have the votes begin at a slightly later time than would previously be indicated by the way in which the three amendments are stacked. Since the



Senator from Virginia is the manager, if he is willing, we could give that preliminary alert.

Mr. WARNER. Mr. President, as I understand it, the Democratic leader has a commitment at the White House. We were not aware of that at the time this was established. We want to accommodate the minority leader, and therefore we will at this time vacate the order of the timing of these three votes until we can establish another time. But I would want the Senate to know that time would be right around 12 to 12:30.

Mr. LEVIN. That would be very accommodating.

Mr. WARNER. I ask unanimous consent to vacate that order.

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

Mr. WARNER. We will continue with the debate and conclude all amendments.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask to be informed by the Chair at a point when I have consumed 15 minutes of my time.

#### AMENDMENT NO. 443

(Purpose: To limit the total cost of the F/A-18 E/F aircraft program.)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 443.

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

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

The amendment is as follows:

On page 26, after line 25, insert the following:

(c) LIMITATION ON TOTAL COST.—(1) For the fiscal years 2000 through 2004, the total amount obligated or expended for production of airframes, contractor furnished equipment, and engines under the F/A-18E/F aircraft program may not exceed \$8,840,795,000.

(2) The Secretary of the Navy shall adjust the amount of the limitation under paragraph (1) by the following amounts:

(A) The amounts of increases or decreases in costs attributable to economic inflation occurring since September 30, 1999.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1999.

(C) The amounts of increases or decreases in costs resulting from aircraft quantity changes within the scope of the multiyear contract.

(3) The Secretary of the Navy shall annually submit to Congress, at the same time the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in paragraph (1) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in paragraph (2).

Mr. FEINGOLD. Mr. President, this amendment is a straightforward, common sense measure that establishes

greater accountability in the Navy's F/A-18E/F Super Hornet program.

The Navy and Boeing say they need \$8.8 billion over the next five years to procure the Super Hornet. Specifically, they say the \$8.8 billion would procure the airframe, contractor furnished equipment, and engines. My amendment simply sets a cost cap that holds them to that amount. My amendment doesn't terminate the funding; it doesn't hold that money up; it doesn't even restrict use of the money. My amendment just holds them to the amount that they say they need.

I would like to discuss the spectacular medicocrity of the Navy's F/A-18E/F, or Super Hornet, aircraft program, and to raise concerns about the poor decisions that have been made with regard to this breathtakingly expensive program.

President Eisenhower warned us four decades ago about the inexorable momentum of the military-industrial complex. Today we face the military-industrial-congressional complex that plods forward with a relentlessness that Ike, for all his foresight, could not have imagined. I have long feared that the Super Hornet is not the future of naval aviation, but rather a step backward. The Super Hornet just isn't worth the cost. It's as simple as that.

The Pentagon wants to spend 45 billion of our tax dollars to buy the Super Hornet for the Navy. But the plane isn't as good, in some respects, as the one they currently use, and may have design problems that could cost billions more to fix. "Super" is not the way to describe this plane—"superfluous" really is.

For very limited gain, the American taxpayers are getting hit with a 100 percent premium on the sticker price.

At this point in the program's development and testing, my colleagues may be asking why I continue to tilt at this windmill. I continue this effort in part because pilots' lives may be placed at risk in the E/F for the next 25 to 30 years. I come to the floor today to point out not just the failings of the Super Hornet but the failed decision-making process that has brought us to this point—a point where both the Pentagon and Congress continue to approach a 21st century reality with a Cold War mentality.

Exhibit A for this failed decision-making process is the Defense Department's current strategy for its aviation programs. The Super Hornet is just one overpriced piece of this strategy, which carries an almost \$350 billion price tag. Here is the real kicker: The strategy will not even adequately replace our existing tactical aviation fleet.

This strategy has been roundly criticized. It has been criticized by the Congressional Budget Office, the General Accounting Office, members of the congressional Armed Services Committees, the Cato Institute, and defense experts such as President Reagan's Assistant Secretary of Defense, Lawrence Korb.

The Navy's Super Hornet is just the crown jewel in this misguided tactical aviation acquisition strategy.

The story of the Super Hornet is one of huge sums of money spent with really very disappointing returns. The plane's failings have been expensive and alarming. These problems do not just empty our pocketbook; they could endanger our pilots.

I want to discuss what the Navy has described as the "pillars" of the Super Hornet program. These are the performance parameters that the Navy touts as justifications for this expensive program. But these pillars have become problems.

First and foremost is the plane's range. The Navy argues that the Super Hornet will fly significantly farther than the Hornet. But these improvements have yet to be proven in reality. What is worse, initial Super Hornet range predictions have actually declined as flight data has been gathered. By continuing to base range predictions on actual flight test data, the Super Hornet range in the interdiction role amounts to an 8-percent improvement over the Hornet, and this is not particularly impressive.

Adding to the range shortcoming is the wing-drop problem. When the Super Hornet is in air-to-air combat, when it most needs to maintain its precise ability to position itself, the plane can lose wing lift, a problem beyond the pilot's control that essentially causes the plane to roll out of position.

We have been wrestling with the wing problem for a couple of years now, and it still is not resolved. Potential fixes for the wing-drop problem will decrease range, but since we do not know which solution the Navy will employ, the actual decrease is not yet known.

Also affecting the range, believe it or not, is the potential of bombs colliding with each other or with the aircraft. The Navy's solution increases drag, thus resulting in a deficiency that would preclude the aircraft from carrying external fuel tanks. If the aircraft does not carry the two 480-gallon tanks, it will not be able to meet its required range specification. The Navy and its contractor now have little choice but to redesign the wing pylons.

A second pillar of the program is survivability. Since the inception of the Super Hornet program, the Navy has asserted that the aircraft will be more survivable than the current Hornet. Based on operational tests, however, survivability issues now comprise the majority of the program's deficiencies, as identified by the Procurement Executive Office for Tactical Aircraft. A chief survivability problem is that the plane's exhaust will actually burn through its decoy tow line. The towed decoy is designed to attract enemy missiles away from the aircraft. Obviously, losing a decoy will not increase survivability.

A third pillar put forth is growth space, or space availability to accommodate new systems. When the Navy



was pitching the Super Hornet to Congress, they said the Hornet just did not provide enough space to accommodate additional new systems without removing existing capability. We were told that the Super Hornet would have a 21 cubic feet of growth space versus less than a few feet in the Hornet. But now, GAO actually reports that the Super Hornet has only 5.46 cubic feet of usable growth space. The Navy's F/A-18 upgrade roadmap shows that most of the upgrades planned for the Super Hornet are already planned to be installed on the Hornet as well.

The remaining pillars are that of payload and bringback. The Navy claims that the Super Hornet would provide greater payload and bringback than the Hornet. Increased payload should mean the Super Hornet is able to carry more weapons and fuel, and increased bringback should mean that the Super Hornet should return from its mission carrying more of its unused weapons than the Hornet, so pilots do not have to lessen their load for the trip home by dropping missiles unnecessarily. That is what payload and bringback should mean, but with the Super Hornet, the reality falls short of expectation.

Flight tests have revealed additional wing stations that allow for increased payload may cause noise and vibration that could damage missiles. In response to this glitch, the Navy is determining whether the missiles need to be redesigned. The Navy also plans to restrict what can be carried on inner wing pylons during Operational Test and Evaluation because of the excessive loads on them. These restrictions would prohibit the Super Hornet from carrying 2,000-pound bombs on these pylons, which reduces the payload capacity for the interdiction mission. GAO also reports that the pylon load problems could negatively affect bringback.

What all this technical talk is about, simply stated, is that the pillars supporting the Super Hornet program are crumbling. But don't take my word for it. Just look at the troubling evidence amassed by the GAO which makes the best case yet against the Super Hornet program.

According to GAO, the aircraft's performance is less than stellar. In fact, GAO reports that the aircraft offers only marginal improvements over the Hornet, the same finding it made in 1996. Over the last 3 years, GAO has offered evidence of shortcomings in each and every area the Navy declared as justifications for the Super Hornet. In addition, the Super Hornet is actually worse than the Hornet in turning, accelerating, and climbing—actually worse than the plane we are using now that is less expensive.

GAO testified recently before Congress that the Super Hornet is not meeting all of its performance requirements. It is behind schedule, and it is above cost, regardless of Navy boasts to the contrary. The Navy's statements

on performance actually reflect the single-seat E model of the aircraft, and it does not factor in the performance of the less capable two-seat F model. This is troubling because the F model actually comprises 56 percent of the Pentagon's purchasing plan for the overall Super Hornet program. Not only that, the Navy's assertions about performance are based on projections, not on actual performance.

GAO's work has made crystal clear the setbacks the Super Hornet has already faced and the serious problems that lie ahead. There is really a mountain of evidence against the Super Hornet. The Navy's response to that mountain of evidence has been simply to tell you: It's a molehill; don't worry about it.

To close the cost gap between the Super Hornet and Hornet aircraft, Boeing is shutting down production lines for the Hornet. Those lines may be prohibitively expensive to reopen if we ever face the facts and decide that the Super Hornet is not worth the cost and risk.

The Navy's response to the Super Hornet's troubles has been to play games, to divert attention from the plane's failings, to keep the Navy from relying on the more reliable Hornet, and, most of all, they are playing games with Federal tax dollars. These games have to stop.

For the sake of our pilots and American taxpayers, the Navy must be forthright with us. By any reasonable assessment, the Super Hornet program has problems that have to be corrected before we commit our pilots and our taxpayers to a long-term obligation.

But that is what is so disturbing here, Mr. President. At the very moment we should be pausing to reassess this program, in our oversight role, the Navy and the Pentagon are pushing for a multiyear procurement contract.

This is despite the fact that the Navy has identified 29 major unresolved deficiencies in the aircraft. The Program Risk Advisory Board, which is made up of Navy and contractor personnel, states that there is a medium risk—a medium risk—that the operational test and evaluation might find the Super Hornet is not operationally effective and/or suitable, even if all performance requirements are met. In other words, even if they fix all the problems plaguing the plane, the Super Hornet still might not cut the mustard. How can we sign off on a 5-year \$9 billion contract before an aircraft is certified operationally effective?

I am very puzzled by that. Instead of signing off on this leap of faith, I suggest the Navy complete OPEVAL and then reassess the prudence of a multiyear procurement contract. The Super Hornet's OPEVAL will allow the Navy and its contractor to stress the aircraft as it would be stressed in the fleet. A multiyear procurement decision prior to OPEVAL defeats the purpose of the test.

It is not unreasonable to ask that all deficiency corrections be incorporated

into the aircraft design and successfully tested prior to a 5-year, \$9 billion procurement commitment. Not only is it not unreasonable, it is consistent with existing Navy criteria.

What concerns me most here is the conduct of the Navy and the Pentagon as they have tried to ensure that the Super Hornet has a place in its aviation program. At every turn, they have pushed this plane, despite all logic to the contrary. They have even resisted answering simple, straightforward questions about the plane's performance.

My own experiences trying to extract information from the Pentagon about the Super Hornet's performance have been fraught with difficulties. Last November, I sent a straightforward letter to the Secretary of Defense that asked some simple questions about the status of the E/F. At the time, Congress had just appropriated more than \$2 billion for the third lot of production. After that letter, I wrote four additional times urging DOD to answer very specific, clear questions regarding the performance of the aircraft in its latest flight test.

Three months later, I received a memorandum stating that it "addresses some" of my "concerns." This was unfortunate because I was assured by Pentagon officials familiar with the report that my questions could be easily answered in full. I can assure everyone who is listening that I will not stop asking until I get answers.

I would like to conclude my initial remarks by telling my favorite story about this profoundly flawed program.

This past January, the Assistant Secretary of the Navy for Research, Development, and Acquisition commissioned an independent study to address my questions. I had been asking for a study for some time, so I was heartened and relieved and looking forward to the results.

Unfortunately, the person chosen to lead the inquiry is a well known Washington defense lobbyist who had a longstanding business relationship with Boeing, the Super Hornet's primary contractor. During the meeting with my staff, the lobbyist did not disclose his firm's association with Boeing. Later my staff telephoned him, and he described his firm's association with Boeing in response to direct questions from my staff. Then he went on to say that he had terminated his relationship with Boeing "a few days" after Mr. Buchanan asked him to perform the independent review—"a few days."

No one will be shocked to hear that the report was very favorable to the Super Hornet.

This latest episode with the Super Hornet highlights a pervasive Pentagon mindset that sometimes sacrifices the interests of our men and women in uniform to the assumption that bigger and more expensive programs are always better. It puts in stark relief the power of the defense industry which gave more than \$10 million in PAC money and soft money to

parties and candidates in the last election cycle.

In the last 10 years, the defense industry gave almost \$40 million to the two national political parties. You know, for that much money, they could buy their own Hornet.

The PRESIDING OFFICER. The Senator has used 15 of his 20 minutes.

Mr. FEINGOLD. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. FEINGOLD. Mr. President, in the last 10 years, the defense industry gave almost \$40 million to the two national political parties. For that kind of money, these interests could have gotten their own Hornet. Unfortunately, they would have needed another \$36 million to get themselves a Super Hornet.

Boeing, the Super Hornet's primary contractor, gave more than \$3 million in PAC money and more than \$1.5 million in soft money during that same period. There were no PACs in Eisenhower's day, but this is what he warned us about, only with higher stakes than he may have imagined.

I have stood on the floor of the Senate for 3 years now discussing the inadequacy of the Super Hornet program. And for 3 years, Congress has turned a deaf ear to the facts. I harbor no illusions that the Super Hornet will be terminated. I do hold out hope that this body will use some common sense in procuring the aircraft.

My amendment does nothing more than set a cost cap using the exact dollar amount put forward by the Navy—nothing more, nothing less.

We owe it to our naval aviators to give them a product worthy of their courage and dedication. And we owe it to the American taxpayers to ensure that we are using their money to modernize our Armed Forces wisely.

Mr. President, I ask for the yeas and nays and reserve the remainder of my time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair and I thank the manager of this bill for giving me the opportunity to rise in strongest opposition to the amendment offered by my colleague from Wisconsin.

This is becoming an annual ritual where the Senator from Wisconsin seeks to undermine the Navy's No. 1 procurement priority against the will of the administration, the Department of Defense, and at the expense of our Navy warfighters.

There are quite a few problems with this amendment and the one that he will offer to follow it. But on this first one, it is absolutely not necessary. A

fixed-price contract is already in place. So submitting an amendment that purports to do what is already being done is redundant.

Cost caps are normally reserved for problem programs to control cost overruns in the development phase. The F-18 E/F program of today is a model program which has consistently come in under budget. It is a well controlled program with cost incentives in place.

The attacks on this program can best be summed up by the words: Don't confuse me with the facts, I have my prejudices, and I have my viewpoints that I am going to argue, regardless of what the facts are. Because the facts are that the F-18 E/F procurement program is under budget and it is ahead of schedule.

It absolutely amazes me that the Senator from Wisconsin would seek one more time to hamper the program by adding further administrative cost controls for a program that has already been reviewed by the Senate Armed Services Committee, the House Armed Services Committee, and the Senate Appropriations Committee. All three of these bodies reviewed the F-18 program and found no need to add further administrative constraints to this successful program.

There is a report out, that was put out a year ago by Rear Admiral Nathman, the "N88 Position on OT-IIB." This report answers all of the contentions raised by the Senator from Wisconsin. I ask unanimous consent that this summary be printed in the RECORD.

We will have it available for anybody who wants to read it, the specific responses to all the points raised. They have been available to the Senator from Wisconsin, and all of us, for over a year.

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

#### N88 POSITION ON OT-IIB

The OT-IIB Report has done an excellent job of further quantifying and qualifying known issues with the F/A-18E/F. The Navy Developmental and Operational Test process is structured to identify issues prior to production to avoid costly production modifications.

The OT-IIB Report has revalidated that process, confirming that no such issues exist. The F/A-18E/F Hornet Program remains a model program, on cost, on schedule, under budget and meeting or exceeding all performance parameters.—RADM Nathman.

Mr. BOND. Admiral Nathman says:

The OT-IIB Report has done an excellent job of further quantifying and qualifying known issues with the F/A-18E/F. The Navy Developmental and Operational Test process is structured to identify issues prior to production to avoid costly production modifications.

The OT-IIB Report has revalidated that process, confirming that no such issues exist. The F/A-18E/F Hornet Program remains a model program, on cost, on schedule, under budget and meeting or exceeding all performance parameters.

I think we can take the word of the person who has the responsibility for

operational program review. We have people who do this for a living and who look at these programs full-time. This is what they are saying about the program.

The F/A-18 multiyear contract will be a fixed price incentive contract. It is a capped program in application. But the agency retains contract administration flexibility, and the contractor maintains inherent cost control incentives. The statutory cap being proposed would undoubtedly increase contract administration costs.

In an era where we are experiencing vexing retention problems, I see no need to add additional burdens to a major acquisition program intended to give our warfighters the best equipment available.

The viability of the Navy's tactical aviation program is directly tied to the success of this program, and any effort to tie up this program with needless administrative controls is counterproductive. The amendment also contains no cost exemptions that would exclude costs beyond the control of the contractor, such as allowance for new technology built into later models or changes in aircraft quantity.

To date, the F-18E/F has flown 4,665 hours during more than 3,100 flights with no mishaps. The aircraft just finished the Engineering, Manufacturing, and Development phase and is scheduled to enter the Operational Test and Evaluation Phase, or OPEVAL, this week. It is anticipated that OPEVAL will be complete, looking to have a decision on full rate production by March 2000.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. BOND. Mr. President, I ask if I might be accorded 2 more minutes.

Mr. WARNER. Mr. President, if the Senator would yield for a moment, we are very anxious to start votes.

Mr. SANTORUM. I yield the Senator 2 of my 5 minutes.

Mr. WARNER. I think this would be an appropriate time for the managers to address the Senate as to the schedule of voting.

We are now hoping to start the first vote at about 11:50. That vote would be in the normal sequencing of time, and we hope thereafter to have the two following votes at 10 minutes each. I will not propound that at this moment. I wish to alert the Senate and those debating so when I object to any extension of time for this debate to accommodate a number of Senators on the vote schedule, they will understand. I do not propose a UC at this time.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes from the time of the Senator from Pennsylvania.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Mr. BOND. Surely.

Mr. LEVIN. So we can sequence Senator LAUTENBERG's 5 minutes for an earlier amendment in this process, after the Senator from Missouri is finished his time and the Senator from

Pennsylvania is recognized, the Senator from Missouri is recognized.

Mr. WARNER. You have a few Missouri mixed up. On the No. 1 amendment, you are going to deal with that; is that correct?

Mr. BOND. I will make brief comments about the second amendment, and then I will conclude.

Mr. WARNER. Could you advise the managers at what juncture we could complete Senator LAUTENBERG's 5 minutes on the Kennedy amendment? What would be convenient?

Mr. BOND. Mr. President, I only need about 2 minutes to finish up all of my efforts on both of these, if I could finish.

Mr. WARNER. So in between the two amendments we could get 5 minutes?

Mr. SANTORUM. Mr. President, that would be fine with me. The two Senators from Missouri, myself, and then I would be happy to—

Mr. WARNER. Why don't you finish up the first amendment, inform the Chair, and then we will have Senator LAUTENBERG complete the Kennedy amendment.

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

The senior Senator from Missouri is recognized for an additional 2 minutes.

Mr. BOND. Let me reiterate that the F/A-18 program is under budget and ahead of schedule. Why don't we just ask the men and women who have flown them? Admiral Johnson, Chief of Naval Operations, came before us. He represents, and is responsible for, the men and women who fly these aircraft. He has flown one, and has given overwhelming, enthusiastic, and unqualified support for the Super Hornet.

Now, we have hearings in this body for a reason; that is, to listen to the people who have the expertise and the experience. These people have told us that the E/F is the best thing we have for the Navy, and they want them. They know it is ahead of schedule, and under budget, with improved performance. Why do we even bother with hearings if we do not pay attention?

I say, with respect to the second amendment, this is an attempt to set up the GAO as a decision making authority in the Defense Department. Constitutionally they are not authorized to do so. We have a director of OPEVAL, who is appointed by the President with advice and consent of the Senate, to make these decisions. I believe in legislative oversight. I believe in the GAO having a responsibility to raise questions. The people who have the responsibility in the executive branch have answered these questions.

I think it is time to quit hampering the program, trying to kill or cripple a program that is providing us the best tactical aircraft for the Navy's carriers.

I urge my colleagues to join in what I trust will be a tabling motion to table both of the amendments or to vote against them if they are not tabled.

I thank the Chair and the chairman of the subcommittee for giving me this opportunity.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am pleased to rise in response to the amendment proposed by the Senator from Wisconsin.

The senior Senator from Missouri has stated eloquently the need to respond to the military demands of America in ways that the military believes are effective. We have in the E/F a program that is under budget, under cost. It is on schedule. It is certified ready for operational test and evaluation.

Those who have had the ability and opportunity to fly it have certified to its character and its characteristics as those that are needed. Every aircraft that we have in our arsenal has some characteristics which preclude others. There are tradeoffs. So there will be those who attack this aircraft and say it doesn't do this as well as something else does, or it doesn't do that as well as another plane does. The fact of the matter is, a plane must do what it is designed to do. When it does what it is designed to do, it meets the needs of the defense of this United States of America.

Aircraft fighters and attack aircraft are designed to do specific things. There is a need—and we have seen it; we are seeing it plainly in the arena of conflict today in the Balkans—for additional mission radius. There is a need for the ability to fly further. There is a need for increasing the payload. If you look at the strike-sortie to just general sortie ratio in the war in the Balkans, it is far different than it was in the war in Desert Storm. That is because we are basing our planes in a different place.

This particular aircraft has a 37-percent increase in mission radius. That is important. It is a design feature. It is needed. It is something the Defense Department and those who fly these airplanes understand we have to have in order to defend our interests and to protect the most important resource we have in our defense operations, and that is the human resource of our pilots.

There is a 60-percent increase in recovery payload. Depending on the mission, the E/F has two to five times the strike capability of the earlier model, two to five times the strike capability, being able to put destruction on a target. That is an important thing to understand.

There is a 25-percent increase in frame size to accommodate 20 years of upgrades in cooling, power, and other internal systems. That is important.

It may be said this aircraft is only marginally better. Well, the margin is what wins races. The winner in the 100 yard dash does it in 10.4 seconds. The loser does it in 10.5 seconds. It is only marginally better, but marginal superiority is what wins conflicts. It is what saves lives. It is what makes a difference.

In testimony before the Armed Services Committee, Phil Coyle, Director, Operational Test and Evaluation, Department of Defense, said it this way:

The Department of Defense embarked upon the F/A-18E/F program primarily to increase the Navy's capability to attack ground targets at longer ranges.

Does that sound familiar? That is where we are right now in the Balkans. We are having to fly lots of sorties, because we have to have lots of refueling and other things, because the current things that we have do not have the ability to attack and increase our ability to attack ground targets at longer ranges.

In order to obtain this objective, the principal improved characteristics were increased range and payload; increased capability to bring back unused weapons to a carrier; improved survivability; and growth capacity to incorporate future advanced subsystems . . .

Three to five times the strike capability. We need to be able to add improved technology. It is my understanding the Senator from Wisconsin wants to flatten the plane out, simply to say it can be this plane and no further. If there is a generation of technology available to upgrade this, we need to be able to add the upgrades.

I think we need to be in a position where we can do for those who fight for America and freedom that which will serve their best interests. The idea, somehow, that the GAO should make a determination about whether an airplane is ready—I served as an auditor. For 2 years I was the auditor for the State of Missouri. It is a great job. It is a wonderful responsibility. But those flying green eyeshades and walnut desks in Washington should not be compared to those who fly fighters to defend freedom. We shouldn't have the green eyeshade accountant flying a desk in Washington telling us whether or not the fighter is fit to fight. We need to rely on the responsible testimony and information provided to us by those whose job it is to defend America and whose lives depend on the fighter being fit to fight.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

The Senator from Pennsylvania.

Mr. LAUTENBERG. What was the order?

The PRESIDING OFFICER. Under the order, the Senator from Pennsylvania has 3 minutes, the Senator from Wisconsin has 3 minutes, and then the Senator from New Jersey will be recognized for 5 minutes.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I think the fine representatives from the State of Missouri, Senators BOND and ASHCROFT, addressed the issue of the F/A-18E/F adequately on the merits. Frankly, I will not address that because that is not what this amendment does.

This amendment has nothing to do with the merits of the F/A-18E/F. This

has to do with a cost cap on a fixed price contract. Frankly, I was willing to accept this amendment because a fixed price contract is a fixed price contract. Putting a cost cap on the fixed price times the number doesn't really have any impact.

What we are going to pay for this is already in law. What his amendment did, which I objected to, was that it did not allow any increase in money for what is called technology insertion. What does that mean? Well, if we come up with a better radar system in the next few years while we are procuring these F/A-18E/Fs, and if we want to put a new radar system in, which would cost more money, under the Feingold amendment we can't do that.

The Senator from Wisconsin talked about how we have an obligation to our naval aviators, to make sure they have the most competent equipment to be out there flying. I agree. That is why I can't support this amendment. If we put this in, we would be denying those very aviators a technology insertion that would be important in improving the survivability of the aircraft, or their ability to locate targets, or whatever the case may be.

This is a dangerous amendment. It threatens our naval aviators who are going to be flying these aircraft because we are not going to allow the insertion of technology for an additional cost that may increase the efficacy of that aircraft.

One other comment. This was in response to the comment of the Senator from Wisconsin that we should not be approving this multiyear contract, which we do under this bill, without having the operational evaluation of testing go on, which could fail.

I say to the Senator from Wisconsin, if it fails, under our bill, there is no multiyear contract. We spell out specifically in this legislation that it has to pass OPEVAL. If it doesn't, there is no multiyear.

We have taken care of the Senator from Wisconsin in that if there are problems—and the Senator lists a variety that he believes exist—and if that is what is determined by the Department of Defense and the Bureau of Testing, we will not have a multiyear contract. So the Senator will get his wish.

So I think, in the end, the Senator's amendment is superfluous at best—if he would agree to the amendment I suggested—but it is dangerous now because it doesn't allow for technology insertion. So I will move, at the appropriate time, to table the Feingold amendment.

Mr. FEINGOLD. How much time do I have remaining?

The PRESIDING OFFICER. Three minutes.

Mr. FEINGOLD. Mr. President, it is pretty obvious at this point that any effort to question any weapons system is considered an effort to somehow undercut the military strength of our country. The fact is that we have a re-

sponsibility to do some oversight on our own. We should not just take the word of Government bureaucrats, whether they are in one Department or the other—the Defense Department or Department of Agriculture. We should not just take their word for it. We have some responsibility to look at the questions that have been raised by independent bodies such as the General Accounting Office that say there are real problems.

There has been a great effort here to distort my amendment. It takes the Navy's figure of \$8.8 billion and uses that for the cost cap. That is what it does. We have done this before on this particular airplane. My amendment to do this in another phase of the program a couple of years ago was accepted, and it worked just fine.

On the engineering and manufacturing development portion of it, it was not a radical attack. This simply takes the Navy's own numbers and holds them to it. We all know what happens with the incredible cost increases that occur with these planes.

Where is the role of oversight of the Senate? There is an attitude of "don't confuse me with the facts" when it comes to such a complicated, expensive program. It is a \$45 billion program, and we are whitewashing the whole thing, even though the General Accounting Office—not me, but the GAO—has identified problems on each of the five pillars of the program. There was essentially no substantive response to any of the points the GAO made that I laid out. They just repeated the facts of the original claims without saying one thing about what has been determined about problems with survivability, and with the additional space. It simply is not as good as originally claimed.

So what we are left with is a blank check. This is the only challenge to any weapons system on the floor of the Senate on this entire bill. Where have we come to, that we scrutinize and cut so many other areas of Government? I have worked hard on that and have a good record on it. But why doesn't the Defense Department, and why don't these weapons systems have to share in the scrutiny of everything else?

There are problems with this plane. My amendment doesn't terminate the plane; it says we ought to hold them to a dollar amount that the Navy itself has identified.

Regarding the Senator's point, that technology improvement language he thinks would help is a giant loophole that will allow anything to get through to add to the cost. In fact, you could fly a Super Hornet through that loophole.

How much time do I have remaining?

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator's time has expired.

Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. SANTORUM. Mr. President, I move to table the Feingold amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

AMENDMENT NO. 442

Mr. LAUTENBERG. Mr. President, it was on December 21, 1988, over 10 years ago, that Pan Am flight 103 was blown out of the sky over Lockerbie, Scotland killing 270 people, including 189 American citizens. Two Libyan intelligence agents have been indicted for planting the bomb in this deliberate terrorist attack.

Over the past decade, I have watched with respect and admiration as the victims' families have courageously pieced together their shattered lives. While these families have tried to move on, the agony of losing their loved ones will never disappear. Neither they nor we as a nation will find closure until those responsible for the bombing are prosecuted and Libya rejects terrorism in word and in deed.

I therefore rise today to join with my friend and colleague from Massachusetts in offering an amendment expressing the sense of Congress that sanctions against Libya should not be lifted.

Last month, Senator KENNEDY and other colleagues joined me in writing to Secretary of State Madeleine Albright to support her decision to keep U.S. sanctions in place at the U.N. until Libya demonstrates it has rejected terrorism.

We also called for the United States to pursue an investigation to identify all those responsible for the Pan Am 103 bombing, including those who ordered, organized, and financed this terrible crime. Libya and other terrorist nations must know that the U.S. will not allow criminal acts against its citizens to go unpunished. We will use all available means to ensure justice prevails.

Mr. President, I ask unanimous consent to have the text of the letter that we sent to the Secretary of State printed in the RECORD.

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

U.S. SENATE,

Washington, DC, April 27, 1999.

Hon. MADELEINE K. ALBRIGHT,  
Secretary of State, Department of State,  
Washington, DC.

DEAR SECRETARY ALBRIGHT: We commend you and Ambassador Burleigh for the diplomacy which has brought Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah to the Netherlands to stand trial before a Scottish court for the bombing of Pan Am flight 103.

The families of the victims of this heinous terrorist act have waited too long—more than a decade—for the first suspects to be

brought to justice. We must ensure that they are prosecuted effectively. We hope the families and their representatives will also have access to the trial, if possible through a video link to the United States.

United Nations sanctions on Libya have already been suspended. The United States should not consent to permanently lifting the sanctions before the trial is concluded to ensure continued Libyan cooperation. We agree with your decision to keep U.S. sanctions in place until it can be demonstrated that Libya has renounced terrorism in word and in deed.

Our shared commitment to justice for the victims' families cannot end with this trial. We would appreciate your assurances that no line of inquiry has been excluded. The United States must pursue the investigation to identify all those responsible for ordering, financing, and organizing as well as carrying out this terrible crime, wherever they may be. Our national interest demands that we demonstrate that terrorists who attack our citizens will be tracked down and will find no quarter.

We stand ready to support your efforts to punish terrorists as well as those who support and encourage such unlawful and uncivilized conduct.

Sincerely,

Edward M. Kennedy; Barbara A. Mikulski; Daniel Patrick Moynihan; Robert G. Torricelli; Charles Schumer; Dianne Feinstein; Frank R. Lautenberg; Gordon Smith; Arlen Specter; Sam Brownback; Paul D. Wellstone; Paul S. Sarbanes.

Mr. LAUTENBERG. Mr. President, the amendment Senator KENNEDY and I offer sends a message to Tripoli that the United States will do everything in its power to ensure continuing sanctions against Libya until it complies with international demands and renounces terrorism as state policy.

Since the 1988 bombing, three United Nations Security Council resolutions—Numbers 731, 748 and 883—have demanded that Libya cease all support for terrorism, turn over the bombing suspects, cooperate with the investigation and trial, and address the issue of appropriate compensation.

To date, Tripoli has only fulfilled one of the four conditions—turning the two bombing suspects over to Scottish authorities to stand trial at a specially-constituted court in the Netherlands. We have seen no indication that the Libyans intend to fulfill the other requirements.

In early July, the U.N. Secretary General will report to the Security Council on Libya's compliance with the conditions set by the international community. Once he submits that report, members of the Security Council may well introduce a resolution to lift sanctions against Libya, which until now have only been suspended.

Mr. President, Libya must not be allowed to gain relief from sanctions through half-measures. This Amendment therefore calls on President Clinton to use all diplomatic means necessary, including the use of the U.S. veto, to prevent sanctions from being lifted until Tripoli fulfills all the conditions set out in the resolutions.

I would urge my colleagues to join us in support of this amendment, to speak

with one voice to say that sanctions against Libya should not be lifted until and unless Libya forever renounces terrorism and fulfills the other conditions set out in U.N. resolutions.

As Americans, we must take action to ensure such horrors never happen again. We must punish the guilty and continue to exert pressure until Libya resolves to become an accepted member of the world community. This amendment is one step in the right direction to make sure that happens.

I thank the Chair and yield the floor.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 3 minutes on the Kennedy amendment.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Kansas has 5 minutes.

Mr. BROWNBACK. I thank the Chair.

Mr. President, 189 Americans were killed in the bombing of Pan Am 103. Their families have known no peace for more than a decade. While it is true that Libya has labored under mild United Nations sanctions for much of that time, it is also true that the perpetrators of this hideous act of terrorism have lived a life of freedom with their families.

For reasons best known to himself, Colonel Qadhafi has decided to turn over the two suspects in the Pan Am 103 bombing to a Scottish court constituted in The Hague. In return, the U.N. sanctions against Libya have been suspended.

This measure, a sense of the Congress, highlights some of the inadequacies of the current arrangement. For example, Libya has only fulfilled one of four requirements set forth in the relevant Security Council resolutions. Qadhafi has yet to reassure us he will fully cooperate with the investigation and trial; he has yet to renounce his support for international terrorism; and he has failed to pay compensation to the victims' families.

I have little confidence that no matter what the outcome of this trial, Qadhafi will not change his stripes. He is a dictator and a criminal. Indeed, the London Sunday Times of May 23, 1999, reported that British intelligence has information clearly linking Qadhafi himself to the bombing.

This amendment states the sense of Congress that the President should use all means, including our veto in the Security Council, to preclude the lifting of sanctions on Libya until all conditions are fulfilled. I would go further. Until we know just who ordered this bombing, and until that person is duly punished, Libya must remain a pariah state, isolated not only by the United States but by all the decent nations of the world.

I urge colleagues to support this amendment, and commend Senator KENNEDY for his many efforts of the Pan Am 103 victims and families.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.

AMENDMENT NO. 444

(Purpose: To ensure compliance with contract specifications prior to multi-year contracting and entry into full-rate production under the F/A-18E/F aircraft program)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. FEINGOLD) proposes an amendment numbered 444.

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

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

The amendment is as follows:

On page 26, strike lines 20 through 25, and insert the following:

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A-18E/F aircraft or authorize entry of the F/A-18E/F aircraft program into full-rate production until—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives that the F/A-18E/F aircraft has successfully completed initial operational test and evaluation;

(2) the Secretary of the Navy—

(A) determines that the results of operational test and evaluation demonstrate that the version of the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters in the operational requirements document for the F/A-18E/F program, as submitted on April 1, 1997; and

(B) certifies those results of operational test and evaluation; and

(3) the Comptroller General reviews those results of operational test and evaluation and transmits to the Secretary of the Navy the Comptroller General's concurrence with the Secretary's certification.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we have now reached concurrence among leadership and the managers that the three votes that were to begin at 1:30 today will begin 20 minutes thereafter, at 1:50 a.m. in sequence back to back. At the conclusion of the first vote, it is the intention of the managers to seek a 10-minute limitation on the remaining two.

I thank the Chair.

Mr. FEINGOLD. Mr. President, the Navy would like to rely on flight test data from the single seat E version of the Super Hornet to claim that the aircraft procured under the Navy's F/A-18E/F program will perform up to specifications. Here is the problem. Fifty-six percent of the planes the Navy intends to buy will be the lower performing two-seat F models. My amendment to address this sleight of hand is simple and sensible. It would require that the majority of aircraft ordered under the Navy's F/A-18E/F Super Hornet program meet the key performance parameters in the Operational Requirements Document before going into full-rate production and before the Navy

enters into a multi-year procurement contract.

Mr. President, my colleagues are well aware of my concerns about the Navy's F/A-18E/F Super Hornet aircraft program. Over the past three years, I've delved into the program's flaws in agonizing detail. Earlier, I was on the floor to offer an amendment that institutes a cost cap on the E/F program. At the time, I took this body through a wide-ranging review of facts and figures from the Pentagon's Director of Operational Test and Evaluation and the General Accounting Office, on the Super Hornet's shortcomings. So I won't subject my colleagues to more of the same facts showing how the Super Hornet program fails to improve on the existing Hornet program more than marginally, or in a cost-effective manner.

Mr. President, I'm sure many of my colleagues wonder why I continue on this lonesome crusade. I continue this effort pilots' lives will be placed at risk in the F/A-18E/F for the next 25 to 30 years. On top of that, taxpayers are being asked to pay more than \$45 billion for this program.

Mr. President, the amendment I offer simply requires the Super Hornet to meet existing performance specifications before going into full-rate production. It is simply a common sense measure.

To briefly summarize the contracting process, in 1992, the Secretary of the Navy and the aircraft's primary contractor, Boeing, entered into a contract for the development, testing, and production of the Super Hornet. Within a follow-up Operational Requirements Document, or ORD, which was signed off by the Navy in April, 1997, are a number of key performance parameters. Essentially, Mr. President, the contract states explicitly what the Navy wants the plane to be able to do.

Mr. President, the Navy wanted, and I assume still wants, a plane with increased range, increased payload, greater bringback capability, improved survivability, and increased growth space over the existing F/A-18C Hornet aircraft. The Navy calls these improvements the pillars of the Super Hornet program.

As I stated earlier, premier among the Navy's justifications for the purchase of the Super Hornet is that it fly significantly farther than the Hornet. As recently as this past January, the Navy claimed the E/F would be able to fly up to 50 percent farther than the Hornet.

Mr. President, again, these improvements have yet to be proven in reality. And in the realm of reality, initial Super Hornet range predictions have declined as actual flight data has been gathered and incorporated into further prediction models. If the anticipated, but yet to be demonstrated range improvements are not included in the estimates, the Super Hornet range in the interdiction role amounts to a mere 8 percent improvement over the Hornet.

According to GAO, this is not a significant improvement.

Mr. President, not only does the Super Hornet fall short in its range, but also in its payload capacity, and growth space improvements. On top of that, the Super Hornet is worse than the Hornet is turning, acceleration, and ability to climb. Again, this plane will cost far more, perhaps twice as much as the current model.

As I mentioned earlier, the General Accounting Office testified recently before Congress that the Super Hornet is not meeting all of its performance requirements, is behind schedule, and above cost, regardless of Navy boasts to the contrary. The agency offered evidence of shortcomings in each and every area of the Navy declared as justifications for the aircraft. GAO also states that some of the Navy's assumed improvements to the aircraft have yet to be demonstrated.

Mr. President, the Navy's statements on performance reflect the single-seat E model of the aircraft, not the less-capable two-seat F model. This is troubling because the model of the aircraft, not the less-capable two seat F model. This is troubling because the F model comprises 56 percent of the Pentagon's purchasing plan for the Super Hornet. Again, Mr. President, the Navy's statements on performing are based on projections, not actual performance.

According to GAO, which has been reviewing the program for more than three years, the aircraft continues to offer only marginal improvements over the Hornet, the same finding GAO made in 1996. After three years of development and testing, Mr. President, we still stand to gain only marginal improvements that don't outweigh the cost.

Again, Mr. President, I have stood on the floor of the United States for three years now discussing the inadequacies of the Super Hornet program. And for three years, a majority of my colleagues have turned a deaf ear to the facts. I hold out hope that this body will use some measure of common sense in procuring this aircraft.

Mr. President, this amendment merely enforces what should be blatantly obvious. Before moving to full-rate production, or entering into a multi-year procurement contract, of the Super Hornet, the contract between the Navy and its contractor should be enforced. The Navy signed a contract to receive a plane that can do certain things. I agree with the Navy.

The plane ought to do certain things. We shouldn't go forward until we know that it really does those things.

This amendment simply requires that the Navy receive the plane it expects.

Mr. President, I ask for the yeas and nays, I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I say this with great amusement. When I propounded the unanimous consent request for an 11:50 vote, it was interpreted as a little too folksy for the Parliamentarian, so I now in a very stern voice ask unanimous consent that the votes begin at 11:50.

Mr. ASHCROFT. I ask for a point of clarification. Does that include the following two votes would be 10-minute votes?

Mr. WARNER. I intend to ask they be 10 minutes, but traditionally we don't do it until we determine the whereabouts of all Members.

Mr. ASHCROFT. In that event, I have no objection.

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

Mr. LEVIN. Does this include any time between the votes? Could there be 2 minutes between the votes on the first and second and second and third amendments—2 minutes equally divided?

Mr. WARNER. Is it desired?

Mr. LEVIN. It is desired.

Mr. WARNER. I have no objection.

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

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I yield myself 3 minutes.

In response to the amendment of the Senator from Wisconsin, it is an additional hurdle to begin production of the E and F. This says that we cannot move forward with production, full-scale production, of this aircraft without a successful operational test and evaluation. That will be done by operational test pilots, maintenance people, experts in evaluating aircraft. They do the testing. They will do the report. The commander of operational test forces will issue the report, determine whether there was a successful test, and then that report will be given to the director of operational test and evaluation, who, under normal circumstances, will then make the decision that a successful test has been conducted.

So all of that will have to be done. After that, again, according to normal procurement, he would send that recommendation on to the Defense Acquisition Board, which would review all of the tests to determine whether it was successful and make the decision to go ahead and procure the aircraft.

Under our bill, we put in an additional step. We say that after the director of operational test and evaluation reviews the report, they have to then get a certification from the Secretary of Defense that this program has successfully completed operational test and evaluation. We have put an additional step in that is outside the course of the normal procurement area before the decision for acquisition is made. So we have already put in one additional step.

What the Senator from Wisconsin wants to do is put an additional step in. This is somewhat dangerous in this

respect: He includes no time limit. GAO can take 2 years if they want to. They can take whatever amount of time they want, hold up a \$2.8 billion contract, hold up what is a needed requirement for the Navy to determine when a bunch of people with "green eye shades," as the Senator from Missouri said—to make the determination as to whether auditors believe that the test pilots and the maintenance people and the Secretary of Defense and the director of operational test and evaluation, the defense acquisition board, they were all wrong—all the experts were wrong, and congressional auditors are really the best determinant as to whether this aircraft meets its requirements, is needed, and should be procured.

I don't think we want to do that. I think that sets a very dangerous precedent. Frankly, it raises some constitutional questions as to whether the Congress can, in fact, do that.

I can say to the Senator from Wisconsin, the junior Senator from Missouri had me out to St. Louis. I went through and reviewed extensively, spending the better part of a day at the facility in St. Louis. This is a program of which I think everyone will be proud. They are using state-of-the-art manufacturing techniques. They are, as the Senators have said, ahead of schedule, meeting every single benchmark. They have 4,000 hours of flight time, more than any other aircraft that has been tested in history.

I think this is an additional hurdle that is unnecessary and potentially dangerous. That is why I will at the appropriate time move to table the amendment of the Senator from Wisconsin.

Mr. FEINGOLD. How much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin controls 9 minutes.

Mr. FEINGOLD. I yield myself the time required at this point.

Let me say exactly what this amendment does rather than rely on the characterization that was given. This appears to be something of a sleight-of-hand with regard to proving that this plane actually meets the performance parameters it is supposed to meet.

There are two versions of the Super Hornet aircraft, a one-seat E model and another that has been proven to be less capable, a two-seat F model. The Navy now states that 56 percent of the Super Hornet will be F models, but they are trying to rely on the performance of the E model to determine compliance with performance parameters.

The amendment simply requires that the version of the Super Hornet aircraft that represents the majority—the majority—of the Navy's purchasing plan has to satisfy all the key performance parameters in the program Operational Requirements Documents. That is what this amendment does.

For this to be characterized as an additional hurdle, as has been done by

the Senator from Pennsylvania, is simply not accurate. It simply says that the flight test data used by the Navy, represent the version of the plane they intend to purchase. All we are trying to do is to be sure that the information we are getting and that the assumptions are based on the planes that are actually being purchased and that they actually do what they said they would do.

That is not an additional step. That is just somebody buying something, making sure they are actually getting what they contracted for. Shouldn't we, as the guardians of the taxpayers' dollars, be sure we are getting what we contracted for? How can that be an additional hurdle, unless we want to allow the contractor to give us something we didn't want and, in fact, paid a fortune for?

The Senator from Pennsylvania reasonably asked whether or not there is a problem with the GAO having a limited time to make their certification. I am happy to enter into an agreement for a time limit for the GAO, with the Senator's indication that he would regard that as a reasonable change. That is not a problem that was intended, and we can solve that quite simply.

This is an incredibly expensive program. Hopefully, this plane, if it goes through, will work as well as has been advertised. Hopefully, it will not cause problems for our pilots, although there are those who are concerned about that.

All this amendment does is say that when we make the decision to move to the next phase, it is actually based on the plane we are buying. Any household in America would use that much caution when buying something. We talked a lot as we brought down the deficit, on a bipartisan basis, about doing things like American families have to do. Don't we have a responsibility to make sure we are getting the plane we are paying for? We are not paying for it, the taxpayers are paying for it, and they will pay \$45 billion for it. It ought to be the plane that we are supposed to get.

I reserve the remainder of my time.

Mr. LEVIN. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. Six minutes 50 seconds.

Mr. LEVIN. I ask that they yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. LEVIN. Mr. President, I will vote against both of these amendments, although they are well intended.

The first amendment has the problem that it would not accommodate changes in specifications in order to allow new technologies to be inserted which cost more than the specified technology in the cost cap.

That may be a lot of verbiage, but it is important. I have been very active in cost caps. I proposed a cost cap, for instance, for the new CVN-77. I supported the cost cap that we previously wrote

in to the F-22, and supported it very strongly. But, in both of those instances, the cost caps allowed for the new technology possibility. If new technologies come along which are not in the specifications, we should want them to be considered. We should not make it difficult or impossible for new technologies to be considered. We should want them, if that would make the plane more effective, providing the Secretary certifies to us—or notifies us, more accurately—that there is a change. That is not a loophole. That is something which is desirable, it seems to me. I emphasize the cost cap—for instance in the CVN-77, which I wrote—contained the exception that if there is a new technology which the Secretary of the Navy certifies to us is desirable, that then would be an exception to the cost cap.

On the current amendment—

The PRESIDING OFFICER. The 2 minutes of the Senator has expired.

Mr. LEVIN. Will the Senator yield 1 more minute?

Mr. SANTORUM. I am happy to yield an additional minute.

Mr. LEVIN. On the pending amendment, again I think this is a well-intended amendment. I think up until the last paragraph it is on target. We do want the Secretary of the Navy to determine the results of operational test and evaluation and to certify that the version of the aircraft to be procured under the multiyear satisfies all key performance parameters. I think that is very good.

The problem is it then gives to the Comptroller General, who is in the legislative branch, the veto power because the Comptroller General must concur with the Secretary's—

The PRESIDING OFFICER. The Senator's minute has expired.

Mr. LEVIN. Will the Senator yield an additional 30 seconds?

Mr. SANTORUM. I yield 30 seconds.

Mr. LEVIN. The Comptroller General must concur with the Secretary's certification. I believe that is a clear violation of the separation of powers. In *Bowsher v. Synar*, the Supreme Court ruled:

To permit the execution of the laws to be vested in an officer answerable only to Congress would, in practical terms, reserve in Congress control over the execution of the laws.

So, except for that part requiring a legislative concurrence or legislative officer's concurrence with the Secretary's certification, I think that amendment would have been acceptable. With that additional provision, I think it is unacceptable as it violates separation of powers and the Supreme Court ruling in the *Bowsher* case.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from Missouri?

Mr. SANTORUM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.



Mr. SANTORUM. I yield the Senator from Missouri 2½ minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, the F-18 is underbudget and early. The Department of Defense is making very, very careful evaluations, and will continue to do so. This contracting will not go forward without their professional critical evaluation that the plane succeeded.

The Senator from Wisconsin says these two different planes in the F-18 package, the single-seater and the two-seater, must meet the same flight characteristics. That does not make sense. When you put an extra seat in an airplane it changes the characteristics, but it also changes the fighting capacity of the airplane. You can do with two pilots—or one plus a person operating radar or other things in a hostile environment in terms of locating targets—what you can't do with one person both flying the airplane and doing that.

The Senator from Wisconsin asks about oversight. Frankly, we have had substantial oversight here. We have had oversight in the Senate Armed Services Committee, oversight in the House Armed Services Committee, oversight in the Senate Appropriations Committee. There will be, again, evaluation in the House Appropriations Committee.

This is a circumstance where, obviously, there has been substantial oversight. The members of the committee and committee chairman are saying we should approve this. I believe we should. For us to say the Department of Defense, the fighter-fliers, those whose lives depend on this airplane performing, are to have their judgment about the airplane set aside or deferred or delayed until accountants or auditors from the General Accounting Office make a decision on this plane is unwise. It is not only unwise, it has been clearly demonstrated, I think, in the arguments that it is unconstitutional as well.

The F-18 is an outstanding aircraft with characteristics that will serve well—extended range, extended load-carrying capacity, and ability in the two-seat configuration to do things not available in the one-seat configuration. It is a well-made airplane that will serve our interests well by serving well those who fly them. It will serve us well by allowing those conflicts to be survivable. The margin of improvement provides the margin of difference that means we win instead of lose.

It is time for us to move forward with this program; stop unnecessary attacks on it. This is an airplane that will serve us well.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes and 23 seconds.

Mr. FEINGOLD. Mr. President, first with regard to the second amendment, the one before us now having to do with the question of performance parameters, there have been some concerns raised by the Senators from Virginia and Michigan about reference to the role of the GAO in this amendment.

At this time I ask unanimous consent that portion of the amendment be deleted to address their concerns.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We have to determine from other Senators—

Mr. FEINGOLD. I am sorry, I can't hear the Senator.

Mr. WARNER. I am simply trying to protect other Senators. At the moment, there is an objection.

The PRESIDING OFFICER. Objection is heard. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will provide the Senate with a copy of the amendment as I would modify it and simply delete the section relating to the Comptroller General.

Mr. LEVIN. If the Senator will yield?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. As I understand the objection, it is perhaps a temporary one. Is that the understanding of the Senator from Wisconsin? My understanding of what the Senator from Virginia said is that in order to protect the rights of other Senators, he would object at this time. But I suggest at least the possibility that the Senator renew his unanimous-consent request and perhaps there will be no objection, after there has been an opportunity for people to read the modification.

Mr. FEINGOLD. Will the Senator from Michigan advise me of the appropriate time to raise that unanimous-consent request?

Mr. LEVIN. They are checking it out now.

Mr. FEINGOLD. Mr. President, I appreciate that. I reserve a few moments of my time because the response to this will affect my argument. The only real objection to this is primarily to the role of the GAO in this process. The only other objection was raised by the Senator from Missouri who made much of the fact that of course there is a difference between the E and F plane.

The problem is that originally the Navy and the contractor sold this plane on the assumption that only 18 percent of the planes would be the "F" version. The reality now is that 56 percent of the planes are going to be the lower-performing "F" version. That is why it is essential that we have this certification, at least by the Navy, that in fact a majority of the planes will meet the performance parameters.

So I am very interested to see if the Senators here who have raised this concern will allow me to meet their

concerns so we can pass this common-sense amendment which, as the Senator from Michigan indicated, without that flaw would be a worthwhile amendment.

With regard to the other amendment, the cost containment amendment, let me just make a couple of points in response to the Senator from Michigan. I do want to say he has been a tremendous advocate for appropriate cost containment and careful evaluation of military programs throughout his career.

First of all, regarding our cap that we propose, which of course is a figure the Navy proposed in the first place, that \$8.8 billion is only for over a 4-year period. It is not a permanent cap. Second, if there is a need for new technologies, as has been posited by the Senator from Michigan, if something comes up that absolutely has to be done—we are here. We are not going anywhere. If something dramatic happens that requires additional technology, we are in a position to respond to that. In fact, the amendment I have proposed allows a number of flexibilities. It is not an absolute \$8.8 billion cap.

It allows cost increases and decreases for inflation. It allows changes for compliance in Federal, State, and local law, and it also contemplates the possibility of quantity changes in the number of planes within the scope of the multiyear contract, which we all know can dramatically affect the cost of a plane.

There is substantial flexibility built into this amendment, and if there is a need for the new technology, we are here and able to respond to that. Otherwise, all we are doing, as I indicated earlier, by including this language for new technology, we are essentially gutting our own amendment. We are removing the cost cap provision in our amendment.

How many people would do that? If you are buying a car, if a car manufacturer says: Well, we reserve the right, if we come up with a new thing to put on this car, to charge you a couple more thousand bucks after we cut the contract, after we cut the deal. I do not think we should be doing business that way. We have built flexibility into this amendment.

Again, I indicate that all this is is the Navy's own figure of \$8.8 billion. We did a similar cost cap on the same plane previously.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. AL-LARD). Who yields time? The Senator from Virginia.

Mr. WARNER. Mr. President, I am hopeful this matter can be resolved in a matter of minutes. In the interim, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Eden Murrie in Senator LIEBERMAN's office and Dana Krupa in Senator BINGAMAN's office be granted the privilege of the floor for the remainder of this bill.

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

Who yields time on the amendment?

Mr. WARNER. Mr. President, I yield 1½ minutes to myself for a statement unrelated to the amendment.

The PRESIDING OFFICER. Time remaining is 25 seconds.

Mr. WARNER. I yield to the chairman of the subcommittee, the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, on the second Feingold amendment, we are attempting to work some accommodation so we can accept the amendment. I ask unanimous consent that the yeas and nays which were ordered on the second Feingold amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object, I assume it is the intent of the Senator that if we do not work it out, there will be no problem getting a rollcall vote.

Mr. SANTORUM. Absolutely.

Mr. FEINGOLD. I thank the Senator.

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

Mr. WARNER. Let's give the number of that amendment so there is absolute clarity.

The PRESIDING OFFICER. No. 444 is the second Feingold amendment.

Mr. WARNER. Mr. President, we are still on track to start our series of two votes now at approximately 11:50. To keep Senators advised, the ranking member and I are rapidly clearing amendments. I know of only a few remaining amendments that will require rollcall votes. I am anxious to complete the bill, as are all Senators. I see now that possibility taking place perhaps early to mid-afternoon. We will be addressing the Senate on that after the two votes.

The PRESIDING OFFICER. Under the previous order, the two votes have been ordered at 11:50 with 2 minutes evenly divided before each vote.

Mr. WARNER. I think we waived the 2 minutes before the first vote and we will proceed to the vote.

Are the yeas and nays ordered on the amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered on the first vote as well as the second vote.

The Senator from Michigan.

Mr. LEVIN. The 2-minute request was between the first and the second vote, not before the first vote.

Mr. WARNER. It is clear now.

We are proceeding to the vote for the full period of time. At the conclusion of that, I will, in all probability, ask the next vote be 10 minutes, and then there

will be a period of time, 2 minutes total, prior to the second vote.

VOTE ON AMENDMENT NO. 442

The PRESIDING OFFICER. The question is on agreeing to amendment No. 442. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—98

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Voinovich
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

NOT VOTING—2

McCain Specter

The amendment (No. 442) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the next vote be 10 minutes in length.

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

Without objection, it is so ordered.

AMENDMENT NO. 443

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided on the Feingold amendment.

Who yields time?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this amendment is a straightforward, commonsense measure that establishes accountability in the Super Hornet program. It holds the Navy to the \$8.8 billion over the next 5 years to procure the Super Hornet. My amendment simply sets a cost cap at that level and holds them to that amount.

Again, this amendment holds the Navy to the \$8.8 billion, its own figure.

It doesn't terminate the funding, it doesn't hold the money up, it doesn't even restrict the use of the money, it just holds them to the amount they say they need. I hope the body will use common sense in procuring this aircraft.

The amendment does nothing more than set a cost cap using the exact dollar amount put forward by the Navy; nothing more, nothing less. We owe it to our naval aviators and to the taxpayers to make sure we provide a modernized plane that does what it is supposed to do within the parameters the Navy has set forth itself.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, the F/A-18E/F is a fixed-price contract. It is a fixed-price contract for the extent of the contract. What the Senator from Wisconsin does is put a price cap on a fixed-price contract. Fine. I am willing to accept that. But what he did not include in his amendment was a provision for technology insertion. In other words, if we come up with a new radar system that can improve the quality of the aircraft, under his amendment we could not buy that improvement and put it on the aircraft. I was willing to accept his amendment, if he would allow for that technical improvement insertion provision. But he refused to do so.

So, unfortunately, while I think the amendment is somewhat meaningless because it is a fixed price contract, I have to oppose the amendment, and would ask, for the sake of our naval aviators to make sure they have the best equipment to fly, that my colleagues join in supporting the motion to table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 443. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) is necessarily absent.

Mr. REID. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—87

Abraham	Cleland	Gorton
Akaka	Cochran	Graham
Allard	Collins	Gramm
Ashcroft	Conrad	Grams
Baucus	Coverdell	Grassley
Bayh	Craig	Gregg
Bennett	Crapo	Hagel
Biden	Daschle	Hatch
Bingaman	DeWine	Helms
Bond	Dodd	Hollings
Breaux	Domenici	Hutchinson
Brownback	Dorgan	Hutchison
Bryan	Durbin	Inhofe
Bunning	Edwards	Inouye
Burns	Enzi	Kennedy
Byrd	Feinstein	Kerrey
Campbell	Fitzgerald	Kerry
Chafee	Frist	Kyl

Landrieu	Murkowski	Shelby
Leahy	Murray	Smith (NH)
Levin	Nickles	Smith (OR)
Lieberman	Reed	Snowe
Lincoln	Robb	Stevens
Lott	Roberts	Thomas
Lugar	Rockefeller	Thompson
Mack	Roth	Thurmond
McCain	Santorum	Torricelli
McConnell	Sarbanes	Voinovich
Mikulski	Sessions	Warner

## NAYS—11

Boxer	Johnson	Schumer
Feingold	Kohl	Wellstone
Harkin	Moyinhan	Wyden
Jeffords	Reid	

## NOT VOTING—2

Lautenberg	Specter
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The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I have a unanimous consent request.

Mr. WARNER. I, likewise, but I will defer.

## PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Bob Perrett, a congressional fellow in my office, be allowed the privilege of the floor during the consideration of the Defense bill.

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

## AMENDMENT NO. 394, AS MODIFIED

Mr. WARNER. Mr. President, with respect to amendment No. 394, I ask a modification to the amendment be accepted. I send the modification to the desk.

(The text of the amendment (No. 394), as modified, is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. LEVIN. Section 1061(a) of the amendment would require the President to promptly notify Congress whenever an "investigation" is undertaken. The term "investigation" is not defined in the amendment.

I am concerned that some could interpret this to require the President to report to Congress every time the executive branch receives an allegation, even before the Justice Department or others have an opportunity to determine whether the allegations are based in fact. Such an interpretation could lead to the disclosure of a flood of unsubstantiated allegations to Congress, with a resulting injustice to innocent individuals who may be the subject of such allegations.

Mr. LOTT. I thank the Senator for his comments and I appreciate his concerns. I am pleased to agree to work closely with the Senator from Michigan during the conference on this bill, and to solicit the views of the administration, on how this provision will be implemented and in an effort to address his concerns.

Mr. WARNER. Mr. President, the amendment has been cleared on both

sides. I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 394), as modified, was agreed to.

Mr. LEVIN. Mr. President, on that amendment I ask Senator BAUCUS be added as a cosponsor.

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

Mr. WARNER. Mr. President, with regard to the remaining business, I am hopeful the leadership clears a unanimous consent request, agreed upon between Mr. LEVIN and myself. It is in the process now. It will give clarity to the balance of the day.

At the moment, there are two Senators who have been waiting for 3 days. I want to accommodate them. The Senator from Mississippi, Mr. COCHRAN, would like to lay down an amendment and speak to it for 10 minutes. The amendment is not cleared, so I reserve 10 minutes for the opposition to that amendment prior to any vote that is required.

## AMENDMENT NO. 444

The PRESIDING OFFICER. There is a pending amendment. The Chair tells the distinguished Senator the pending amendment at the desk is No. 444 by the Senator from Wisconsin.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. My understanding is the various Senators have negotiated agreement on this, and it is acceptable on both sides. As modified, the Senate is prepared to accept it.

## AMENDMENT NO. 444, AS MODIFIED

The PRESIDING OFFICER. Will the Senator send the modification to the desk.

Mr. FEINGOLD. I send the modification to the desk.

The amendment (No. 444), as modified, is as follows:

On page 26, strike lines 20 through 25, and insert the following:

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A-18E/F aircraft or authorize entry of the F/A-18E/F aircraft program into full-rate production until—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives the results of operational test and evaluation of the F/A-18E/F aircraft.

(2) The Secretary of Defense—

(A) determines that the results of operational test and evaluation demonstrate that the version of the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters appropriate to that version of aircraft in the operational requirements document for the F/A-18E/F program, as submitted on April 1, 1997, except that with respect to the range performance parameter a deviation of 1 percent shall be permitted.

The PRESIDING OFFICER. Without objection, the amendment is modified and agreed to.

The amendment (No. 444), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Now, it is the request of the manager that Mr. COCHRAN be recognized for not to exceed 10 minutes to lay down an amendment. If that amendment cannot be agreed upon by a voice vote, we would just lay it aside with the understanding there is 10 minutes for opposition at some point in the afternoon.

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

Mr. WARNER. The Senator from Florida has waited very patiently for about 2 or 3 days. He has an amendment which is to be laid down following the Cochran amendment. I ask there be a period of 30 minutes, 15 minutes under the control of the Senator from Florida, 15 minutes under the joint control of Senators SHELBY and ROBERT KERREY.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. I guess that is the end of the ability to move things. We just have to put that request in abeyance.

The PRESIDING OFFICER. The distinguished Senator from Mississippi is recognized.

## AMENDMENT NO. 445

(Purpose: To authorize the transfer of a naval vessel to Thailand)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 445.

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

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

The amendment is as follows:

In title X, at the end of subtitle B, insert the following:

**SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.**

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel

joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. COCHRAN. Mr. President, for the information of the Senate, this amendment would authorize the transfer of a naval vessel to Thailand and would authorize the Secretary of the Navy to receive in exchange a ship that is now in the fleet of Thailand. The purpose of the amendment is to provide authority to the Secretary of the Navy to give a retiring U.S. Navy Cyclone class ship to the Government of Thailand in exchange for a former U.S. Navy ship which served in World War II in the Pacific. That ship is the LCS 102, LCS stands for landing craft support. It is presently in the service of the Royal Navy of Thailand.

For some history on this subject, 3 years ago in Public Law 104-201, the Congress went on record in favor of trying to bring back to the United States the LCS 102. It is the last surviving ship of its class. This ship saw heavy combat action in the western Pacific during World War II. It was transferred after the war to Japan and then later was transferred to Thailand where she has been in service for 30 years. This ship is of great historical significance. It is the last one of its kind in existence in the world. Just a few years ago, it was entered on the Register of the World Ship Trust.

Many sailors from World War II might not recognize this class of ship, because it was one of many different types of amphibious ships used in the Pacific during World War II. But it was highly appreciated by the Navy admirals and the Marines because it was a heavily armed gunboat which gave close-in fire support to the Marines in amphibious landings. In fact, the LCS ships had more firepower per ton than an Iowa class battleship.

These ships were in the thick of it in Iwo Jima, Okinawa, the Philippines, and New Guinea. They also served in an anti-aircraft role against kamikaze aircraft at Okinawa and Iwo Jima, because of their tremendous firepower.

Mr. President, 26 of the 130 LCSs that were built were sunk, or badly damaged in the first 6 months of their duty in the Pacific. Historians have begun to write about these ships and the role they played in the successful war in the Pacific. There is one illustrative title, "Mighty Midgets At War: The Saga of the LCS(L) Ships from Iwo Jima to Vietnam," by Robert L. Reilly.

Our distinguished former colleague, who was chairman of the Armed Services Committee, John Tower of Texas, served aboard the LCS 112. He was chief bosun's mate during World War II on that ship. Also, former Secretary of the Navy William Middendorf served as an officer aboard LCS 53 and former Sec-

retary of the Navy John Lehman's father served as commanding officer of LCS 18 in the Pacific. He received the Bronze Star for bravery during his service at Okinawa.

In addition, the commanding officer of LCS 122, then lieutenant, Richard M. McCool, who now resides in Bainbridge Island in the State of Washington, received the Congressional Medal of Honor from President Truman for his service during a kamikaze attack at Okinawa.

There are several former LCS sailors from my State who have written me in support of this transfer: Robert Wells of Ocean Springs, MS, recently wrote me a letter saying he was the only medical officer abroad LCS 31. Here is what else he said in his letter:

... The LCS-31, along with approximately 20 other LCSs, invaded Iwo Jima in February, 1945, assisting the Marines in landing.

From there, the LCS 31 went to Okinawa and fought suicide planes on radar picket duty where the #31 shot down 6 suicide planes and was hit by 3, killing 9 sailors and wounding 15. The 31 received the Presidential Unit Citation for their efforts. Please help in returning the LCS 102 to the United States and receiving the recognition that the LCSs deserve.

Mr. President, these ships were a part of the U.S. Navy that fought and won the war in the Pacific. The LCS 102 is the last remaining ship of its class, and I believe it would be appropriate for it to come home and serve as a floating museum and a monument to the brave service of tens of thousands of sailors who served on these ships with the nickname "Mighty Midgets."

Since the Congress adopted an amendment 3 years ago urging the Secretary of Defense to bring home the LCS 102, the Navy has determined that the Thai Navy will give up the LCS from its fleet for a return to the United States, but they need a replacement ship to fulfill the shallow water mission now accomplished by the LCS 102.

This year, the Navy is retiring a small, fast gunboat from our fleet that would meet the Thai Navy's requirement. The ship is a Cyclone class ship. It could be made available to the Thai Navy in exchange for the LCS 102. This amendment authorizes the Secretary of the Navy to offer a Cyclone class ship to the Thai Navy. It does not mandate that the trade be consummated; it simply authorizes the trade if it can be negotiated and legal hurdles and other details can be worked out.

There is an urgency to this issue because World War II veterans are aging. Most of them are now in their seventies and eighties. If we are going to help the LCS association realize its dream and ambition of bringing home the last ship of its class, then we need to do it now. There are LCS sailors living today all over the country in almost all 50 States, and they would appreciate a vote in support of this amendment.

Funds will be raised from the private sector to put this ship in condition to serve as a museum, and there are still

many details to be worked out before the LCS can be brought home. But by approving this amendment, which is necessary as a first step, the Senate will go on record in support, as we did 3 years ago when we suggested this should be done by the Navy.

I hope my colleagues will support the amendment and join the Chief of Naval Operations, Jay Johnson, who has written me a letter in support of this amendment. I ask unanimous consent that the letter be printed in the RECORD.

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

CHIEF OF NAVAL OPERATIONS,  
May 26, 1999.

Hon. THAD COCHRAN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR COCHRAN: I wanted to offer my thanks and support for your proposed amendment to help return the last ex-LCS 102 from Thailand to the United States. This ship would make an excellent public memorial in honor of those who served in ships like her during WWII. Further, it would provide an additional monument for generations to come of the sacrifices of this special generation.

My staff stands ready to brief yours on the details involved in making the transfer of a retiring Cyclone-class Patrol Craft (PC) come about. Thank you again for your support. If I may be of further assistance, please do not hesitate to let me know.

Sincerely,

JAY L. JOHNSON,  
Admiral, U.S. Navy.

Mr. COCHRAN. Mr. President, for the information of Senators, I want to read just one sentence from this letter:

This ship would make an excellent public memorial in honor of those who served in ships like her during World War II.

Adm. JAY JOHNSON,  
Chief of Naval Operations.

Mr. REID. Will the Senator yield?

Mr. COCHRAN. I am happy to yield if I have any time.

Mr. REID. The Senator has made very clear this is not a mandate; is that right?

Mr. COCHRAN. That is right. It is authorizing legislation.

Mr. REID. Also, on page 2 of the Senator's amendment, it says "on a grant basis." Is it clear that it could also be done on a sale basis, lease basis or a lease with an option to buy basis?

Mr. COCHRAN. We want to swap it. We want to swap the Cyclone for the LCS 102. It authorizes the trade.

Mr. REID. It says, "the transfer shall be made on a grant basis."

Mr. COCHRAN. That is a legal word of art. I have explained the meaning of it. If we had been able to get the committee to adopt the amendment as we had hoped they would, there would be report language in the committee report. I will be happy to give the Senator a copy of that which further explains. If he will let me, I will read it:

The committee recommends that the Secretary of the Navy be authorized to transfer to the Government of Thailand one Cyclone class patrol vessel for the purpose of supporting Thailand's counterdrug and

counterpiracy operations. The committee intends this transfer to replace the former LCS 102 currently in service with the Royal Thai Navy, should the discussions urged in section 1025 of PL 104-201 result in the Government of Thailand's decision to return LCS 102 to the Government of the United States. The committee understands that the Secretary of the Navy supports the return of LCS 102 to the United States for public display as a naval museum.

Mr. REID. Will the Senator yield for another question?

Mr. COCHRAN. I will be happy to yield.

Mr. REID. This is just to give the Secretary more options—sale, lease, lease option. It will give more discretion to the Secretary rather than saying the transfer shall be made by grant. There are other ways it can be done. I think it would be in the best interest of all concerned if these other options are available. I repeat: sale, lease, lease with an option to buy.

Mr. COCHRAN. I will be happy to consider that, and I appreciate the Senator raising it as an alternative.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

The Senator from Virginia is recognized.

Mr. WARNER. Let me clarify, Mr. President, there still remains some time in opposition to the amendment of the Senator from Mississippi; am I correct in that?

The PRESIDING OFFICER. The Chair observes that Senators said there would be 10 minutes allotted to the opposition of the Senator's amendment. It was not stated in the form of a request.

Mr. WARNER. Mr. President, I think some time should be reserved. I indicate for the RECORD, I support the Senator from Mississippi, but I am sure time should be reserved on this side, 10 minutes, and then we will determine whether or not a recorded vote is necessary in this matter, or it may be voice voted. I put that in the form of a unanimous consent request.

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

Mr. SMITH of New Hampshire. Mr. President, I rise to support the amendment of the Senator from Mississippi. This amendment deserves the support of every Senator because it is the right thing to do.

During World War II more than 10,000 Americans served their country on LCS ships, and these ships were heavily involved in combat in the Pacific. There is only one LCS left in the world, and a group of World War II sailors wants to bring that ship back to the United States and make it a floating museum.

Three years ago, I sponsored an amendment to the Defense authorization bill urging the Secretary of Defense to seek the expeditious return of the LCS 102 from Thailand. That amendment passed the Congress and became part of Public Law 104-201.

For three years not much has happened because the Thai Navy still needed the LCS 102, even though it is now

more than 55 years old. Thai officials have indicated that they would be prepared to return the LCS 102 to the United States if we could provide a suitable ship to take its place. The U.S. Navy is planning to retire just such a ship this year, and that is what this amendment is about.

The ranks of those World War II sailors is thinning each year, and there is a need to move expeditiously. We need to bring this historic ship home before all of our World War II veterans are gone.

Let me list briefly some facts about LCS ships and their service to our country.

These ships were born out of desperate need. In the early years of World War II, our Navy and Marine Corps discovered that they needed more close-in gunfire support to protect our troops as they went ashore in amphibious landings. With typical American ingenuity, a new small gunboat was designed and quickly moved into production. The result was the LCS(L) which stood for Landing Craft Support Ship (Large).

This newly designed ship had more firepower per ton than a battleship, and it was capable of going all the way in to the beach and providing close-in fire support for our troops going ashore.

One hundred and thirty of these ships were built and rushed into service in 1944 and 1945. These ships and their brave crews helped save the lives of countless soldiers and Marines by providing heavy close-in firepower to support amphibious landings at Okinawa, Iwo Jima, and many other Pacific Islands. Twenty-six of these ships were sunk or badly damaged in the Pacific campaign.

These ships were nicknamed the "Mighty Midgets" because of their firepower and their service in World War II. These ships, like so many others, received little notice when the history books were written because Carriers, Battleships, and Cruisers took most of the glory. However, the sailors aboard LCSs served bravely and well, and their part of World War II needs to be preserved as a part of our Navy's history.

LCS sailors received many decorations for their service during World War II. A young Lieutenant by the name of Richard McCool from Washington State received the Congressional Medal of Honor from President Truman for his service at Okinawa. A young Lieutenant by the name of John F. Lehman received a bronze star for his service at Okinawa, as well. His son, John, Jr. served as a naval officer many years later and became Secretary of the Navy under President Reagan.

Since the mid-1990s, several books have been published covering the history of the LCS ships. Former Secretary of the Navy John F. Lehman, Jr. wrote the foreword to one of those books. This foreword provides eloquent

summary of the service to our Nation provided by LCSs and their brave sailors.

Finally, Mr. President, a distinguished former Senator who served as Chairman of the Armed Services Committee in this body served ably as a Boatswain's Mate on an LCS during World War II. John Tower served his nation in World War II on an LCS.

This body needs to honor his service and that of all the LCS sailors by helping to save the LCS 102—the only one left in the world.

I urge my colleagues to support this amendment and to do what they can to help in the task of bringing this ship home to the United States to serve as a museum and a memorial to the valiant service of thousands of LCS sailors.

Mr. WARNER. Mr. President, I want to propound a unanimous consent request, which is agreed upon on the other side, with regard to a procedural matter. As soon as that is concluded, then I want to state a UC request on behalf of my two colleagues, Mr. DOMENICI and Mr. KYL, on this side. I think we can work it out.

Mr. MURKOWSKI. Mr. President, I also am a sponsor of this legislation and would like to be recognized.

Mr. WARNER. First, with regard to the balance of the afternoon: I ask unanimous consent that all remaining first-degree amendments be offered by 2:30 p.m. today, and at 2:10 p.m., Senator LEVIN be recognized to offer and lay aside amendments for Members on his side of the aisle, and at 2:20 p.m., the chairman of the committee be recognized to offer and lay aside amendments for Members on his side of the aisle, and that those amendments be subject to relevant second-degree amendments. I further ask that all first-degree amendments must be relevant to the text of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, in light of this agreement, all first-degree amendments must be relevant and offered by 2:30 p.m. today. It is the intention of the managers and leaders to complete action on this bill, hopefully, no later than 5 o'clock today.

We have had a number of Senators patiently waiting. The Senator from Florida is willing to accommodate the chairman in his request that a period of 30 minutes, under the control of the Senator from Arizona and the Senator from New Mexico, be allocated for an amendment which they will lay down within that period of time, and at the conclusion of the 30-minute period, that amendment will be laid aside for the purpose of an amendment to be laid down by the Senator from Florida, which amendment will require 30 minutes of debate, 15 minutes under the control of the Senator from Florida, 15 minutes under the control of the Senator from Alabama, Mr. SHELBY, and that 15 minutes will be shared between

Mr. SHELBY and Mr. KERREY, the ranking member of the Intelligence Committee.

I propose that to the Chair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. That being in order, we will now proceed with the 30 minutes.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The distinguished Senator from Arizona is recognized.

Mr. KYL. Thank you.

Under the agreement just announced by Senator WARNER, it would be the intention of Senator DOMENICI and Senator MURKOWSKI and myself to divide the next half-hour into roughly 10 minute segments. I would appreciate an indication from the Chair when we have achieved those three milestones, if the Chair would, please.

AMENDMENT NO. 446

Mr. KYL. At this time I send an amendment to the desk on behalf of myself, Senator DOMENICI, Senator MURKOWSKI, Senator SHELBY, Senator HUTCHINSON, and Senator HELMS.

Mr. REID. Would the Senator yield for a parliamentary inquiry?

Mr. KYL. I am happy to yield.

Mr. REID. I say to the manager of the bill, the chairman of the committee, there has been no unanimous consent agreement regarding the Domenici amendment.

Mr. WARNER. My understanding is that the Senator from Virginia propounded a UC to give the three Senators Senator KYL just designated 30 minutes in which to lay down an amendment, and at the end of the 30 minutes the amendment be laid aside. There is no restriction whatsoever on the remainder of the time with respect to further consideration of the amendment, I say to my distinguished colleague.

Mr. REID. I appreciate the Senator yielding.

Mr. KYL. Thank you.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mr. SHELBY, Mr. HUTCHINSON, and Mr. HELMS, proposes an amendment numbered 446.

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

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

The amendment is as follows:

Strike Section 3158 and insert the following:

**"SEC. 3158(A). ORGANIZATION OF DEPARTMENT OF ENERGY COUNTERINTELLIGENCE, INTELLIGENCE, AND NUCLEAR SECURITY PROGRAMS AND ACTIVITIES.**

**"(1) OFFICE OF COUNTERINTELLIGENCE.—**Title II of the Department of Energy Organi-

zation Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

**"OFFICE OF COUNTERINTELLIGENCE**

**"SEC. 213. (a) There is within the Department an Office of Counterintelligence.**

**"(b)(1) The head of the Office shall be the Director of the Office of Counterintelligence.**

**"(2) The Secretary shall, with the concurrence of the Director of the Federal Bureau of Investigation, designate the head of the office from among senior executive service employees of the Federal Bureau of Investigation who have expertise in matters relating to counterintelligence.**

**"(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee within the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.**

**"(4) The Director of the Office of Counterintelligence shall report directly to the Secretary.**

**"(c)(1) The Director of the Office of Counterintelligence shall develop and ensure the implementation of security and counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.**

**"(2) The Director of the Office of Counterintelligence shall be responsible for the administration of the personnel assurance programs of the Department.**

**"(3) The Director of the Office of Counterintelligence shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.**

**"(4) The Director of the Office of Counterintelligence shall report immediately to the President of the United States, the Senate and the House of Representatives any actual or potential significant threat to, or loss of, national security information.**

**"(5) The Director of the Office of Counterintelligence shall not be required to obtain the approval of any officer or employee of the Department of Energy for the preparation or delivery to Congress of any report required by this section; nor shall any officer or employee of the Department of Energy or any other Federal agency or department delay, deny, obstruct or otherwise interfere with the preparation of or delivery to Congress of any report required by this section.**

**"(d)(1) Not later than March 1 each year, the Director of the Office of Counterintelligence shall submit to the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation and to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Commerce of the House of Representatives, and the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities during the preceding year.**

**"(2) Each report shall include for the year covered by the report the following:**

**"(A) A description of the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.**

**"(B) The adequacy of the Department of Energy's procedures and policies for pro-**

tecting national security information, making such recommendations to Congress as may be appropriate.

**"(C) Whether each Department of Energy national laboratory is in full compliance with all Departmental security requirements, and if not what measures are being taken to bring such laboratory into compliance.**

**"(D) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—**

**"(i) the number of violations that were investigated; and**

**"(ii) the number of violations that remain unresolved.**

**"(E) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.**

**"(3) Each report submitted under this subsection to the committees referred to in paragraph (1) shall be submitted in unclassified form, but may include a classified annex.**

**"(e) Every officer or employee of the Department of Energy, every officer or employee of a Department of Energy national laboratory, and every officer or employee of a Department of Energy contractor, who has reason to believe that there is an actual or potential significant threat to, or loss of, national security information shall immediately report such information to the Director of the Office of Counterintelligence.**

**"(f) Thirty days prior to the report required by subsection d(2)(C), the Director of each Department of Energy national laboratory shall certify in writing to the Director of the Office of Counterintelligence whether that laboratory is in full compliance with all Departmental national security information protection requirements. If the laboratory is not in full compliance, the Director of the laboratory shall report on why it is not in compliance, what measures are being taken to bring it into compliance, and when it will be in compliance.**

**"(g) Within 180 days of the date of enactment of this Act, the Secretary of Energy shall report to the Senate and the House of Representatives on the adequacy of the Department of Energy's procedures and policies for protecting national security information, including national security information at the Department's laboratories, making such recommendations to Congress as may be appropriate.**

**"OFFICE OF INTELLIGENCE**

**"SEC. 214. (a) There is within the Department an Office of Intelligence.**

**"(b)(1) The head of the Office shall be the Director of the Office of Intelligence.**

**"(2) The Director of the Office shall be a senior executive service employee of the Department.**

**"(3) The Director of the Office of Intelligence shall report directly to the Secretary.**

**"(c) The Director of the Office of Intelligence shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.**

**"NUCLEAR SECURITY ADMINISTRATION**

**"SEC. 215. (a) There shall be within the Department an agency to be known as the Nuclear Security Administration, to be headed by an Administrator, who shall report directly to, and shall be accountable directly to, the Secretary. The Secretary may not delegate to any Department official the duty to supervise the Administrator.**

**"(b)(1) The Assistant Secretary assigned the functions under section 203(a)(5) shall serve as the Administrator.**

“(2) The Administrator shall be responsible for the executive and administrative operation of the functions assigned to the Administration, including functions with respect to (A) the selection, appointment, and fixing of the compensation of such personnel as the Administrator considers necessary, (B) the supervision of personnel employed by or assigned to the Administration, (C) the distribution of business among personnel and among administrative units of the Administration, and (D) the procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code. The Secretary shall provide to the Administrator such support and facilities as the Administrator determines is needed to carry out the functions of the Administration.

“(c)(1) The personnel of the Administration, in carrying out any function assigned to the Administrator, shall be responsible to, and subject to the supervision and direction of, the Administrator, and shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent of any other part of the Department of Energy.

“(2) For purposes of this subsection, the term ‘personnel of the Administration’ means each officer or employee within the Department of Energy, and each officer or employee of any contractor of the Department, whose—

“(A) responsibilities include carrying out a function assigned to the Administrator; or  
“(B) employment is funded under the Weapons Activities budget function of the Department.

“(d) The Secretary shall assign to the Administrator direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories. The functions assigned to the Administrator with respect to the nuclear weapons production facilities and the national laboratories shall include, but not be limited to, authority over, and responsibility for, the following:

- “(1) Strategic management.
- “(2) Policy development and guidance.
- “(3) Budget formulation and guidance.
- “(4) Resource requirements determination and allocation.
- “(5) Program direction.
- “(6) Safeguard and security operations.
- “(7) Emergency management.
- “(8) Integrated safety management.
- “(9) Environment, safety, and health operations.

“(10) Administration of contracts to manage and operate the nuclear weapons production facilities and the national laboratories.

“(11) Oversight.

“(12) Relationships within the Department of Energy and with other Federal agencies, the Congress, State, tribal, and local governments, and the public.

“(13) Each of the functions described in subsection (f).

“(e) The head of each nuclear weapons production facility and of each national laboratory shall report directly to, and be accountable directly to, the Administrator.

“(f) The Administrator may delegate functions assigned under subsection (d) only within the headquarters office of the Administrator, except that the Administrator may delegate to the head of a specified operations office functions including, but not limited to, providing or supporting the following activities at a nuclear weapons production facility or a national laboratory:

- “(1) Operational activities.
- “(2) Program execution.
- “(3) Personnel.
- “(4) Contracting and procurement.
- “(5) Facility operations oversight.

“(6) Integration of production and research and development activities.

“(7) Interaction with other Federal agencies, State, tribal, and local governments, and the public.

“(g) The head of a specified operations office, in carrying out any function delegated under subsection (f) to that head of that specified operations office, shall report directly to, and be accountable directly to, the Administrator.

“(h) In each annual authorization and appropriations request under this Act, the Secretary shall identify the portion thereof intended for the support of the Administration and include a statement by the Administrator showing (1) the amount requested by the Administrator in the budgetary presentation to the Secretary and the Office of Management and Budget, and (2) an assessment of the budgetary needs of the Administration. Whenever the Administrator submits to the Secretary, the President, or the Office of Management and Budget any legislative recommendation or testimony, or comments on legislation prepared for submission to the Congress, the Administrator shall concurrently transmit a copy thereof to the appropriate committees of the Congress.

“(i) As used in this section:

“(1) The term ‘nuclear weapons production facility’ means any of the following facilities:

“(A) The Kansas City Plant, Kansas City, Missouri.

“(B) The Pantex Plant, Amarillo, Texas.

“(C) The Y-12 Plant, Oak Ridge, Tennessee.

“(D) The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.

“(E) The Nevada Test Site, Nevada.

“(2) The term ‘national laboratory’ means any of the following laboratories:

“(A) The Los Alamos National Laboratory, Los Alamos, New Mexico.

“(B) The Lawrence Livermore National Laboratory, Livermore, California.

“(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

“(3) The term ‘specified operations office’ means any of the following operations offices of the Department of Energy:

“(A) Albuquerque Operations Office, Albuquerque, New Mexico.

“(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.

“(C) Oakland Operations Office, Oakland, California.

“(D) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.

“(E) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

“(b) IN GENERAL.—Section 203 of such Act (42 U.S.C. 7133) is amended by adding at the end of the following new subsection:

“(c) The Assistant Secretary assigned the functions under section (a)(5) shall be a person who, by reason of professional background and experience, is specially qualified—

“(1) to manage a program designed to ensure the safety and reliability of the nuclear weapons stockpile;

“(2) to manage the nuclear weapons production facilities and the national laboratories;

“(3) protect national security information; and

“(4) to carry out the other functions of the Administrator of the Nuclear Security Administration.”

“(c) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 212 the following items:

“‘213. Office of Counterintelligence.

“‘214. Office of Intelligence.

“‘215. Nuclear Security Administration’.”

Mr. KYL. Mr. President, I express my gratitude to Senator GRAHAM for permitting us to take this next half hour to at least lay this down to begin setting the framework for the discussion.

Mr. BINGAMAN. Would the Senator yield for a procedural question?

Mr. KYL. Yes. I hope this will not come out of the 30 minutes.

Mr. BINGAMAN. I am not intending to take long. I just ask, since we have no time allotted during this time, will the sponsors be available later in the afternoon to answer questions about the amendment, because we have not seen the amendment.

Mr. KYL. Mr. President, absolutely. We will be pleased to answer any and all questions and discuss this at whatever length the Senator would like to discuss it.

Mr. BINGAMAN. Thank you.

Mr. WARNER. If the Senator will yield for a moment, it was the decision of the manager of the bill that the importance of this amendment was such that the sooner it was shared on both sides of the aisle the better, because this is an important amendment. We are making progress towards completing this bill by the hour of 5 o'clock. This is simply the one unknown quantity that we have to assess. This procedure, in my judgment, enables the Senate to get an assessment of the probability of the resolution of this amendment.

Mr. BINGAMAN. Mr. President, I thank the manager for that statement. I am certainly not trying to object, but it is a very large unknown quantity since we have not seen the amendment.

Mr. KYL. Mr. President, I ask unanimous consent that the 30 minutes Senator WARNER asked for begin at this time.

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

The Senator from Arizona.

Mr. KYL. Thank you.

Mr. President, let me briefly describe the purpose of this amendment. I will acknowledge right up front that Senator DOMENICI, from New Mexico, has been a primary motivating factor in addressing this subject, based upon his expertise with our National Laboratories and his concerns about national security. A lot of folks sat down to try to determine what the best course of action would be for us to begin to take steps to ensure the security of our National Laboratories. Certainly, Senator DOMENICI is the person one would first turn to for that kind of consideration.

Next, Senator MURKOWSKI, the chairman of the Energy Committee, is someone who has jurisdiction and who has held hearings and who has a great deal to offer with respect to the organization of the Department of Energy, in particular the weapons programs, so we can ensure that we have security over those programs.



Naturally, Senator SHELBY, the chairman of the Intelligence Committee, has also had his input into this amendment, as have others.

It will be important that each of these key chairmen has an opportunity to discuss this bill. But I especially thank Senator DOMENICI for his efforts in doing literally hundreds of hours of research on the best possible approach to secure our National Laboratories.

That is what this amendment is all about. This amendment is, actually, the second step we will have taken in this defense authorization bill to begin to rebuild the security of our National Laboratories.

In the Armed Services Committee, a provision that deals with this subject was included in the bill. We have incorporated that part of their bill into this amendment. In addition to that, the Secretary of Energy, Secretary Richardson, has some ideas about his organization. The centerpiece of his ideas we have also incorporated into this amendment.

What we are trying to do here is to get the best ideas that everybody has to offer, and thereby ensure that when we finally finish this legislative session, and finish discussing this with the administration, we will have the best possible approach to security at our National Laboratories.

The essence of this amendment is to establish, in the Department of Energy, a new Office of Counterintelligence which would be headed by a senior executive from the FBI. I will come back to that. But that office has been identified in the defense authorization bill. We simply flush out the provisions of that office in that bill and ensure that that officer will have total authority here to deal with issues of counterintelligence at our National Laboratories.

Then the second part of this amendment is to address the longstanding management problems of the Department of Energy, especially relating to the nuclear weapons complex and reorganizing the Department of Energy in such a way that there is a very clear line of authority over the nuclear weapons programs, with a person at the top of that, an administrator, who has the responsibility over all of these nuclear programs, and nothing else, within the Department. And, by the same token, nobody else in the Department, except those who are senior to him, including the Secretary of the Department of Energy, would have any authority over his programs.

In effect, what we are replacing in the Department of Energy is a situation in which all of the rules and regulations and management policies, and everything else that applies to everybody within the Department—including the weapons complex—have created a situation in which, literally, they have not been able to focus on the management of the nuclear weapons complexes, especially with regard to security.

So what this amendment does—in the intelligence community terminology—is to create a “stovepipe” within the Department of Energy. At the top, of course, is the Secretary of Energy. Below him is a person with the rank of Assistant Secretary, called the “administrator,” who would, within that stovepipe, have the total authority to operate the Department of Energy weapons programs, including the security functions of those programs.

He would be doing this, of course, in coordination with the office that would be created by the language put in the bill by the Armed Services Committee relating to counterintelligence, with the FBI presence here, and the two of them would coordinate the national security portions of this program.

In this way, you do not have people within the Department of Energy responsible for all kinds of other things. Somebody talked about refrigerator standards and powerplant issues and all of the rest of it. Those people would not have anything to do with this. This group would not have anything to do with them. This would be a discrete function within the Department that would have nothing to do except manage our nuclear weapons programs, including, first and foremost, the security of those programs.

We will have much more to say about the details of this after a bit. Certainly Senator DOMENICI can go into many of the reasons he has helped to craft this in the way that organizationally it will work.

Let me just make two concluding points.

First of all, I do not think we can emphasize enough the need to do something about security at the Laboratories now. One of the concerns that has been raised about the amendment we have offered here is that it is premature, that we should hold hearings, and we should take a long time so we can “do this right.”

We have since 1995. And this administration has not done it right. It is time for the Senate to get involved in this issue and begin the debate by putting this amendment out there. We will have plenty of time to deal with this before this bill ever goes to the President of the United States.

This is our approach to the best management for this weapons program. We believe that to delay anymore is to engage in the same obfuscation and delay and, frankly, dereliction of duty that has characterized this administration's approach to national security at our Nation's Laboratories, our nuclear weapons programs. We can't delay any longer.

If I were to go home over this Memorial Day recess, the first thing my constituents would talk to me about is, what about this Chinese espionage? What about security at the Laboratories? If I say to them, well, we were in such a hurry to get this Department of Defense authorization bill done that we didn't really do anything about se-

curity at our Nation's Laboratories, we are going to take our time and do that later, I think I would be pilloried, and so would all the rest of my colleagues. Our constituents expect us to act with alacrity. I don't see how we can complain about the Department of Energy and about the administration taking their sweet time to deal with this problem if we don't address it up front and right now.

The second point I make in closing is, with regard to a previous draft of this legislation, the Secretary of Energy is indicating that he doesn't approve of everything in here and might even recommend a veto of the legislation. I am sure by the time he is done hearing the debate and conferring with us and reading the actual language of the amendment, he will be willing to cooperate with us rather than threaten vetoes. We need to work together on this.

I commend Secretary Richardson because from the time he has come in, he has tried to do the job of making reforms at the Department of Energy. But it will not do to say that he is the only one who has any ideas that could work here and for the Congress to but out, thank you.

The Congress has held numerous hearings, both in the House and the Senate. We have a lot of good ideas. Frankly, this management proposal, which has gone through a great deal of thought process about how to provide security at our National Laboratories, is going to be part of that reorganization. I know my colleagues and I look forward to working with the Secretary of Energy to make this work.

As I conclude, might I ask how much time we have remaining?

THE PRESIDING OFFICER. Twenty-one minutes remaining.

Mr. KYL. Within 1 minute, I will close. I will come back with more discussion of the rationale for the specific changes we have made in here.

I close by saying this: The only way we are going to be able to guarantee security for the nuclear programs at our National Laboratories in the future is to have somebody with laser-like focus, full responsibility over those programs in the Department of Energy, responsible for nothing else, and nobody else in the Department responsible for these programs. This person should be able to report directly to the Secretary of Energy and to the President of the United States, which is what our amendment calls for. Finally, he should be able to work very closely with the Office of Counterintelligence established in the other part of this bill.

That is the essence of what this does. It detracts nothing from what Secretary Richardson is trying to do. As a matter of fact, it fits very nicely with what the Secretary is trying to do. I believe that, working together, we can provide security at our Nation's Laboratories and, therefore, security for the people of the United States.

I thank the Chair, and I yield to Senator DOMENICI from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if the Chair will advise me when I have used 10 minutes so there will be 10 minutes remaining for Senator MURKOWSKI.

The PRESIDING OFFICER. The Chair will be more than happy to do that.

Mr. DOMENICI. Mr. President, I note the presence on the floor of my distinguished colleague from New Mexico, Senator BINGAMAN. He can rest assured that we intend to answer any questions he might have, debate any amendments he might have, and do this in a way that all of us can feel is right.

Nobody was more saddened than this Senator when the Cox report was issued and when many of the facts broke in the New York Times and other newspapers about a Chinese espionage effort.

I have been working with these Labs for a long time. I believe we are very fortunate as a people to have these National Laboratories in our midst. Looking at the science they practice, the technology they develop, and the way they have protected and preserved our nuclear options during a long cold war, with a formidable opponent who chose another route in terms of making nuclear weapons but is nonetheless formidable both in capacity and number, we are very fortunate that up until this time in history, with a few times when it wasn't true, almost without limit the very best scientists in America cherished working at one of these three great Labs and at the defense portion of the Lab in Tennessee at Oak Ridge. Great scientists, great Nobel laureates serving America well.

The problem now is, it has become obvious that for a long time, with the biggest emphasis here in the last 3 or 4 years, the Chinese, the People's Republic of China, and their spies and cohorts have engaged in a solid effort on many fronts to extract as many secrets as they could from these Laboratories. We now know there is a high probability that they have succeeded and that our children in the future will have a much more formidable Communist Chinese leadership confronting the world with a much more formidable set of rockets, delivery systems, and nuclear weapons.

All of their sabotage did not occur, all of their efforts to spy did not occur, at just the Laboratories. They have had a concerted effort across our land. But there is an adage that says, if it ain't broke, don't fix it. The counter one to that is, if it is broke, fix it. Frankly, before the day is out, as I attempt to answer questions about this approach, I will read to the Senate reams of reports, many of which have occurred in the last 4 or 5 years, telling us that we must change the way we manage the nuclear defense part of the Department of Energy. Now we have a reason to do it and a reason to get on with that business.

Frankly, I have struggled mightily to try to figure out what is the best approach under these circumstances. I am firmly convinced that with the assault on the Laboratories and our scientists that is coming from the Congress and coming from across this land, we had better take a giant step right now to move in the right direction and to assure people and assure the Laboratories that we are not going to do anything to hurt their science base and their professionalism and their capacity to stay on the cutting edge for us and our children and our future.

The Laboratories, under this proposal, will retain their multiple-use approach. They can do work beyond and outside of what they do for the nuclear deterrent part of this bill.

I am very disturbed when I hear that the President of the United States is against this, that he may have even made a few phone calls. I figured those are coming because his trusted friend, the Secretary, who is also my friend, Bill Richardson, wants to make all of the changes in the Department part of an administrative change.

Let me say loud and clear, as good as he is, as hard as he is trying, as much autonomy as the President gives him, the Secretary of Energy cannot fix this problem without congressional help. That is what we are trying to do here today. We are trying to fix something so our nuclear deterrent will have a better chance of remaining the best in the world and as free as humanly possible from espionage and spying.

Frankly, before the afternoon is finished, I will read excerpts from three reports in the past 5 years just crying out to fix it.

We piled together various functions and put them in the Energy Department. We created a bunch of rules within the Department that do not distinguish between the management of nuclear deterrent affairs and the management of such things as refrigerator efficiency research. They are all in the same boat, all subject to the same management team, hundreds of functions that have nothing to do with nuclear deterrence. Yet security was left in a position where the right hand didn't know what the left hand was doing.

And if you look at how it is structured, you can probably figure out that there is some justification for it being in such a state of chaos. There is not enough focus on the seriousness of the issue. Even when signs and signals came forth, there have been people within the Department of Energy who didn't do their job right. There have been people at the Laboratories who didn't do it right. There have been people at the FBI who clearly messed up, and there have been people in the White House who surely didn't rise up strongly enough and say something must be done now.

Essentially, what we are doing in this bill is to carve out within the Department of Energy—carve out kind of

an agency, for lack of a better word. It is going to be called the Security Administration, or Security Administrator, and an Assistant Secretary will run it and be responsible to the Secretary and in total charge. That one individual will be in total charge of the nuclear deterrent effort, as defined in this bill.

There will be an extra reporting system that Senator MURKOWSKI asked us to put in with reference to security breaches being transmitted to the President of the United States and to the Congress, as soon as they are known, by this Assistant Secretary who is totally in charge of this new administration within the Department of Energy. They will have their rules and regulations, and they will conduct the affairs singularly and purposefully to make sure our nuclear deterrent is handled correctly and that the security apparatus is done efficiently and appropriately.

Once again, I say to the Senators on the other side of the aisle, including my friend Senator BINGAMAN, and the Secretary of Energy, who, obviously, is working hard to defeat this amendment, we ought not to defeat this amendment. If you have some constructive changes, let's get them before us. We ought to send to that conference at least something that is much more formidable and apt to do the job than we have done in this bill, because we are apt to find some very serious suggestions coming from the House.

If this bill goes there with no serious changes in the Department of Energy, they are apt to be changed by the House. We ought to have our input, and I am very proud that every chairman of every committee on our side of the aisle who will have anything to do with this in the future has signed onto this amendment—the Intelligence Committee chairman, the Energy and Natural Resources chairman, Government Operations, and I am the Senator who appropriates the money. We are all on board asking that we take this step in the direction of real reform and that we can go home saying this defense bill, when it finally comes out, may indeed start us down a path that not only the Chinese, but nobody will be able to breach the security the way they have in the past.

Now, from my standpoint, there is not going to be a perfect structure ever designed for the nuclear deterrent work, nuclear weapons work, of the Department of Energy. It is complicated, it is complex. That Department is complicated and complex, but there is nothing within that Department more important than this. I have been listening, as people have ideas about what ought to happen, and I am worried about some of those ideas. I am not worried about this idea.

I am not worried about this idea; this idea will work. What I am worried about are ideas that are talking about putting these Laboratories in the Department of Defense, which started

from Harry Truman on down that it was something we thought we should not do as a Nation. I am worried when this bill goes to conference and, in the heat of all this, we will do something we should not do. If they adopted this amendment, I would feel very comfortable, as a Senator, with these Laboratories. I have probably worked longer and harder on these issues than any Senator around, and I would be comfortable that we are starting down a path to make it work and yet keep alive that enormous prestige and scientific prowess that has served us so well.

Before the afternoon is finished, we will have more remarks. I yield the remainder of my time to the chairman of the Energy and Natural Resources Committee and thank him for his efforts in this regard.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank the senior Senator from New Mexico. I rise to join with Senators KYL, DOMENICI, and SHELBY to offer an amendment which I feel confident creates accountability in the Department of Energy for protecting our country's national security information.

Mr. President, it is clear that the Cox committee report and the Senate's investigation of Chinese espionage at the Labs highlighted, in a sense, a dysfunctional Department of Energy. Even though the Department of Energy's chief of intelligence, Notra Trulock, was ringing alarm bells starting back in 1995, it simply seems that nobody was listening. Today, we find that nobody is accountable.

We recognize the structure of the system simply didn't work. For Mr. Trulock to get approval to brief senior officials, he had to go through more junior officials. He could not brief the Congress without approval. He didn't have access to the executive branch. What the amendment that is pending creates is real accountability—accountability at DOE, accountability for the President, and accountability for the Congress. It puts into law an Office of Counterintelligence and mandates that the director report to the Secretary, the President, and the Congress, any actual or potential threat to or loss of national security information.

We have seen a situation where the individual responsible simply didn't have the capability to get the message through the process—to any of the four Secretaries of Energy whom we could identify for the record.

Further, this would require a report once a year to the Congress regarding the adequacy of the Department of Energy's procedures and policies for protecting national security information, and whether each Department of Energy Lab is in full compliance with all Department of Energy security requirements. The National Labs clearly had different security arrangements previously.

The amendment also would prohibit any officer or employee of the Department of Energy or any other Federal agency from interfering with the director's reporting. No interference, Mr. President.

Secretary Richardson has introduced several initiatives aimed at correcting the security problems at the Labs. I commend him for his efforts. I welcome the Secretary's initiative, energy, and enthusiasm, but without a legislative overhaul, I doubt his ability to change the mindset at the Department of Energy which has plagued every other reform initiative.

It is kind of interesting to go back and look at the attempted reforms. Victor Rezendes, a director of the GAO, who has closely followed security initiatives at the Labs, made the following observation:

DOE has often agreed to take corrective action, but the implementation has not been successful.

A former head of security at Rocky Flats weapons plant, David Ridenour, was more blunt. He was quoted in USA Today on May 19:

It's all the same people and I think they'll continue to fall back into old ways. If there's a problem, classify it, hide it and get rid of the people who brought it up.

Recall the so-called Curtis plan, which was put forth by Deputy Secretary Curtis. A good plan, but after Mr. Curtis left the Department, it was either disregarded or forgotten. It was so quickly forgotten, as a matter of fact, that Mr. Curtis' successor as Deputy Secretary wasn't even informed of its existence. There is no excuse for that.

The New York Times reported that a November 1998 counterintelligence report contained some shocking warnings, including that foreign spies "rightly view the Department of Energy as an inviting, diverse and soft target that is easy to access and that employees are willing to share information."

So change is necessary. I think creating this new line of responsibility will help change the mindset at the Department of Energy. The amendment puts the DOE on the road to accountability by creating under the law an Office of Counterintelligence, an Office of Intelligence, and a Nuclear Security Administration.

More legislation, obviously, is going to be needed. We simply don't have all of the answers now. But the Cox report fills in some of the shocking details. After months of investigation, they have revealed frightening information about the true ineptness of the espionage investigation.

I understand that the Secretary of Energy opposes this amendment. I am sorry to hear that. I gather he sent a letter up here indicating that he will recommend that the President veto the bill because Congress is taking action to fix the problem. But what does he want Congress to do? Wait to take action until U.S.-designed nuclear weap-

on warheads are launched at U.S. cities?

The problem is precisely that serious. After what we have learned about security failures at the Department of Energy, I dare—I dare—the President to veto this legislation.

It is time for action, and that is what we are talking about with this amendment.

If one looks at where we are today, I am struck by three revelations.

First, we have in the Cox report stunning information about a compromise of our national security that was self-inflicted. We can blame the Chinese for spying. But this happened as a consequence of our own failure to maintain adequate security in the Laboratories. Security of our most important Laboratories has been marginal at best.

We find that U.S. companies—Loral and Hughes—allowed their commercial interests to override our national security interests. We gave the Chinese a roadmap on how to shoot their missiles straight and how to arm those missiles with nuclear weapons. Aimed at whom? Well, that is another concern.

Second, how much of this happened on President Clinton's watch?

Third, the balance of power in the Asia-Pacific region could be affected by the information they have obtained.

Based on these findings, I believe now is the time for Congress to demand accountability from those who allowed this to happen. We should not allow the administration to simply promise change with reforms that in previous efforts have been tried but have failed.

One would not respond to, say, a burglary by saying that the robber is irrelevant. Our Nation has been robbed. Years of research and hundreds of billions of taxpayer dollars are lost to the Chinese. Who is responsible?

What should be done is that the Attorney General should testify in public and tell the American people why the Department of Justice denied requests for access to computer and wiretaps.

FBI Director Freeh should testify in public as to why the FISA warrant was inadequate. Director Freeh should also explain the so-called "misinformation" on Wen Ho Lee's signed waiver of consent to access his computer.

Sandy Berger should testify. He might require a subpoena. So be it. The public is entitled to his testimony. Mr. Berger was briefed in April of 1996 and July of 1997. Berger should be forced to testify as to what precisely he told the President and when.

Congress should also subpoena the written summary of the Cox report to President Clinton, which the President received in January of 1999.

Let us judge whether the President was being forthcoming in his March 1999 statement when he said:

To the best of my knowledge, no one has said anything to me about any espionage which occurred by the Chinese against the laboratories during my presidency.

What did the Vice President know? When did he know it?

The Vice President told the American people on March 10:

Please keep in mind that the [alleged espionage] happened during the previous administration.

Now the Vice President is rather silent. What was he told by his National Security Adviser, Leon Fuerth, who was briefed in 1995 and 1996?

I have held six Energy Committee hearings. At another time I want to detail what I have learned from those hearings. But let me summarize very briefly.

Our Laboratories have not and still are not totally prepared to protect our Nation's nuclear secrets.

The DOE put our national security at risk by not searching Wen Ho Lee's computer in 1996 in spite of information about Chinese targeting of lab computers.

The FBI investigation was bureaucratic bungling. The right hand never knew what the left hand was doing.

Regarding the waiver, we have learned that on March 22, 1995, the Los Alamos Lab issued a policy to all employees, including Wen Ho Lee, stating that "the laboratory or Federal Government may without notice audit or access any user's computer."

On April 19, 1995, Wen Ho Lee signed a waiver at the DOE Lab to allow his computer to be accessed. This is the actual copy of the waiver that Wen Ho Lee signed on April 19, 1995. My committee heard testimony from the Los Alamos Lab director, the DOE attorney, the DOE director of counterintelligence. All agreed that Lee's computer could be searched because of these waivers.

Why wasn't his computer searched and the loss of our nuclear secrets prevented? Because the FBI claimed that the DOE told them there was no waiver. The FBI then assumed that they needed a warrant to search.

Here is how the Los Alamos Lab director summed it up.

The FBI and the Department of Justice decided they should seek court approval before accessing the subject's (Lee's) computer. The Laboratory's policy seems clear to be sufficient for FBI access, but the legal framework affecting the FBI's actions, as viewed by them, apparently prevented this.

What is the result? Lee's computer could have been searched but instead was not searched for 3 long years. Yet there was a waiver. This waiver was there the entire time, and the FBI didn't know it.

And then there was DOJ's role: DOJ thwarted investigation by refusing to approve FISA warrants—not once, not twice, but three times! Still have not heard a reasonable explanation.

What's frightening, as well as frustrating, is that no one put our national security as a priority. FBI and DOJ more concerned about jumping through unnecessary legal hoops than about preventing one of the most catastrophic losses in history.

The events involved throughout the Lee case are not only irresponsible—they're unconscionable.

That is why we must have this security change. This is why this amendment must prevail.

Mr. President, I ask unanimous consent that the "Rules of Use" which Wen Ho Lee signed be printed in the RECORD.

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

#### RULES OF USE

##### X-DIVISION OPEN LOCAL AREA NETWORK

**WARNING:** To protect the LAN systems from unauthorized use and to ensure that the systems are functioning properly, activities on these systems are monitored and recorded and subject to audit. Use of these systems is expressed consent to such monitoring and recording. Any unauthorized access or use of this LAN is prohibited and could be subject to criminal and civil penalties.

**Passwords.** User passwords are assigned by the X-Division Computing Services (XCS) Team. Exceptions may only be granted by the CSSO. Users may not use their unclassified ICN password. Passwords must be changed each year in cooperation with an Open LAN Computer Security Officer or network administrator. Passwords will not be given out or shared with any other person. Users may not change their passwords. Users will protect passwords according to Laboratory requirements.

**Classified Computing.** No classified information or computing is allowed on the X-Division Open LAN.

**User Responsibilities.** Users are responsible for:

Ensuring that information, especially sensitive information, is properly protected.

Restricting access to their workstation or terminal when it is not attended. The workstation or terminal should be set to a state where a user password is required to gain access (e.g., lockscreen software) or the office door is locked.

Using the X-Division Open LAN only for official business purposes.

Properly reviewing, marking, protecting, accounting for, and disposing of their computer output containing sensitive unclassified information. See X-Division Guidance on Computers, available from the XCS Team, for more information.

Properly labeling and logging of all recording media, including local storage devices. See X-Division Guidance on Computers for more information.

Installing and using virus control programs, if applicable to their system.

Reporting security-related anomalies or concerns to the X-Division Computer Security Officers.

Promptly reporting changes in the location, ownership, or configuration of their workstation to the X-Division Computing Services Team.

Promptly registering all computer systems (open, classified, standalone, networked, and portable) with the X-Division Computing Services Team to comply with DOE and Laboratory orders.

Posting their Rules of Use and workstation information addendum next to their workstations.

**User Restrictions.** Users are not permitted to:

Use a workstation or terminal to simultaneously access resources in different security partitions. Workstations which move between different security partitions must be sanitized according to the X-Division Computer Sanitization Policy which must be posted next to such workstations.

Install or modify software which has an adverse effect on the security of the LAN.

Add other users or systems without the prior approval of an X-Division Computer Security Officer.

I understand and agree to follow these rules in my use of X-Division OPEN LAN. I assume full responsibility for the security of my workstation. I understand that violations may be reported to my supervisor or FSS-14, that I may be denied access to the LAN, and that I may receive a security infraction for a violation of these rules.

Signed: Wen Ho Lee.

Date: April 19, 1995.

Mr. MURKOWSKI. I thank my friend, the floor manager, for the time.

I wish the President a good day.

Mr. WARNER. Mr. President, we have negotiated the amendment of the Senator from Florida. I ask unanimous consent to speak for 2 minutes on this amendment prior to going to the amendment of the Senator from Florida.

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

Mr. WARNER. Mr. President, I strongly support this amendment. I view it as an augmentation of what we have in the defense bill. I understand my colleague from New Mexico addressed the defense bill. I ask the question of my colleague from Alaska. The provision in the defense bill is a direct product of the working group assembled by the majority leader, Senator LOTT. I am not entirely sure what Senator DOMENICI said about the provisions of the defense bill. But the Senator from Alaska incorporated a portion of that in his bill. So there is some redundancy. But I look upon the two as joining forces and, indeed, putting forth what is essential at this point in time.

Does the Senator share that view?

Mr. MURKOWSKI. I share that view with the senior Senator from Virginia. It is my understanding that the leader is still prepared to go ahead with his amendment known as the Lott amendment.

Mr. WARNER. Mr. President, I wish to advise my colleague that the amendment has been agreed to and is in the bill now.

Mr. MURKOWSKI. Good.

Mr. WARNER. There are really three components: One, the Armed Services' position; Leader LOTT's position; and the position recited by the three Senators who are sponsors of this amendment. But it all comes together as a very strong package. I hope it will be accepted on the other side.

I yield the floor.

Mr. President, I hope that Senators SHELBY and ROBERT KERREY are aware that this amendment is now up, and they have 15 minutes under their joint control reserved.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Thank you, Mr. President.

#### AMENDMENT NO. 447

(Purpose: To establish a commission on the counterintelligence capabilities of the United States)

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Florida (Mr. GRAHAM) proposes an amendment numbered 447.

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

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

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

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I also ask unanimous consent that Sandi Dittig of our staff be allowed on the floor for the duration of the debate on the Department of Defense authorization bill.

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

Mr. GRAHAM. Mr. President, thank you.

Mr. President, I have presented the Senate with an amendment to the Defense Department authorization bill. The amendment would establish a national commission to conduct an in-depth assessment of our Government's counterintelligence programs.

The discussion we just had for the past 30 minutes I think underscores the necessity of the amendment I am offering. I am afraid we are about to be put into a position in which there is a rush to action. It is almost analogous to the metaphor of firing before you aim.

We have in the defense bill, as an example, a very comprehensive commission on safeguarding security and counterintelligence at the Department of Energy facilities. That begins on page 540 of the committee bill. Among other things, it states that the commission will determine the adequacy of those activities to ensure the security of sensitive information, processes, and activities under the jurisdiction of the Department against threats of the disclosure of such information, processes, and activities.

In the same bill where we are establishing a commission to review those issues of process, we are now about to adopt an amendment which countermands this commission by making a decision based on 30 minutes of floor debate for answers to provide greater security at the Department of Energy.

I suggest these proposals have not received the thought and consideration which their importance to the Nation deserves. I also am concerned that there is a highly partisan atmosphere being developed.

In today's Roll Call magazine there is an article which quotes one congressional staffer as saying,

We're going to milk this [the Chinese espionage issue] for all it's worth.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately after my remarks a copy of that article.

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

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, as members of the Congress, we need to accept our responsibility and accept the importance of counterintelligence to our national security. The country cannot afford a partisan debate. We cannot afford a piecemeal solution to what is a complex set of issues. Yet with the amendments that are being offered in both Houses, that is exactly what we are getting.

My amendment represents an attempt to transform a potentially destructive partisan debate into a non-partisan, objective, dispassionate, and comprehensive review of current counterintelligence policies—not just at the Department of Energy, but across the government—a review that is long overdue.

Such a review would address a number of issues: What is the nature of the counterintelligence threat? The nature of the threat goes far beyond China and it goes far beyond our Department of Energy National Laboratories. For example, there are 24 countries on the Department of Energy's sensitive country list. Those countries include those that we would expect to be on such a list—China, Cuba, Iran, Iraq—but the list also includes India, Israel, and Taiwan—countries, I suspect, many Americans would be surprised to find on that list.

Another example of the threat relates to the missile programs in India, Pakistan, and North Korea. To what extent have their programs benefited from American technology and know-how gleaned from our Labs or other high-tech institutions? What leads us to believe that our only vulnerability is from China?

The threat goes beyond the traditional security parameters of guns, gates, and guards at the Department of Energy. We must include an in-depth look across the government and at the new areas of security vulnerability.

I have a report from the General Accounting Office issued to the Congress on May 20, 1999. This was an analysis of the vulnerability of the NASA, the National Aeronautics and Space Administration, about the vulnerability of its system to security penetration. I will read a paragraph titled "Results in Brief."

We successfully penetrated several mission-critical systems, including one responsible for calculating detailed positioning data for Earth orbiting spacecraft and another that processes and distributes the scientific data received from these spacecraft. Having obtained access to these systems, we could have disrupted NASA's ongoing command and control operations and stolen, modified, or destroyed systems software and data.

That is just another example of our national vulnerability.

Who should assess this threat? I believe that the commission that should be established by this amendment would appropriately represent the interests of the American people through the administration and the legislative

branches and would necessarily include persons with strategic vision and specific counterintelligence experience. I have used as the model for the establishment of this commission, a commission which was established by the Congress in 1994 under the leadership of Senator WARNER, a commission which became known as the Aspin-Brown Commission, to look at our intelligence community.

Like that commission, this would have 17 members. The President would appoint 9, the leadership of the Senate and the House—majority and minority—would appoint a total of 8 commissioners.

The commission would be charged with assessing the current counterintelligence threat and the adequacy of resources being applied to that threat. Commissioners would also examine current personnel levels and training oversight—both executive and legislative—coordination among government agencies, the laws now on the books and their adequacy, the adequacy of current investigative techniques and, last but not least, attempt to determine whether vigorous counterintelligence capability can coexist with important work carried out by our National Laboratories and other important technological institutions.

It is important that we keep counterintelligence problems and possible solutions in some perspective. There is no doubt that counterintelligence deficiencies of the Department of Energy are longstanding. They have been excruciatingly well documented over a long period of time. We should have addressed these issues years ago. But as serious as our counterintelligence weaknesses are at the Department of Energy and at our National Laboratories, effective focus on counterintelligence issues must take into account many other agencies of the government. It must do this if we are to construct a comprehensive and effective counterintelligence response.

Those agencies, of course, include those belonging to the intelligence community, but also must include agencies such as NASA, whose vulnerability I have just outlined, and the Department of Commerce, which has had the responsibility for reviewing highly technical decisions on whether it is appropriate to license for export particular dual-use machinery that might serve a military purpose.

These reviews of agencies like NASA and the Department of Commerce have not been viewed in the past as warranting the degree of counterintelligence focus which I believe they deserve. For those who argue that we can't wait for the commission, that we must act today, I point out that the immediate counterintelligence issues facing our Department of Energy National Labs are being addressed.

According to Ed Curran, a highly respected 37-year FBI veteran who now heads the Department of Energy's Counterintelligence Office, 75 to 80 percent of the Tier One recommendations

resulting from a 1998 FBI evaluation of Lab counterintelligence are now in place. The remainder will be in place within 7 months. These are important steps that will go a long way in the short term to protect the work going on at the Labs.

In the heat of the moment, numerous recommendations are being put forward to improve counterintelligence at the Department of Energy. Some of them may be useful. Others, such as placing counterintelligence at the Labs under the FBI's control, may not be. All recommendations deserve careful, objective, and dispassionate attention. I believe a commission of the type that this amendment would establish would be the appropriate place to begin such a comprehensive reexamination.

I suggest that we draw a collective breath, that we step back, that we take a serious indepth look at this very complicated issue, and that we reach a consensus as Americans on the best way to proceed. I am convinced if we force solutions and force them beyond our current analysis and rush our deliberations, that we are likely to end up asking the wrong questions and coming up with the wrong answer. America will be disserved by this pattern of action and the Congress will be the culprit.

#### EXHIBIT 1

[From Roll Call, May 27, 1999]

#### COX REPORT SPARKS WAVE OF GOP INITIATIVES

(By John Bresnahan)

This week's release of the report on Chinese espionage by the select House committee chaired by Rep. Christopher Cox (R-Calif.) has triggered a wave of legislative initiatives.

Senate Republicans are pounding on senior administration officials, including Attorney General Janet Reno, for their perceived failure to address some of the most serious allegations dealing with the scandal, including the Justice Department's refusal to go along with an FBI wiretap of a scientist suspected of transferring sensitive nuclear data to the Chinese government.

Reno is scheduled to appear today before the senate Judiciary Committee in closed session to talk about her role in the denial of the wiretap request.

Wen Ho Lee, a Taiwanese-born scientist, was fired recently from his job at the Los Alamos National Laboratory in New Mexico due to his alleged involvement with Chinese intelligence officials.

Lee first came under scrutiny in 1996 after U.S. intelligence officials learned the Chinese government may have acquired data on an advanced U.S. nuclear weapons systems. The following year, the Justice Department declined to seek a warrant to conduct electronic surveillance on him, with officials arguing that they did not have sufficient evidence to approve such a step.

Senate Majority Leader Trent Lott (R-Miss.) now believes Reno personally denied the FBI request for electronic surveillance on Lee, a reversal of his earlier position that he did not think she was directly involved in the controversy.

"It looks to me like the line goes directly to her," said Lott. "Clearly, it's indefensible in my mind these two [search] requests were turned down."

Lott, though, backed away from any suggestion that Reno should step down from her post.

"I have not called for [her] resignation," noted the Majority Leader.

Sen. Richard Shelby (R-Ala.), the chairman of the Select Committee on Intelligence, has already called on Reno to resign.

Reno could also face tough questioning from Sen. Robert Torricelli (D-N.J.), who has been highly critical of Reno's behavior, during her Thursday appearance.

"I believe President Clinton needs to make an assessment whether Janet Reno is properly administering the department and whether she has any culpability for this failure to find probable cause to issue this warrant," Torricelli said this week.

National Security Adviser Sandy Berger has also come under fire from GOP Congressional leaders for his role in the scandal.

Senate Republicans plan a broad legislative offensive on China, possibly including new restrictions on the ability of the Chinese officials to travel within the United States during visits here, although they are promising to move slowly on the issue. Republicans are using the recommendations included in an earlier Intelligence Committee report, as well as the Cox report, as the basis for the legislation, said GOP staffers.

But Lott is still hedging on whether to set up a special Senate investigative committee to look into Chinese espionage, despite calls from some Senate Republicans to do just that.

Sen. Bob Smith (R-N.H.) introduced a bill this week calling for a special committee, while Sens. Tim Hutchinson (R-Ark.) and Arlen Specter (R-Pa.) support the idea, according to GOP sources.

The GOP staffers say senior Republicans, including several committee chairmen, are opposed to the idea, believing that Clinton and the Democrats may use the panel as an opportunity to attack Republicans for conducting a witch hunt for Chinese spies.

"This idea is not dead," said a senior Senate GOP staffer. "It's going back and forth. It's still percolating."

Lott has inaugurated weekly meetings of his China task force, which includes Shelby, Armed Services Chairman John Warner (R-Va.), Foreign Relations Chairman Jesse Helms (R-N.C.), Governmental Affairs Chairman Fred Thompson (R-Tenn.), Energy and Natural Resources Chairman Frank Murkowski (R-Alaska), as well as GOP Sens. Specter, Thad Cochran (Miss.), Pete Domenici (N.M.), Jon Kyl (Ariz.), Tim Hutchinson (Ark.) and Craig Thomas (Wyo.).

That group is giving Lott weekly updates on China, although the Mississippi Republican also wants to get the most political mileage he can out of the Cox report.

"We're going to milk this for all its worth," said one Senate GOP staffer. "What we do next is still being considered."

Senate Minority Leader Tom Daschle (D-S.D.) has been echoing the White House line that past administrations, including those of former Presidents Ronald Reagan and George Bush, were guilty of lax oversight of Chinese intelligence activities within the United States.

Daschle cited an 1988 internal Energy Department study that found "a significant amount of important technology may have been lost to potential adversaries through visits" that took place in the early 1980s.

Mr. WARNER. Mr. President, I ask that amendments sent prior to the passage of the bill—that the chairman and ranking minority member be recognized to offer a managers' package of amendments, notwithstanding the previous consent agreement with respect to the 2:30 p.m. deadline today.

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

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I rise unfortunately to speak in opposition to the amendment offered by the Senator from Florida, Senator GRAHAM. Let me say, first of all, I think the intent of this bipartisan commission is right on target; that is, that we take care not to rush to judgment, and in our rush to judgment—

Mr. WARNER. Mr. President, could I ask the Senator to yield for one administrative announcement? I ask all Senators and their staff to pay attention to a hotline call, which will come very shortly, to clarify the earlier unanimous consent agreement regarding filing of first-degree amendments. That includes the need for the offices to resubmit certain amendments that may have otherwise been informally sent over to the floor staff. So a complete submission is necessary as indicated on the hotline. I thank the Senator.

Mr. KERREY. Mr. President, the Senator from Florida has identified a very serious potential problem, which is that we have now, in the aftermath of the report that was produced and made public by Congressman Cox and Congressman DICKS, a great deal of interest in doing something, to take some action to look like we are solving the problem.

What I understand the Senator from Florida to be saying is we should take a collective deep breath, and I quite agree with him. Because I think not only is it possible, it is likely, if we are not careful, we will, in our actions, do things that will make the country less safe, not more safe and secure.

Perhaps the most important thing to be saying about the Cox and the Dicks report is that there is a lot less there than meets the eye. By that, I don't mean to say I am critical of the report, although there are three or four conclusions they reach with which I do not agree, that I do not think are supported by the classified report they have filed. I see in the Cox-Dicks report—and in fact in their own evaluation they say: This was not a comprehensive study; there were a lot of things we were not able to check out.

I believe that is essentially what the Senator from Florida is saying. There is still a lot that neither the Cox-Dicks committee, the Temporary Special Committee, nor the House and the Senate Select Committees on Intelligence, have examined. Indeed, one of the people we asked to do an evaluation of the damage, Admiral Jeremiah, has said in the report he gave to us it is terribly important that we do a net assessment; we try to establish what the gains were, what the losses were, before we move on.

I am just not persuaded, I say to my friend from Florida, that this commission he is proposing—that would be essentially similar to the Brown-Aspin Commission; I think it is modeled after that commission—is the right way to do it.

I propose as an alternative, No. 1, the Senate Select Committee on Intelligence try to come up with a scope of study similar to the Jeremiah study, try to put it in the intelligence authorization bill, but, in other words, challenge our committee to do something similar to what we did with Admiral Jeremiah. He started to do a damage assessment for us.

I think much more needs to be done before the Congress knows for certain, A, what the damage was and, B, for certain what exactly it is we ought to do.

I know the majority leader has, and I am cosponsoring with him, some changes he is recommending that we will be recommending to be made. But these are pretty limited. Many of these things can be done administratively. They really are just based upon what we know right now. So, while I find myself unpersuaded by this amendment—although maybe with a little bit more time I could have been persuaded—I am not persuaded we need a commission of this kind. I am persuaded we do need further examination, in fact a more thorough examination, than done to date.

The damage has been done. So we make certain in our response to this story of espionage and story of lax security, not just at the Labs but in monitoring and watching the satellites that were being launched in the Chinese Long March program, and the whole export regime we have established to make certain we do not export things that are then used against us in some fashion, that we do not presume, in short, that we know everything that happened and we do not take action that could make the problem worse.

I believe what the Senator from Florida is suggesting to us is right on target. We have to be very careful that we do not rush to judgment and do things that will make things worse. So I recommend an alternative that I think will enable us to accomplish the same objective.

Again, I have great respect for the Senator from Florida and what he is trying to do. I think I vote with him 9 out of 10 times and do not like to be in a position where I am opposing his amendment.

Mr. GRAHAM. Will the Senator from Nebraska yield for a question?

Mr. KERREY. It depends on the question.

Mr. GRAHAM. One of the principal purposes of this commission starts with a recognition that our counterintelligence problems, or vulnerabilities, are not limited to Chinese penetration and are not limited to Department of Energy Laboratories. In fact, I have quoted from a study by the General Accounting Office that is less than 10 days old about a major potential penetration in NASA of its computer systems.

The question: "Would the Senator agree that whatever form Congress

took to look at this issue, in addition to being rational, prudent, thoughtful, that it should also be comprehensive, in terms of the agencies of the Federal Government and the potential sources of efforts to penetrate those agencies?"

Mr. KERREY. I answer emphatically yes. It needs to be Governmentwide. Indeed, I would say to the Senator, as he no doubt knows, there is also vulnerability with contractors, current and former employees. There is a significant amount of vulnerability.

Let me point out in the case of the transfer of these designs that have been reported to the public, we are not 100 percent certain that they were transferred out of Los Alamos. That is the problem. This design was held by many other people other than Los Alamos. So that is one of the problems here. When you take this particular situation, if you are 100 percent certain it is Los Alamos, tighten up security at the Lab. If you are not 100 percent certain and we tighten up security in the Lab, we may be tightening up security in a place that is not the problem.

So I think there is reason to believe the changes that have been suggested thus far will not damage us. But I think what the Senator is saying is exactly right. It needs to be Governmentwide. It needs to look at the contractors.

Another thing I think needs to be considered, there was an op-ed piece written by Edward Teller, published in the New York Times. Mr. Teller can best be described as somebody whose lifetime has been devoted to the task of making certain the United States of America has a robust nuclear deterrent and that nuclear deterrent was adequate to protect the people of the United States of America and our interests.

Mr. Teller says, and I agree with him, by the way, by the time you put all other security measures in place, the most important deterrent against losing our technological superiority is not defensive measures but making certain we allocate enough for research and development and we keep the pointy edge of our technological spear sharp. So long as we continue in research and development, not just in design but construction and deployment, Mr. Teller is saying you decrease the possibility that espionage or some other transfers—in some cases transfers you do not even think about—will do damage to the security of the United States of America.

Mr. GRAHAM. Mr. President, will the Senator from Nebraska yield for another question?

Mr. KERREY. Yes.

Mr. GRAHAM. The Senator's last point about trade-offs highlights the fact that we risk making our nation less secure if we are not careful with our solutions. We could potentially be lured into doing what Hitler did in the 1930s and 1940s; that is, prevent intelligent and capable people from participating in our nation's government and

society on the basis of their ethnicity. So we do not want, as some have suggested, ethnic standards determining who will have an opportunity to access our laboratories. In my judgement, security should be based on the individual who is involved, not on that individual's membership in a larger ethnic group. The danger of denying our nation a pool of talent due to ethnic stereotyping illustrates the complexity of this issue.

Would the Senator agree also that in order to sort through all of those complexities—

The PRESIDING OFFICER. The 7½ minutes of the Senator is up.

Mr. GRAHAM. Since I don't think Senator SHELBY has arrived—

Mr. KERREY. He is here.

Mr. GRAHAM. I ask unanimous consent to complete my question and give Senator KERREY 2 minutes to respond.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAHAM. Does the Senator agree that in order to sort through those complexities, we would need a group of Americans who can look at this both from a strategic perspective as well as from the technical competencies of what is required to do appropriate counterintelligence protective processes and methods?

Mr. KERREY. Yes, I do. I have to answer the first part of the Senator's question no. I do not think we are in any danger of following Adolf Hitler's example, but I do think we need to be careful that in an effort to restrict who gets to know things we do not create an additional security problem.

We have had many examples, as we try to figure out what goes wrong with a national security decision, especially intelligence, where we discover that the problem was Jim knew it; Mary didn't know it. Neither one of them had a right or need to know what each other was doing. As a consequence of them simply walking from one cubicle to the other talking, a mistake is made.

We have to be very careful in exercising our judgment in what ought to be done in tightening things that we do not actually create additional security problems.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 7½ minutes.

Mr. SHELBY. Mr. President, I oppose the Graham amendment as the chairman of the Senate Intelligence Committee. We should, as an institution, oppose all efforts to devolve the authority and the responsibility of any congressional committee to an outside group, such as this commission, when there is no compelling reason to do so, and there is certainly no compelling reason to do so in this instance at this time.

As my colleagues probably know, the Intelligence Committee is already



aware of the state of our counterintelligence capabilities. I have worked with the vice chairman, Senator KERREY, and other Members on both sides of the aisle, in dealing with our counterintelligence capabilities because we are engaged in the committee now in an ongoing legislative oversight of the intelligence community's approach to counterintelligence activities and espionage investigations. That is an ongoing, very much alive investigation.

We have a tremendous staff, I believe—and I believe the Senator from Nebraska, the vice chairman, joins me in saying this—a very able staff on the Senate Intelligence Committee that is deeply involved in a bipartisan way in this investigation.

The committee has recommended, and will continue to recommend as our investigation unfolds, substantive changes in this area. We are working with the majority leader, with the minority leader, and their staffs in this regard.

I believe the Intelligence Committee is completely capable—and I believe the vice chairman has already indicated this—of addressing this relatively small but very, very critical area within the National Foreign Intelligence Program.

Most important, though, this legislation presumes the failure of congressional oversight, and that did not happen. It did not happen in this instance, and the Senator from Nebraska, who has just come back on the floor, was very involved as the vice chairman of this committee in pushing for more money for counterintelligence. That goes without saying.

The failure of congressional oversight, as far as the Intel Committee is concerned, did not happen. For nearly 10 years, the Intelligence Committee has repeatedly directed the intelligence community to improve its counterintelligence capabilities communitywide and specifically at the Department of Energy where our most precious Labs, our most important Labs are located.

I believe this is really a case of the executive branch failing to heed congressional warnings, and I think we will see more and more of this as the investigation unfolds.

Finally, counterintelligence has been a specific priority of the Intelligence Committee in the Senate and will continue to be a high priority, as it should, as long as I am chairman and as long as I am involved.

This amendment ignores the past and ongoing work of the Intelligence Committee in the Senate. I urge my colleagues to oppose it.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. Time is under the control of the Senator from Alabama and the Senator from Florida. Who yields time?

Mr. WARNER. Mr. President, we are trying to work this out right now.

The Senator from Florida has authorized the managers to make a request on his behalf that this amendment be laid aside.

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

Mr. WARNER. Mr. President, I see the distinguished minority whip.

Mr. REID. Mr. President, this is a question—more of a statement—for the purpose of understanding the schedule for the rest of the day. I say at this time, so there are no surprises later on, as you know, there has been an amendment offered by the Senator from Arizona and the Senator from New Mexico which is pending. I want the body to know that this amendment is not satisfactory with the minority and with the administration.

The debate on this amendment is going to take a very, very long time. I want everyone to understand that. I have several hours of information that I need to explain to the body. Senator BINGAMAN and others wish to speak at length in this regard.

It is getting late in the day, and I did not want at 3 or 4 o'clock for people to ask: Why didn't you tell us earlier? I have suggested to both managers of the bill that this amendment causes some problem over here, in addition to the fact the President said he will veto it. In short, I will not belabor the point other than to say I hope we can finish this bill, but this amendment is going to prevent us from doing so in an expeditious fashion.

Mr. DURBIN. Will the Senator yield?

Mr. REID. Yes, I yield.

Mr. DURBIN. I have not taken much time to debate. I admire the leadership of the Senators from Virginia and Michigan. But I have to concur with what the Senator from Nevada said. If we are going into this new debate topic about security at the Laboratories, we are going to have to give it an adequate amount of time, and that will be substantial. I hope the Senator understands and will advise his side of the aisle.

Mr. WARNER. Mr. President, I hear very clearly what our two colleagues have said. I believe that information was imparted to the three sponsors of the amendment earlier today. We will just have to await their response. At the moment, the Kyl-Domenici amendment is laid down. It is the pending business; am I not correct?

The PRESIDING OFFICER. It has been laid aside but it is still pending.

Mr. WARNER. I see other Senators anxious to speak to the Senate. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized to offer amendments from the other side.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Michigan yield for a question by the Senator from Texas?

Mr. LEVIN. I would ask unanimous consent that the Senator from Texas be recognized, and then we return to the previous order. But before offering that suggestion, I ask the Senator what her amendment is.

Mrs. HUTCHISON. This is the amendment to ask for the report from the President on the foreign deployments with a report on where these deployments could be categorized as low priority and where there can be consolidation for reductions in troop commitments.

Mr. WARNER. Mr. President, might I inquire of the Senator—I am privileged to be a cosponsor of this important amendment. However, in the course of the last hour we have had a chance to make a suggestion to the Senator from Texas. Has she incorporated that suggestion?

Mrs. HUTCHISON. No. I say to the distinguished cosponsor of my amendment, I discussed that particular issue and was told that it would be put in an addendum that would be classified if there were any such missions that needed to be disclosed.

Mr. LEVIN. Mr. President, reserving the right to object, it is my understanding now from my staff—staffs have been working on this and are still working on it. I ask that the Senator withhold that until we can see whether or not that can be worked out, because my staff indicates that they were actually in the process of discussion, and we are not sure what version it is that the Senator is offering.

So I would not be able to agree to a change in our order unless we take a few minutes here to see if we can first work it out. Then I would assure the Senator that if it is not worked out—I know our good friend from Virginia would assure you as well—there would be an opportunity to offer the amendment.

Mrs. HUTCHISON. I would want to be assured from both the distinguished chairman and ranking member that if we go past the 2:30 unanimous consent deadline I would be allowed to offer my amendment if there is not an agreement.

Mr. WARNER. Mr. President, I assure my colleague that her amendment will be included in the 2:30 unanimous consent agreement. But I thought perhaps the Senator from Texas could address the general content of the amendment for a few minutes, and perhaps within that period we can work out a resolution.

I note the Senator from Alabama was anxious to speak to the Senate. I do not see him at the moment. He has an amendment which I think is going to be accepted. He wants to speak to it.

I yield the floor at this time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I am in no need of speaking to my amendment until I am able to offer it.

Mr. WARNER. We ask that she withhold it, but will consider it to be withheld in the deadline.

Mrs. HUTCHISON. As long as I am assured I will be able to offer it.

Mr. WARNER. Mr. President, I believe the managers are prepared to submit to the Chair a package of amendments.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 376, 386, 387, 398, 399, AND 403

Mr. LEVIN. Pursuant to the prior unanimous consent agreement, I now call up the following amendments at the desk:

The Kerrey amendment, No. 376; the two Sarbanes amendments, Nos. 386 and 387; two Harkin amendments, Nos. 398 and 399; and one Boxer amendment, No. 403.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for other Senators, proposes amendments numbered 376, 386, 387, 398, 399 and 403.

The amendments are as follows:

AMENDMENT NO. 376

(Purpose: To strike section 1041, relating to a limitation on retirement or dismantlement of strategic nuclear delivery systems)

On page 357, strike line 13 and all that follows through page 358, line 4.

AMENDMENT NO. 386

(Purpose: To provide for a one-year delay in the demolition of certain naval radio transmitting facility (NRTF) towers at Naval Station, Annapolis, Maryland, to facilitate the transfer of such towers)

At the end of subtitle E of title XXVIII, add the following:

**SEC. \_\_\_\_ ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.**

(a) ONE-YEAR DELAY.—Notwithstanding any other provision of law, the Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting facility (NRTF) towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting facility towers described in this subsection are the three southeastern most naval radio transmitting facility towers located at Naval Station, Annapolis, Maryland, that are scheduled for demolition as of the date of the enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary shall transfer to the State of Maryland, or to Anne Arundel County, Maryland, all right, title, and interest of the United States in and to the towers described in subsection (b) if the State of Maryland or Anne Arundel County Maryland, as the case may be, agrees to accept such right, title, and interest from the United States during the one-year period referred to in subsection (a).

AMENDMENT NO. 387

(Purpose: To modify land conveyance authority relating to the former Naval Training Center, Bainbridge, Cecil County, Maryland)

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

**SEC. 2844. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FORMER NAVAL TRAINING CENTER, BAINBRIDGE, CECIL COUNTY, MARYLAND.**

Section 1 of Public Law 99-596 (100 Stat. 3349) is amended—

(1) in subsection (a), by striking “subsections (b) through (f)” and inserting “subsections (b) through (e)”;

(2) by striking subsection (b) and inserting the following new subsection (b):

“(b) CONSIDERATION.—(1) In the event of the transfer of the property under subsection (a) to the State of Maryland, the transfer shall be with consideration or without consideration from the State of Maryland, at the election of the Secretary.

“(2) If the Secretary elects to receive consideration from the State of Maryland under paragraph (1), the Secretary may reduce the amount of consideration to be received from the State of Maryland under that paragraph by an amount equal to the cost, estimated as of the time of the transfer of the property under this section, of the restoration of the historic buildings on the property. The total amount of the reduction of consideration under this paragraph may not exceed \$500,000.”;

(3) by striking subsection (d); and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

AMENDMENT NO. 398

(Purpose: To require the implementation of the Department of Defense special supplemental nutrition program, and to offset the cost of implementing that program by striking the \$18,000,000 provided for procurement of three executive (UC-35A) aircraft for the Navy)

In title VI, at the end of subtitle E, add the following:

**SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.**

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking “may carry out a program to provide special supplemental food benefits” and inserting “shall carry out a program to provide supplemental foods and nutrition education”.

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

“(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).”.

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: “In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.”.

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting “and nutritional risk standards” after “income eligibility standards”.

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

“(4) The terms ‘costs for nutrition services and administration’, ‘nutrition education’ and ‘supplemental foods’ have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1996 (42 U.S.C. 1786(b)).”.

On page 17, line 6, reduce the amount by \$18,000,000.

AMENDMENT NO. 399

(Purpose: To direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations)

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

**SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.**

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(3) The Air Force Personnel Center.

(4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term “decoration” means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

AMENDMENT NO. 403

(Purpose: To authorize transfers to allow for the establishment of additional national veterans cemeteries)

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

**SEC. 10\_ TRANSFERS FOR THE ESTABLISHMENT OF ADDITIONAL NATIONAL VETERANS CEMETERIES.**

(a) AUTHORITY.—Of the amounts appropriated for the Department of Defense for fiscal year 2000 pursuant to authorizations of appropriations in this Act, the Secretary of Defense shall transfer \$100,000 to the Department of Veterans Affairs. The Secretary shall select the source of the funds for transfer under this subsection, and make the transfers in a manner that causes the least significant harm to the readiness of the Armed Forces, does not affect the increases in pay and other benefits for Armed Forces personnel, and does not otherwise adversely affect the quality of life of such personnel and their families.

(b) USE OF AMOUNTS TRANSFERRED.—Funds transferred to the Department of Veterans Affairs under subsection (a) shall be made available to establish, in accordance with chapter 24 of title 38, United States Code, national cemeteries in areas in the United States that the Secretary of Veterans Affairs determines to be most in need of such cemeteries to serve the needs of veterans and their families.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (a) is in addition to the transfer authority provided in section 1001.

The PRESIDING OFFICER. Under the order the amendments will be set aside.

Mr. WARNER. Mr. President, I will just have to ask the indulgence of my colleague for a minute or two. I hope that can be achieved.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENTS NOS. 448 THROUGH 457

Mr. LEVIN. Mr. President, on behalf of Senator REID, I send an amendment to the desk; on behalf of Senator BRYAN, I send an amendment to the desk; on behalf of Senators HARKIN and BOXER, I send an amendment to the desk; on behalf of Senator LEAHY, I send an amendment to the desk; on behalf of Senator CONRAD, I send three amendments to the desk; on behalf of Senator LAUTENBERG, I send two amendments to the desk; and on behalf of Senator SARBANES, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for other Senators, proposes amendments numbered 448 through 457.

The amendments are as follows:

#### AMENDMENT NO. 448

(Purpose: To designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter)

On page 387, below line 24, add the following:

#### SEC. 1061. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS HOSPITAL BED REPLACEMENT BUILDING IN RENO, NEVADA.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the "Jack Streeter Building". Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

#### AMENDMENT NO. 449

(Purpose: To authorize \$11,600,000 for the Air Force for a military construction project at Nellis Air Force Base, Nevada (Project RKMFF983014))

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

Nellis Air Force Base .....	\$11,600,000
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On page 417, in the table preceding line 1, strike "\$628,133,000" in the amount column of the item relating to the total and insert "\$639,733,000".

On page 419, line 15, strike "\$1,917,191,000" and insert "\$1,928,791,000".

On page 419, line 19, strike "\$628,133,000" and insert "\$639,733,000".

On page 420, line 17, strike "\$628,133,000" and insert "\$639,733,000".

#### AMENDMENT NO. 450

(Purpose: To require the implementation of the Department of Defense special supplemental nutrition program, and to offset the cost of implementing that program by striking the \$18,000,000 provided for procurement of three executive (UC-35A) aircraft for the Navy)

In title VI, at the end of subtitle E, add the following:

#### SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a)."

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program."

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1996 (42 U.S.C. 1786(b))."

On page 17, line 6, reduce the amount by \$18,000,000.

#### AMENDMENT NO. 451

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

#### SEC. . TRAINING AND OTHER PROGRAMS.

(a) PROHIBITION.—None of the funds authorized to be appropriated 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 a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—Not more than 90 days after enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure that prior to a decision to conduct any training program referred to in paragraph (a), full consideration is given to all 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 paragraph (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 paragraph (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training 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.

#### AMENDMENT NO. 452

(Purpose: To require a report regarding National Missile Defense)

In title II, at the end of subtitle C, add the following:

#### SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of defensive coverage, redundancy and survivability, and economies of scale.

#### AMENDMENT NO. 453

(Purpose: To encourage reductions in Russian nonstrategic "tactical" nuclear arms, and to require annual reports on Russia's non-strategic nuclear arsenal)

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

#### SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the

Commander in Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

#### AMENDMENT NO. 454

(Purpose: To require a study and report regarding the options for Air Force cruise missiles)

In title II, at the end of subtitle C, add the following:

#### SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, so that the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

#### AMENDMENT NO. 455

(Purpose: To require conveyance of certain Army firefighting equipment at Military Ocean Terminal, New Jersey)

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

#### SEC. 1061. CONVEYANCE OF FIREFIGHTING EQUIPMENT AT MILITARY OCEAN TERMINAL, BAYONNE, NEW JERSEY.

(a) PURPOSE.—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) AUTHORITY TO CONVEY.—The Secretary of the Army shall, 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) EQUIPMENT TO BE CONVEYED.—The equipment to be conveyed under subsection (a) is firefighting equipment at Military Ocean Terminal, Bayonne, New Jersey, as follows:

(1) Pierce Dash 2000 Gpm Pumper, manufactured September 1995, Pierce Job #E-9378, VIN#4P1Ct02D9SA000653.

(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994, Pierce Job #E-8032, VIN#PICA0262RA000245.

(3) Pierce, manufactured 1993, Pierce Job #E-7509, VIN#1FDRYR82AONVA36015.

(4) Ford E-350, manufactured 1992, Plate #G3112693, VIN#1FDKE3OM6NHB37026.

(5) Ford E-302, manufactured 1990, Plate #G3112452, VIN#1FDKE3OM9MHA35749.

(6) Bauer Compressor, Bauer-UN 12-E#5000psi, manufactured November 1989.

(d) OTHER COSTS.—The conveyance and delivery of the property shall be at no cost to the United States.

(e) OTHER CONDITIONS.—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.

#### AMENDMENT NO. 456

(Purpose: To authorize a land conveyance, Nike Battery 80 family housing site, East Hanover Township, New Jersey)

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

#### SEC. 2832. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property, including improvement thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, the former family housing site for Nike Battery 80. The purpose of the conveyance is to permit the Township to develop the parcel for affordable housing and for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined in a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### AMENDMENT NO. 457

(Purpose: To authorize a one-year delay in the demolition of three certain radio transmitting facility towers at Naval Station, Annapolis, Maryland and to facilitate transfer of towers)

At the end of subtitle E of title XXVIII, add the following: SEC. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary may transfer to the State of Maryland, or

the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

The PRESIDING OFFICER. Under the order, the amendments will be set aside.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### AMENDMENT NO. 458

(Purpose: To prohibit the United States from negotiating a peace agreement relating to the Federal Republic of Yugoslavia (Serbia and Montenegro) with any individual who is an indicted war criminal)

Mr. SPECTER. Mr. President, of course, within the unanimous consent agreement which requires submission of amendments before 2:30—and it is now 2:17—I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 458.

The amendment is as follows:

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

#### SEC. 1061. PROHIBITION ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) IN GENERAL.—The United States, as a member of NATO, may not negotiate with Slobodan Milosevic, an indicted war criminal, with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia.

(b) YUGOSLAVIA DEFINED.—In this section, the term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro).

The PRESIDING OFFICER. The amendment will be set aside.

Mr. SPECTER. Mr. President, parliamentary inquiry. Is there any established procedure for the consideration of amendments like the one I just sent to the desk?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We are trying to repose as much discretion in the managers as possible. Your amendment will be treated equally with the others. But at the moment we are not going to try to sequence the deliberation.

Mr. SPECTER. I thank my colleague.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

#### AMENDMENT NO. 459

(Purpose: To amend title XXIX, relating to renewal of public land withdrawals for certain military ranges, to include a placeholder to allow the Secretary of Defense and the Secretary of the Interior the opportunity to complete a comprehensive legislative withdrawal proposal, and to provide an opportunity for public comment and review)

Mr. LEVIN. On behalf of Senator BINGAMAN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. BINGAMAN, proposes an amendment numbered 459.

The amendment is as follows:

On page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

“TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS.

**“SEC. 2901. FINDINGS.**

“The Congress finds that—

“(1) Public Law 99-606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

“(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

“(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

“(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

“(5) the public land withdrawals authorized in 1986 under Public Law 99-606 were for a period of 15 years, and expire in November, 2001; and

“(6) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99-606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

**“SEC. 2902. SENSE OF THE SENATE.**

“It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999.”.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 460

Mr. WARNER. Mr. President, on behalf of the Senator from Virginia, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 460.

The amendment is as follows:

**SEC. . ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.**

With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Funds received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

The PRESIDING OFFICER. The amendment will be set aside.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 461

(Purpose: To authorize payments in settlement of claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence)

Mr. LEVIN. On behalf of Senator ROBB, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. ROBB, proposes an amendment numbered 461.

The amendment is as follows:

On page 93, between lines 2 and 3, insert the following:

Sec. 349. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available \$40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person association with the accident described in subsection (a) may not exceed \$2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) [Placeholder for Thurmond language].

The PRESIDING OFFICER. The amendment will be set aside.

Mr. WARNER. Mr. President, I just wish to thank all Senators. We are re-

ceiving cooperation with regard to the unanimous consent request and making progress.

I think the Senator from Alabama will seek recognition shortly to make a presentation to the Senate regarding an amendment that he has. I say to the Senator, with his indulgence, we may have to interrupt from time to time to send amendments to the desk.

If you will forbear for a moment.

Mr. LEVIN. If the Senator would yield to me for that purpose.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 462

Mr. LEVIN. I send an additional amendment to the desk on behalf of Senator LINCOLN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mrs. LINCOLN, proposes an amendment numbered 462.

The amendment is as follows:

Amend the tables in section 2301 to include \$7.8 Million for C130 squadron operations/AMU facility at the Little Rock Air Force Base in Little Rock, Arkansas. Further amend Section 2304 to so include the adjustments.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 463

(Purpose: To authorize \$3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire)

Mr. WARNER. I send to the desk an amendment on behalf of Mr. SMITH of New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. SMITH of New Hampshire, proposes an amendment numbered 463.

The amendment is as follows:

On page 429, line 5, strike out “\$172,472,000” and insert in lieu thereof “\$168,340,000”

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire	NSY	Portsmouth
\$3,850,000.		

On page 412, in the table line Total strike out “\$744,140,000” and insert “\$747,990,000.”

On page 414, line 6, strike out “\$2,078,015,000” and insert in lieu thereof “\$2,081,865,000”.

On page 414, line 9, strike out “\$673,960,000” and insert in lieu thereof “\$677,810,000”.

On page 414, line 18, strike out “\$66,299,000” and insert in lieu thereof “\$66,581,000”.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 464

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from North Carolina, Mr. HELMS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HELMS, proposes an amendment numbered 464.

The amendment is as follows:

Insert at the appropriate place in the bill:

**SEC. . DISPOSITION OF WEAPONS-GRADE MATERIAL.**

(a) REPORT ON REDUCTION OF THE STOCKPILE.—Not later than 120 days after signing an agreement between the United States and Russia for the disposition of excess weapons plutonium, the Secretary of Energy, with the concurrence of the Secretary of Defense, shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Speaker of the House of Representatives—

(1) detailing plans for United States implementation of such agreement;

(2) identifying the number of United States warhead "pits" of each type deemed "excess" for the purpose of dismantlement or disposition; and

(3) describing any implications this may have for the Stockpile Stewardship and Management Program.

The PRESIDING OFFICER. The Helms amendment will be set aside.

AMENDMENT NO. 465

(Purpose: To increase the grade established for the chiefs of reserve components and the additional general officers assigned to the National Guard Bureau and to exclude those officers from a limitation on number of general and flag officers)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 465.

The amendment is as follows:

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

**SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.**

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by striking "major general" and inserting "lieutenant general".

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of such title is amended by striking "rear admiral (lower half)" and inserting "rear admiral".

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 5144(c)(2) of such title is amended by striking "brigadier general" and inserting "major general".

(d) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 8038(c) of such title is amended by striking "major general" and inserting "lieutenant general".

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking "major general" and inserting "lieutenant general".

(f) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.—Section 526(d) of such title is amended to read as follows:

"(d) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—The limitations of this section do not apply to the following reserve component general or flag officers:

"(1) An officer on active duty for training.

"(2) An officer on active duty under a call or order specifying a period of less than 180 days.

"(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Re-

serve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title."

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

The PRESIDING OFFICER. The Sessions amendment will be set aside.

AMENDMENT NO. 466

(Purpose: To authorize, with an offset, an additional \$59,200,000 for drug interdiction and counterdrug activities of the Department of Defense)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Ohio, Mr. DEWINE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DEWINE, for himself and Mr. COVERDELL, proposes an amendment numbered 466.

The amendment is as follows:

On page 62, between lines 19 and 20, insert the following:

**SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.**

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by \$59,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) \$6,000,000 shall be available for Operation Caper Focus.

(2) \$17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) \$2,700,000 shall be available for forward looking infrared radars for P-3 aircraft.

(4) \$8,000,000 shall be available for enhanced intelligence capabilities.

(5) \$5,000,000 shall be used for Mothership Operations.

(6) \$20,000,000 shall be used for National Guard State plans.

(c) OFFSET.—Of the amounts authorized to be appropriated by this Act, the total amount available for \_\_\_\_\_

The PRESIDING OFFICER. The DeWine amendment will be set aside.

AMENDMENT NO. 467

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. VOINOVICH, proposes an amendment numbered 467.

The amendment is as follows:

At the appropriate place, insert the following new section:

**SEC. . ORDNANCE MITIGATION STUDY.**

(a) the Secretary of Defense is directed to undertake a study, and to remove ordnance infiltrating the federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Environment and Public Works on long-

term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justifying the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99-662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

The PRESIDING OFFICER. The Voinovich amendment will be set aside.

AMENDMENT NO. 468

(Purpose: To strike the portions of the military lands withdrawals relating to lands located in Arizona)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 468.

The amendment is as follows:

In section 2902, strike subsection (a).

In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2904(a)(1)(A), strike "(except those lands within a unit of the National Wildlife Refuge System)".

In section 2904(a)(1), strike subparagraph (B).

In section 2904, strike subsection (g).

Strike section 2905.

Strike section 2906.

Redesignate sections 2907 through 2914 as sections 2905 through 2912, respectively.

In section 2907(h), as so redesignated, strike "section 2902(c) or 2902(d)" and insert "section 2902(b) or 2902(c)".

In section 2908(b), as so redesignated, strike "section 2909(g)" and insert "section 2907(g)".

In section 2910, as so redesignated, strike "except that hunting," and all that follows and insert a period.

In section 2911(a)(1), as so redesignated, strike "subsections (b), (c), and (d)" and insert "subsections (a), (b), and (c)".

In section 2911(a)(2), as so redesignated, strike "except that lands" and all that follows and insert a period.

At the end, add the following:

**SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.**

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

The PRESIDING OFFICER. The McCain amendment will be set aside.

AMENDMENT NO. 469

(Purpose: To improve the bill)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of the Senator from North Carolina, Mr. HELMS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HELMS, for himself and Mr. BIDEN, proposes an amendment numbered 469.

The amendment is as follows:

On page 153, line 18, strike "the United States" and insert "such".

On page 356, line 7, insert after "Secretary of Defense" the following: ", in consultation with the Secretary of State,".

On page 356, beginning on line 8, strike "the Committees on Armed Services of the Senate and House of Representatives" and insert "the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives".

On page 358, strike line 21 and all that follows through page 359, line 7.

On page 359, line 8, strike "(c)" and insert "(b)".

On page 359, line 16, strike "(d)" and insert "(c)".

The PRESIDING OFFICER. The Helms amendment will be set aside.

AMENDMENT NO. 470

(Purpose: To ensure continued participation by small businesses in providing services of a commercial nature)

Mr. WARNER. Mr. President, once again, a number of these amendments we are now sending to the desk, the two managers, pursuant to the unanimous consent request, are ones which we are in the process of clearing—not all of them but some. I urge my colleagues, once again, there is no assurance that an amendment that was sent to the staff in the last 72 hours is included in the unanimous consent request automatically. It has to be resubmitted. We are being very careful and very fair about that.

Now, Mr. President, on behalf of the Senator from Missouri, Mr. BOND, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BOND, for himself and Mr. KERRY, proposes an amendment numbered 470.

The amendment is as follows:

On page 281, at the end of line 13, add the following: "However, the commercial services so designated by the Secretary shall not be treated under the pilot program as being commercial items for purposes of the special simplified procedures included in the Federal Acquisition Regulation pursuant to the section 2304(g)(1)(B) of title 10, United States Code, section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B)), and section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)).".

On page 282, line 19, after "concerns," insert the following: "HUBZone small business concerns,".

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 284, between lines 6 and 7, insert the following:

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

The PRESIDING OFFICER. The Bond amendment will be set aside.

AMENDMENT NO. 471

(Purpose: To set aside \$600,000 for providing procurement technical assistance for Indian reservations out of the funds authorized to be appropriated for the Procurement Technical Assistance program)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 471.

The amendment is as follows:

In title III, at the end of subtitle A, add the following:

**SEC. 305. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.**

Of the amount authorized to be appropriated under section 301(5) for carrying out the provisions of chapter 142 of title 10, United States Code, \$600,000 is authorized for fiscal year 2000 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

The PRESIDING OFFICER. The McCain amendment will be set aside.

AMENDMENT NO. 472

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

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator HATCH of Utah.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HATCH, proposes an amendment numbered 472.

The amendment is as follows:

At the appropriate place, insert the following new section:

**AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.**

(a) IN GENERAL.—(1) Notwithstanding any provision of the applicable base closure law or any provision of the Federal Property and Administrative Services Act of 1949, the Ad-

ministrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(2) A transfer under paragraph (1) may include real property associated with the facility concerned.

(3) An institution seeking a transfer under paragraph (1) shall submit to the Administrator an application for the transfer. The application shall include such information as the Administrator shall specify.

(b) COVERED INSTITUTIONS.—An institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for—

- (1) student instruction;
- (2) the provision of services to individuals with disabilities;
- (3) the health and welfare of students;
- (4) the storage of instructional materials or other materials directly related to the administration of student instruction; or
- (5) other educational purposes.

(c) AVAILABLE FACILITIES.—A facility available for transfer under subsection (a) is any facility that—

- (1) is located at a military installation approved for closure or realignment under a base closure law;
- (2) has been determined to be surplus property under that base closure law; and
- (3) is available for disposal as of the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) The term "base closure laws" means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term "tax-supported educational institution" means any tax-supported educational institution covered by section 203(k)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(1)(A)).

The PRESIDING OFFICER. The Hatch amendment will be set aside.

AMENDMENT NO. 473

(Purpose: To express the sense of the Senate that members of the Armed Forces who receive special pay should receive the same tax treatment as members serving in combat zones)

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator EDWARDS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. EDWARDS, proposes an amendment numbered 473.

The amendment is as follows:

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

**SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.**

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

The PRESIDING OFFICER. The Edwards amendment will be set aside.



## AMENDMENT NO. 474

(Purpose: To commemorate the victory of Freedom in the Cold War)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Mr. GRAMM of Texas.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRAMM, for himself, Mr. ASHCROFT, Mr. COVERDELL, Mr. LOTT, and Mrs. HUTCHISON, proposes an amendment numbered 474.

The amendment is as follows:

On page 387, below line 24, add the following:

**SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as “Victory in the Cold War Day”; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

(c) COLD WAR VICTORY MEDAL.—Chapter 57 of Title 10, United States Code, is amended by adding at the end the following:

**“§ 1133. Cold War medal: award; issue**

“(a) There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States Armed Forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War.”

“(b) DESIGN.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the ‘Reagan-Truman Victory in the Cold War Medal’. The decoration shall be of appropriate design, with ribbons and appurtenances.

“(c) PERIOD OF COLD WAR.—For purposes of subsection (a), the term ‘Cold War’ shall mean the period beginning on August 14, 1945, and ending on November 9, 1989.”

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1133. Cold War medal: award; issue.”.

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(l) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed \$15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the “Commission on Victory in the Cold War” (in this subsection to be referred to as the “Commission”).

(2) The Commission shall be composed of seven individuals, as follows:

(A) Three shall be appointed by the President, in consultation with the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(B) Two shall be appointed by the Majority Leader of the Senate.

(C) Two shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

The PRESIDING OFFICER. The Gramm amendment will be set aside.

## AMENDMENT NO. 475

(Purpose: To require a report on military-to-military contacts between the United States and the People's Republic of China and the United States)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Mr. SMITH of New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH of New Hampshire, proposes an amendment numbered 475.

The amendment is as follows:

On page 357, between lines 11 and 12, insert the following:

**SEC. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.**

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who

have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation, such as memoranda for the record, after-action reports, and final itineraries, and any receipts for expenses over \$1,000, concerning military-to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

(8) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People's Republic of China.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

The PRESIDING OFFICER. The amendment will be set aside.

## AMENDMENT NO. 476

(Purpose: To improve implementation of the Federal Activities Inventory Reform Act)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THOMAS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THOMAS, proposes an amendment numbered 476.

The amendment is as follows:

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

**SEC. . IMPLEMENTATION OF THE FEDERAL ACTIVITIES INVENTORY REFORM ACT.**

The Federal Activities Inventory Reform Act of 1998 (P.L. 105-270) shall be implemented by an Executive Order issued by the President.

The PRESIDING OFFICER. The Thomas amendment will be set aside.

## AMENDMENT NO. 477

(Purpose: To require the President to submit to Congress a proposal to prioritize and begin disengaging from non-critical overseas missions involving U.S. combat forces)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator HUTCHISON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 477.

The amendment is as follows:

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

SEC. . (a): Congress makes the following findings:

(1) It is the National Security Strategy of the United States to "deter and defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames;"

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements;

(3) The United States has 120,000 troops permanently assigned to those theaters;

(4) The United States has an additional 70,000 forces assigned to non-NATO/non-Pacific threat foreign countries;

(5) The United States has more than 6,000 troops in Bosnia-Herzegovina on indefinite assignment;

(6) The United States has diverted permanent assigned resources from other theaters to support operations in the Balkans;

(7) The United States provides military forces to seven active United Nations peace-keeping operations, including some missions that have continued for decades;

(8) Between 1986 and 1998, the number of American military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent;

(9) The Army has 10 active-duty divisions today, down from 18 in 1991, while on an average day in FY98, 28,000 U.S. Army soldiers were deployed to more than 70 countries for over 300 separate missions;

(10) Active Air Force fighter wings have gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans are U.S.-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq. In response, the Air Force has initiated a "stop loss" program to block normal retirements and separations.

(11) The United States Navy has been reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the Western Pacific to the Mediterranean to support Operation Allied Force;

(12) In 1998 just 10 percent of eligible carrier naval aviators—27 out of 261—accepted continuation bonuses and remained in service;

(13) In 1998 48 percent of Air Force pilots eligible for continuation opted to leave the service.

(14) The Army could fall 6,000 below Congressionally authorized troop strength by the end of 1999.

(b) Sense of Congress:

(1) It is the sense of Congress that—

(A) The readiness of U.S. military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions;

(B) There may be missions to which the United States is contributing Armed Forces from which the United States can begin disengaging.

(c) Report Requirement.

(1) Not later than March 1, 2000, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report prioritizing the ongoing global missions to which the United States is contributing troops. The President shall include in the report a feasibility analysis of how the United States can:

(1) shift resources from low priority missions in support of higher priority missions;

(2) consolidate or reduce U.S. troop commitments worldwide;

(3) end low priority missions.

The PRESIDING OFFICER. The Hutchison amendment will be laid aside.

#### AMENDMENT NO. 478

(Purpose: Relating to chemical demilitarization activities)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. WYDEN and Mr. SMITH of Oregon.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH of Oregon, for himself, and Mr. WYDEN, proposes an amendment numbered 478.

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

The PRESIDING OFFICER. The Wyden-Smith amendment will be set aside.

#### AMENDMENT NO. 479

(Purpose: Expressing the sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THURMOND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 479.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMENS' FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov TU-154M aircraft collided with a United States Air Force C-141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Com-

mandant of the Luftwaffe Tupelov TU-154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU-154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

The PRESIDING OFFICER. The Thurmond amendment will be set aside.

#### AMENDMENT NO. 480

(Purpose: To authorize \$3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 480.

The amendment is as follows:

On page 429, line 5, strike out "\$172,472,000" and insert in lieu thereof "\$168,340,000."

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New	Hampshire	NSY	Portsmouth
\$3,850,000.			

On page 412, in the table line Total strike out "\$744,140,000" and insert "\$747,990,000."

On page 414, line 6, strike out "\$2,078,015,000" and insert in lieu thereof "\$2,081,865,000".

On page 414, line 9, strike out "\$673,960,000" and insert in lieu thereof "\$677,810,000".

On page 414, line 18, strike out "\$66,299,000" and insert in lieu thereof "\$66,581,000".

The PRESIDING OFFICER. The Domenici amendment will be set aside.

Mr. WARNER. Mr. President, I believe we have all the amendments in under the prescribed time agreement.

Two colleagues have been waiting patiently to speak, and there is a third. We will allocate the time that each Senator desires. Could the Senators from Texas and Alabama indicate who will go first and how much time each will take?

Mrs. HUTCHISON. I would be happy with 5 minutes, and I would be happy for the Senator from Alabama to go first.

Mr. WARNER. How much time for the Senator from Alabama?

Mr. SESSIONS. Five.

Mr. WARNER. I understand 20 minutes is needed by our colleague from New Mexico.

Mr. REID. Mr. President, what are we dividing time up on?

Mr. LEVIN. We are sequencing speeches.

Mr. REID. I am not going to agree to anything. I have been waiting to speak on the Kyl-Domenici amendment, and I was here early this morning.

Mr. WARNER. I will withdraw the request. I was asked to enter that. Could my two colleagues complete their remarks and then we will go to the distinguished minority whip?

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 465

Mr. SESSIONS. Mr. President, today the valiant men and women of our Armed Forces are in their third month of deployment for Operation Allied Force in Yugoslavia and Kosovo. However, in these final months of this Century, when you say Armed Forces, you are not referring merely to our Active Duty forces. In nearly every situation concerning our Nation's defense forces, when you speak of Armed Forces you also must include the Reserve Components. As Secretary Cohen and General Shelton have asserted, the Armed Forces cannot undertake any significant deployment without the citizen-soldiers of the Reserves and the National Guard, together we call them the Reserve Components. For example, 2,937 reservists are currently deployed world-wide on operational deployments; 1,000 reservists have supported Operation Uphold Democracy in Haiti; 12,000 reservists have deployed to Bosnia; annually 20,000 reservists deploy to world-wide training sites. When we look at these figures in light of the major missions the reserves have been involved in since Desert Storm to Operation Southern Watch, for instance, reserve participation has gone up for some elements from a Desert Storm high of 33% to a high of 51% of the overall force deployed in later operations. To bring this point even closer to home, the President just called up two weeks ago 33,100 reservists for duties in support of the air operations over Kosovo and Serbia.

So, for those of us who find it imperative to provide our Armed Forces with the resources that they need to carry out our Nation's increasingly diverse military responsibilities, this means

providing all of our components, Active, Reserve, and National Guard with the leadership structure that they need.

Mr. President, it would be my wish to tell you today that we could count on the leadership of the Department of Defense to provide all of the components of our Armed Forces with the resources they need, be it equipment, personnel, or training. Unfortunately, while the leadership means well, and I am sure is trying to do the right thing for each component, in a number of areas at the end of the day the Active Components are doing far better from a resourcing standpoint than are the Reserve Components. This is because when the services sit down at the table to allocate resources the cards are stacked, I am afraid, heavily in favor of the active component missions and requirements.

How this happens can be attributed to the inequity of the rank those officers who make the resource decisions at the senior levels. It is at these levels that the Active Duty forces have an overwhelming advantage rank and in the power of the advocates who design the missions, provide and train the manpower, and who get establish the requirements for equipment and resources, as well as installations from which they project combat power.

In the Armed Forces there is a very simple way to measure power, you can count the senior officers—specifically the generals and admirals who make the decisions for their components. In the Army there are a total of 307 general officers. In the Air Force the number is 282. When compared to the 118 United States Army Reserve General Officers and the 75 United States Air Force Reserve General Officers or the 195 Army National Guard General Officers of whom only 92 have Federal Recognition there appears to be an inequity when it comes to the Reserve Components. In the case of the Army, Air Force, Marine and Navy Reserves, there are no four or three star positions. In the case of the National Guard, the answer is one three star—the Chief of the National Guard Bureau who represents both the Army and the Air National Guard. This means that in the case of the Army, Navy, Air Force, and Marine Corps Reserves and the Army and Air Force National Guard, each component's home team advocate is merely a two-star.

I do not choose the phrase "merely a two-star" by accident. "Merely" is an apt word when you are talking about the fight for resources in the Pentagon. When programming and budgeting decisions are made within the services, the existing rank structure excludes the Reserve chiefs from what I consider to be full participation in deliberations, which are the realm of three-star participants. The Reserve chiefs are relegated to the periphery and must rely on a higher-ranking participant at the table to champion their cause. They cannot speak for themselves or

their components unless asked. Now, this is wrong in my opinion and a classic example of how the Reserve chiefs are restricted from actively participating in the decision making process.

Furthermore, the two-star Reserve Component commanders exercise their preeminent authority over other senior commanders of their components who also wear two stars. While the Reserve and Guard chiefs, by necessity, have made this situation work, this arrangement is considered exceptional everywhere but in the Reserve Components.

Let me give you a compelling example of the inequity I am speaking of by looking closely at but one of our Reserve Components, the Army Reserve: The Chief, Army Reserve, or the CAR as he is commonly known, is responsible for more than 20 percent of the Army's personnel. The same applies for the Chief of the Navy Reserve. The CAR commands a total Army Reserve force of over a million soldiers. Of those soldiers over 415,000 are in the Ready Reserve and of those billets, nearly 205,000 are in the ever more frequently deployed Selected Reserve. Don't let anybody use the outdated pejorative "weekend warrior" for these citizen soldiers. Granted, when not deployed, they are not 24-hour-a-day troops. Nevertheless, the CAR also commands nearly 19,000 full-time support personnel plus nearly 4,400 Department of the Army Civilians, or DA civilians. In contrast an Active Component four-star, yes, a four-star general in the field commands an average of 48,400 troops plus DA civilians. An active component three-star general in the field commands lesser number of troops, plus civilians, but only 3 percent of that commanded by the Chief, Army Reserve.

The Chief, Army Reserve, in the exercise of his preeminent authority over the other senior commanders of his component is also responsible for evaluating 57 brigadier generals and 42 major generals. In contrast an active component four-star, yes, four-star general in the field is responsible for evaluating an average of 31 brigadier generals and 10 major generals. An active component three-star general or admiral in the field is responsible for evaluating an average of only 7 brigadier generals and only 2 major generals.

The Chief, Army Reserve has full responsibility for \$3.5 billion of fiscal year 1999 appropriations—nearly triple that (\$1.2 billion) of a three-star general in the field and over 62% of that (\$5.6 billion) of a four-star general in the field.

Currently the Army National Guard provides 54 percent of the Army's combat forces, 46 percent of the Combat Support capability, and about one third of the Combat Service Support forces. Likewise, the Air National Guard is a fully integrated partner in the Air Force providing 49 percent of

the theater airlift capability, 45 percent of the aerial tanker forces, 34 percent of the fighters and 36 percent of the Air Rescue resources.

The Air Force Reserve, 74,000 strong, notably has been the second largest major command in the USAF since it was elevated to that status in 1997. Only the Air Combat Command, with its 90,000 personnel is larger, and, of the other eight major Air Force commands, seven are commanded by 4-star generals. Only the smallest, the Special Operations Command with fewer than 10,000 personnel, is commanded by a major general. Prior to Desert Storm the Air Force Reserve had been involved in 10 contingencies. However, since the Gulf War, it has been involved in over 30 contingency, nation-building and peacekeeping operations. The Air Force Reserve provides the Air Force 20 percent of its capability. Air Force Reserve Command aircrews serve over 125 days a year on average; support personnel serve over 60.

The Commander Naval Reserve serves in a billet that, in the past, actually was filled by a vice admiral and reports directly to the Chief of Naval Operations, which is not even typical for a Navy three-star admiral. He is responsible for software development and acquisition for the Navy's Manpower and Personnel information systems. The Naval Reserve is responsible for: five percent of the Navy's total complement of ships and aircraft, 100 percent of intra-theater air logistics, 100 percent of the Navy's harbor surface and subsurface surveillance forces, 90 percent of the Navy's Expeditionary Logistics Support Force, 47 percent of the Navy's combat search and rescue capability, and 35 percent of the Navy's total airborne ocean surveillance capability.

The Commander, Marine Force Reserve commands over 40,000 personnel and provides 20 percent of all U.S. ground divisions and 13 percent of all U.S. tactical air. The Marine Corps Reserve provides the Marine Corps the following: 100 percent of the adversary aircraft, 100 percent of the civil affairs groups, 50 percent of the theater missile defense, 50 percent of the tanks, 40 percent of the force reconnaissance, 40 percent of the air refueling, and 30 percent of the artillery. We find similar core competencies in the Army Reserve where the USAR provides 97% of Civil Affairs units, 81% of all psychological units, 100% of Chemical Brigades, 75% of Chemical battalions; and 85% of all medical brigades or roughly 47% of all Army Combat Service Support.

What are the implications for the Reserve Components?

Well, when reserve commanders, by virtue of their ranks, are outgunned so to speak by active counterparts, it means that the men and women in the Reserve Components, which are deploying with ever-increasing frequency, might be deploying with less than the best resources because of the type of unit, where it fits in the equipping ma-

trix or the deployment matrix. I am gravely concerned that ALL TROOPS regardless of component receive the training they need before they deploy. I am concerned you see because I was an Army reservist for 13 years and understand what it means to be on the short end of things they need like professional development training or speciality training.

Admittedly, in some cases there are valid reasons for these disparities. In other cases there are not. What is clearly needed is a level playing field to ensure that the limited defense resources, whether equipment, personnel, or training slots, are fairly distributed.

Because the nation has come to depend to such a great extent on the readiness of the Reserves and the National Guard, decisions taken within the Pentagon must be discussed, made and agreed to among individuals more nearly alike in authority. To expect a two-star major general to compete equally with three- and four-star generals is unrealistic. To not compete for funds on an equal basis is to guarantee the component is under-capitalized for the mission it is asked to perform.

The need for three star ranks for the Reserve and Guard chiefs has been understood for years. In 1989, a study by General William Richardson recommended elevation of the Chief, Army Reserve to (four-star) general. In 1992 the Hay Group, which reviewed all Reserve Component general and flag officer billets, specifically recommended elevation of the Chiefs of the Army, Navy and Air Force Reserves and the Directors of the Army and Air Force National Guard to three-star rank. In 1992, an independent commission chaired by General John Foss, USA (Ret) recommended elevation of the CAR to lieutenant general. The 1997 Defense Authorization Act directed the Secretary of Defense report to Congress not later than six months after enactment the recommended grades for the Reserve and Guard chiefs. It is now May 1999 and we have yet to see the report called for in the 1997 statute. So, you can see my point. We have waited patiently for DoD to send us a report upon which to make a full evaluation on general officer positions and it hasn't arrived. More deliberation and delay is sought. I say NO. It is time to take action—NOW.

This is why I am offering this command equity amendment to the National Defense Authorization Act for Fiscal Year 2000.

My amendment will make the positions of the Chiefs of the Army, Navy, Air Force, and Marine Corps Reserve and the Directors of the Army and Air National Guard carry the three-star ranks. Each of them absolutely must have it to ensure success and proper resources given the realities of today. Incumbents will be promoted and their successors will be promoted to three-star ranks upon confirmation by this body.

A valid argument can be made that the Army and Air Force already have

all the three-star generals (45 and 37 respectively) that they need and while the active army, for instance, has reduced its overall general officers from a 407 in 1991 to 307 in 1999 to correspond with changes in force structure and missions, the reserves conversely need these grade increases to correspond with increases in assigned world-wide missions, contingency deployments and need for greater share of resources.

Accordingly, my command equity amendment, while creating a few more three star positions, does not exacerbate that situation by increasing the overall numbers of senior officers in the Army or Air Force. This over abundance of high grade officers is not the case for the Navy and the Marines, who are not now flush with senior grade billets; therefore, my amendment does provide new billets that the Navy and Marines really would need.

Mr. President, I am very pleased today that Chairman WARNER, Senator LEVIN, and others who have been working on this bill have seen it fitting to agree and to accept as an amendment that there will be a series of three-star ranks given to the Reserve Forces of the United States. That is a critically important matter.

For a few minutes, I would like to explain why it is equitable and fair and why this will be an important step forward for the Reserves. I served for 13 years in the Army Reserve. In the unit I served there was a chief of staff. I remember getting out after 13 years and he remained in and was activated for 6 months for Desert Storm. Reservists all over America, like those in the 11-84 transportation unit, are being deployed; 33,000 have now been called up for the Kosovo activities.

In Desert Storm, in Kuwait, the Iraq war, 33 percent of the forces committed to that war were Reserves or National Guard. I am including National Guard when I talk about the Reserve components. They play a critical role. Yet, in our allocation of rank, they have not been treated, in my opinion, fairly. It impacts on them when they seek to make sure that the interests of the National Guard and Reserves are properly taken care of. When the brass sits around the table and decides how we are going to deal with the limited amount of resources available, the Army Reserve, the Naval Reserve, the Air Force Reserve and the Marine Reserve—their officers sit there with just two stars. They do not have the same level of clout that they would otherwise have.

I would like to share a few things with you. I have some charts that deal primarily with the United States Army Reserve, but the numbers are similar regarding the Navy, Air Force, and the National Guard units. The Chief of the Army Reserve is now a two-star general. In the course of his duty, he is required to evaluate 57 brigadier generals. That is one star, and there are 42 major generals with two stars just like himself. That is a responsibility he has,

whereas in the Active Army a four-star general is only required to evaluate 31 brigadier generals, one star, and ten major generals, two stars.

This shows you what a four-star has responsibility for and what the Chief of Army Reserve has. In the Active Army, a three-star general is responsible for evaluating an average of just seven brigadier generals and two major generals, but he has a higher rank than the Chief of the Army Reserve who has to rate 57 brigadiers and 42 major generals.

It strikes me that we have gone a little bit too far in containing the rank available for the important position of Chief of Army Reserve.

The Chief of the Army Reserve also, for example, has full responsibility for \$3.372 billion in the fiscal year 1999 appropriations. That is nearly triple that of a field three-star general, and over 62 percent, almost as much, as a four-star field active-duty general. An active three-star general's prorated share of the Active Army 1999 appropriations is a mere \$1 million.

Let me show you this chart. I think it again adds some impact to what I am saying.

The General Chief of the Army Reserve commands over 1 million total Army reserves. Those include those who are in retired status, subject to being recalled; the active reservists, which has 200,000; the ready reserves, which are subject to a more immediate callup; plus 18,000 FTS personnel and nearly 4,300 civilian personnel; whereas a field Active Army four-star commands an average of only 48,000 troops plus civilians.

So you can begin to see the situation we are facing. I do not believe it reflects a proper balance.

Two years ago, the Appropriations Committee asked the Department of Defense to submit an analysis of this situation for improvement. That report has not been received as requested.

It seems to me plainly obvious that we need at least three-star generals in charge of the Army Reserve and the Naval Reserve—a three-star general for Army Reserve, Naval Reserve, and Air Force Reserve, Marine Reserve. There is one three-star general in the National Guard. Because of their large size—they are bigger than any one of the other components—we believe they need two three-star generals. With that, I believe we will have a more appropriate balance in the leadership and rank in our Defense Department.

I thank the Chair.

Mr. WARNER. I ask unanimous consent for 2 minutes to speak in support of the amendment.

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

Mr. WARNER. Mr. President, I commend our colleague. He is a very valuable member of the committee.

I was privileged to be in the Pentagon when Secretary Melvin Laird devised the total force concept, which means the United States of America

looks to its national security in terms of not only the Active Forces but the Reserve and the Guard. That was the turning point, a recognition for those men and women who so proudly and in a great deal of sacrifice in terms of their private lives—because they have to balance a full-time job in most instances together with Reserve and Guard commitments requiring them very often to forgo their vacations—contribute that time to their desired slots in the Reserve and the Guard.

Therefore, I strongly support this amendment.

I want to clarify one thing. This does not add any more numbers of general or flag officers to the total number now in the Pentagon. The numbers that will be used for these promotions are to be drawn from a number within the ranks of each of the departments of the military.

Am I not correct on that?

Mr. SESSIONS. That is correct. In fact, there are 45, now, three-star generals in the Army. This would only involve two of those.

Mr. WARNER. Just by way of quick anecdote, when I was Secretary of Navy, I felt so strongly about the Naval Reserve that I promoted the then two-star admiral to the grade of three, and he served in that grade throughout my tenure. The day after I left the Department, the third star disappeared, and it never reappeared again until this moment when we agree to this amendment. I hope it will become law.

I commend the Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 477

Mrs. HUTCHISON. Thank you, Mr. President.

I call up amendment No. 477.

The PRESIDING OFFICER. The amendment is now pending.

Mrs. HUTCHISON. Thank you, Mr. President.

This amendment requires that the President and the Department of Defense come forward and report on the missions we have throughout the world.

One thing that has become very clear to me as I have visited with our troops—whether it is in Saudi Arabia or Kuwait, whether it is in Bosnia or in Albania just 2 weeks ago—is that our troops are overdeployed.

Secretary Bill Cohen said in testimony just last week to the Defense Appropriations Committee that we have either too few people or too many missions. The fact is that this is beginning to show the wear and tear on our military. Between 1986 and 1998, the number of American military deployments per year nearly tripled at the same time that the Department of Defense budget was reduced by 38 percent. There is no question that our military is stretched. No one disagrees with that.

The Department of Defense is asking for help. Congress realizes that this is

a problem and has continually tried to increase the military spending, including pay raises for our military to give them more chances to live a quality of life. But the fact is that we have to do something about either overdeployment or too few numbers. In fact, our present military strategy is to deter and defeat large-scale cross-border aggression in two distant theaters in an overlapping timeframe.

We have the deterrence of Iraq and Iran in southwest Asia and the deterrence of North Korea in northeast Asia. That represents two such potentially large-scale cross-border theater requirements. In addition to that, we have 120,000 troops permanently assigned to those theaters and 70,000 in addition to that assigned to non-NATO, nonspecific-threat foreign countries. The United States has more than 6,000 in Bosnia-Herzegovina and many others around the world. What we need to do is to start to prioritize where our missions are and where American troops should be deployed.

On May 27 of this year, the Secretary of the Air Force announced a stop-loss program that places a temporary hold on transfers, separation, and retirement from the Air Force. This is a decision that is normally reserved for wartime or severe conflicts. And, yet, we now have in place that no one can separate from the Air Force.

My amendment says it is the sense of Congress that the readiness of our U.S. military forces to execute the national security strategy is being eroded from a combination of declining defense budgets and expanded mission. It says to the President that we must have a report that prioritizes ongoing global missions, that the President shall include a report on the feasibility and analysis of how the United States can shift resources from low-priority missions in support of high-priority missions, and consolidate the use of U.S. troop commitments worldwide, and end low-priority missions. This is a report that the President would make through the Department of Defense to prioritize these missions.

I believe the Department of Defense has been looking for this type of opportunity to prioritize and to say we are going to look at the wear and tear on our military and we are going to have to make some final decisions.

I think when we get this report we will be able to see if, in fact, we need more military and we need to "ramp up" the military force strength in our country or whether we can prioritize the overseas missions and stop the overdeployment and the mission fatigue that so many of our military people have.

I am very pleased to offer this amendment. I think it is a step in the right direction. It is a positive step toward relieving our very stretched military. Certainly, as we are watching events unfold in Kosovo and we are seeing more and more of our military being called up, I think it is time for

Members to assess everywhere we are in the world and ask the President to prioritize those. Then Congress can work with the President to determine if we need to ramp up our military force structure or ramp down the number of deployments that we have around the world.

I ask that the amendment be agreed to.

Mr. WARNER. I commend the Senator from Texas. This is a very important amendment. I am a cosponsor. I believe it is acceptable on this side.

Mr. LEVIN. Mr. President, the amendment is acceptable here. It performs a useful purpose. The Defense Department has in the past given the Senate these lists, but this updates it and gives us a little more detail. I think it is very important we know all of our missions and how many people are involved around the world.

We have no objection to it at all.

The PRESIDING OFFICER (Mr. FITZGERALD). The question is on agreeing to the amendment.

The amendment (No. 477) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent that we return to the amendment numbered 446. I also ask unanimous consent that the two-speech rule not apply to the remarks about which I am about to make.

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

#### AMENDMENT NO. 446

Mr. REID. Mr. President, the country established the independence of the weapons laboratory directors for a reason. We are lucky to have had the weapons laboratories that have been such an important, integral part of this country. They are one of the main reasons the cold war ended. They have been established independently so that the President and the Congress could expect independent and objective reporting of the directors' honest judgment regarding assessment of the safety and reliability of nuclear weapon stockpile. We are talking about thousands of nuclear warheads.

The problem in the world today is the fact that we have too many nuclear warheads, but those that we have must be maintained to be safe and reliable. It is a responsibility of our weapon laboratories to make sure that, in fact, is the case.

This amendment, No. 446, strips our laboratory directors of this independent objective status. The amendment makes the laboratory directors directly subject to the supervision and direction of the administration.

What this means, in very direct language, is that we will get the opinion of the administration regarding stockpile safety and reliability—not the lab director's expertise and, therefore,

their opinion. They will say what the President tells them to say, what the administration tells them to say—not what their scientists and engineers tell them is appropriate with these weapons of mass destruction. There will no longer be any reason to believe that stockpile assessments are founded on scientific and technical fact.

If this amendment comes to be we should just declare the stockpile adequate and simply not bother evaluating it for safety and reliability. This would be a tragedy not only for this country but the world.

That is the reason that the Secretary of Energy, Bill Richardson, wrote a letter yesterday to the chairman of the Armed Services Committee, the senior Senator from Virginia. He said, among other things in this letter, "The proposal would effectively cancel my 6-month effort to strengthen security at the Department in the wake of the Chinese espionage issue," and he goes on to say if this proposal is adopted by the Congress, "I will recommend to the President he veto the defense authorization bill."

This has gone a step further, separate and apart from the letter—the President will veto this bill if this language is in the bill.

This proposal would reverse reforms in the Department of Energy. According to the Secretary of Energy, still referring to this letter to Chairman WARNER:

This proposal would reverse reforms in the Department of Energy going back to the Bush Administration by placing oversight responsibilities within defense programs. A program would be in charge of its own security oversight, its own health oversight and its own safety oversight.

He says the fox will, in fact, be guarding the chicken coop.

Secretary Richardson says in the final paragraph of this letter:

In short, the security mission cuts across the entire Department, not just defense programs facilities. We need a structure that gives this important function proper visibility and focus and provides the means to hold the appropriate line manager responsible.

The Secretary of Energy is a person who served in the Congress of the United States for about 16 years, who served as the Ambassador to the United Nations, who has been involved in some of the most responsible and sensitive negotiations in the last 10 years that have taken place in this country, traveling all over the world, working to free hostages, and doing other things upon the recommendation and under the auspices of the President.

We are told that this bill, in effect, is going nowhere if this amendment is in there.

Why? This isn't the way to legislate. The legislative process is an orderly process, or should be an orderly process. If there is a bill that is to be heard, there should be hearings held on that bill, especially one as sensitive as this that deals with the nuclear stockpile of

the United States. We have had no hearings. There are multiple committees that have jurisdiction. We know that the Energy and Natural Resources Committee has jurisdiction. We know the Armed Services Committee has jurisdiction.

The Cox-Dicks report—which was a bipartisan report and we should treat it as such—said the problems with the laboratories as far as the espionage problems go back at least three administrations. Secretary Richardson has reported this past week that 85 percent of the report's recommendations are already adopted or in the process of being adopted and, in fact, the report was one that most everyone agrees did a good job. Congressman Cox and Congressman DICKS did a good job.

I don't think it is appropriate that we go charging forth for political reasons to attempt to embarrass the administration or to embarrass Secretary Richardson. This deals with the most sensitive military resources we have—management of nuclear weapons. To change how that takes place, while keeping them safe and reliable, in an amendment being discussed in the few hours prior to a congressional recess, is not the way to go, especially when there have been no congressional hearings. This committee deserves to take a look at calling witnesses.

In short, I rise in strong opposition to this amendment. As I have said earlier today, this amendment is not going to go away. This deals with the security of this Nation. When I finish speaking, there are other Senators wishing to speak. I see the junior Senator from New Mexico who is going to speak, the senior Senator from Illinois said he will speak, we will have Senator BOXER from California speak. It will take a considerable period of time before enough is said about this amendment.

If adopted, this amendment would make the most sweeping changes in the Department structure and management since the Department's creation in 1977. This amendment fundamentally overturns the most basic organizational decisions made about the Department when it was created. It does it without any congressional hearings, without any oversight hearings, without any investigations having taken place. These changes will result in long-term damage to the Department of Energy. The defense National Laboratories will be tremendously compromised as scientific institutions.

The weapons laboratories have always been held out as being scientific institutions, not political institutions. Those who deal with these laboratories—and I had the good fortune the last 3 years to be the ranking member of the Energy and Water Subcommittee that appropriates money for these laboratories—I have found the people that work in these laboratories to be some of the most nonpolitical people I have ever dealt with in my entire political

career. They are not involved in politics. They are involved in science. We shouldn't change that.

Today, their work—that is, the work of the National Laboratories on national security—is underpinned by scientific excellence, in a wide range of civilian programs that sustained needed core competency at the laboratories.

This amendment, No. 446, will result in the Department of Energy's defense-related laboratories losing their multipurpose character to the detriment of the laboratories themselves as scientific institutions and to the detriment of their ability to respond to defense needs.

This change reverses management improvements made at DOE by a series of Secretaries of Energy under both Republican and Democratic administrations. These improvements were made after careful consideration and review by these Secretaries. They looked at the management deficiencies they encountered during their tenures. There were hearings held in the Congress before the rightful committees, and decisions were made as to what changes the Secretaries recommended should be made in permanent law. That is how we should do things. That is not how we are doing things with this bill.

These improvements made part of the law have been made by careful review by the Secretaries of the management deficiencies they encountered during their tenures. This amendment re-creates dysfunctional management relationships at the Department of Energy that have proven in the past not to work. I repeat, these sweeping changes are being proposed on the floor of the Senate without any input from the committees of jurisdiction over general department management—that is, the Committee on Energy and Natural Resources, or the committee with specific jurisdiction over atomic energy defense activities—this committee, the Committee on Armed Services.

The two managers of this bill have worked very, very hard. As I said the other day, on Monday evening, I do not know of two more competent managers we could have for a piece of legislation. They have dedicated their lives to Government. They have dedicated much of their adult lives to making sure the United States is safe and secure. They have worked very hard to have a bill that should be completed today, a very important bill dealing with the armed services of the United States. We should not let this stand in its way. We should not have a bill that comes out of here that is vetoed. We do not need this information in the bill.

To this point, this bill has been proceeding forward on a bipartisan basis. This is the way legislation should move forward. We have been working on this bill for a few short days. In the past, it has taken as many as 14 days of floor activity to complete this legislation. These two very competent managers are completing this bill, if we get rid of

this, completing this bill in 4 days. We should go forward.

There are so many important things in this bill that need to be completed that we should do that. If my friends on the other side—my friends, the Senator from Arizona and the senior Senator from New Mexico—if they really think there are problems in this regard I will work with them. I will work from my position as the ranking member of the Energy and Water Subcommittee. I will do whatever I can to make sure, if they believe a bill needs to come forward on the floor dealing with these things, we would not object to a motion to proceed, that they could bring this bill forward on the floor. We do not want to hold up this bill. But the bill is being held up, not because of anything we are doing on this side but because of this mischievous legislation.

I say to my two friends, the Senator from Arizona and the Senator from New Mexico—who are not on the floor; they are two Senators for whom I have the greatest respect—this is not the way to proceed on this. No matter how strongly they feel about what went on with the Chinese espionage, whatever the reasons might be, let's work together and see if, in fact, after we go through the normal legislative process, with hearings, with committees of jurisdiction, that their method is the way to proceed. Certainly, we are not going to proceed on an afternoon with a bill of this importance, without, I repeat, committee hearings and the other things that go into good legislation.

These sweeping changes are being proposed with no supporting analysis, no public record. Indeed, the changes to be made fly in the face of past recommendations made by distinguished experts and past reports of congressional hearings on the subject—DOE Organization, Reorganization and Management.

These changes are firmly opposed, and that is an understatement, by the administration, and I think we should pull this amendment so we can go forward with this bill. The absurdity of this amendment is even more striking when you see who the senior management officials in the Department of Energy are at this time. Think of this. The current Under Secretary of Energy is Dr. Ernest Moniz, who, if not the top nuclear physicist in the country is one of the top nuclear physicists in the whole country. This man is the former chairman of the Massachusetts Institute of Technology's physics department—the most prestigious, famous institution of science in this country, especially their physics department.

Under this amendment, Secretary Moniz would be forbidden by law from helping Secretary Richardson, whose office is 40 feet away, manage and direct this program. He could not exercise any role in the management of the Department's nuclear weapons research and development. Is this a crazy result? The answer is, obviously, yes, it is a crazy result.

The safety and reliability of our nuclear stockpile is absolutely critical to our national security and to the U.S. policy and strategy for international peace and nonproliferation. My friend from New Mexico, the junior Senator from New Mexico, is going to talk about why this amendment substantively is so bad. I want to talk more about procedurally why it is so bad. I have tried to lay that out. It is procedurally bad because we should not be here today talking about this as we are now. There should be a bill introduced, referral to committee or committees and a committee hearing or hearings with people coming forward to talk about this issue.

This is not whether we are going to change the way boxing matches are held in this country or how much money we are going to give to highways in this country. This deals with approximately 6,000 nuclear warheads, any one of which, as a weapon of mass destruction, would cause untold damage to both people and property. So this is not how we should proceed on this legislation. We should proceed on this legislation in an orderly fashion.

I say to my friends, the Senator from New Mexico and the Senator from Arizona, if they are right—which I certainly do not think they are—but if they are right, then let's have this legislation in the openness of a legislative hearing, the openness of the legislative process.

This amendment No. 446 causes us to be in the midst of protracted debate when we should be trying to complete this most important legislation.

We are in the midst of a major change in the way we ensure this critical stockpile safety and reliability because we can no longer demonstrate weapons performance with nuclear tests.

We have had approximately 1,000 nuclear weapons tests in the State of Nevada—approximately 1,000. Some of these tests were set off in the atmosphere. We did not know, at the time, the devastation these nuclear devices would cause, not to the area where the devices were detonated, but what happened with the winds blowing radioactive fallout into southern Utah, creating the highest rates of cancer anywhere in the United States as a result.

I would awaken in the mornings as a little boy and watch the tests, watch the detonation, and see that orange flash in the sky. It was a long way from where I was, but not so far that you could not see this orange ball, over 100 miles away or more, that would light up the morning sky. It was not far enough away that you could not hear the noise. Still, we were very fortunate in that the wind did not blow toward Searchlight, my hometown; it blew the other way.

We have set off over 1,000 of these nuclear weapons in the air, underground, in tunnels, shafts. We cannot do that anymore. We cannot do it because there has been an agreement made saying we are no longer going to test in



that manner. We have to manage our nuclear stockpile using science and computer simulation instead of nuclear testing. This is a terribly, terribly complex job. The greatest minds in the world are trying to figure out how they can understand these weapons of mass destruction to make sure they are safe and reliable.

It needs all of our attention and energy because we must demonstrate with high confidence that this job can be done without returning to nuclear testing. We have not proven that the stockpile can be maintained without nuclear testing, but we are doing everything we can to succeed.

We have developed a program called subcritical testing. What does that mean? It means that components of a nuclear device are tested in a high explosive detonation. The fact is, the components cannot develop into a critical mass, necessary for a nuclear detonation. It is subcritical. As a result of computerization, they are able to determine what would have happened had the tests become critical. We are working on that. We think it works, but there is a lot more we need to do. We need, for example, to develop computers that are 100 times faster than the ones now in existence. Some say, we need computers 1,000 times faster than the ones now in existence to ensure these nuclear weapons, nuclear devices, are safe and reliable.

This tremendously demanding job is made even more difficult by all the other problems with managing the nuclear stockpile. For example, we have to clean up the legacy of the cold war at our production facilities. We are spending billions of dollars every year doing that. We need to develop the facilities and skills for stockpile stewardship. We need to maintain an enduring, skilled workforce.

The people who worked in this nuclear testing for so long are an aging population. We have to make sure we have people who have the expertise and the ability to continue ensuring that these weapons are safe and reliable. We need to provide the special nuclear materials for the stockpile, because the material that makes up a nuclear weapon does not last forever. Tritium, for example, has a life expectancy in a weapon of maybe 12 years. Weapons have to be continually monitored to determine if they are safe and reliable.

All these things are complicated by the discovery that some of our most closely guarded nuclear secrets about our stockpile have been compromised over the past 20 years. That makes it even more difficult and makes it even more important that we proceed to ensure that in the future our nuclear stockpile is safe, that it is not seen by eyes that should not see the secrets that go into our nuclear stockpile. We should not be determining the afternoon before the Memorial Day recess how we are going to do that.

Secretary Richardson is one of the most open, available Secretaries with

whom I have dealt in my 17 years. He is open to the majority; he is open to the minority. We should not do this to him. He is a dedicated public servant. We need to concentrate on the most important things right now, not later.

I do not think an ill-conceived administrative change—and that is what it is; we are legislating administrative changes in the way that this most important, difficult job is being managed—is the most important thing we can do right now. Clearly, it is not. We have far more pressing matters to attend to in the nuclear stockpile.

We talk about the stockpile, but it is a nuclear stockpile. It is something we have to maintain closely, carefully, to make sure it is safe and reliable. We need to improve our computational capability; I said by 100, others say by 1,000 or more, beyond the advances we have already made. That is where we need to direct our attention. We need to develop new simulation computer programs that will make effective use of these higher performance machines.

I have been in the tunnels where these subcritical tests are conducted. I have been in the tunnels where the critical tests were conducted. We need to continue, I repeat, making sure these weapons of mass destruction are safe and reliable.

We need to design, as I say, advanced experimental facilities to provide the data for this advanced simulation capability.

We need to hire and train the next generation of weapons physicists and technicians before our experienced workforce really withers away.

We have to continue the training of these individuals, not only continue the training but have work for them to do, which we will surely do.

We need to establish better and more effective controls in how we do these jobs to ensure no further environmental contamination at our working sites. Hanford, that is an environmental disaster; Savannah River, environmental disaster. We cannot let that take place anymore.

We should be directing our attention to those efforts, not legislating on a bill that we should have completed by now. We could have completed this bill, and I think we will if we can figure out some way to get rid of this amendment.

We need to establish better and more effective controls in how we do those jobs, making sure we do not have Savannah Rivers or Hanford, WA, sites where we are spending billions upon billions of dollars to make those places environmentally sensitive and clean.

Just as important—maybe more important—we need to implement effective security measures that will protect our secrets without unnecessary interference in this very important work. Whatever we do in this terribly important job, we need to do it right.

There is neither the time nor the money to make mistakes. This proposed change in management of the nu-

clear weapons program is not the right thing to do right now. I feel fairly confident, having spent considerable time speaking to Secretary Richardson, that he is really dedicated to doing the right thing. He does not want to remedy the problems in the weapons labs with our weapons systems in a Democratic fashion—I am talking in the form of a party—or a Republican fashion. He wants to do it in a bipartisan fashion.

This amendment No. 446 would make the most sweeping changes in the Department of Energy structure and management since its creation in 1977. These drastic changes would be made with no consideration or suggestions, I repeat, by the committee of jurisdiction. They would be made with no consideration or suggestions by the committee that has general management jurisdiction; that is, the Committee on Energy and Natural Resources; or the committee that has jurisdiction over atomic energy defense activities, the Armed Services Committee.

There have been no hearings and testimony by proponents and opponents of a change, and not just this proposed change, but other proposed changes as well.

These jurisdictional considerations and testimony by credible witnesses are mandatory for such a change, because what is being proposed is not obviously better than the present program management framework.

I want to take this opportunity to compliment the Secretary of Energy—with whom I came to Congress in the same year—for his energetic response to the problems that have come to light since he assumed his responsibilities. I think his public and private statements regarding the possible compromise by the Chinese or others have been outstanding. I think he has done extremely well. No Secretary in my memory has taken such forthright and aggressive actions to remedy problems in this most complex and, I repeat, important Department. He is searching out the Department's problems. He is doing everything he can to correct these deficiencies.

Let's give him a chance to succeed. I am confident he will. I know the Secretary has an outstanding relationship with one of the authors of this legislation, the senior Senator from New Mexico. Secretary Richardson is from New Mexico. He served in Congress for many years from New Mexico. He has a good working relation with the junior Senator from New Mexico and, frankly, with most everyone in this body. Let's give him a chance to be successful.

This amendment has not been given, I believe, enough thought. There are obvious deficiencies in this proposal. Damage to our weapons laboratories' capabilities would surely occur under the terms of this amendment. The National Weapons Laboratories are truly multiprogram laboratories, providing their skills and facilities, unmatched anywhere in the world.

We talk about how proud we are of our National Institutes of Health, and we should be, because it does the finest medical research that has ever been done in the history of the world. That is going on as we speak. But likewise, the National Laboratories are truly unmatched anywhere in the world for the solution of critical defense and non-defense problems as well.

We think of the Laboratories as only working with nuclear weapons. But the genome research was started in one of our National Laboratories. Many, many things that are now being developed and worked on in the private sector were originally developed with our National Laboratories.

Enactment of this amendment would isolate these multiprogram national assets, making their contributions to other than defense work very difficult, if not impossible. This isolation would reduce and erode the technical scope and skills within the weapons laboratories, and that might result in missing an important national defense opportunity.

I am absolutely confident that the directors of the weapons labs will testify to the enormous defense benefits that accompany the opportunity to attack important nondefense problems. I repeat that. There is no doubt in my mind that the directors of the National Laboratories would testify privately or publicly to the enormous defense benefits that accompany the opportunity they have had in the past and continue to have to attack important non-defense problems. That opportunity exists because the weapons program is not isolated within the Department, as it would be in this amendment.

There is a critical need to rebuild our confidence that necessary work can be done in a secure way and within a secure environment. I am very uncomfortable with placing the management of security in a position where it might compete with the management of the technical program. That critical function needs to exist independently of the program function so that these two equally important matters can be managed without conflict.

This amendment would require unnecessary duplication and redundancy of activities in the Department of Energy. Security of nuclear materials and information is necessary for activities that would not be included in the administration proposed by this amendment. This would require separate security organizations to undertake the same and other very similar functions. There is not enough money to allow this kind of inefficiency to creep into the weapons program.

The Secretary of Energy and the President of the United States oppose this amendment. The President promises to veto the defense authorization bill if it is included in the bill. I personally oppose this proposal for the reasons I have mentioned, and many other reasons that at the right time I will be happy to discuss.

I have worked with the senior Senator from New Mexico now for 3 years as ranking member, and many other years as a member of his subcommittee. I just think there is a better way to do this. I know of the time and effort he has spent with the National Laboratories. I believe this amendment compromises the National Laboratories.

I urge my colleagues to vote against this amendment or to vote for the motion to table, which I am sure will precede an opportunity to vote on this ill-conceived and untimely measure.

Mr. BINGAMAN addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that my remarks not count against the two-speech rule.

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

Mr. BINGAMAN. Mr. President, let me first just say that I have had a chance now to read the amendment. We received it at about 1:15, about 10 minutes into the description of the amendment by the Senator from Arizona.

I have had that chance to read it. It is really three separate provisions. I just want to briefly point out that two of them are totally acceptable to this Senator, at least as I see it.

The first, of course, would put into statute the provision establishing an Office of Counterintelligence in the Department of Energy. This is something which was done as a result of Presidential Decision Directive 61 in February of 1998. It is something which the previous Secretary of Energy has done administratively. This Secretary has carried through on that. Clearly, this is a good thing to do, and putting it in statutory form is also helpful.

So I have no problem with that part of the amendment at all. I would support that. In fact, I point out that those provisions, with very few changes, are in the underlying bill. But I can certainly agree to whatever changes the authors of this amendment would like to see in that section.

The second part of the three parts in this bill is establishing the Office of Intelligence. Again, I believe this is totally appropriate. Again, this is something that the administration has already done administratively, but clearly there can be a good argument made that we should put this in statute. I have no problem with that. Again, the underlying bill which we are considering has in it the establishment of the Office of Intelligence. So if this version of that legislative provision has some improvements in it, that certainly is appropriate. I do not oppose that.

The third part of the amendment is the part which I find very objectionable. Let me use the rest of my time to just describe the nature of my concern about the rest of it.

The third part of the amendment is the part designated "Nuclear Security Administration." This sets up a totally new organizational structure within

the Department of Energy which is, as my good friend and colleague from Nevada said, by far the most far-reaching reorganization of the Department of Energy since that Department was created 22 years ago in 1977.

The reasons I object to this provision, as it now stands, are several. Let me start by saying that I object to it because of the procedure we followed in getting to where we are today. This is an important proposal. It has far-reaching ramifications. Much of what we do here in the Senate is impacted by the law of unintended consequences, and this is a prime example of something that is going to produce substantial unintended consequences, in my opinion.

We have had many studies about the problems in the Department of Energy. Some of those have been very useful. None of those studies have suggested that we solve the problems with this solution.

The last time we had a hearing on the problems of organization in the Department of Energy was in September of 1996. That was nearly 3 years ago. I sit on the committee, as does my colleague from New Mexico, as do many of us involved in this discussion. I sit on the committee that has jurisdiction over this Department, the Energy and Natural Resources Committee. In that committee, we have had a great many hearings on the Chinese espionage problem. We have had six hearings in that committee alone. We have had one joint hearing with the Armed Services Committee, which I also sit on. That is seven hearings.

In none of those hearings have we considered any of this set of recommendations. In none of those hearings have we asked the Secretary of Energy to come forward and explain what changes he thinks might be appropriate or whether or not these kinds of proposals might be appropriate as a way to fix the problem.

My friend, the Senator from Arizona, said it would be a derogation of our duty if we didn't go ahead and pass this this afternoon. I say it is almost a derogation of our duty if we do pass it this afternoon, because we will not have given the administration a chance to react. We will not have given the administration a chance to explain why they oppose this. I think that is the only reasonable course to follow.

Another suggestion was made by my colleague from Arizona that although Secretary Richardson had objected to an earlier draft, he was fairly confident that those problems had been resolved in the latest bill, which is the one we received at 1:15.

I have in my hand here—I will ask unanimous consent that it be printed in the RECORD—a letter from Secretary Richardson just received a few minutes ago in which he says:

I have reviewed the latest version of the amendment being offered by Senator DOMENICI to the Defense Authorization bill. I am still deeply concerned that it moves the Department of Energy and its effort to improve

security in the wrong direction. I remain firmly opposed to the amendment, and I want to reiterate my intention to recommend to the President that he veto the Defense Authorization bill if this proposal is adopted by the Congress.

He goes on to explain in more detail why that is his view.

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

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

THE SECRETARY OF ENERGY,  
Washington, DC, May 27, 1999.

Hon. JEFF BINGAMAN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BINGAMAN: I have reviewed the latest version of the amendment being offered by Senator Domenici to the defense authorization bill. I am still deeply concerned that it moves the Department of Energy and its effort to improve security in the wrong direction. I remain firmly opposed to the amendment and want to reiterate my intention to recommend to the President that he veto the defense authorization bill if this proposal is adopted by the Congress.

As I stated in my letter of May 25, 1999, our security program deserves a senior departmental advocate, with no missions "conflict of interest" to focus full time on the security mission. The requirements of the security program should not compete with other programmatic priorities in Defense Programs for the time and attention of the senior management of that program, as well as for budgetary resources. Resource competition has been a core problem of Department of Energy security for decades, and we have seen firsthand that inherent conflicts arise and security suffers when the office that must devote resources to the security mission has a competing primary mission, such as Stockpile Stewardship. It is critical that we have a separate office setting security policy and requirements in order to avoid financial and other pressures from limiting security requirements and operations.

Also, it is important to recognize that the Environmental Management Program has significant security responsibilities for securing large quantities of nuclear weapons materials at its sites—Rocky Flats, Hanford, and Savannah River. Under this proposal, if the security function were exclusively located in Defense Programs, it would undermine my ability to hold my top line manager for the clean-up sites accountable.

In short, the security mission cuts across the entire department, not just Defense Programs facilities. We need a structure that gives this important function proper visibility and focus and provides the means to hold the appropriate line managers responsible.

I appreciate your attention to this serious matter.

Yours sincerely,

BILL RICHARDSON.

Mr. BINGAMAN. So procedurally, we should not be here on a Thursday afternoon, where the very distinguished manager of the bill, the chairman of the Armed Services Committee, has said we need to finish this bill in the next hour and a half. We need to leave town. Everyone has their plane reservations. We have to fly out. And by the way, before we leave, let's reorganize the Department of Energy.

This is not a responsible way for us to proceed. Accordingly, I do object to the procedure.

Let me talk about the substance. My friend from Arizona, who is a prime sponsor on the bill, described the bill fairly accurately when he said, this bill, this provision, the third part of the amendment that I have said is objectionable, the establishment of this Nuclear Security Administration, says this bill creates a stovepipe. That is his exact quote. I agree that that is what happens.

Let me use this chart beside me here to describe very briefly how the Department of Energy functions now.

The Secretary of Energy is in charge of the Department of Energy. There are, under the Secretary, various sub-departments. We have defense programs. We have environmental management, energy efficiency, nuclear nonproliferation, fossil energy and science.

With regard to each of those, the Secretary has established—and much of this has been done by Secretary Richardson in the 6 months he has been there—some crosscutting responsibilities. Some people with crosscutting responsibilities are directly answerable to the Secretary. One is the director of counterintelligence. This was a major step forward, and I think everybody who sat through these hearings would acknowledge that this was a major step forward. This was one of the actions that was taken, really, by Secretary Richardson's predecessor, when Ed Curran, who is the gentleman who has been put in the Office of Director of Counterintelligence, was hired. This was in April of 1998.

That individual, the director of counterintelligence, under the administrative procedure now in place, and under the provisions of this bill, has crosscutting responsibility for counterintelligence in each of the parts of the Department of Energy; in fact, in each laboratory. Mr. Curran has testified to various of the committees up here that he will have a person who is responsible to him and who has authority by virtue of his position to demand certain actions on the issue of counterintelligence in each of our National Laboratories. That is as it should be. That is putting accountability into the counterintelligence system. It is a good step forward. That is a step in the right direction.

A second crosscutting responsibility is the security czar on security policy. A third is this independent Safety and Security Oversight Office that Secretary Richardson has established.

So at the present time there are those three entities that report directly to the Secretary of Energy on these issues related to security.

These are the reforms that Secretary Richardson has been trying to put into place. These are the reforms that are called for under Presidential Decision Directive-61, and then additional administrative steps that have been taken by this Secretary of Energy. I believe the system is structured in a way that makes some sense.

Let me now show the stovepipe organizational chart, because we have one of those as well. This, as Senator KYL indicated, is a major change, this third part; the establishment of this Nuclear Security Administration is a major change in the way the Department operates.

What essentially is done is you eliminate the defense programs portion of the Department of Energy and you rename that the "Nuclear Security Administration." You put that in the so-called stovepipe. You say there will be no independent counterintelligence authority over how that agency functions. There will be no independent security oversight over how that agency, that independent agency or administration functions. There will be no environmental oversight, through the Department, on that. And there will be no oversight regarding health and safety factors relating to workers.

Under that we put all of the facilities that relate to nuclear weapons. One reason why I am particularly concerned, frankly, about this, is that the two National Laboratories in my State would be in this stovepipe. I do not know that that is good for them long term. I have great doubts that that is good for them long term. I really do have doubts as to whether that is a wise course for us to follow.

One problem—and I think the Senator from Nevada referred to this—is that under this new arrangement, it makes it very clear with very specific language here; it says the administrator of this new stovepipe agency, who shall report directly to and shall be accountable directly to the Secretary, "the secretary may not delegate to any department official the duty to supervise the administrator."

Presumably, what that means is that Secretary Richardson could not ask his Under Secretary, in this case Dr. Moniz, to take on any of the responsibility for supervising what is going on in this so-called stovepipe agency. Regardless of the experience or the qualifications of Secretary Moniz, or any other Under Secretary, Secretary Richardson would have to personally exercise that oversight, or it would not be exercised. That is clearly not a good management arrangement.

This stovepipe agency, as it is contemplated in this Nuclear Security Administration, eliminates the ability of the Secretary of the Interior to integrate important work on nuclear weapons with other important scientific work going on in the Department of Energy.

I believe very strongly that our laboratories and our nuclear weapons program are strengthened by the interaction that scientists and engineers in that nuclear weapons program have with other scientists and other engineers working elsewhere in the Department of Energy. That would be stopped. That would be much more difficult under this kind of a stovepipe arrangement. There is no prohibition

against it happening here, but it is very clear that the head of this Nuclear Security Administration has all authority, and exclusive authority, for what goes on in his department, and there is very little incentive for anyone else to try to put work in those laboratories or interact necessarily with those laboratories on nonnuclear weapons activity.

As a result of this, I fear very much—and I know my good friend and colleague from New Mexico, Senator DOMENICI, who is a cosponsor of this amendment, says he believes that something like this amendment should be adopted by the Senate because it will keep the Congress, ultimately, after we conference with the House, from going even further and taking a step toward shifting some of this nuclear weapons responsibility to the Department of Defense.

My fear is somewhat different. My fear is that this is a first and sort of a logical step toward going in that direction, and that if you are going to set up all of this nuclear weapons activity in a stovepipe and it is going to be cordoned off from the rest of the Department of Energy, as is proposed in this bill, I think it is very easy to go from that point to the point of saying let's just cut this loose entirely from the Secretary of Energy and make it responsible to the Secretary of Defense.

I think that would be a serious mistake. That is a mistake that our predecessors had the wisdom to avoid. President Truman had the wisdom to avoid that. Those who set up the nuclear weapons program in this country decided early on that it should be in a civilian agency, it should not be in a Department of Defense agency; and, clearly, the closer we move toward making this defense-specific, defense-only, I think we would be making a mistake.

Creating the stovepipe, in my view, does threaten the long-term vitality of our laboratories. I believe it threatens the long-term ability to attract people we need to these laboratories, to keep them world-class, cutting-edge scientific institutions.

I may be overdramatizing, but my own view is that we have seen the stovepipe model in action. Two years ago, I went to the Soviet Union and visited Chelyabinsk-70, also referred to as Shnezinsk. Shnezinsk is one of the nuclear cities, one of the secret cities. When you go there, you see how stovepipe organizations function. There is nobody there doing any research on solar energy. There is nobody there worrying about environmental problems that might be a result of research or work going on at that facility. There is nobody there interacting with much of anyone.

That is one of the big problems. That is why we have the nuclear cities initiative in this bill that we are trying to get going, to help these laboratories in Russia break out of the stovepipe and begin to interact with other elements

in the society, with other scientists, and begin to apply their talents to other activities.

So I am sure this is well intentioned. I am sure this proposal is well intentioned, and I would like very much to have some hearings and bring in some experts to tell us what they think of this and allow the administration to give us their point of view. I think that is an appropriate course for us to follow. But my initial reaction, after reading it here for the last hour and a half, or 2 hours that I have had this, is that it does not do what the sponsors intend. It does not solve the problem of Chinese espionage. It does create or result in many other unintended consequences that will be long-term adverse to our nuclear weapons program.

Mr. President, I have great problems about it. I have a series of questions I was going to raise about it. I see my colleague from New Mexico wishing to speak. Maybe he would like to speak and I could ask him a few questions about this.

I yield the floor.

Mr. DOMENICI. Mr. President, how much time has been used on the other side of the aisle with reference to this amendment?

The PRESIDING OFFICER. There is no time limit on this amendment.

Mr. DOMENICI. I understand that, but did somebody keep time?

The PRESIDING OFFICER. We will check the records.

Mr. DOMENICI. There is no need to do that. Let me say to Senator BINGAMAN, first of all, I believe that over the past 15 years—certainly within the last 6 or 7—and I am not casting aspersions in any way on anybody else, but I believe I have had as much to do with keeping the labs diversified as any single Member of Congress.

I believe we have done an exciting job in dealing with the cards that were dealt to us when we decided not to do anymore underground testing. And I believe what Senator REID spoke about, which has the very fancy words surrounding it—"science-based stockpiled stewardship"—you have no idea how long it was difficult for me to put all four of those words together. I used to leave half of them off. But I think I have got it now. It was a very complicated concept. It was imposed on a laboratory system that, I regret to say to you and everybody, was broken down.

In fact, I am going to quote from some reports—all current ones, because they go back years—saying the Department of Energy, in terms of doing its work right for the nuclear weapons part—I haven't seen an analysis about solar, but that is a little program, whether they run it or fund it. I have not seen a report in the last decade, and there are two within the last 6 years, that does not say the Department of Energy's ability to handle nuclear weapons development is not broken to the core. That is principally because it is stuck in a department with

so many other things to do that are, with reference to urgency, much different and much easier and not as important as nuclear weaponry and all that goes with it.

Yet, decisionmakers are making decisions on refrigerator efficiency, and then they move over and make a decision on nuclear weapons. I would almost say with certainty—but I am not going to say I will predict—if they don't adopt this amendment—and we are going to stay here for a while and see if we are going to adopt it. Maybe some of you want to filibuster it. Some of you haven't filibustered yet, so it might be exciting. But I can tell you, either this model or a totally independent department for nuclear weapons is going to be the aftermath of this espionage.

I am not worried that it is going to be the Department of Energy managing this because I think too many people have spoken out about that. But when those looking at the management end up saying it cannot fit in a department of the type that is the Department of Energy and be run in a regular, ordinary chain of command decision-making, which is what I call this proposal—you can allude to it as stovepipe. I choose the Marine concept that is chain of command—I almost would predict today—but not quite—that it will be one of those, freestanding. When, finally, it is determined what I have been frustrated with for years about the ability to manage that Department, perhaps you can manage the other aspects that are not so critical, but you can't manage the nuclear part under the current environment. It needs dramatic change.

The reason we are on the floor and the reason we are going to finally get it done is because we are scared, because now it is not a question of efficiency and how long it takes to make decisions for nuclear weaponry. It is because we are frightened that we are getting kicked to death. So being frightened, we are going to fix something. This fix is not going to be a little tiny fix as we have done in the past. If anybody chooses to say this is the most dramatic change in 22 years since it was created from its former underpinnings called ERDA, which was another department put together with bits and pieces from everywhere, they are right. It is the most significant proposal to streamline nuclear weaponry that has ever been put forward.

But let me suggest that this administration has had two reports, or three, suggesting that dramatic changes ought to be made, and nothing has been done of any significance.

Secretary Richardson, in the aftermath of what some have called the "greatest espionage" in our whole history, is busy and is to be admired and respected for trying to reform. But if you try to reform it, and you are the Secretary of Energy, and you are as diligent as Bill Richardson—and one who likes to run a lot of things, which

I admire him for, and one who is a good politician, so he wants to do things politically acceptable, especially for the White House and those he works for—you will never come to the conclusion that this Department should be streamlined such that the Secretary has only one person to be responsible for the nuclear weapons and they will run it inside out, because in a sense it diminishes the role of the Secretary.

I don't know whether Secretary Richardson does or not. But they are not in office more than 6 months, and they run around calling these great laboratories, including those in my State, "my laboratories." It is just like: Isn't this great? The Secretary of Energy has this big, \$3 billion laboratory, and he calls it "my laboratory."

I did not say Secretary Richardson does that. I have not heard him. But, if he did, he would be consistent with the other ones.

We have a suggestion here that is probably going to make it a little more difficult for Secretaries of Energy to run around and call them "my laboratories," because they are going to be a laboratory system run by an administrator within the Department, whether he ends up being an Under Secretary or an Assistant Secretary who is going to run the whole show.

For those who do not think there are models such as this, there are. You can take a look at DARPA. You can take a look within the Energy Department at the nuclear Navy. It is different than this, but if you want to look at a model that is within a big department where you have something structured to handle a very important role and mission, there are such models. As a matter of fact, there are experts who say this is a good model, if you want to keep it within the department.

I want to address two other things, and I want to read some notes.

First, if this Senator thought for 1 minute that the implementation of this approach would minimize the diversification and versatility of these three major laboratories to do outside work for the government and others, I would pull it this afternoon. I don't believe that will happen. I don't believe it is inherent in this amendment. I believe that if there is concern it can be fixed with language, because the fact that it is so poorly managed under this structure that we have is not what is contributing one way or another to its versatility. It is the efficiency and effectiveness of the scientists that are making these laboratories multiuse, multipurpose, multifaceted and that do work beyond nuclear work.

Since my colleague asked that his first speech not be counted as two speeches, which I didn't object to, I gather that the other side doesn't intend to let us vote on this. I don't know what we should do about that. I will meet with our leadership. If it is just up to me, I will debate it as long as we can tonight, and I will go home without the bill completed and bring it

up and take another week on it when we come back.

The time is now to fix this tremendous deficiency in terms of how our nuclear weapons and everything attendant to it are managed.

Secretary Richardson is doing a mighty job, but he will never fix it without reorganization and streamlining and chain of command that is provided in this amendment, which is not perfect and not the only one. But this is what it is intended to do.

Let me just read a couple of things. This is Admiral Chiles' report, the so-called Chiles report of March 1, 1999:

Establish clear lines of authority in DOE. The commission believes that the disorderly organization within DOE has a pervasive and negative impact on the working environment. Therefore, on recruitment and retention, accordingly the commission recommends that the Secretary of Energy organize defense programs—

That is what we are talking about—

consistent with the recommendations of the 120-day study. We recommend three structural changes.

They recommend three, for starters.

I use this because anybody, including my colleagues and Senator REID, who has today spoken about how well the laboratories have done, would almost have to admit that they have done well in spite of the absolute chaotic condition with reference to sustained accountability within the laboratories as a piece of DOE.

Frankly, I have appropriated for 5 years—this is my sixth—the Committee on Energy and Water, which funds totally the laboratories, to some extent, not totally, with reference to nuclear work and to some extent on nonnuclear.

There were Congressmen asking that we create some new regional centers for headquarters, Albuquerque, for example, or a greater region somewhere in Texas and the like. We asked, rather than do that, that the appropriations fund a 120-day study. That was done. I am sure my colleague has that. If he doesn't, his staff does.

I am going to quote from the executive summary of this, which is dated, incidentally, February 27, 1997. Still reports are saying "fix it, fix it."

At the bottom of page ES-1, "These practices"—after describing practices within this Department of Energy as it pertains to nuclear weaponry—"are constricting the system."

I am quoting.

They undermine accountability, making the entire system less safe. Further, the process prevents timely decisions and their implementation. Untold millions of dollars are wasted on idle plants and equipment awaiting approvals of various types, or on investments which age and become obsolete and expensive to maintain without ever having been used for the original productive purposes. Finally, the defense program has a job to do—maintenance of a nuclear deterrent, which is not well served by the ES&H review and approval process that drags on forever.

That is the current system of environmental safety and health review in this Department.

People worry about what this amendment is going to do.

Let me tell you. This report says that we are not well served by that which exists in the Department now, and an approval process that drags on forever helps no one.

There is much more to be read in the most current studies that kind of clamor for doing something dramatic and different.

The largest problem [says this same 120-day study on page ES-1] uncovered is that the defense program practices for managing safety, health and environmental concerns are based on nonproductive, hybrid, or centralized and decentralized management practices that have evolved over the past decade. It goes on to say that because they have evolved doesn't mean they are effective or operative.

I very much am pleased that Senator BINGAMAN yielded so I could have a few words. Senator, I will be back shortly, but I am called to the majority leader's office to discuss this issue. It will not take me over 15 minutes, and I will return.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. I rise to speak on behalf of an amendment I sponsored that was agreed to previously as part of the managers' package.

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

Mr. HUTCHINSON. Mr. President, I rise in support of the Kyl amendment, which brings new security accountability and intelligent administration to the Department of Energy's (DOE) nuclear weapons program.

The Cox report has shown us that we have ceded design information on all of our most sensitive nuclear warheads and the neutron bomb to China. These designs, our legacy codes, and our computer data have been lost because of lax security at our national labs (Los Alamos, Lawrence Livermore, Oak Ridge, and Sandia), incompetent administrations, and possibly, obstructions of investigations.

What have we lost because of this espionage? According to the Cox report, "Information on seven U.S. thermonuclear warheads, including every currently deployed thermonuclear warhead in the U.S. ballistic missile arsenal." These warheads are the W-88, W-87, W-78, W-76, W-70, W-62, and W-56. China has also obtained information on a number of associated reentry vehicles. But it does not end there. China also has classified design information for the neutron bomb, which no nation has yet deployed. Other classified information, not available to the public, has also been stolen.

With this information, China has made a quantum leap in the modernization of its nuclear arsenal. China will now be able to deploy a mobile nuclear force, with its first deployment as soon as 2002.

The cost of these nuclear thefts is the security of the U.S. and the security of our allies in the Asia-Pacific.

The ability to miniaturize and place multiple warheads on a single ballistic missile will have serious destabilizing effects in the region. India is watching China warily, as are Japan, South Korea, and Taiwan.

I hope that our troops in the Asia-Pacific will not have to suffer for a domestic security failure. I hope that we will not have to pay for these thefts in American lives.

But the costs will not be limited to the Asia-Pacific region. We can bet that this information will not stay in the hands of China. China has supplied Iran, Pakistan, Saudi Arabia, North Korea, and Libya with sensitive military technology in the past. We have no real guarantees that China will not spread our lost secrets again.

This fiasco of security did not happen by accident. There was a concerted effort on behalf of the Chinese government to obtain this information and a lack of effort on part of certain individuals to protect those secrets. Janet Reno must be held accountable if she denied her own FBI the authority to investigate suspected spies. Likewise, Sandy Berger must be held accountable if he delayed notification of the President of the United States or if he delayed action on these security breaches.

Mr. President, for two decades we have left the door to our DOE facilities open to thieves. We have exposed our most sensitive details to China. It is time to secure the door of security.

We cannot reverse what has taken place. We cannot take back the information that has been stolen. But we must prevent further theft of our secrets.

The Kyl amendment takes necessary steps in enhancing security at our DOE facilities. It establishes increased reporting requirements to Congress and the President, as well as layers of checks and balances to knock down the stone walls of silence. This amendment also gives the Assistant Secretary of Energy for Nuclear Weapons programs statutory authority to competently administer our nuclear programs and enforce regulations.

But we must also recognize that this measure is not an iron sheath for our weapons secrets. Beyond espionage at our national labs, there have also been illegal transfers of sensitive missile design information by Loral and Hughes, two U.S. satellite manufacturers, to China. With this information, China can improve its military command and control through communications satellites.

In its efforts to engage a "strategic partner," the Clinton Administration loosened export controls, allowing satellite and high performance computer experts. Within two years of relaxing export controls, a steady stream of high performance computers flowed from the U.S. to China, giving China 600 supercomputers. Once again, China is using these supercomputers to advance its military capabilities. These

high performance computers are useful for enhancing almost every sector of the military, including the development of nuclear weapons.

We have not reached the bottom of this pit of security failures. The investigations will continue and Congress will hold the Administration accountable. In the meantime I urge my colleagues to support the Kyl amendment.

AMENDMENT NO. 418

Ms. SNOWE. Mr. President, Members of the Senate, last night the Senate did pass an amendment I drafted establishing a policy that would require the President to establish a multinational embargo against adversary nations once our Armed Forces have become engaged in hostilities. I thank the chairman of the Senate Armed Services Committee, Senator WARNER, and Senator LEVIN, as well as minority and majority staffs of the Armed Services Committee and the Foreign Relations Committee for working with me on this initiative.

This amendment would impose a requirement on Presidents to seek multilateral economic embargoes, as well as foreign asset seizures, against governments with which the United States engages in armed hostilities.

After 1 month of conflict in Kosovo, the Pentagon had announced that NATO had destroyed most of Yugoslavia's interior oil-refining capacity. At approximately the same point in time, we had the Secretary of State acknowledging that the Serbians had continued to fortify with imported oil their hidden armed forces in the province.

Just 3 weeks ago, the allies first agreed to an American proposal, one which had been put forward by this administration, to intercept petroleum exports bound for Serbia but then declined to enforce the ban against their own ships.

On May 1, 5 weeks after the Kosovo operation had begun, the President finally signed an Executive order imposing an American embargo against Belgrade on oil, software, and other sensitive products.

Yet, NATO and the United States have paid a steep price for failing to impose a comprehensive economic sanction on Serbia from the beginning of the air campaign, which started in March.

As recently as May 13, a Government source told Reuters that the Yugoslavian Army continued to smuggle significant amounts of oil over land and water.

At the end of April, General Clark gave the alliance a plan for the interdiction of oil tankers coming into the Adriatic towards Serbian ports. To justify this proposal, he cited the fact that through approximately 11 shipments, the Yugoslavians had imported 450,000 barrels containing 19 million gallons of petroleum vital to their war effort. Let me repeat: 450,000 barrels, containing 19 million gallons of oil, that supported the war effort. Half of

those 19 million gallons of oil would support them for 2 months; half of the 19 million gallons of oil supported the Serbian war effort for 2 months, yet we allowed 11 shipments to come through since the beginning of this air campaign.

Unfortunately, it has been economic business as usual for the Serbians as our missiles try to grind their will. The President declared on March 24 the beginning of the NATO campaign and set a goal of deterring a bloody offensive against the Moslem civilians. We know what happened.

I have a chart that illustrates a chronology of the situation when it comes to economic business as usual. We started the air campaign March 24. Then on April 13, while we were adding more aircraft to the engagement, Serbia had reached the midpoint of receiving 11 shipments of oil from abroad.

Of course, on April 27, General Clark announced:

We have destroyed his oil production capacity.

NATO estimates of displaced Kosovars rise to 820,000. Serbia receives 165,000 barrels of imported fuel over a 24-hour period.

While we were adding more aircraft, it now had been a month later since the campaign began, we find they are still bringing in more oil. A month after the start, they were at the midpoint of receiving 450,000 barrels of oil.

By the close of April, General Clark confirmed the destruction of Yugoslavia's oil production capacity. On the same day, however, the Serbs took in 165,000 barrels of imported oil. As I mentioned earlier in this chronology, while we are still bringing in the aircraft, they are still bringing in the oil.

Interestingly enough, just today, in the Financial Times of London, General Wesley Clark was understood to have expressed concern about the oil issue when he briefed NATO ambassadors yesterday on the progress of the 9-week-old air campaign. He has expressed disappointment that U.S. proposals for using force to support the embargo, at least in the Adriatic, were rejected by other allies—notably France. NATO is still working out how the details of a voluntary "visit and search" regime under which the alliance warships would check on ships sailing up the Adriatic Sea. Let me repeat, they are still working out the details of a voluntary visit and search regime.

Now we are in the ninth week of the campaign, well over 400 aircraft, 23, 24 Apache helicopters, the President has called up 33,000 reservists, and they have yet to establish procedures for an oil embargo. They are still working out the details.

The article goes on to say the North Atlantic Council agreed this week to introduce the regime but has to approve the rules of engagement.

It is clear that the air campaign is still being operated, and, obviously, the oil embargo, according to committee.

On May 1, when the President signed the Executive order barring oil and

software receipts, there were 11 foreign oil shipments of 450,000 barrels. Milosevic has now received the last of the 11 April oil shipments, for a total of 450,000 barrels on the day when the President signed the Executive order barring the oil and software imports.

As of 3 weeks ago, the number of displaced Kosovars had topped 1 million, and NATO acknowledges the continuation—as we have certainly learned today in the most recent news updates—of energy imports by the enemy. These imported energy reserves play a significant role in supporting Serbian ground operations.

The U.S. Energy Information Agency estimates that Yugoslavian forces consume about 4,000 barrels of oil per day. This fact means that if Serbian armored units in Kosovo used only one half of the imported fuel just from the month of April alone, they could have operated for nearly 2 months, just half the amount they imported in April, yet as we well know, the air campaign began on March 24.

It took nearly 1 month after the start of the NATO campaign, however, for Milosevic to uproot the vast majority of the ethnic Albanian population of the province. By the timeframe that NATO had claimed to destroy Serbia's oil refining capacity, which was mid to late April, as we have seen here when General Clark announced it on April 27, the Yugoslavians still managed to perpetrate Europe's the worst humanitarian crisis since World War II. We now face the strategic and operational challenge of uprooting dispersed tank, artillery and, infantry units in Kosovo. This challenge confounds NATO because our military campaign ignored the offshore economic base sustaining the aggression that we had pledged to overcome.

This example teaches us that military victory involves more than the decisive application of force. It also demands, as Operation Desert Storm so dramatically illustrated, a coordinated diplomatic and economic enemy isolation effort among the United States and its allies.

Iraq invaded Kuwait on August 1, 1991. Five days later, on August 6, the United Nations Security Council, with only Cuba and Yemen in opposition, passed a resolution directing "all States" to bar Iraqi commodity and product imports. This action first helped to freeze Saddam in Kuwait before he could move into Saudi Arabia. The wartime coalition subsequently faced the more manageable task of expelling this dictator from a small country rather than the entire Arabian peninsula.

The point is, during Operation Desert Storm the President of the United States had worked in concert with the allies to establish an embargo. That was effective. What is difficult to understand is why the President and the NATO alliance did not agree to this at the outset? Why, at a time when we were conducting—initiating an air

campaign, this oil embargo was not in place? We must always try to damage or destroy the offensive military apparatus of a hostile State, but as the Persian Gulf war taught us, it should also be starved of its resources.

No law can mandate an immediate multinational embargo. But this amendment that will be included in this reauthorization will make it more difficult for future Presidents to repeat President Clinton's mistake, the alliance's mistake of waiting a month—and actually it is even more than that, because we do not have it in full force. There is no immediate impact of a voluntary embargo currently, as we have obviously heard today with General Clark's concerns about this issue that continues to fortify Milosevic's defenses. So we do not want future Presidents to repeat the mistake of waiting a month, waiting longer to allow the enemy to conserve fuel, to get more fuel and to be able to become more entrenched on the ground as we have seen Milosevic has done in Kosovo, and to cloud the prospects for victory.

The United States, as a matter of standing policy, should pursue an international embargo immediately. In fact, that should have been done even before the campaign had been initiated. That should have been part of the planning process. It should not have been an afterthought. It should not have been ad hoc. It should not have been a few days later we will get to it. In this case, obviously, it was more than a month and it is still running. It should be done immediately. If we are willing to place our men and women and weaponry in harm's way in the middle of a conflict, in the midst of hostilities, then at the very least the ability of any adversaries to reinforce their military machine should cease. Dictators, tyrants, would further know in advance that we would wage a parallel diplomatic and trade campaign next to the military one to disable their war machinery.

This amendment is not micromanaging policy, but it provides increased assurances of victory and averts a delay in the interception of war materiel. In the case of Kosovo, the administration and the alliance admits this was helpful to the enemy. We keep seeing that time and time again. We keep hearing it is helpful. That should have been done long ago. It does beg the question why this was not considered as part of the planning process before we initiated the air campaign. It seems to me it would be very logical.

This amendment will not constrain but strengthen future Presidents in organizing the international community against regional zealots like Milosevic. We must remember the European Union states declined to enforce the Adriatic Sea embargo, against the advice of the United States. Obviously, that is what General Clark is stating, in terms of his concerns. Obviously, the NATO alliance does not have the rules of engagement for even doing a voluntary search and seizure process.

So I think this amendment will be helpful to lend the force of law to future Presidents in order to strengthen their hand in implementing an embargo and to seek international agreement with those countries with whom we are engaged in a military effort so we can force an aggressor into military and economic bankruptcy.

As our Balkan campaign reveals, the foreign energy and assets at the disposal of dictators can provide their forgotten tools of aggression. But this amendment signals that the United States will not only remember these tools, but take decisive action to break them. It signals we should not bomb only so the enemy can trade and hide and can conduct business as usual. It has been business as usual for Mr. Milosevic, regrettably.

So I hope this amendment will enforce greater clarity in our strategies of isolating our adversaries of tomorrow.

I am pleased the Senate has given its unanimous support of this amendment. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

Mr. LEVIN. Object.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. There is a quorum call in progress.

Mr. REID. I object.

The legislative clerk continued with the call of the roll.

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

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

Mr. STEVENS. I ask unanimous consent that the quorum call be put in effect after I finish this statement. It will take about 5 minutes as in morning business.

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

(The remarks of Mr. STEVENS pertaining to the introduction of S. 1159 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I ask that Senator REED be recognized to talk about the bill for 10 minutes and that then the quorum call be reinstated.

The PRESIDING OFFICER. Is there objection?



Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

PRIVILEGE OF THE FLOOR

Mr. REED. Mr. President, as a preliminary matter, I ask unanimous consent that Herb Cupo, a fellow in Senator ROBB's office, and that Sheila Jazayeri and Erin Barry of Senator JOHNSON's staff be granted floor privileges during the debate.

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

Mr. REED. Mr. President, I rise today in support of S. 1059, the fiscal year 2000 defense authorization bill. As a new member of the Senate Armed Services Committee, I would like to thank Chairman WARNER and Ranking Member LEVIN for their leadership on this legislation and, also, the subcommittee chairmen and ranking members who have been very helpful. The staff of the committee has also given us able support and assistance throughout this process.

This bill represents a significant increase in funding for national defense, \$288.8 billion. This is an \$8.3 billion increase over the request of the Administration. I must admit that although I recognize the need for increasing defense spending, this is a substantial increase that puts tremendous pressure on other priorities of the nation. Nevertheless, I think at this time in our history it is important to reinvest in our military forces to give them the support they need to do the very critical job they perform every day to defend the United States.

I am also pleased that, given this increase, the committee has very wisely allocated dollars to needs of the services that are paramount. We have been able, for example, to increase research and development by \$1.5 billion. In an increasingly technological world, we have to continue to invest in research and development if our military forces are going to have the technology, equipment and the sophisticated new weapons systems that they need to be effective forces in the world.

In addition, we have added about a billion dollars to the operation and maintenance accounts. These are critical accounts because equipment needs to be maintained and our troops need to be trained. All of these operations are integral parts of an effective fighting force, and we have made that commitment.

In addition, we have tried with those extra dollars to fund, as best we can, the Service Chiefs' unfunded requirements. Those items they have identified—the Chiefs of Staff of the Army, Air Force, CNO of the Navy—are critical systems they think are vital to the performance of their service's mission.

In addition, we have also looked at and dealt with a very critical problem, and that is recruitment and retention of the military forces. We are finding ourselves each month, in many services, falling behind our goals for enrolling new enlistees to the military serv-

ices and retaining the valuable members of the military services coming up for reenlistment.

This bill, which incorporates many provisions of S. 4, increases pay by 4.8 percent and significantly changes the retirement provisions that were adopted in the 1980s to more favorably represent a retirement system for our military. It also will incorporate the provisions of Senator CLELAND's bill with respect to Montgomery G.I. bill benefits, making them more flexible for military personnel so they can be used for a spouse or child. This is a very important development, not only because of the substance, but also in the fact that it represents that type of innovative thinking about dealing with the problem of recruitment and retention, not simply by doing the obvious, but something that is innovative and, in the long term, helpful. I commend the Senator from Georgia for his great leadership on this issue.

What we are also recognizing here is that among the quality of life issues that affect the military is the issue of health care. I am pleased to note that we have attempted to deal with a nagging problem with the military, and that is the difficulty of obtaining assistance regarding the TriCare system—that is the HMO, if you will, that military families and personnel use. We have heard numerous complaints about TriCare. Indeed, they are many of the same complaints we hear about civilian HMOs from constituents back home.

It is interesting to note that this legislation incorporates an ombudsman program for TriCare. There will be an 800 number where a military person can call with a complaint, with a question, or with a concern, and we will have an individual at that number who will help the person negotiate and navigate through the intricate system of managed care. This is such an interesting program, and, indeed, we are working on this in the context of civilian health care. Senator WYDEN and I introduced legislation to create an ombudsman program for all managed care in the United States. Our program would authorize States to set up ombudsman programs to assist our constituents in dealing with problems just as real and just as complicated as problems facing military personnel in the TriCare system.

I hope that our unanimous support of this provision today in this legislation will be a beacon of hope as we consider managed care reform on this floor in the days ahead so that we can, in fact, adopt an ombudsman provision for our civilian programs as well as our military TriCare program.

I am also pleased to note that we have actively supported the non-proliferation provisions in this legislation.

The Cooperative Threat Reduction program is absolutely essential to our national security. We authorize \$475 million, an increase of \$35 million.

The crucial area of concern obviously is the stockpile of nuclear weapons in the newly independent states of the former Soviet Union. We want to make sure that they safeguard that system. We want to also make sure that we can work with them to dismantle those systems which will lead both to their security and our security and the security of the world.

I am somewhat regretful, however, that the Senate chose to table Senator KERREY's amendment which would strike the requirement that the United States maintain strategic force levels consistent with START I until START II provisions come into effect. We all agree that the United States needs to maintain a robust deterrent force, although I argue that this can be best accomplished at the START II level. Mandating that the United States maintain a START I level is another example of how we sometimes overmanage and hobble the Department of Defense. I think we can, and should have, adopted the amendment of the Senator from Nebraska, Senator KERREY. It would have been a valuable contribution to this overall legislation.

We also are fortunate that we have in fact pushed ahead on another provision which touches on our nuclear security and a strategic posture, and that is the approval of the decision of the Department of Defense to reduce our Trident submarine force from 18 ships to 14 ships. That is a step in the right direction towards the START II level.

I am also pleased that this bill will authorize funding to begin design activity regarding the conversion of those four Trident ballistic nuclear submarines to conventional submarines which are more in line with the current situation in the world. In fact, when I have talked to commander in chiefs throughout the world, they say they are continually asked to use those submarines for conventional missions. This will give us four more very high quality platforms to use in conventional situations. I think that is an improvement, both in our strategic posture in terms of nuclear forces and also in terms of our conventional posture.

I am, however, also disappointed with respect to another issue. And that is the failure to adopt a base closing amendment as proposed by Senator MCCAIN and Senator LEVIN. We are maintaining a cold war infrastructure in the post-cold-war world. We reduced our forces but we can't reduce our real estate. It is not effective.

Until we give our Secretary of Defense and our military chiefs the flexibility in the base closing process to identify and to close excess military installations, we will be spending money that we don't have. And we will be taking that money from readiness, from modernization, and from our forces in the field. They do not deserve that reduction in resources, but in fact deserve the shift of those resources from real estate that is excess to the

real needs of our fighting forces. The real needs are taking care of their families, being ready for the mission, and having equipment to do the mission. And every dollar that we continue to invest in resources and installations that we don't need is one dollar less that we don't have for the real needs of our soldiers, sailors, airmen and marines who are out in harm's way standing up and protecting this great country.

I hope we can pass a base closing amendment. I am encouraged that we have more support this year than last year. I hope that we can do so, because it is the one way we cannot only eliminate excess space but also do it in a way that is not political. I know there have been many charges on this floor about politicization. As I hear these charges and these arguments against base closings, I fear that we are the ones that are the issue, that we are the ones that are letting politics get in the way of national security policy. The longer we do that, the more detrimental will be our impact upon the true interests of the country and the needs of our military forces.

Again, let me say in conclusion that this effort, led by Senator WARNER and Senator LEVIN, by the ranking Members, and the Chairpersons of the subcommittees and assisting agencies, results, I think, in excellent legislation. I encourage all of my colleagues to support this bill.

I yield the floor.

I note the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I have a unanimous consent request that I will propound at this time. I do think the issue which has been before the Senate is a very important issue. I have shown my interest and my concern regarding security and more reports with regard to China, satellite technology, and security of our labs. We have added a significant amount of language into this bill. I also think an important part of making sure we have secure labs in the future and that the administration is handled properly will involve reorganization at the Department of Energy. Obviously, what is now in place is not working. But this is not about organization; this is about security.

I ask unanimous consent that there be 1 hour for debate to be equally divided on amendment No. 446, the amendment by Senators KYL, DOMENICI, and others; following that time, the Senate proceed to vote on or in relation to the amendment, with no amendments in order prior to the vote.

I might add before the Chair rules, this agreement is the same type of

agreement that we have been reaching for dozens of amendments throughout the consideration of the DOD bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. LOTT. I ask consent that a vote occur on or in relation to this amendment with the same parameters as outlined above, but the vote occur at a time to be determined by the majority leader after consultation with the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. I inquire of the assistant Democratic leader, is the Senator objecting because he does not want a direct vote on the amendment No. 446, or is there some other problem with that request?

Mr. REID. I say with the deepest respect for the majority leader, I have spent considerable time here this afternoon indicating why I think this is the wrong time for this amendment. I have stated there are parts of the amendment that I think are acceptable and agreeable to the minority, but this is not the time for a full debate on reorganizing the Department of Energy. This is on the eve of the recess for the Memorial Day weekend. We have had no congressional hearings; we have not heard from the Secretary of Energy, except over the telephone. This is not the appropriate way to legislate.

For these and other reasons, I ask there be other arrangements made so that we can proceed to this most important bill, the defense authorization bill.

Mr. LOTT. Mr. President, in light of that objection, I ask consent that when the Senate considers H.R. 1555—that is the intelligence authorization bill—following the opening statement by the manager, Senator KYL be recognized to offer an amendment relative to national security at the Department of Energy; I further ask consent that if this agreement is agreed to, amendment No. 446 be withdrawn, following 60 minutes of debate to be equally divided between Senators KYL and DOMENICI and REID and LEVIN, or their designees.

Mr. REID. Reserving the right to object, and I shall not object, I do say to the majority leader, I appreciate on behalf of the minority, very much, this arrangement being made. This we acknowledge is important legislation. It is an important amendment, one that deserves the consideration of this body, I think, at an appropriate time. As indicated, H.R. 1555 will be the time we can fully debate this issue.

So I say to the sponsors of the amendment, Senators KYL, DOMENICI, MURKOWSKI, we look forward to that debate and express our appreciation for resolving this most important legislation today. There is no objection from this side.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. Mr. Leader, would you take the time you have allotted to the two of us, the Arizona Senator and myself, and add Senator MURKOWSKI, equally divided?

Mr. LOTT. I will so amend my request.

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

Mr. LOTT. Mr. President, in light of this agreement, then we will continue. The managers have some work they need to do with regard to some amendments that are still pending. During this 60 minutes of debate, I hope that can be resolved. We are expecting that final passage on the Department of Defense authorization bill would occur this evening, hopefully before 8 o'clock. If we can make it any sooner than that, certainly we will try to, but 8 o'clock is still our goal.

Just one final point. I must say, I do not like having to pull aside this amendment. I thought we should have full debate, that it was a very important amendment and we should have had a vote on it. But we will have an opportunity. This is an issue that is important. It does go to the fundamental question of security at our energy and nuclear labs. But I think this Department of Defense authorization bill is the best defense authorization bill we have had in several years. A lot of good work has been done and I thought it would not have been wise to leave tonight without this Department of Defense authorization bill being completed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank both leaders for arranging for this bill to go forward now.

Senators will recall, pursuant to an earlier unanimous consent, we asked Senators to send to the desk such amendments and file them, as have not been as yet cleared by the managers. We are continuing to work on those amendments, but we cannot guarantee we will be able to include all of them into the package.

So once we finish this debate, it is the intention of the managers to move to third reading unless Senators come down with regard to these amendments that are pending at the desk.

I will be on the floor, as will Senator LEVIN, continuously to try to work out as many as we possibly can. But it is essential, as the majority leader said, we try to vote this bill at 8 o'clock right now.

Mr. LEVIN. If the Senator will yield, I concur with his suggestion that those who have amendments that have not been cleared come over. We do not want to raise false hopes that we will be able to clear many more of them because we have cleared, I believe, a goodly number.

Mr. WARNER. There were about 40.

Mr. LEVIN. We are doing the best we can, but it is going to get more and more difficult to clear additional amendments. We have, I believe, cleared about 25 of the 40, roughly, that were sent to the desk. We just may not be able to clear many more because of differences on both sides.

Mr. WARNER. But we both want to be eminently fair to our colleagues. The bulk of the amendments remaining at the desk are ones that we, at this time, either on Senator LEVIN's side or my side, find unacceptable.

Mr. LEVIN. At this moment that is correct. We are going to do our best to see if we cannot get a few more to be acceptable, but it is getting difficult.

Mr. WARNER. I thank the Chair and yield the floor.

AMENDMENT NO. 446

The PRESIDING OFFICER. Who yields time on the pending Kyl amendment? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I would greatly appreciate it if you notify me when I have used up 8 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. DOMENICI. Mr. President, I first want to say how sorry I am at the treatment of this amendment, the first major, significant effort to put our nuclear weapons development house in order and stop the espionage we have been hearing about. The American people are now very fearful of the consequences of this situation. There can be all the talk the other side wants that the Secretary of Energy is going to fix this. The truth of the matter is, the Secretary of Energy is lobbying very hard against this, even calling the President about it. I think it is because the Secretary wants to fix it himself.

As good a friend as I am of his, and as complimentary as I am about his work, the truth of the matter is he cannot fix what is wrong with the Department of Energy as it pertains to nuclear weapons development and maintenance.

Second, he cannot correct the lack of accountability among those various elements of the Department that are charged with security transgression activities. It is impossible under the current structure of the Department.

Some have said this is being done too quickly with not enough notice. One of my fellow Senators was saying the Chinese did not give us very much notice when they set about to steal our secrets. We already know the right hand doesn't know what the left hand is doing. We already know about that. It is not going to get better until we decide to change things dramatically and raise, within the Department, the concern about the tremendous value of nuclear secrets and nuclear weapons development information. It cannot any longer be dealt with in the same way we deal with all the other things in the Department of Energy. There are hun-

dreds of energy issues in that Department that take up the same time of the same people, the same regulators who are supposed to be concerned about nuclear weapons. That must stop. Sooner or later something like we proposed here is going to take shape.

I hear some have said it is the status quo. It is the opposite of the status quo. I understand our Secretary has said it is the status quo. It is the very opposite of it. I understand some have said it gives the nuclear part of this, the nuclear weapons people, total control where they are not responsible to anyone. That is not true. The Secretary is still in charge. The truth of the matter is, if we made them a little less responsible for all the goings on in this monster department, we would all be better off. So in that regard, we will take some credit for that.

There are others who suggest this has not previously been thought of in this way. I want to read from a 1990 report of the Defense Committee in the House.

We concur with the recommendation of the Clark task force group to "strengthen DOD's management attention to national security responsibilities." These steps should include raising the stature of nuclear weapons programs management within DOE, for example by establishing a separate organizational entity and administration with a clearly enunciated budget, reporting directly to the Secretary.

That is precisely what we have done.

I want to close tonight by saying this issue will be revisited. We can say to the Secretary and the Democratic whip, and those on that side who would not let us vote—who did not bother to try to amend this, just decided they would threaten a filibuster and be prepared to do it—that they have not seen the last day of this approach. Because it is imperative, if our country is going to do justice to the future and be fair with our children and their children, we cannot continue down the path we have been on with reference to nuclear weapons and nuclear weapons design and development. We must do better.

If you were to design a system calculated to give the most important and most effective part of the Department the least attention, that is what you would do. You would do it like we are doing it.

Or if you were to decide that the most important function for our future should be treated along with other functions that are rather irrelevant to our future, you would design this Department and you would be here fighting this amendment because you would have that situation that I just described right on top of the most important function of the Department of Energy.

So, with a lot of care and attention, I worked on this. I will continue to work on it. I know a lot about it, but I do not assume that I know more than other people. We ought to all work on it. But I suggest to the President and to Secretary Richardson, they better get with suggesting to Congress some real ways that we can be involved in

stopping what has been going on in the Department of Energy on both fronts, the sabotage and the stealing of secrets, which we will never correct unless we change the structure, making the nuclear weapons system the most important function of the Department of Energy, bar none, second to none, at the highest elevation, not fettered or burdened by all these other functions of the Department.

If you can imagine that the bureaucracy within that Department worries about—I said a couple times on the floor—refrigerators and their ability to be more energy efficient, and those who worry about that are the same group of people who worry about the same kind of things as pertains to nuclear energy. They do not belong in the same league. They should be separated.

Our suggestion, for accountability and more direct reporting, more opportunity for committees in Congress and the President himself to know when security violations are occurring and are serious, must at some point be adopted.

Frankly, none of this is said with any idea that my good colleague, Senator BINGAMAN, is anything but totally concerned about this issue. He has different views than I tonight, but clearly I do not in any way claim that he has anything but the highest motives in his lack of support for the amendment on which I have worked.

Neither do I think the distinguished minority whip in his remarks should have said about this amendment that it will put the national security at risk and that it will put our nuclear weapons and development of them at risk. He should retract that statement and take it out of there. If anything, any management team would say it would improve the situation.

I yield the floor and reserve my 2 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I do not know if the other proponents of the amendment want to speak at this time. I gather they do not since they are not on the floor, so I will take a very few minutes of our time and make a few moments.

First of all, I think this is a good result we have come up with that allows for a reasoned and deliberate consideration of this proposal. I certainly repeat what I said earlier today, which is, I question nobody's motives. I am sure everyone's motives are the same as mine, and that is, how do we improve the security of our nuclear weapons program and, at the same time, maintain the good things about our nuclear weapons program in our National Laboratories in our Department of Energy.

I, for one, started this from the proposition that the Stockpile Stewardship Program, which is the program that is essentially responsible for maintaining

our nuclear deterrent, has been a success. That is my strong impression, and the suggestion that it has been fettered and burdened—I believe that is the language that was used—by other activities in the Department, I do not believe is true.

My strong impression is that the Stockpile Stewardship Program is alive and well, that our nuclear deterrent is secure and reliable, and that in fact there is a lot we can point to with pride in that regard. Clearly, there have been security lapses. Clearly, classified information has been stolen, and we need to put in place safeguards against that ever recurring. I favor that, and I believe we have some strong provisions in this underlying bill which will accomplish that and will move us in the direction of accomplishing that.

Maybe there should be more. I am not totally averse to considering reorganization in parts of the Department of Energy. That may be a very constructive suggestion for us to look into. But I do believe that the way to do it is through hearings.

Hopefully, we can have hearings in the Armed Services Committee. This is the appropriate committee, I believe. I serve on that committee. Perhaps Senator WARNER can schedule some hearings as early as the week after next when we return, if there is a sense of urgency, and I share a sense of urgency about doing all that is constructive to do.

I am not in any way arguing that we should not look into this issue. I believe if we have hearings, we should give the Secretary of Energy the chance to testify. I do believe that if we are going to embark upon a major reorganization of the Department of Energy, the logical thing to do is to ask the Secretary of Energy his reaction to our proposed reorganization. That is the kind of responsible, deliberate action that our constituents expect of us. That is what the Secretary of Energy has a right to expect. That is what the President expects. I hope that is the course we follow.

I will briefly respond to the point my colleague, Senator DOMENICI, made about a 1990 report by the Clark task force. I am not personally familiar with that report, but I point out to my colleagues that in 1990 the Secretary of Energy was Admiral Watkins. That was not a Democratic administration; that was a Republican administration. Admiral Watkins was a very, very qualified individual to be our Secretary of Energy. His credentials for line management and command and control and maintaining military security cannot be questioned.

Admiral Watkins, of course, evidently did not think the recommendations from that Clark task force alluded to should be followed up and implemented, and did not do that. There have been a lot of capable people in the Department of Energy, some in the position of Secretary, who have spent substantial time looking at this prob-

lem. They have made some improvements. Perhaps more are needed, and I certainly will embrace additional improvements if that is the case.

I do, once again, make the point I made earlier today, and that is that we do not want to do something that has not been thoroughly discussed, has not been thoroughly analyzed, and which can have very, very adverse consequences, unintended adverse consequences, on the strength of our National Laboratories, on our ability to retain, to maintain, and to recruit the top scientists and engineers in this country to work on these programs and to work in these laboratories.

Mr. President, I yield the floor and reserve the remainder of my time to see if other of my colleagues wish to speak on this issue as well.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am really appalled at the state of affairs on the floor. Earlier today, I asked that an order for a quorum call be rescinded in order to discuss further the Kyl amendment which Senator DOMENICI, Senator KYL, and I have participated in developing. I was really disappointed we were denied that opportunity. I am pleased we have this limited time available to us.

When we offered the amendment, we each had 10 minutes. That is not very much time to explain it. I had hoped the minority would have granted more time. I can only assume the minority is very much opposed to a full discussion of the circumstances surrounding the greatest breach of our national security, as evidenced by the Cox report which came down yesterday.

I am further shocked that the administration has succeeded in temporarily derailing this amendment. And that is what they have done; they have derailed the amendment. The administration seems to be more concerned about how the bureaucracy within the Department of Energy is organized than whether the national security of the United States is protected. We had an obligation prior to this recess to initiate a corrective action within the Department of Energy. The minority has precluded us from proceeding with that opportunity today.

As chairman of the Energy and Natural Resources Committee, I have held seven hearings. These hearings have revealed the shocking, dismal state of security at our weapons labs. Those on the other side do not want to repair it now; they want to study. How long have they studied it? It has gone through at least four Secretaries, that we know of. It has gone back a decade. Why, for the life of me, do we delay now? I don't know.

The pending Kyl amendment would have provided some assurances to the Congress and the American people that this will not happen again. This amendment was about accountability—

accountability by the Department of Energy, accountability by the Department of Energy laboratories, accountability by the Secretary of Energy, accountability by the President—because it would provide, if you will, reporting not just to the Secretary but to the Congress and to the President.

This would have provided accountability to the people of the United States. They are entitled to it. But not now. The administration and the minority have succeeded in derailing it.

The opponents of the amendment claim that it would make the DOE, the Department of Energy, bureaucracy unworkable. Well, I have news for you. Unworkable? It is already unworkable. That bureaucracy is so unworkable, it has allowed all our secrets—all our secrets—that we have spent billions of dollars on, to simply pass over to the Chinese, and perhaps other nations as well.

The Department of Energy's bureaucracy has proven time and time again that no matter how diligent any individual Secretary of Energy is, the bureaucracy can outwait the Secretary, the bureaucracy can ignore the Secretary, the bureaucracy can do whatever it pleases without fear of any consequences.

Let me just give you one example.

In 1996, the Deputy Secretary of Energy, Charles Curtis, implemented the so-called Curtis Plan. It was a security plan. It was a good plan. It was a plan to enhance security at the DOE laboratories.

But in early 1997 he left the Department of Energy. And guess what. Not only did the Department of Energy bureaucracy ignore the Curtis Plan, the DOE bureaucracy did not even tell the new Secretary about the Curtis Plan.

I have had the opportunity in hearings to personally ask the new Secretary if he was familiar with the Curtis Plan. The specific response was: Well, it was never transmitted.

Why wasn't it transmitted?

Well, we don't know. We just have fingers pointing the fingers back and forth.

I certainly commend Secretary Richardson for his efforts to improve security. He has improved security. But the plans, the traditional Department of Energy security plans, seem to have the life of a fruit fly.

The loss of our nuclear weapons secrets is just too important to ignore or to trust to the bureaucracy of an agency that has time and time again proven that it simply cannot be trusted, because the bureaucracy does not work, the checks and balances are not there.

So I am extremely disappointed that the Secretary has said in a letter he will demand that the President veto the bill because Congress is taking action—Congress is taking action—to fix the problem. Can you imagine that? We are taking action to fix the problem, and they are saying it is too hasty, we should not fix the problem.

This is just part of the problem. This amendment is just part of the answer.

But at least we are trying to do something. The Democrats on the other side say: Oh, no, you're too early.

The pending amendment would have created accountability and responsibility for protecting the national security at the Department of Energy; but not now, as a result of the administration's objections.

The pending amendment would have created three new organizations within the Department of Energy to protect our national secrets; but not now, as a result of objections from the minority and the administration.

The pending amendment would require the Department of Energy to fully inform the President and the Congress about any threat to or loss of national security information; but not now, as a result of the objections of the minority and the administration.

President Clinton will rightfully be able to claim ignorance—claim ignorance—again on what is going on, because he will be ignorant of what is going on.

The amendment would have prohibited anyone in the Department of Energy or the administration from interfering with reporting to Congress about any threat to or loss of our Nation's national security information; but not now, as a result of the objections of the minority and the administration.

The amendment would have required the Department of Energy to report to Congress every year regarding the adequacy of the Department of Energy's procedures and policies for protection of national security information and whether each DOE laboratory is in full compliance with all the DOE security requirements; but not now, as a result of the objections of the minority and the administration.

The amendment would have required each Department of Energy laboratory director to certify in writing whether that laboratory is in full compliance with all departmental national security information protection requirements; but not now, as a result of the objections of the minority and the administration.

In short, this amendment would have gone far—not all the way—but it would have gone far in preventing further loss of our nuclear weapons secrets to China; but not now—well, it is evident—as a result of the objections by the minority and by the administration.

I suggest that the administration has made a tragic mistake, that the minority has made a tragic mistake. The American people expect a response from the Congress, the Senate, now in this matter—not next week or next month.

Mr. President, I reserve the remainder of my time.

I ask what the time remaining is.

The PRESIDING OFFICER (Mr. SESSIONS). Two minutes 13 seconds.

Mr. MURKOWSKI. I thank the Chair.

I believe there are other Senators wishing to speak at this time.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, might I inquire, was the time on the Republican side equally divided, 10 minutes each, among Senators MURKOWSKI, DOMENICI, and myself?

The PRESIDING OFFICER. The Senator is correct.

Mr. KYL. In that event, I suggest that Senator MURKOWSKI yield the remainder of his time to Senator HUTCHINSON—he has comments to make—unless Senator MURKOWSKI has further comments.

Mr. MURKOWSKI. I will need another 30 seconds to a minute at the end. You have 10 minutes.

Mr. KYL. Mr. President, let me yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. HUTCHINSON. I thank Senator KYL and Senator MURKOWSKI for their efforts in this area.

I, along with every Member of this body, received the three volumes of the Cox report. I share the absolute shock at the indescribable breach of our national security at our labs. I think it is inexcusable that we would leave for the Memorial Day recess without taking even this step.

Senator KYL has presented to us—and I am glad to cosponsor the amendment—an amendment that makes eminent good sense. It calls for the head of DOE counterintelligence to report immediately to the President and the Congress on any actual or potential significant loss or threatened loss of national security information. That is an indisputable need. It is clear in the Cox report that that was one area of failure.

For the Democrats, at a time when this Nation is at war, to threaten that they are going to block, through filibuster, a national security reauthorization bill because they do not want us to debate an amendment to address this shocking failure of security, I think is inexplicable, disappointing, and is going to be hard to explain to our constituents.

I wish we had debated the Kyl amendment, had enough time to spend on it, have a vote on it, and take the kind of step Senator KYL has proposed in this amendment.

I leave with disappointment and dismay that such a filibuster would be threatened on an amendment that is so important to the security of the United States.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from New Mexico has 9 minutes 30 seconds. The Senator from Michigan has 15 minutes.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator LEVIN's time be assigned to me.

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

Mr. BINGAMAN. Mr. President, let me respond to a few of the points that have been made. Then I will yield, because I know the Senator from Arizona, who is the prime sponsor on the amendment, is here and wishes to speak.

The suggestion that we are leaving without knowing anything about security in our National Laboratories in the Department of Energy is just wrong.

I am on the Armed Services Committee. I participated in the drafting of the language that is included in this bill. We have 24 pages in the defense authorization bill which is the best—the best—we could come up with in the Armed Services Committee to deal with this problem of security and put in place more safeguards.

We start on page 540, establishing a Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities. We go on; that commission is established. We move on to increase the background investigations of certain personnel at the Department of Energy facilities. We move on to requiring a plan for polygraph examinations of certain personnel at the Department of Energy facilities. We then go on to establish civil monetary penalties for violations of the Department of Energy regulations related to safeguarding and security of restricted data.

We have a moratorium on lab-to-lab and foreign visitors and assignment programs unless there is a certification made by the head of the FBI, the head of the CIA, the Secretary of Energy himself as to the fact that safeguards are in place.

We increase penalties for misuse of restricted data. We establish the Office of Counterintelligence in statute, which is essentially a third of the amendment that the Senator from Arizona is proposing. So two of the three parts of the amendment the Senator from Arizona and my colleague from New Mexico are proposing are included in this amendment.

It is just not accurate to say we are leaving here without having done anything. We also provide for increased protection for whistle-blowers in the Department. We provide for investigation and remediation of alleged reprisals for disclosure of certain information to Congress. We provide for notification to Congress of certain security and counterintelligence failures at the Department of Energy facilities. All of these provisions are in the bill the way it now reads.

I say again what I said before: Maybe there should be more. I hope very much we will have some hearings in the Armed Services Committee, perhaps on the Energy Committee. I know my colleague from Alaska, the chairman of

the Energy Committee, expressed his great concern that we are not moving ahead this afternoon on this. Since we have already had seven hearings on this China espionage issue, we should go ahead and have an eighth hearing, hopefully the week after next, and we should look at this proposal or similar proposals to see what can be done.

One other minor item: There has been reference made to the failure to implement the recommendations that Charles Curtis, our former Under Secretary, made with regard to security. I agree, this was a failing. The information was not properly passed from one group of appointed officials to the next group of appointed officials when they came into office. That is a very unfortunate lapse. Under this amendment, Secretary Curtis would have been stripped of any authority over the nuclear weapons program. It would be prohibited for the Secretary of Energy to allow the Under Secretary any authority over that program under this proposal.

One of our outstanding Secretaries of Energy, since I have been serving in the Senate, has been Secretary Watkins. He is known for his attention to the detail of management and administration. During the time he was Secretary of Energy, he issued a great many management directives or "notices," as he called them. I have here a notebook containing 37 of these management directives that Secretary Watkins issued. They are all related to the organization and management of the Department of Energy. None of them contain the provisions or anything like the provisions that are contained in here.

I hope when we have hearings in the Armed Services Committee, in the Energy Committee, in whatever committee the majority would like to hold hearings, let's call Secretary Watkins, Admiral Watkins, to come and explain to us his view of this proposal. Surely we cannot question his commitment to dealing with safeguards and security and with the problem of Chinese espionage. If some of my colleagues want to imply that Members on the Democratic side are less than concerned, let us call Secretary Watkins and see whether he is less than concerned about some of these issues.

I am persuaded that he is very concerned. I am persuaded that all of my colleagues in the Senate, Democrat and Republican, are very concerned. We need to do the right thing. We need to be sure that whatever we legislate helps, rather than hinders, our ability to deal with this problem.

I yield the floor at this point and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, might I just address the Senate to say that Senator LEVIN and I are still working

with regard to the managers' package and reviewing such amendments at the desk when Senators come and discuss them. It is the intention of this Senator to move to third reading very shortly, just minutes following the debate on the current amendment by the distinguished Senator from Arizona, Mr. KYL.

Mr. KYL. Mr. President, is there anybody else on the Democratic side who wishes to speak at this point?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the time now is being controlled by Senator BINGAMAN. I ask him for 1 minute.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BINGAMAN. I yield the Senator such time as he wants.

Mr. LEVIN. Mr. President, Senator BINGAMAN has just put in the RECORD the extensive actions that are taken in this bill in order to enhance security at these labs, actions which were taken after some very thoughtful debate and discussion by the Armed Services Committee. Senator BINGAMAN has outlined those for the RECORD and for the Nation.

I want to put in the RECORD at this time the summary of the amendment that we adopted here today. Senator LOTT offered an amendment earlier today. It was modified somewhat. In essence, it does some of the following things:

First, it requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of export control laws. It would require the President to notify Congress whenever an export license or waiver is granted on behalf of any person who is the subject of a criminal investigation. It would require the Secretary of Defense to undertake certain actions that would enhance the performance and effectiveness of the Department of Defense program for monitoring so-called satellite launch campaigns. It would enhance the intelligence community's role in the export license review process. It proposes a mechanism for determining the extent to which the classified nuclear weapons information has been released by the Department of Energy. It proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees.

These are a long list of actions which are now in this bill, that started off in this bill from the Armed Services Committee that had been improved on the floor today. To suggest that we are not doing anything relative to trying to clamp down on espionage activities which have been going on for 20 years at these labs, it seems to me, is a total misstatement of what is in this bill that we will be voting on in a few minutes.

I ask unanimous consent that a summary of the Lott amendment, again, slightly modified since this list has

been prepared, but that a summary of the Lott amendment be printed in the RECORD at this time.

Mr. WARNER. Reserving the right to object—I do not intend to—could you describe who prepared the summary?

Mr. LEVIN. This was prepared by Senator LOTT's staff. Again, there were some slight modifications in this, which Senator LOTT agreed to, which I proposed prior to the adoption of the amendment. This, in essence, is the summary of the Lott amendment. This, plus the numerous provisions in the Senate bill that came out of the Armed Services Committee, a commission on safeguarding security, counterintelligence at the facility, background check investigations now going on that had not been taking place, polygraph examinations, monetary penalties to be added to the criminal penalties, moratorium on laboratory-to-laboratory and foreign visitors in assignment programs, counterintelligence and intelligence program activities being organized, whistle-blower protection, notification of Congress of certain security and counterintelligence failures at these labs.

This is a significant effort on the part of the Armed Services Committee. It was supplemented by the full Senate today. I don't think we ought to denigrate this effort on the part of the Armed Services Committee or of the Senate in adopting the amendment we adopted today by just suggesting we are not doing anything because in a few hours prior to a recess, without one hearing on the subject, we are not reorganizing the Department of Energy without even hearing from the Secretary of Energy. I think that suggestion is a denigration of what is in this bill, which was thoughtfully placed in this bill by the Armed Services Committee, and a denigration of the amendment of the majority leader, which we adopted here this morning on this floor.

We should not characterize these kinds of efforts and diminish these kinds of efforts by sort of saying we are not doing anything before we are going home on recess. We are doing an awful lot, and there is more to be done. But we ought to do it in a way that will do credit to this institution, the Senate. We ought to do it promptly after the recess. We ought to do it after a hearing, where the Secretary of Energy is heard. The head of the Department should at least be heard. We received a letter from him today. Do we not want to hear from him prior to reorganizing the Department? That is not thoughtful.

That is not the way to proceed to close the hole. That is a way of precipitously trying to do something and trying to get some advantage from the refusal of others to go along with that kind of precipitous action. But more important, I believe it would denigrate the significant steps that are in this bill, both as it came to the floor and as it was added by the majority leader

with modifications, which I suggested, and that work is significant. It will close, we hope, most of the holes that have been in these labs in terms of trying to protect against espionage for 20 years, where nothing was done until finally last year the President issued a Presidential directive that started the process of tightening up the security at these laboratories.

We should be proud of these efforts. They were done thoughtfully in committee by the majority leader, by Senators on the floor. We should not denigrate them and simply slough them off because there is not a precipitous reorganization of the entire Department 2 hours before the recess, without even having a hearing on the subject and hearing from the Secretary of the Department.

That is more than 1 minute, Mr. President. I ask unanimous consent that the summary of the Lott amendment be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

#### LOTT AMENDMENT SUMMARY

First, this amendment would require the President to notify the Congress whenever an investigation is undertaken of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin. It also would require the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

Second, this amendment would require the Secretary of Defense to undertake certain actions that would significantly enhance the performance and effectiveness of the DOD program for monitoring so-called "satellite launch campaigns" in China and elsewhere.

Third, this amendment would enhance the Intelligence Community's role in the export license review process, and would require a report by the DCI on efforts of foreign governments to acquire sensitive U.S. technology and technical information.

Fourth, this amendment expresses the Sense of Congress that the People's Republic of China should not be permitted to join the Missile Technology Control Regime (MTCR) as a member until Beijing has demonstrated a sustained commitment to missile non-proliferation and adopted an effective export control system.

Fifth, the amendment expresses strong support for stimulating the expansion of the commercial space launch industry here in America. This amendment strongly encourages efforts to promote the domestic commercial space launch industry, including through the elimination of legal or regulatory barriers to long-term competitiveness. The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PRC for launch.

Sixth, this amendment requires the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied.

Seventh, this amendment also would require the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report delivered to the Congress earlier this year.

Eighth, the amendment proposes a mechanism for determining the extent to which classified nuclear weapons information has been released by the Department of Energy.

Ninth, the amendment proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees, versus the OPM.

Tenth, the amendment proposes increased counter-intelligence training and other measures to ensure classified information is protected during DOE laboratory-to-laboratory exchanges.

#### AMENDMENT NO. 458, AS MODIFIED

Mr. WARNER. Mr. President, I send a modification of amendment No. 458 to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 458), as modified, is as follows:

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

#### SEC. 1061. SENSE OF THE SENATE ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) IN GENERAL.—It is the sense of the Senate that the United States as a member of NATO, should not negotiate with Slobodan Milosevic, an indicted war criminal, or any other indicted war criminal with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia

(b) YUGOSLAVIA DEFINED.—In this section, the term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro).

Mr. KYL. Mr. President, will you advise us as to the time remaining?

The PRESIDING OFFICER. The junior Senator from New Mexico has 11 minutes; the senior Senator from New Mexico has 2 minutes; the Senator from Alaska has 2 minutes 13 seconds; and the Senator from Arizona has 8 minutes 25 seconds.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, we have had a lot of conversation here on the floor as we have looked at the examples of finger-pointing. It is apparent also that we have had bungling at the very highest level.

I'd like to share a couple of examples with my colleagues. Why wasn't Wen Ho Lee's computer searched to prevent the loss of our secrets? Because the FBI claims that the DOE told the FBI that there was no waiver. The FBI then assumed they needed a warrant to search.

Well, Wen Ho Lee did sign a computer access waiver. This is the waiver on this chart. I can't tell you how many days of communication it took to get this waiver, because the first explanation was that it didn't exist. When the FBI asked the Department of Energy if there was a waiver on Wen Ho Lee, the Department of Energy examined their records and they could not find a waiver. Here is a waiver signed by Wen Ho Lee, April 19, 1995. It says:

These systems are monitored and recorded and subject to audit. Any unauthorized access or use of this LAN is prohibited and could be subject to criminal and civil pen-

alties. I understand and agree to follow these rules.

There it is. We found it. What is the result? Lee's computer could have been searched, but instead was not searched for 3 long years. There was a waiver the entire time. What is the excuse of the bureaucrats for that? They point to one another.

Then there is the role of the Justice Department. The Justice Department thwarted the investigation by refusing to approve a warrant, not once, twice, but three times. We still have not heard a reasonable explanation. The Attorney General owes to the American people and the taxpayers an explanation as to why it was turned down.

What is frightening, as well as frustrating, is that nobody put our national security as the priority. The FBI and the Department of Justice were more concerned about jumping through unnecessary legal hoops than about preventing one of the most catastrophic losses in history. The events involved throughout the Lee case are not only irresponsible, they are unconscionable.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. BINGAMAN. Mr. President, I agree that there was substantial bungling by various officials and, clearly, that computer should have been investigated. Maybe we ought to have an amendment out here to reorganize the FBI. Maybe that is the solution to this problem, and we can consider it tonight before we leave town. Clearly, there is no disagreement between Democrats and Republicans about the fact that serious problems exist and they need correcting.

The question is, Should we do a major reorganization of the Department of Energy with no hearings, no opportunity for the Secretary of Energy to come forward, and do so here as everyone is trying to rush out to National Airport and fly home? In my view, that is clearly not the responsible way to proceed. Accordingly, we did object to that portion of the amendment. I think that is the right thing to do. After hearings, after consideration and meaningful discussion with the Department and with other experts about how to proceed, we may well find some ways to improve that Department through changes in its organization. If we do find those, I will certainly be the first to support such a proposal. But I do think it is appropriate for us, at this stage, to stay with what we know will help and continue to look for other ways to help in the weeks and days ahead.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I suggest that the example of the FBI and the Department of Energy not knowing that this waiver existed that Senator



MURKOWSKI spoke about is the perfect case of the right hand not knowing what the left hand was doing, and it is precisely what this amendment seeks to correct. There is an old debate technique called the "red herring."

If you can't meet the real argument of your opponent, throw something out there that you can defeat and pretend like that is the issue.

Members of the Democratic side have said, why, there are all kinds of security provisions in this bill. How dare the Republicans suggest that we haven't done anything about security in the bill.

The security provisions in the bill were put there by Republicans. We know full well that we have security provisions in the bill. Virtually every one of them were put there by Republicans. And I am informed that in the Armed Services Committee, Democrats fought many of them. Now they come to the floor very proud of what is in the bill—not having sponsored them, having opposed some of them, but now contend that we have solved the problems, because the Republicans on the Armed Services Committee put some provisions in the bill, and because the Republican majority leader, Senator Lott, brought a whole series of things to the floor. Much of what was quoted by the Democrats came from the Lott amendment. In fact, Senator LEVIN even put into the RECORD a summary of the Lott amendment.

I am glad. These are all very good provisions. Republicans are serious about our national security.

But to suggest that what was done there is the end of it, now we can go home, is to quit way before this problem has been solved.

The Kyl-Domenici-Murkowski amendment is an amendment that seeks to get to the core of the problem. As Senator BINGAMAN said, two-thirds of the Armed Services Committee amendments were incorporated into our amendment. That is true. We did that for stylistic purposes.

What is the problem? It is the remaining one-third. They don't want to get to the core of the problem, which is the organization of the Department of Energy.

Here is what it boils down to: Who do you trust? Do you trust the Clinton administration with the national security of the United States saying: Trust us; we will do the reorganization down here at the Department of Energy. We are going to get this figured out.

Is that who you trust?

I don't think the American people can afford to continue to put their trust in an administration which has known about this problem since 1995, and only in 1999 did it begin to do anything about it because of public pressure. From the management review report of the Department of Energy itself, as recently as last month, it recognized that, "significant problems exist in that the roles and responsibilities are unclear."

That is precisely what we are trying to fix—to get these roles and responsibilities straight.

Only a month before, a congressionally created administration said, "The Assistant Secretary of Defense programs should be given direct line management over all aspects of the nuclear weapons complex." That is our amendment.

The GAO report—a whole list of reports, all highly critical of the management at the Department of Energy and the defense weapons complex.

I finally conclude with this point: The GAO testified that the continuing management problems at the Department "were a key factor contributing to security problems at the laboratories and a major reason why DOE has been unable to develop long-term solutions to the recurring problems reported by advisory groups."

Is that who you want to trust to clean this up and fix it up, and make sure that we don't have any more problems? I think not. I think it is time for Congress to get involved.

What is so amazing to me tonight is that the Democrat minority would hold up the defense authorization bill at a time when we are at war in Kosovo, because they don't even want to debate our amendment. They called a quorum call and wouldn't take it off so that Republican Members couldn't even come to the floor. Senator DOMENICI asked to be allowed to speak on our amendment. He is a coauthor. The minority refused him the opportunity even to speak.

So not only will they not allow us to vote on our amendment, but they won't even allow it to be debated. Yet their ostensible reasoning for opposing it is not because they don't think it has some good ideas in it but because we have to have a lot more discussion and debate about this; we haven't had hearings; we need to talk about this.

We have offered them the opportunity to talk about it, but they don't want to talk about it. They don't want to talk about it because it gets right to the guts of the problem—the Department of Energy has to be reformed. This amendment does that.

The national security of the United States cannot be protected until we do that. And the suggestion of the distinguished minority whip that now is not the time, on the eve of the Memorial Day recess, is astounding. What is more important, that Members get to go home for the Memorial Day recess, or that we act with alacrity to fix the problems of national security at our laboratories?

I am astonished that the Democratic minority would take this kind of cavalier approach to the national security of the United States—we need to talk about it more, but we are not going to let you talk about it. We need to get out of town for the recess. So withdraw your amendment.

Only because the Department of Defense needs the authorization bill are

the authors of this amendment willing to withdraw it at this time.

There is a war in Kosovo. It is irresponsible for the minority to threaten to filibuster this bill until kingdom come while that war is going on, because they don't even want to talk about an amendment that would guarantee the security at our National Laboratories.

This is a sad day for those who are opposing this amendment. It is a sad day when Members of this Senate won't let their colleagues talk about this amendment, won't allow a vote on it, and can't wait to get out of town to brag about whatever it is that they have done, but without doing the unfinished business of protecting the security of our National Laboratories.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent not to take from the time of the debate and to continue to work on the bill.

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

Mr. WARNER. Mr. President, the distinguished Senator from Florida has debated an amendment today. Senator SHELBY and Senator Robert KERREY replied to that debate.

I am now informed that they will consider the amendment of the Senator from Florida at such time as the intelligence bill is brought up, and that basically meets the requirements of the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT  
NO. 447

Mr. GRAHAM. Mr. President, I ask unanimous consent that when the Senate considers H.R. 1555 I be recognized to offer an amendment relative to counterintelligence, and I further ask consent that if this agreement is agreed to that amendment 447 be withdrawn.

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

Mr. GRAHAM. Thank you, Mr. President.

Mr. WARNER. Mr. President, the distinguished Senator from Michigan and I will shortly send a managers' package to the desk. I don't know that that package is ready at this moment. We hope very much to start the final vote before 8 o'clock. There are a number of our colleagues whose plans can be greatly enhanced if we can start this vote as quickly as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Nine minutes 40 seconds.

Mr. BINGAMAN. Mr. President, let me make some comments, and then I will be prepared to yield the remainder of our time. Perhaps I will not be able to with my colleague from Nevada here.

But let me just make a few comments at least, and then return the remainder of the time over to him for any comments he has.

I think that trying to characterize this problem which exists in our Department of Energy and in our National Laboratories as this "administration's problem" rather than all of our problem is just a rewriting of history.

I have a list that, once I have completed my statement, I will offer or ask unanimous consent to add to the RECORD. It is called "Security Concerns at America's Nuclear Facilities," excerpts from GAO Reports, 1980 through 1993.

When you go through this and look at just the titles of these reports, you see that the problems we are debating—the problems of adequate safeguards for nuclear secrets, and for these facilities—have been with us a long time—long before I ever came to the Senate.

From a GAO report, March of 1980: Adequate safeguards to prevent the theft or diversion of weapons usable material from commercial nuclear fuel reprocessing plants have not yet been deployed.

May, 1986: DOE has insufficient control over nuclear technology exports.

March of 1987: DOE reinvestigation of employees has not been timely.

August of 1987: Department of Energy needs tighter controls over reprocessing information.

December of 1987: DOE needs a more accurate and efficient security clearance program.

June of 1989: Better controls needed over weapons-related information and technology.

These are the titles of GAO reports. These are all GAO reports that were issued in the 1980s before this administration ever came to town, before this administration was ever heard of.

To try to say this is a problem that this administration created and that now, this afternoon, we have to get this problem solved because otherwise we would be in derogation of our duty, I think is just clearly wrong.

There are significant improvements in security and safeguards of secure information and classified information in this bill and there are additional safeguards put in place in the Lott amendment which we all agree to.

I was at the Armed Services Committee markup. I can say without qualification that the Democrats did not object to the provisions that were offered and that are now included in this bill. I believe that we Democrats—and I was one of them in that committee markup—substantially improved the provisions which wound up in the final bill. I think we worked with the majority, we tried very hard to be constructive and to come up with proposals that were workable and that were effective in improving security. I think we have done that.

I look forward to going through the very same process on this question of

reorganization of the Department of Energy. We should consider the provisions in this amendment which relate to reorganization of the Department of Energy and we should do so with hearings. We can have them as soon as the week after next. I am happy to stay next week and have them, if the Senator is suggesting we are trying to leave town without doing our duty to the country. I am happy to have them next week in the committees I serve on. If the Energy Committee and the Armed Services Committee schedule hearings next week, I will be there and I will do all I can to help make whatever legislative provisions we propose out of those committees be constructive and effective in improving the security of our National Laboratories and our Department of Energy, generally, and improving the organization of that Department.

It is highly improper, in my view, to try to legislate something here without allowing the Secretary of Energy to testify, without allowing him to give his input into it, and without looking at how other Secretaries of Energy feel about some of these major, far-reaching changes as well.

We should do this right. We should do it quickly. We should take whatever action we determine makes sense for the country's good, and we should not play politics with this issue. This is not a Democrat or Republican issue. We are all very concerned about our national security. We are all anxious to do the right thing—Secretary Richardson as much as anyone in this body, and we need to ask his advice. We need to talk to all the experts we can find. I hope we can come up with some good solutions here.

I yield the floor.

Mr. REID. Parliamentary inquiry. How much time remains on this unanimous-consent request?

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes, the Senator from Arizona 1 minute 42 seconds.

Mr. REID. Mr. President, the junior Senator from Arizona, in my absence, talked about how I had improperly held up this bill. I complied with every Senate rule. The rules of the Senate have been in effect for a long time.

I think what we should understand is that it appears there was some kind of game playing here, that late in the day this amendment would be offered and because people wanted to go home—and I am not one of those Senators who had some desire to rush out of here; I had no airplane today—there would be a capitulation to this amendment which was filed late in the game. It was filed at a time when there were no congressional hearings, there had been no time to review this responsibly. The minority would not cave in to that.

We are not talking about Memorial Day recess. We are talking about good legislation. This is not good legislation. We have acknowledged that there

are certain pieces of this amendment we are willing to accept, but the rest of it we are not. We are not going to be compelled to do so. We complied with the Senate rules, as we always try to do.

We shouldn't be dealing with this on a partisan basis. The Cox-Dicks report dealing with the espionage at one of the National Laboratories was done on a bipartisan basis. If we are going to do something to change the way the Department of Energy is administered, it should be done on a bipartisan basis.

There may be feelings hurt in this matter; certainly my feelings are not hurt. I did what was appropriate to protect the prerogatives of a Senator and a minority. That is a reason the Senate has fared so well over the two centuries or more that it has been in existence—that the rights of the minority can be protected. This is the body to do it. We did protect our rights.

I look forward to the day when we can debate this again. I think it will be an interesting debate.

I have said this before: I commend and applaud the managers of this bill. They have done an outstanding job to get rid of this very, very important, big piece of legislation. They could not have done it with this amendment pending.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the assistant Democratic leader. Senator LEVIN and I have been able to move this bill, but it is because of the cooperation we have had from the leadership and all Senators. This is my 21st armed services authorization bill and Senator LEVIN's 21st. I don't know of a smoother one. We have had few quorum calls and excellent cooperation.

I wish to say to my distinguished friend and assistant Democratic leader, the timing of the bringing up of the Kyl-Domenici amendment I am largely responsible for. I worked with them and said I recognized that this could begin to slow the bill down. It wasn't a last-minute type of thing.

Mr. REID. I accept that explanation, but I think it underscores what I said about the capabilities of the two managers of this bill. Had this come up earlier, this bill would not be completed now.

Mr. WARNER. I thank the leader, and I certainly want to pay my respect to Senator LOTT. He has worked on this issue knowing the interest of all parties relating to this important amendment. He has worked with us for some several days on it.

Mr. President, we are ready to begin to wrap things up.

AMENDMENTS NOS. 482 THROUGH 536, EN BLOC

Mr. WARNER. On behalf of myself and the ranking member, the Senator from Michigan, I send 56 amendments to the desk. This package of amendments is for Senators on both sides of the aisle and has been cleared by the minority.

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

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, proposes amendments Nos. 482 through 536, en bloc.

The amendments are as follows:

#### AMENDMENT NO. 482

(Purpose: To add an exception to a requirement to reimburse a mentor firm under the Mentor-Protege Program)

On page 273, line 20, strike "a period;" and insert "...", except that this clause does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.;"

#### AMENDMENT NO. 483

(Purpose: To provide for the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York)

On page 417, in the table preceding line 1, strike "\$12,800,000" in the amount column of the item relating to Rome Laboratory, New York, and insert "\$25,800,000".

On page 420, between lines 17 and 18, insert the following:

#### SEC. 2305. CONSOLIDATION OF AIR FORCE RESEARCH LABORATORY FACILITIES AT ROME RESEARCH SITE, ROME, NEW YORK.

The Secretary of the Air Force may accept contributions from the State of New York in addition to amounts authorized in section 2304(a)(1) for the project authorized by section 2301(a) for Rome Laboratory, New York, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York.

#### AMENDMENT NO. 484

(Purpose: To provide for the repair and conveyance of the Red Butte Dam and Reservoir, Salt Lake City, Utah, to the Central Utah Water Conservancy District)

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

#### SEC. 2832. REPAIR AND CONVEYANCE OF RED BUTTE DAM AND RESERVOIR, SALT LAKE CITY, UTAH.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army may convey, without consideration, to the Central Utah Water Conservancy District, Utah (in this section referred to as the "District"), all right, title, and interest of the United States in and to the real property, including the dam, spillway, and any other improvements thereon, comprising the Red Butte Dam and Reservoir, Salt Lake City, Utah. The Secretary shall make the conveyance without regard to the department or agency of the Federal Government having jurisdiction over Red Butte Dam and Reservoir.

(b) PROVISION OF FUNDS.—Not later than 60 days after the date of the enactment of this Act, the Secretary may make funds available to the District for purposes of the improvement of Red Butte Dam and Reservoir to meet the standards applicable to the dam and reservoir under the laws of the State of Utah.

(c) USE OF FUNDS.—The District shall use funds made available to the District under subsection (b) solely for purposes of improving Red Butte Dam and Reservoir to meet the standards referred to in that subsection.

(d) RESPONSIBILITY FOR MAINTENANCE AND OPERATION.—Upon the conveyance of Red Butte Dam and Reservoir under subsection (a), the District shall assume all responsibility for the operation and maintenance of Red Butte Dam and Reservoir for fish, wildlife, and flood control purposes in accordance with the repayment contract or other applicable agreement between the District and the Bureau of Reclamation with respect to Red Butte Dam and Reservoir.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### AMENDMENT NO. 485

(Purpose: To provide \$3,000,000 (in PE 62234N) for the Navy for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and co-injection resin transfer molding), and to provide an offset)

On page 29, line 11, increase the amount by \$3,000,000.

On page 29, line 14, increase the amount by \$3,000,000.

#### AMENDMENT NO. 486

(Purpose: To add \$3,000,000 (in PE 65326A) for the Army Digital Information Technology Testbed)

On page 29, line 10, increase the amount by \$3,000,000.

On page 29, line 14, reduce the amount by \$3,000,000.

Mr. ROBERTS. Mr. President, housed at Fort Leavenworth's Center for Army Lessons Learned (CALL), the Digital Information Technology Test Bed (DITT) established the pilot test bed and core capabilities for the Army's University After Next (UAN) and the Joint and Army Virtual Research Library (VRL). In May 1997, the Office of Secretary of Defense designated the DITT as the DoD functional prototype to conduct concept exploration, operational prototyping, and full requirements definition for multimedia research libraries (multimedia national and tactical imagery) in support of technology-assisted learning, intelligence analysis, C2, and operational decision making. DITT systems can further support warfighting capabilities by fielding innovative systems and methods to store, retrieve, declassify, and destroy DoD-held data. In FY 1999, Congress authorized and appropriate \$3.5 million for the DITT program. However, continued funding is needed in FY 2000 and I ask colleagues' support for adding \$3 million to the Army FY 2000 budget specifically for the DITT program.

#### AMENDMENT NO. 487

At the end of Title 8 insert:

#### SEC. [SC099.447]. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

EXTENSION OF REQUIREMENT.—Subsection (k) of section 2323 of title 10, United States Code, is amended by striking "2000" both places it appears and inserting "2003".

#### AMENDMENT NO. 488

(Purpose: To authorize payment of special compensation to certain severely disabled uniformed services retirees)

At the end of subtitle D of title VI, add the following new section:

#### SEC. 659. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

#### "§1413. Special compensation for certain severely disabled uniformed services retirees

"(a) AUTHORITY.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) AMOUNT.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

"(1) For any month for which the retiree has a qualifying service-connected disability rated as total, \$300.

"(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, \$200.

"(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, \$100.

"(c) ELIGIBLE MEMBERS.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who—

"(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

"(2) has a qualifying service-connected disability.

"(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

"(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

"(2) is rated as not less than 70 percent disabling—

"(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

"(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

"(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

"(f) SOURCE OF FUNDS.—Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

"(g) OTHER DEFINITIONS.—In this section:

"(1) The term 'service-connected' has the meaning give that term in section 101 of title 38.

"(2) The term 'disability rated as total' means—

"(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) a disability for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

"(3) The term 'retired pay' includes re-tainer pay, emergency officers' retirement pay, and naval pension."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1413. Special compensation for certain severely disabled uniformed services retirees."

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has adopted my amendment to S. 1059, the National Defense Authorization Act for Fiscal Year 2000, to authorize special compensation for severely disabled military retirees who suffer under an existing law regarding "concurrent receipt." As many of my colleagues know, current law requires military retirees who are rated as disabled to offset their military retired pay by the amount they receive in veterans' disability compensation. This requirement is discriminatory and wrong.

Today, America's disabled military retirees—those individuals who dedicated their careers to military service, and who suffered disabling injuries in the course of that service—cannot receive concurrently their military retirement pay, which they have earned through at least 20 years of service in the Armed Forces, and their veterans' disability compensation, which they are owed due to pain and suffering incurred from military service. In other words, the law penalizes the very men and women who have sacrificed their physical or psychological well-being in uniformed service to their country.

My amendment does not provide for full payment to eligible veterans of both the disability compensation and the retired pay they have earned. I regret that such a proposal, which I support in principle, would be far more expensive than many of my colleagues could accept. I learned that lesson the hard way in the course of sponsoring more ambitious concurrent receipt proposals in previous Congresses.

The amendment instead authorizes special compensation for the most severely disabled retired veterans—those who have served for at least 20 years, and who have disability ratings of between 70 and 100 percent. More specifically, it would authorize monthly payments of \$300 for totally disabled retired veterans; \$200 for retirees rated as 90 percent disabled; and \$100 for retirees with disability ratings of 70–80 percent.

These men and women suffer from disabilities that have kept them from pursuing second careers. If we cannot muster the votes to provide them with their disability pay and retired pay concurrently, the least we can do is authorize a modest special compensation package to demonstrate that we have not forgotten their sacrifices.

The Military Coalition, an organization of 30 prominent veterans' and retirees' advocacy groups, supports this legislation, as do many other veterans' service organizations, including the American Legion and Disabled American Veterans. These highly respected organizations recognize, as I do, that severely disabled military retirees deserve, at a minimum, special compensation for the honorable service they have rendered the United States.

The existing requirement that military retired pay be offset dollar-for-dollar by veterans' disability compensation is inequitable. I firmly believe that non-disability military retired pay is post-service compensation for services rendered in the United States military. Veterans' disability pay, on the other hand, is compensation for a physical or mental disability incurred from the performance of such service. In my view, the two pays are for very different purposes: one for service rendered and the other for physical or mental "pain and suffering." This is an important distinction evident to any military retiree currently forced to offset his retirement pay with disability compensation.

Concurrent receipt is, at its core, a fairness issue, and present law simply discriminates against career military people. Retired veterans are the only group of federal retirees who are required to waive their retirement pay in order to receive VA disability. This inequity needs to be corrected. The Senate has made important progress toward that end with the adoption of this amendment.

I continue to hope that the Pentagon, once it finally understands our message that it cannot continue to unfairly penalize disabled military retirees, will provide Congress with a fair and equitable plan to properly compensate retired service members with disabilities. It is hard to disagree with the simple logic that disabled veterans both need and deserve our full support after the untold sacrifices they made in defense of this country.

I look forward to the day when our disabled retirees are no longer unduly penalized by existing limitations on concurrent receipt of the benefits they deserve. And I thank Senators WARNER and LEVIN, the managers of S. 1059, for accepting my amendment to provide special compensation for severely disabled retired veterans, who deserve our ongoing support and gratitude.

#### AMENDMENT NO. 489

(Purpose: To direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations)

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

**SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.**

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available

funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

- (1) The Army Reserve Personnel Command.
- (2) The Bureau of Naval Personnel.
- (3) The Air Force Personnel Center.
- (4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term "decoration" means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

#### AMENDMENT NO. 490

(Purpose: To clarify the relationship between the pilot program for commercial services and existing law on the transportation of supplies by sea)

On page 283, line 18, strike "(h)" and insert the following:

(h) RELATIONSHIP TO PREFERENCE ON TRANSPORTATION OF SUPPLIES.—Nothing in this section shall be construed as modifying, superseding, impairing, or restricting requirements, authorities, or responsibilities under section 2631 of title 10, United States Code.

(i)

Mr. LOTT. Mr. President, I offer this amendment to clarify the applicability of the Cargo Preference Act to the acquisition streamlining authority found in section 805 of S. 1059. Section 805 creates a new pilot acquisition program for commercial services, one of which is "transportation, travel and relocation services." Although cargo preference or preference waivers are not mentioned, this pilot program could potentially be used to permit waivers of cargo preference law found in 10 U.S.C. 2631. In the absence of cargo preferences, DOD would have to acquire an immense organic fleet and use very scarce uniformed manpower at enormous cost of more than \$800 million per year. This would dwarf any acquisition reform savings. This amendment would ensure the waivers of 10 U.S.C. 2631 for commercial service contracts are not authorized under this pilot program.

#### AMENDMENT NO. 491

(Purpose: To require a report on the use of the facilities and electronic infrastructure of the National Guard for support of the provision of veterans services)

On page 357, between lines 11 and 12, insert the following:

**SEC. 1032. REPORT ON USE OF NATIONAL GUARD FACILITIES AND INFRASTRUCTURE FOR SUPPORT OF PROVISION OF VETERANS SERVICES.**

(a) **REPORT.**—(1) The Chief of the National Guard Bureau shall, in consultation with the Secretary of Veterans Affairs, submit to the Secretary of Defense a report assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary. The report shall include an assessment of any costs and benefits associated with the use of such facilities and infrastructure for such support.

(2) The Secretary of Defense shall transmit to Congress the report submitted under paragraph (1), together with any comments on the report that the Secretary considers appropriate.

(b) **TRANSMITTAL DATE.**—The report shall be transmitted under subsection (a)(2) not later than April 1, 2000.

Mr. BINGAMAN. Mr. President, I rise to offer an amendment that promises to extend to the Nation's veterans an improved, more accessible way to submit and process claims for benefits and other services. Recently, in my state of New Mexico, complaints about processing claims for veterans benefits reached high volume. Billboards appeared around the city of Albuquerque that the Albuquerque regional office of the Veterans Administration was the "worst VA office in the country." I was very concerned about those charges and looked into the situation. Information provided by the Albuquerque office essentially confirmed the accusations I read on the billboard. Statistics show that the system is broken and needs fixing. Compensation for completed claims in New Mexico takes 301.6 days on average; the nationwide average is 192.9 days. Pension compensation claims average 149.9 days in Albuquerque versus 108.8 days nationwide. "Cases Pending Over 180 Days" in Albuquerque are about 31 percent of the total. Nationwide, only about 22 percent fall into that category.

The system appears to be broken and the situation is ripe for creative new ways to solve our beleaguered veterans' problems.

I recently received a briefing that I thought might go a long way to serving veterans' needs, particularly in rural States such as New Mexico. The proposal suggested that veterans be permitted to use National Guard armories and communications infrastructure to receive counsel on a wide range of veterans problems and programs. As you are aware, National Guard armories are typically used during weekends for exercises and training, but often are underutilized during the week. The proposal suggested that the National Guard and the Veterans Administration coordinate ideas and concerns into a program which could take advantage of the considerable resources already in place at the armories. The wide dispersion or armories, particularly among rural communities, would provide a considerably more convenient venue for receiving veterans services than the long commute to major metropolitan

areas such as Albuquerque that is now required.

My amendment requires the National Guard in consultation with the Veterans Administration to examine this idea, and to report their findings regarding costs and benefits to the Secretary of Defense, who, having reviewed the report, would submit it and any additional findings to the Congress. I am optimistic that the analysis will show that investing resources in this project would pay major dividends to the veterans community which is experiencing considerable difficulty in settling benefit claims under the current process.

I am pleased to introduce this idea to my fellow Senators and appreciate its acceptance as an agreed amendment in this year's defense bill.

In title II, t the end of subtitle C, add the following:

**SEC. 225. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.**

It is the Sense of Congress that—

(1) because technology development provides the basis for future weapon systems, it is important to maintain a healthy funding balance between ballistic missile defense technology development and ballistic missile defense acquisition programs;

(2) funding planned within the future years defense program of the Department of Defense should be sufficient to support the development of technology for future and follow-on ballistic missile defense systems while simultaneously supporting ballistic missile defense acquisition programs;

(3) the Secretary of Defense should seek to ensure that funding in the future years defense program is adequate for both advanced ballistic missile defense technology development and for existing ballistic missile defense major defense acquisition programs; and

(4) the Secretary should submit a report to the congressional defense committees by March 15, 2000, on the Secretary's plan for dealing with the matters identified in this section.

Mr. SESSIONS. Mr. President, funding for Ballistic Missile Defense Technology has been in a steady decline since Fiscal Year 1992, with the Army part of the budget down approximately 70% during this period. All indications are that it appears technology funding is headed for further descent in the future.

The Ballistic Missile Defense Technology program is in the category of research and development, a category that bridges the gap between basic research and full-scale weapon system development and it is critical to preventing technical obsolescence and to meeting emerging threats.

Historically, this applied research in the area of ballistic Missile Defense has been vital to the evolution of systems that are being developed and deployed today to meet an ever-growing missile threat. It is the wellspring of new defense systems and the source of demonstrated technology that is needed to make upgrades to systems already in the field.

The emphasis in the Ballistic Defense Technology program for the past 7 to 8

years has been on acquisition, getting systems developed and fielded. Following Desert Storm in 1991, it was clear that ballistic missiles were a real threat and that the problem of proliferation of these missiles would be of grave concern for many years to come. There were understandable calls to rapidly build defense systems to counter this threat.

While this emphasis is on deployment certainly justified by the pace and scale of the threat, it has resulted in a serious reduction in the advanced development budget. This means the missile defense systems entering the inventory today are the products of laboratories of the services over a number of years, in some cases over a span of 20 or more years.

If we are to remain the world's leader in missile systems, it is imperative that we do all we can to stop this dramatic erosion of Ballistic Missile Defense Advanced Technology funding and strengthen the chain of development upon which future defense capability depends. We are indeed "eating our seed corn" when we pull from our research efforts to fund the deployment of systems or carry out other military missions such as those found in the contingency operation arena such as Bosnia or Kosovo.

This Sense of the Congress calls upon the Secretary of Defense to take a hard look at the Future Years Defense Program to ensure that funding in the future years defense program is adequate for both advanced ballistic missile defense technology development and for existing ballistic defense major defense acquisition and improvement programs. To that end we look forward to the Secretary's report by March 15th, 2000 on his plan for dealing with the matters identified in the amendment.

AMENDMENT NO. 493

(Purpose: To require a report regarding National Missile Defense)

In title II, at the end of subtitle C, add the following:

**SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.**

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages or disadvantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of the worldwide ballistic missile threat, defensive coverage, redundancy and survivability, and economies of scale.

AMENDMENT NO. 494

(Purpose: To require a report from the Comptroller General on the closure of the Rocky Flats Environmental Technology Site, Colorado)

On page 578, below line 21, add the following:

**SEC. 3179. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.**

(a) **REPORT.**—Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site effect ongoing cleanup at the site.

(2) Whether the Secretary of Energy could provide flexibility to the contractor at the site in order to quicken the cleanup of the site.

(3) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to quicken the closure of the site.

(4) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the site.

(5) The possibility of closure of the site by 2006.

(6) The actions that could be taken by the Secretary or Congress to ensure that the site would be closed by 2006.

#### AMENDMENT NO. 495

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

Mr. CLELAND. Mr. President, this dynamic legislative year has seen some monumental events. This body began the year by passing S. 4, the Soldiers, Sailors', Airmen's and Marines' Bill of Rights Act of 1999. With an overwhelming vote of 91-8, the United States Senate did not hesitate to show this great Nation that we appreciate the sacrifices and contributions of our service men and women. We also sent a message to the senior leaders of our military services that their pleas for assistance in stemming the flow of highly qualified service members from the military would not go unanswered.

The Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999 included a 4.8% pay raise, pay table reform, REDUX repeal, a thrift savings plan, and improvements to the current GI Bill. These GI Bill improvements included an increase in GI Bill benefits from \$528 to \$600 per month, elimination of the now-required \$1200 service member contribution, permission to accelerate lump sum benefits and finally, authority to transfer GI Bill benefits to immediate family members. While the bill we are considering today addresses pay and retirement system reforms, it does not address the GI Bill enhancements. You, my distinguished colleagues, showed your support for these GI Bill enhancements earlier this year. I, and the members of our armed services—and their families, asks for your support again.

Since the end of the Cold War, our military services have been reduced by one-third, yet worldwide commitments have increased fourfold. Our forces are poised in Asia, standing guard in the Sinai, providing assistance in south America and Haiti, flying combat missions in Iraq, and engaged in war in Kosovo. They are providing invaluable humanitarian assistance to those who have been devastated by a number of natural disasters around the world. And, members of our Guard and Reserve components will be this country's sole providers of a "Homeland Defense"

against the challenge of weapons of mass destruction presented by this uncertain world.

Sadly, these men and women who sacrifice so much for our country are bearing the brunt of these competing demands. By improving pay and benefits, as well as providing for increases in equipment upgrades, weapons procurement and replenishment, and spare parts funding, we can show America's brightest that we value their service and recognized their sacrifices.

In my opinion, improvements to the GI Bill may be the single most important step the Congress can take in assisting the recruiting and retaining of America's best. Data we are seeing indicate that education benefits are an essential component in attracting young people to join the armed services. As the costs of college tuition rise, we must remain in step by increasing in GI Bill benefits, or the benefits themselves will become less effective over time. The transferability option, under which service members would be allowed to transfer their GI Bill benefits to their spouse or children, is an innovative, powerful tool that sends the right message to those young people we are trying to attract into the military and those we are trying to retain.

This Nation changed dramatically, and for the better, under the original GI Bill. Now we have another chance to address future national needs by creating the GI Bill of the 21st Century. I ask that you join me as we choose the right path at this important historical crossroads.

#### AMENDMENT NO. 496

(Purpose: To amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older)

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

#### SEC. 659. COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004."

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the percent specified under subsection (a)(1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month."

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—"

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(2) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004."

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

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

Mr. President, my amendment is the text of S. 763 as introduced on April 12. It would increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older. I am pleased to have join me as cosponsors of the amendment: Senators LOTT, BURNS, COCHRAN, CLELAND, COLLINS, HUTCHINSON of Arkansas, MACK, MCCAIN and SNOWE.

Mr. President, as our Armed Forces are engaged in operations over Yugoslavia, it is appropriate for the Congress to correct a long-standing economic injustice to the widows of our military retirees. My amendment would immediately increase for survivors over the age 62 the minimum Survivor Benefit Plan annuity from 35 percent to 40 percent of the Survivor Benefit Plan-covered retired pay. The amendment would provide a further increase to 45 percent of covered retired pay as of October 1, 2004.

Mr. President, I expect every member of the Senate has received mail from military spouses expressing dismay



that they would not be receiving the 55 percent of their husband's retirement pay as advertised in the Survivor Benefit Plan literature provided by the military. The reason that they do not receive the 55 percent of retired pay is that current law mandates that at age 62 this amount be reduced either by the amount of the Survivors Social Security benefit or to 35 percent of the SBP. This law is especially irksome to those retirees who joined the plan when it was first offered in 1972. These service members were never informed of the age-62 reduction until they had made an irrevocable decision to participate. Many retirees and their spouses, as the constituent mail attests, believed their premium payments would guarantee 55 percent of retired pay for the life of the survivor. It is not hard to imagine the shock and financial disadvantage these men and women who so loyally served the Nation in troubled spots throughout the world undergo when they learn of the annuity reduction.

Mr. President, when the Survivor Benefit Plan was enacted in 1972, the Congress intended that the government would pay 40 percent of the cost to parallel the government subsidy of the Federal civilian survivor benefit plan. That was short-lived. Over time, the government's cost sharing has declined to about 26 percent. In other words, the retiree's premiums now cover 74 percent of expected long-term program costs versus the intended 60 percent. Contrast this with the federal civilian SBP, which has a 42 percent subsidy for those personnel under the Federal Employees Retirement System and a 50 percent subsidy for those under the Civil Service Retirement System. Further, Federal civilian survivors receive 50 percent of retired pay with no offset at age 62. Although Federal civilian premiums are 10 percent retired pay compared to 6.5 percent for military retirees, the difference in the percent of contribution is offset by the fact that our service personnel retire at a much younger age than the civil servant and, therefore pay premiums much longer than the federal civilian retiree.

Mr. President, 2 years ago, with the significant support from the Members of the Senate Armed Services Committee, I was successful in gaining approval from the Congress in enacting the Survivor Benefit Plan benefits for the so-called Forgotten Widows. This is the second step toward correcting the Survivors Benefit Plan and providing the surviving spouses of our military personnel earned and paid for benefits.

Mr. President, I urge the adoption of the amendment.

Thank you, Mr. President.

#### AMENDMENT NO. 497

(Purpose: To authorize the award of the Navy Combat Action Ribbon based upon participation in ground or surface combat as a member of the Navy or Marine Corps during the period between December 7, 1941, and March 1, 1961)

On page 134, between lines 2 and 3, insert the following:

#### SEC. 552. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.

The Secretary of the Navy may award the Navy Combat Action Ribbon (established by Secretary of the Navy Notice 1650, dated February 17, 1969) to a member of the Navy and Marine Corps for participation in ground or surface combat during any period after December 6, 1941, and before March 1, 1961 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the member has not been previously recognized in appropriate manner for such participation.

Mr. DORGAN. Mr. President, I rise today to offer an amendment for myself and Senator SMITH of New Hampshire, to ensure that Navy and Marine Corps Combat veterans get the recognition they deeply deserve.

The ongoing action in Kosovo reminds us of the dangers our men and women in uniform face when called upon during a time of conflict. In recognition of their service, they are awarded campaign and combat decorations to identify them as those who have faced this nation's fiercest challenge—enemy fire. America's combat veterans risk their lives to preserve our freedoms, and carry out the orders of the President in answering the challenges to our nation's security.

During World War II, the Army created the combat infantry badge to identify those soldiers who had faced combat. The Navy had no similar award until the 1960's. Although the Navy awarded Combat Stars prior to that point, the Combat Action Ribbon was created as a way to better recognize those who had served in combat. Recently, legislation was introduced in the House of Representatives to make Navy and Marine combat veterans who served in combat for any period after July 4, 1943, and before March 1, 1961, eligible for the Navy Combat Action Ribbon. In response to this legislation, a Pearl Harbor survivor from my state wrote to me and pointed out that the dates included in the legislation exclude many of the combat veterans who served in the war's fiercest naval battles, Pearl Harbor and Midway among them.

In response to this oversight, our legislation will make eligible for the Navy Combat Action Ribbon those Navy and Marine combat veterans who served in combat for any period after December 6, 1941, and before March 1, 1961. The Secretary of the Navy will review those who apply for these awards to ensure that those who have not yet been recognized are not forgotten. We believe it is only appropriate that we honor those who were willing to sacrifice their lives for this country.

#### AMENDMENT NO. 498

(Purpose: To authorize Coast Guard participation in DOD education programs, and for other purposes)

At the appropriate place, insert the following:

#### SEC. . COAST GUARD EDUCATION FUNDING.

Section 2006 of title 10, United States Code, is amended—

(1) by striking "Department of Defense education liabilities" in subsection (a) and

inserting "armed forces education liabilities";

(2) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) The term 'armed forces educational liabilities' means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title.";

(3) by inserting "Department of Defense" after "future" in subsection (b)(2)(C);

(4) by striking "106" in subsection (b)(2)(C) and inserting "1606";

(5) by inserting "and the Secretary of the Department in which the Coast Guard is operating" after "Defense" in subsection (c)(1);

(6) by striking "Department of Defense" in subsection (d) and inserting "armed forces";

(7) by inserting "the Secretary of the Department in which the Coast Guard is operating" in subsection (d) after "Secretary of Defense.";

(8) by inserting "and the Department in which the Coast Guard is operating" after "Department of Defense" in subsection (f)(5);

(9) by inserting "and the Secretary of the Department in which the Coast Guard is operating" in paragraphs (1) and (2) of subsection (g) after "The Secretary of Defense"; and

(10) by striking "of a military department" in subsection (g)(3) and inserting "concerned.".

#### SEC. . TECHNICAL AMENDMENT TO PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT.

TITLE 10 AMENDMENT.—Section 2305(g) of title 10, United States Code, is amended in paragraph (1) by striking "the Department of Defense" and inserting "an agency named in section 2303 of this title."

#### AMENDMENT 499

(Purpose: To designate the officials to administer the defense reform initiative enterprise pilot program for military manpower and personnel information)

In title V, at the end of subtitle F, add the following:

#### SEC. 582. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of the Navy as the executive agent for carrying out the defense reform initiative enterprise pilot program for military manpower and personnel information established under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2341; 10 U.S.C. 113 note).

(b) ACTION OFFICIALS.—In carrying out the pilot program, the Secretary of the Navy shall act through the head of the Systems Executive Office for Manpower and Personnel, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

Ms. LANDRIEU. Mr. President, just a little over a week ago, I had the privilege of traveling with the Secretary of Defense down to my home state. It was a terrific trip and I believe the Secretary was very impressed with the work that we are doing in Louisiana at our military installations and with our defense industry. One of the real highlights of the trip was the ribbon cutting ceremony for the Naval Information Technology Center in New Orleans. This facility, hosted by the University of New Orleans, is home to the



Defense Integrated Military Human Resources System, as well as other personnel software projects for the Navy.

The DIHMRS project is one of those rare proposals that instantly captures the support of those that understand it. The military services have spent countless billions of dollars in developing and supporting "stove pipe" personnel software systems, that were out-of-date before they were complete, had no capacity for interconnectivity and did not provide the breadth of personnel information to be of real utility to our military leadership.

DIHMRS seeks to change all of that. It will provide an integrated system of personnel information, that will ultimately tie all the services all the personnel systems and records, and do so in a easily accessible fashion that will give commanders the information about training and experience that they need to make deployment decisions. This project fits perfectly into our efforts to craft smaller, faster and more flexible force structures. One of the key ingredients to creating smaller, more effective forces, is the ability to quickly identify individuals with the experience and training that needed for particular missions. This is daunting task for any service now, it becomes more so if you are trying to put together an inter-service task force. When fully operational DIHMRS will address this need.

These advantages do not even address the enormous savings that the Department of Defense will realize by terminating the innumerable individual human resource computer systems that track only one kind of data for one branch of the military. Thus, this project is a boon to both readiness and economic efficiency.

For that reason, I have introduced an amendment which emphasizes the Senate Armed Service Committee's support for this effort. It is important to note that a project like DIHMRS requires innovation and division. Thus, the management structure for the program has also required a degree of innovation and flexibility. I believe that the unique structure adopted for the DIHMRS project is critical for its ultimate success. For that reason, the amendment reemphasizes the support for the present management structure expressed in Section 8147 of Public Law 105-262. That appropriations law directed the Department to establish a Defense Reform Initiative enterprise program for military manpower, personnel, training and compensation using a revised DIHMRS project as the baseline. Additionally, the amendment also expresses the intention that the DoD maintain this enterprise project, and the management and executive responsibility be contained within the Systems Executive Office for Manpower and Personnel.

The President's budget request includes \$65 million dollars for DIHMRS. I believe that these monies must be used according to the direction given

in last year's Defense Appropriation's conference report to maintain the success of the program. Specifically, these funds should be used to: (1) address modernization and migration systems support for service information systems within the enterprise of manpower, personnel, training and compensation; (2) to continue support for infrastructure improvements at the Naval Information Technology Center; and, (3) to continue Navy central design activity consolidations and relocations already begun under the Systems Executive Officer and the Naval Reserve Information Systems Office.

The consolidation of the personnel information reform efforts is necessary for both budgetary concerns, and valuable as a tool for managing our soldiers, sailors and airmen better. I believe that DIHMRS will make an invaluable contribution to that effort. I thank the managers for accepting this amendment, and I look forward to working with the Navy to make this project a real success.

#### AMENDMENT NO. 500

(Purpose: To authorize a demonstration program on open enrollment in managed care plans of the former uniformed services treatment facilities)

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

#### SEC. 705. OPEN ENROLLMENT DEMONSTRATION PROGRAM.

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

"(g) OPEN ENROLLMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program under which covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by a designated provider consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program but without regard to the limitation in subsection (b). Any demonstration program under this subsection shall cover designated providers selected by the Department of Defense and the service areas of the designated providers.

"(2) Any demonstration program carried out under this section shall commence on October 1, 1999, and end on September 30, 2001.

"(3) Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any demonstration program carried out under this subsection. The report shall include, at a minimum, an evaluation of the benefits of the open enrollment opportunity to covered beneficiaries and a recommendation concerning whether to authorize open enrollments in the managed care plans of designated providers permanently."

Ms. SNOWE. Mr. President, access to quality health care concerns many of our military men and women, both active and retired. My amendment would allow the Department of Defense to start a pilot project allowing continuous open enrollment in managed health care plans form military retirees at 2 sites selected by the Defense Department.

The term "continuous enrollment" means the opportunity for military

beneficiaries to join the Prime option in TRICARE at any time. Currently, military retirees and their beneficiaries wishing to enroll in the Uniformed Services Family Health Plan (USFHP) may only do so during an annual 30-day long, open session.

This arrangement inconsistent with the enrollment rules under TRICARE Prime option. These same beneficiaries can join TRICARE Prime on a continuous basis, but are *restricted* from joining the USFHP to joint once a year for a 30-day period.

Coupled with the many changes in TriCare, including new enrollment fees and higher copayments, many military beneficiaries are confused and unsure if the HMO option in TriCare, either Prime through the managed care support contractor of the USFHP, is the right choice for them and their families. Thus, as I have been informed by physicians from my own state, many beneficiaries and their families have decided not to join either program.

What this restriction means in practical terms for retirees is that they are not able to take advantage of health care providers that may practice in close proximity to their residences, but instead travel significant distances to a military treatment facility. In locations where there are no TriCare Prime network providers, the retirees are faced with limited choices and higher costs.

The Department of Defense has indicated that this open enrollment would be too costly; however, there is limited data to support their contention that this provision will generate a significant influx of new enrollees in the program. DOD's key concerns are based on two factors; the possible increase in cost due to the number of enrollees, and the risk adjustment in the Medicare program scheduled to take effect January 1, 2000. However, based on a review of the actual enrollment data the number of people enrolled in the USFHP program has actually declined from 29,256 in October 1997 to 26,950 in March 1999.

This trend represents a *decline* of 7.6% over eighteen months and an annual rate of decline of 5.0%.

As of June 1, six of seven designated providers which operate the USFHP will have completed "open season" enrollment. The preliminary results show a net increase of 3,754 individuals enrolled in the USFHP. Of this number, approximately 18% or 676, were 65 and older. This is a much lower percentage—18% compared to 28%—than the 65 and older enrollees were as a percentage of enrollment before the current open season started.

This amendment would authorize the Department of Defense to demonstrate the continuous open enrollment program at a minimum of two sites for a two year period. During the second year of the demonstration period, DOD would submit a report to Congress evaluation the benefits of the program and a recommendation concerning

whether the authorize open enrollments in the managed care plans on a permanent basis.

This proposal is supported by numerous organizations such as the National Military Family Association and the National Military and Veterans Alliance. The national Military and Veterans Alliance includes organizations such as: The Retired Officers Association, Non-Commissioned Officers Association, Naval Reserve Association, National Association of Uniformed Services, the Reserve Enlisted Association and the Korean War Veterans Association.

In testimony before the Personnel Subcommittee earlier this year, representatives from many of these organizations have emphasized that access to quality health care is one of their primary concerns.

Finally, I believe that this amendment is a measured step, but one that leads us toward a fair and good faith effort to address the inconsistency in providing our retirees access to health care on an equal basis with TriCare Prime.

#### AMENDMENT NO. 501

(Purpose: To require a report on the D-5 missile program)

On page 28, below line 21, add the following:

#### SEC. 143. D-5 MISSILE PROGRAM.

(a) REPORT.—Not later than October 31, 1999, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the D-5 missile program.

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

(1) An inventory management plan for the D-5 missile program covering the life of the program, including—

(A) the location of D-5 missiles during the fueling of submarines;

(B) rotation of inventory; and

(C) expected attrition rate due to flight testing, loss, damage, or termination of service life.

(2) The cost of

(A) terminating procurement of D-5 missiles for each fiscal year prior to the current plan.

(3) An assessment of the capability of the Navy of meeting strategic requirements with a total procurement of less than 425 D-5 missiles, including an assessment of the consequences of—

(A) loading Trident submarines with less than 24 D-5 missiles; and

(B) reducing the flight test rate for D-5 missiles; and

(4) An assessment of the optimal commencement date for the development and deployment of replacement systems for the current land-based and sea-based missile forces.

The Secretary's plan for maintaining D-5 missiles and Trident Submarines under START II and proposed START III, and whether requirements for such missiles and submarines would be reduced under such treaties.

#### AMENDMENT NO. 502

(Purpose: To provide \$10,000,000 (in Budget Activity 1: Operating Forces) for Navy Operations and Maintenance Funding for Operational Meteorology and Oceanography and UNOLS, and to provide an offset)

Of the funds authorized to be appropriated in section 301(2), an additional \$10 million

may be expended for Operational Meteorology and Oceanography and UNOLS.

#### AMENDMENT NO. 503

(Purpose: To require that due consideration be given to according a high priority to attendance of military personnel of the new member nations of NATO at professional military education schools and programs of the Armed Forces)

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

#### SEC. 1061. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW MEMBER NATIONS OF NATO.

(a) FINDING.—Congress finds that it is in the national interests of the United States to fully integrate Poland, Hungary, and the Czech Republic, the new member nations of the North Atlantic Treaty Organization, into the NATO alliance as quickly as possible.

(b) MILITARY EDUCATION AND TRAINING PROGRAMS.—The Secretary of each military department shall give due consideration to according a high priority to the attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education schools and training programs in the United States, including the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces, and other schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

Mrs. HUTCHISON. Mr. President, I am offering this amendment on behalf of myself and Senator LAUTENBERG. The purpose of this amendment is to encourage the Secretaries of each military department to give due consideration to providing a higher priority to the officers from Poland, Hungary and the Czech Republic for attendance at our military schools and training programs. Our professional military schools and training programs including the service academies, the senior service colleges and the command and general staff colleges provide an outstanding opportunity for these officers to become fully immersed in our military doctrine and develop a deeper understanding for the American military culture. As new member nations of NATO, it is important that the officers of these countries become fully integrated as quickly as possible. The professional friendships and the mutual understanding which results from attendance at these courses is invaluable for both American officers and for foreign military officers.

I recently led a Congressional delegation to the Balkans. In Budapest we met with Hungarian Chief of Defense Staff, General Ferenc Vegh, who was proud to inform the delegation that he was a graduate of the United States Army War College in Carlisle, Pennsylvania. As a direct result of the professional association gained as a student at the War College, General Vegh has been key in directing Hungary's rapid integration into NATO. His story is simply one example among many of how the United States and the NATO Alliance has reaped an enormous benefit by providing the opportunity for

foreign officer attendance at our military schools.

Attendance at our service academies on a priority basis will also provide an outstanding opportunity for future officers from our new NATO allies to foster long-term relationships with future U.S. military leaders. Historically, the relationships fostered through attendance at the Military Academy, the Naval Academy and the Air Force Academy among American and foreign cadets over the four-year curriculum at the service academies have formed the basis for closer long-term military-to-military relations. Numerous foreign cadets who have graduated from our service academies have gone on to serve at the very highest levels as military and civilian leaders, including many heads of state.

It is my expectation that this legislation will encourage the Secretaries of our military departments to give the officers and cadets from Poland, Hungary and the Czech Republic, our new NATO allies, a priority for attendance at our professional military schools and academies.

#### AMENDMENT NO. 504

(Purpose: To enhance the technology of health care quality surveillance and accountability)

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

#### SEC. 717. HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT.

(a) PURPOSE.—It is the purpose of this section to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues in a timely manner that is consistent with national policy and industry standards.

(b) DEPARTMENT OF DEFENSE CENTER FOR MEDICAL INFORMATICS AND DATA.—(1) The Secretary of Defense shall establish a Department of Defense Center for Medical Informatics to carry out a program to support the Assistant Secretary of Defense for Health Affairs in efforts—

(A) to develop parameters for assessing the quality of health care information;

(B) to develop the defense digital patient record;

(C) to develop a repository for data on quality of health care;

(D) to develop a capability for conducting research on quality of health care;

(E) to conduct research on matters of quality of health care;

(F) to develop decision support tools for health care providers;

(G) to refine medical performance report cards; and

(H) to conduct educational programs on medical informatics to meet identified needs.

(2) The Center shall serve as a primary resource for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—The Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange controlled clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

(d) ENHANCEMENT THROUGH DoD-DVA MEDICAL INFORMATICS COUNCIL.—(1) The Secretary of Defense shall establish a Medical

Informatics Council consisting of the following:

(A) The Assistant Secretary of Defense for Health Affairs

(B) The Director of the TRICARE Management Activity of the Department of Defense.

(C) The Surgeon General of the Army.

(D) The Surgeon General of the Navy.

(E) The Surgeon General of the Air Force.

(F) Representatives of the Department of Veterans Affairs, whom the Secretary of Veterans Affairs shall designate.

(G) Representatives of the Department of Health and Human Services, whom the Secretary of Health and Human Services shall designate.

(H) Any additional members that the Secretary of Defense may appoint to represent health care insurers and managed care organizations, academic health institutions, health care providers (including representatives of physicians and representatives of hospitals), and accreditors of health care plans and organizations.

(2) The primary mission of the Medical Informatics Council shall be to coordinate the development, deployment, and maintenance of health care informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with other departments and agencies of the Federal Government and with the private sector. Specific areas of responsibility shall include:

(A) Evaluation of the ability of the medical informatics systems at the Department of Defense and Veterans Affairs to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(B) Coordination of key components of medical informatics systems including digital patient records both within the federal government, and between the federal government and the private sector.

(C) Coordination of the development of operational capabilities for executive information systems and clinical decision support systems within the Departments of Defense and Veterans Affairs.

(D) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(E) Refinement of methodologies by which the quality of health care provided within the Departments of Defense and Veterans Administration is evaluated.

(F) Protecting the confidentiality of personal health information.

(3) The Council shall submit to Congress an annual report on the activities of the Council and on the coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government and between the Federal Government and the private sector.

(4) The Assistant Secretary of Defense for Health Affairs shall consult with the Council on the issues described in paragraph (2).

(5) A member of the Council is not, by reason of service on the Council, an officer or employee of the United States.

(6) No compensation shall be paid to members of the Council for service on the Council. In the case of a member of the Council who is an officer or employee of the Federal Government, the preceding sentence does not apply to compensation paid to the member as an officer or employee of the Federal Government.

(7) The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Council.

(e) ANNUAL REPORT.—The Assistant Secretary of Defense for Health Affairs shall submit to Congress each year a report on the quality of health care furnished under the health care programs of the Department of Defense. The report shall cover the most re-

cent fiscal year ending before the date of the report and shall contain a discussion of the quality of the health care measured on the basis of each statistical and customer satisfaction factor that the Assistant Secretary determines appropriate, including, at a minimum, the following:

(1) Health outcomes.

(2) Extent of use of health report cards.

(3) Extent of use of standard clinical pathways.

(4) Extent of use of innovative processes for surveillance.

(f) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized to be appropriated for the Department of Defense for fiscal year 2000 by other provisions of this Act, that are available to carry out subsection (b), there is authorized to be appropriated for the Department of Defense for such fiscal year for carrying out this subsection the sum of \$2,000,000.

#### AMENDMENT NO. 505

(Purpose: To guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections)

At the appropriate place, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Voting Rights Act of 1999".

#### SEC. 2. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia."

#### SEC. 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to sue absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election."

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

#### AMENDMENT NO. 506

(Purpose: To express the sense of Congress regarding United States-Russian cooperation in commercial space launch services)

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

#### SEC. \_\_\_\_ SENSE OF CONGRESS REGARDING UNITED STATES-RUSSIAN COOPERATION IN COMMERCIAL SPACE LAUNCH SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should agree to increase the quantitative limitations applicable to commercial space launch services provided by Russian space launch service providers if the Government of the Russian Federation demonstrates a sustained commitment to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any ballistic missile;

(2) the United States should demand full and complete cooperation from the Government of the Russian Federation on preventing the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile; and

(3) the United States should take every appropriate measure necessary to encourage the Government of the Russian Federation to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile.

#### (b) DEFINITIONS.—

(1) IN GENERAL.—The terms "commercial space launch services" and "Russian space launch service providers" have the same meanings given those terms in Article I of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993.

(2) QUANTITATIVE LIMITATIONS APPLICABLE TO COMMERCIAL SPACE LAUNCH SERVICES.—The term "quantitative limitations applicable to commercial space launch services" means the quantitative limits applicable to commercial space launch services contained in Article IV of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993, as amended by the agreement between the United States and the Russian Federation done at Washington, D.C., on January 30, 1996.

Mrs. FEINSTEIN. Mr. President, I rise to offer an amendment to the Department of Defense Authorization bill regarding Russian nonproliferation and U.S.-Russian cooperation on commercial space launch service.

This amendment is very simple: It states that a sustained Russian commitment to cooperation with the United States in preventing the proliferation of ballistic missile technology to Iran can provide the basis for an increase in the current quota limit on commercial space launches. Lifting the launch quota is an important incentive for Russia to cooperate with the U.S. on this issue.

This amendment also demands continued Russian cooperation on non-proliferation, and calls on the United

States to take every appropriate measure to encourage the Russian government to seek out and prevent the illegal transfer of fissile material or missile equipment or any other technology necessary for the acquisition or development of nuclear weapons or ballistic missiles.

I offer this amendment because I believe that there may be no greater long term threat to peace and stability in the Middle East than an Iran actively seeking ballistic missile and nuclear weapons.

Preventing the transfer of illegal nuclear and missile technology from Russia to Iran must be at the top of the U.S. policy agenda.

There have been numerous reports over the past several years of Russian missile technology reaching Iran, sometimes with a semi-official wink from government authorities in Moscow, sometimes by rogue operators.

Either way, the Russian Government must put a stop to these transfers.

As much as we want good relations with Russia, cooperation in this area is crucial. In some ways, I believe it is a litmus test of what sort of player Russia wants to be in the post-cold war international system.

There is ample reason for concern. According to a Congressional Research Service report:

Despite pledges by Soviet leaders in 1990 and by various Russian leaders since then to ban missile exports, President Yeltsin's 1994 agreement to refrain from new arms sales to Iran, and Russia's entry into the Missile Technology Control Regime in October 1995, there are recurring reports that Russian companies are selling missile technology to Iran and other countries.

On February 6, 1997, Vice President Gore issued a diplomatic warning to then-Premier Chernomyrdin regarding Russian transfers to Iran of parts and technology associated with SS-4 medium-range ballistic missiles. Over the next several months, press reports indicated that Russian enterprises provided Iran specialty steels and alloys, tungsten coated graphite, wind tunnel facilities, gyroscopes and other guidance technology, rocket engine and fuel technology, laser equipment, machine tools, and maintenance manuals.

Russian assistance has apparently helped Iran overcome a number of obstacles and advance its missile development program faster than expected. The Rumsfeld Commission said, "The ballistic missile infrastructure in Iran is now more sophisticated than that of North Korea and has benefitted from broad, essential assistance from Russia. \* \* \*

In February 1998, the Washington Times reported that Russia's Federal Security Service (FSB, a successor to the KGB) was still working with Iran's intelligence service to pass technology through a joint research center, Persepolis, with facilities in St. Petersburg and Tehran.

In March 1998, the State Department listed (but did not make public) 20 Rus-

sian entities suspected of transferring missile technology to Iran.

Lastly, there are still unanswered questions about Russian-Iranian nuclear cooperation raised by the January, 1995 contract signed by the Russian nuclear agency MINATOM to finish one unit of the Bushehr nuclear power project. Although the Bushehr plant itself is not considered a source of weapons material, the project is viewed as a proliferation risk because it entails massive involvement of Iranian personnel in nuclear technology, and extensive training and technological support from Russian nuclear experts.

Last year, the American Jewish Committee released a report, "The Russian Connection: Russia, Iran, and the Proliferation of Weapons of Mass Destruction" which provides an excellent overview of Russia's record in this area, as well as U.S.-Russian cooperation.

In addition to the troubling questions raised by some of Russia's past actions, however, there are also indications that the Russian government is making efforts to control the proliferation of missile and nuclear technology to Iran.

Although initially Moscow denied that its missiles or missile technology had been transferred to Iran, in September 1997, Russian officials reportedly stated that such transfers were being made without the consent of the government.

In January 1998, in response to concerns raised by numerous U.S. officials, Yuri Koptev, head of the Russian space agency, said of 13 cases raised by the U.S. Government, 11 had no connection to technology transfers related to weapons of mass destruction (nuclear, biological, or chemical) that were banned under a 1996 agreement.

On July 15, 1998, Russian authorities announced that nine Russian entities were being investigated for suspected violation of laws governing export of dual-use technologies. The nine include the Inor NPO, Polyus Research Institute, and Baltic State Technical University cited earlier, plus the Graft Research Institute, Tikhomirov Institute, the MOSO Company, the Komintern plant (Novosibirsk), Europalace 2000, and Glavcosmos.

Also last year, Russia announced the cancellation of a 1997 contract between a Russian entity, NPO Trud, and Iran in which rocket engine components were to have been shipped under the guise of gas pipeline compressors.

According to an April 15 letter I received from the Vice President, which I would like to submit for the RECORD, U.S. Special Ambassador Gallucci and Mr. Koptev have agreed to a work plan that addresses many of the concerns the U.S. has about missile proliferation, including the establishment of internal compliance offices at several of the entities of concern.

U.S. experts have also developed a work plan with the Russian Ministry of Atomic Energy on measures to sever

the links between NIKIET, a leading Russian nuclear institute, and Iran, according to the Vice President.

I believe that we should try to build on Russia's record of cooperation, and that the best and most effective way to work with Russia on this issue is to offer them a carrot—lifting the launch quota—as an inducement to continued cooperation on this vital matter.

The current quota on commercial space launches is set at sixteen. Pending Russian cooperation, I believe that this quota can be raised to 20 and, if Russia continues to cooperate, incrementally raised again in the coming years. Each launch provides Russia with approximately \$100 million in hard currency—a good incentive to cooperate.

This amendment also states, however, that the United States must continue to demand full and complete cooperation from Russia on this issue, and that the United States should take every appropriate measure to assure that the government of Russia continues to cooperate on this issue.

Russia must understand that just as we are willing to offer inducements to cooperate, there will also be a price to be paid for non-cooperation on this critical issue.

This amendment, I believe, is rather simple and straightforward in its make-up. But it is also essential and far reaching in its impact. I urge my colleagues to support this amendment.

I ask unanimous consent the letter I received dated April 15, 1999, from the Vice President be printed in the RECORD.

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

THE VICE PRESIDENT,  
Washington, DC, April 15, 1999.

Hon. DIANNE FEINSTEIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your recent letter requesting that I raise the issue of non-proliferation with Russian Prime Minister Primakov during his planned visit to Washington. Cutting off the flow of missile and nuclear technologies from Russian entities to Iran is one of the Administration's most important national security objectives. As you know, I have engaged my Russian counterparts on this issue for the past several years, most recently in January when I saw Prime Minister Primakov in Davos.

It was my intention to raise this issue again with the Prime Minister last month, but our planned meeting was postponed. I can report, however, that over the past several weeks United States and Russian experts developed concrete plans to curtail cooperation by Russian entities with Iran's nuclear and missile programs. Because of intelligence and security consideration, I will outline only the core elements of the work plans in this letter. My staff can arrange a classified briefing if that would be helpful.

U.S. Special Ambassador Gallucci and Yuri Koptev, head of the Russian Space Agency, agreed to a work plan that addresses some of our most pressing concerns about missile proliferation. As a central element of this plan—and as a direct result of my earlier intercession with Mr. Primakov—Mr. Koptev

agreed to cancel a contract with Iran's missile program and to establish on a priority basis internal compliance offices at several entities of concern. These internal compliance offices would be staffed by individuals specially trained in export control procedures and techniques, and would have access to the records they need to do their jobs. The United States Government has offered technical assistance to help these entities set up the necessary export control procedures. The Russian government has committed to take effective measures to prohibit Iranian missile specialists from operating in Russia and to facilitate the early adoption of the Russian export control law.

The missile work plan represents some forward movement and in my judgment reflects Russia's intense desire to see the launch quota increased and sanctions lifted. It is not, however, a complete accounting for past problems. It may create a credible foundation to inhibit future cooperation. I have underscored that we will be watching Russian implementation of the agreement closely. I have also made clear that a solid track record is needed for us to consider an increase in the launch quota.

United States experts have also developed a work plan with the Russian Ministry of Atomic Energy on measures to sever the links between NIKIET, a leading Russian nuclear institute, and Iran. Again, the key principle underlying this work plan is performance, which we are in a position to judge through our intelligence information. If we are satisfied that Russia's commitments are being implemented, we can begin to incrementally lift our sanctions against NIKIET, beginning with the nuclear reactor safety projects that have been suspended.

The work plans I have described could represent a path forward if the Russian government acts effectively and quickly. I am by no means ready to suggest that we have resolved either the missile or the nuclear proliferation problem. However, we now have a clear delineation of steps in that direction which we are in a position to verify. Positive, concrete actions by Russia will be the basis for any decisions we take to increase commercial and other forms of cooperation with Russian space and nuclear entities.

I will continue to raise this issue in discussions with my Russian counterparts until I am satisfied that all our concerns have been addressed.

Sincerely,

AL GORE.

AMENDMENT NO. 507

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

Of the funds in section 301a(5), \$23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

AMENDMENT NO. 508

(Purpose: To require the Department of Defense and the Department of Veterans Affairs to carry out joint telemedicine and telepharmacy demonstration projects)

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

**SEC. 717. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—The Secretary of Defense and Secretary of Veterans Affairs shall carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of providing health care services and pharmacy services by means of telecommunications.

(b) SERVICES TO BE PROVIDED.—The services provided under the demonstration projects shall include the following:

- (1) Radiology and imaging services.
  - (2) Diagnostic services.
  - (3) Referral services.
  - (4) Clinical pharmacy services.
  - (5) Any other health care services or pharmacy services designated by the Secretaries.
- (C) SELECTION OF LOCATIONS.—(1) The Secretaries shall carry out the demonstration projects at not more than five locations selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with representatives of the academic institution or institutions with which affiliated.

(d) PERIOD OF DEMONSTRATION PROJECTS.—The Secretaries shall carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) REPORT.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

- (1) a description of each demonstration project; and
- (2) an evaluation, based on the demonstration projects, of the feasibility and practicability of providing health care services and pharmacy services, including the provision of such services to field hospitals of the Armed Forces and to Department of Veterans Affairs outpatient health care clinics, by means of telecommunications.

Mr. CLELAND. Mr. President, I am offering an amendment to create a Department of Defense (DoD) and Department of Veterans Affairs (VA) collaborative demonstration research pilot for at least five sites nationwide. These funded projects would create and expand current telemedicine and telepharmacy research efforts. In these times of concern over health care resources, telemedicine and telepharmacy studies are crucial to determining the best use of health care clinicians.

My amendment would authorize \$5 million a year for three years for five DoD/VA Telemedicine and Telepharmacy demonstration projects. Under my proposal DoD/VA researchers and clinicians will develop rigorous, outcome-oriented telemedicine and telepharmacy research projects that will benefit military and veteran study participants and potentially future servicemembers and veteran recipients of health care.

Telemedicine is technology's version of the "doctor's housecall." Many recipients of care, such as the homebound, find making a visit to the doctor a very difficult and often painful experience. Health care outreach is needed in the home, remote deployment sites, rural clinics and other underserved areas. I also propose a telepharmacy project, which will study more efficient ways to bring drug and pharmaceutical expertise, as well as supplies, to the patient. For example, the Navy has reported its Battlegroup

Telemedicine Program as cost-saving and groundbreaking in providing on-board ship medical treatment of military personnel, thus preventing unnecessary transport.

Support of collaborative endeavors between DoD and VA to reduce escalating health care costs and for more accessible, quality care has already been strongly advocated and discussed in the 1999 Report of the Congressional Commission on Servicemembers and Veterans Transition assistance and endorsed by the Congress in the Cleland-Kempthorne Bill, S. 1334, which was made part of the Strom Thurmond National Defense Authorization Act (P. L. 105-261).

I urge my colleagues to support my amendment to further advance DoD/VA collaboration, to explore innovative ways of providing health care for veterans and members of the Armed Services and possible cost-reduction strategies, and to help military and veterans' health care set an example of quality health care.

AMENDMENT NO. 509

(Purpose: To permit certain members of the Armed Forces not currently participating in the Montgomery GI Bill educational assistance program to participate in that program)

On page 254, between lines 3 and 4, insert the following:

**SEC. 676. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.**

(a) PARTICIPATION AUTHORIZED.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

**"§ 3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled**

"(a) Notwithstanding any other provision of law, an individual who—

"(1) either—

"(A)(i) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

"(ii) disenrolled from participation in that program before that date; or

"(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter and has not withdrawn that election under section 3018(a) of this title as of the date of the enactment of this section;

"(2) is serving on active duty (excluding periods referred to in section 3202(1)(C) of this title in the case of an individual described in paragraph (1)(A)) on the date of the enactment of this section;

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(4) if discharged or released from active duty before the date on which the individual makes an election described in paragraph (5), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; and

"(5) during the one-year period beginning on the date of the enactment of this section, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title or withdraws

the election made under section 3011(c)(1) or 3012(d)(1) of this title, as the case may be, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

is entitled to basic educational assistance under this chapter.

"(b)(1) Except as provided in paragraphs (2) and (3), in the case of an individual who makes an election under subsection (a)(5) to become entitled to basic educational assistance under this chapter—

"(A) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is—

"(i) \$1,200, in the case of an individual described in subsection (a)(1)(A); or

"(ii) \$1,500, in the case of an individual described in subsection (a)(1)(B); or

"(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between the amount specified for the individual under subparagraph (A) and the total amount of reductions with respect to the individual under that subparagraph, which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(2) In the case of an individual previously enrolled in the educational benefits program provided by chapter 32 of this title, the Secretary shall reduce the total amount of the reduction in basic pay otherwise required by paragraph (1) by an amount equal to so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account under section 3222(a) of this title as do not exceed \$1,200.

"(3) An individual may at any time pay the Secretary an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under this subsection and the total amount of the reductions with respect to the individual under this subsection at the time of the payment. Amounts paid under this paragraph shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from the program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) to the individual in the manner provided in section 3223(b) of this title so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account as are not used to reduce the amount of the reduction in the individual's basic pay under subsection (b)(2); and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to section 3222(c) of this title on behalf of an individual referred to in paragraph (1) shall remain in such account to make payments of benefits to the individual under section 3015(f) of this title.

"(d)(1) The requirements of sections 3011(a)(3) and 3012(a)(3) of this title shall apply to an individual who makes an election described in subsection (a)(5), except that the completion of service referred to in such section shall be the completion of the period of active duty being served by the individual on the date of the enactment of this section.

"(2) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) of this title and of subparagraphs (B), (C), and (D) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing."

(2) The table of sections at the beginning of chapter 30 of that title is amended by inserting after the item relating to section 3018C the following new item:

"3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled."

(b) CONFORMING AMENDMENT.—Section 3015(f) of that title is amended by striking "or 3018C" and inserting "3018C, or 3018D".

(c) SENSE OF CONGRESS.—It is the sense of Congress that any law enacted after the date of the enactment of this Act which includes provisions terminating or reducing the contributions of members of the Armed Forces for basic educational assistance under subchapter II of chapter 30 of title 38, United States Code, should terminate or reduce by an identical amount the contributions of members of the Armed Forces for such assistance under section of section 3018D of that title, as added by subsection (a).

Mr. FRIST. Mr. President, this amendment is meant to assist the men and women serving in our armed forces in attaining an education. This amendment is targeted at a group serving in our military that has been forgotten since the passage of the Montgomery GI Bill.

Before the GI Bill was enacted in 1985, new servicemen were invited to participate in a program called the Veterans' Educational Assistance Program or VEAP. This program offered only a modest return on the service member's investment and, as a consequence, provided little assistance to men and women in the armed services who wanted to pursue additional education. It was and is inferior to the Montgomery GI Bill that every new serviceman is offered today.

My amendment would allow active duty members of the armed services who entered the service after December 31, 1976 and before July 1, 1985 and who are or were otherwise eligible for the Veterans' Educational Assistance Program to participate in the Montgomery GI bill. This group of military professionals largely consists of the mid-career and senior noncommissioned officer ranks of our services—the exact group that new recruits have as mentors and leaders.

If we really believe in the importance of providing our service men and women with the education opportunities afforded by the Montgomery GI bill, it is critical that we offer all service members the opportunity to participate if they choose.

It is important to remember that much of the impetus for the creation of

the Montgomery GI Bill was that the Veterans' Educational Assistance Program was not doing the job. It was not providing sufficient assistance for young men and women to go to college. It was expensive for them to participate, and provided little incentive for young men and women to enter the military.

The Montgomery GI Bill offers those serving in the military a significant increase in benefits over its predecessor and has been one of the most important recruiting tools over the last decade. It is essential that active military still covered under VEAP but not by the Montgomery GI Bill be brought into the fold.

The injustice that my bill attempts to address is that new recruits are eligible for a better education program than the noncommissioned officers responsible for their training and well-being. Expanding Montgomery Bill eligibility to those currently eligible for VEAP would, in many cases, help mid-career and senior noncommissioned officers, who are the backbone of our force and set the example for younger troops, become better educated. This legislation is modest in its scope and approach, but is enormously important for the individual attempting to better himself through education.

Moreover, this legislation sends a meaningful message to those serving to protect the American interest that Congress cares. S. 4, the Soldiers, Sailors, Airman, and Marines Bill of Rights Act which I was proud to cosponsor was an enormous step in this direction, and my legislation complements that effort.

Some of the common sense provisions of this amendment are:

1. Regardless of previous enrollment or disenrollment in the VEAP, active military personnel may choose to participate in the GI Bill.

2. Participation for VEAP-eligible members in the GI Bill is to be based on the same "buy in requirements" as are currently applicable to any new GI Bill participant. For example, an active duty member is required to pay \$100 a month for twelve months in order to be eligible for the Montgomery GI Bill. The same would be required of someone previously eligible for VEAP.

3. Any active duty member who has previously declined participation in the GI bill may also participate.

4. There will be a one year period of eligibility for enrollment.

I believe that if we are to maintain the best trained, and most capable military force in the world, we must be committed to allowing the people that comprise our armed forces to pursue further education opportunities. I believe that the modest amendment will have a positive effect on morale and give our noncommissioned officers additional opportunities for self-improvement and life-long learning. I ask for my colleagues support in this effort. thank you Mr. President.



## AMENDMENT NO. 510

(Purpose: To authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks)

On page 254, between lines 3 and 4, insert the following:

**SEC. 676. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.**

(a) IN GENERAL.—Clause (C) of the third sentence of section 3680(a) of title 38, United States Code, is amended to read as follows:

“(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between such terms does not exceed eight weeks, and (ii) both the term preceding and the term following the period are not shorter in length than the period.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

Mr. DEWINE. Mr. President, this amendment, which I offer along with Senator VOINOVICH, would fix an unintended oversight in veterans' educational benefits. This amendment is similar to legislation I introduced along with my distinguished Ohio colleague in the House of Representatives, Congressman BOB NEY, who is the leader of this effort.

Currently, the law allows qualified veterans to receive their monthly educational assistance benefits when they are enrolled at educational institutions during periods between terms, if the period does not exceed 4 weeks. This allowance was established to enable enrolled veterans to continue to receive their benefits during the December/January holidays.

The problem with the current time period is that it only covers veterans enrolled at educational institutions that operate on the semester system. Obviously, many educational institutions, including several in Ohio, work on the quarter system, which can have a vacation period of eight weeks between the first and second quarters during the winter holiday season. As a result, many veterans unfairly lose their benefits during this period because of the institution's course structure.

Mr. President, it is my understanding that some educational institutions that have a sizable veteran enrollment frequently create a one credit hour course on military history or a similar topic specifically geared towards veterans in order for them to remain enrolled and eligible for their educational benefits. It is my understanding that, the cost of extending the current eligibility period to eight weeks would have a minimal, if not negligible, cost.

The Department of Veterans' Administration has recognized the need to correct this oversight and assisted in the drafting of this legislation and has given it their full support.

I have no doubt that this very simple fix will be well-received by our veterans and the educational institutions that operate under the quarter system. I already know that Wright State University, Bowling Green State University, Ohio University and Methodist Theological School in Ohio have expressed their support for this legislation.

I urge my colleagues to support this common sense fix and allow all veterans to receive the uninterrupted educational assistance they earned.

## AMENDMENT NO. 511

(Purpose: To authorize the transfer of a naval vessel to Thailand)

In title X, at the end of subtitle B, insert the following:

**SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.**

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

## AMENDMENT NO. 512

(Purpose: to authorize payments in settlement of claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence)

On page 93, between lines 2 and 3, insert the following:

Sec. 349. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available \$40 million only for emergency and extraor-

dinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(6) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed \$2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) Construction.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) RESOLUTION OF OTHER CLAIMS.—No payments under this section or any other provision of law for the settlement of claims arising from the accident described in subsection (a) shall be made to citizens of Germany until the Government of Germany provides a comparable settlement of the claims arising from the death of the United States servicemen caused by the collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia, on September 13, 1997.

## AMENDMENT NO. 513

(Purpose: To increase the grade established for the chiefs of reserve components and the additional general officers assigned to the National Guard Bureau, and to exclude those officers from a limitation on number of general and flag officers)

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

**SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.**

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by striking “major general” and inserting “lieutenant general”.

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of such title is amended by striking “rear admiral (lower half)” and inserting “rear admiral”.

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 5144(c)(2) of such title is amended by striking “brigadier general” and inserting “major general”.

(d) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 8038(c) of such title is amended by striking “major general” and inserting “lieutenant general”.

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking “major general” and inserting “lieutenant general”.

(f) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.—Section 526(d) of such title is amended to read as follows:

“(d) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—The limitations of this section do not apply to the following reserve component general or flag officers:

“(1) An officer on active duty for training.



“(2) An officer on active duty under a call or order specifying a period of less than 180 days.

“(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.”.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

#### AMENDMENT NO. 514

(Purpose: To express the sense of the Senate that members of the Armed Forces who receive special pay should receive the same tax treatment as members serving in combat zones)

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

#### SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

Mr. EDWARDS. Mr. President, this amendment expresses the Sense of the Senate that income received by a member of the Armed Forces of the United States while receiving special pay should be tax exempt.

Currently, members of the U.S. Armed Forces who serve in a “combat zone” receive special tax exemptions. For example, they do not have to pay excise taxes on phone calls that they make from the combat zone. Nor do they have to pay income taxes on the money earned while in that zone.

My amendment expresses the Sense of the Senate that the tax exemptions should be triggered when the Secretary of Defense designates his employees as eligible for “special pay” based on hostile conditions. Members of the Armed Forces receive special pay under Title 37, United States Code, Section 310 when: (a) subject to hostile fire; (b) on duty in which he, or others with him, are in imminent danger of such fire; (c) were killed, injured or wounded by hostile fire or (d) were on duty in a foreign area in which he was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

The original tax exemption for combat pay was put in place during the Korean War. But given the current uses of our Armed Forces, it makes sense to update the provision for soldiers in hostile zones.

And I also believe that making this change in the Tax Code would correct an inequity. I think it is only right that soldiers in the Kosovo engagement are receiving the tax exemptions. But during a recent visit to Fort Bragg, many soldiers and their families commented that the same benefits should have been extended to the soldiers who served in Haiti and in Somalia. I have to say that I agreed with them. Indeed, I will introduce legislation after Me-

morial Day to implement this Sense of the Senate.

This Sense of the Senate addresses the new realities of the post-cold war world that repeatedly affects the members of our armed forces and their families. As the Senate knows all too well, the end of the cold war brought with it a significant drawdown in the size of our armed forces and a withdrawal from an overseas based force to one based primarily in the United States. Almost concurrently, our national security strategy has lead us into an era of seemingly continuous deployments. In the 40 years between 1950 and 1990, the U.S. Army was deployed 10 times. In the less than 10 years since the fall of the Berlin Wall, the Army has been deployed 33 times. The Navy's responses have doubled in the 90's. The Air Force has seen its deployed forces rise 400 percent while its active duty personnel dropped 33 percent. Some of these deployments are a few months in duration; some are part of a continuous presence—such as our forces in the Sinai. All work hardship on both the members deployed and their families, particularly when there are repeated or back-to-back deployments.

Again, as the Senate well knows these demands are contributing to both recruitment and retention problems. In recognition of these demands and of the likelihood that we will continue to see more of these deployments, this Sense of the Senate recognizes that we need to bring our Tax Code up to date so that it too acknowledges these new realities.

As we approach Memorial Day, I ask the Senate to approve this amendment as a means of acknowledging the sacrifices demanded of our service members and their families.

#### AMENDMENT NO. 515

(Purpose: To increase the funding for the Formerly Used Defense Sites account)

- (1) On page 56, line 16, add “\$40,000,000”.
- (2) On page 55, line 15, reduce “\$40,000,000”.

#### AMENDMENT NO. 516

(Purpose: To strike the portions of the military lands withdrawals relating to lands located in Arizona)

In section 2902, strike subsection (a).

In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2904(a)(1)(A), strike “(except those lands within a unit of the National Wildlife Refuge System)”.

In section 2904(a)(1), strike subparagraph (B).

In section 2904, strike subsection (g).

Strike section 2905.

Strike section 2906.

Redesignate sections 2907 through 2914 as sections 2905 through 2912, respectively.

In section 2907(h), as so redesignated, strike “section 2902(c) or 2902(d)” and insert “section 2902(b) or 2902(c)”.

In section 2908(b), as so redesignated, strike “section 2909(g)” and insert “section 2907(g)”.

In section 2910, as so redesignated, strike “, except that hunting,” and all that follows and insert a period.

In section 2911(a)(1), as so redesignated, strike “subsections (b), (c), and (d)” and insert “subsections (a), (b), and (c)”.

In section 2911(a)(2), as so redesignated, strike “, except that lands” and all that follows and insert a period.

At the end, add the following:

#### SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

Mr. CHAFEE. Mr. President, I thank my distinguished colleague from Arizona for sponsoring his amendment relating to the withdrawal of lands from the Cabeza Prieta National Wildlife Refuge. I am happy to cosponsor it, and I look forward to working with him in the future on this issue.

The amendment removes the provision in Title 29 relating to the Goldwater Range, and includes nothing more than a placeholder for subsequent consideration of the withdrawals. It is no more than a means to ensure that the Administration expeditiously completes its review process regarding the withdrawals. It is not intended in any way to prejudice this process, or to shape the substance of the provisions ultimately adopted by Congress.

Mr. President, my colleague from Arizona and I have agreed to work openly and collaboratively on this provision. As the National Wildlife Refuge System is within the jurisdiction of the Environment and Public Works Committee, I have a strong interest in the withdrawals of lands from the Cabeza Prieta National Wildlife Refuge, as well as the Desert National Wildlife Refuge, which will be considered later.

Again, I would like to extend my sincere gratitude to my distinguished colleague from Arizona. I thank him for his willingness to address my concerns and to sponsor this amendment. It is always a great pleasure to work with him and his staff, and I am delighted to have this opportunity to do so again.

Mr. MCCAIN. Mr. President, this amendment would remove from Title 29 of the bill all references to renewing the withdrawal from public use of the Barry M. Goldwater Range in Arizona. In place of the stricken language, I am proposing a “sense of the Senate” provision that expresses the clear desire to complete the legislative process of renewing the withdrawal of this land this

year, both because of its vital importance to military readiness and the environmental and cultural resources that will be preserved and protected by its continued withdrawn status.

I offer this amendment reluctantly, but in full recognition of the unintended controversy caused by its inclusion in the bill at this time. My intention in including these provisions in the Defense Authorization bill this year was to create a meaningful placeholder in the bill to ensure that legislation withdrawing the Goldwater Range could be enacted during this session of Congress. Based on repeated assurances and testimony before Congress, I believe the Administration shares that goal, and I intend to pursue inclusion of a final legislative package, developed with input from all interested parties, in the conference agreement on this legislation.

Unfortunately, my attempt to craft language which remained neutral on the few controversial aspects of the proposed withdrawal appears to have been inadequate. In addition, concerns about the process by which this legislation was developed have also been raised. Therefore, in order to ensure that all interested parties have a full opportunity to participate in the drafting of the final legislation withdrawing the Goldwater Range, I am proposing this amendment to replace the existing language with a "sense of the Senate" provision expressing the desire to complete the withdrawal process this year.

As I have said, there has been some controversy about the language of title 29.

I appreciate the concerns raised by the leadership of the Energy and Natural Resources Committee and the Environment and Public Works Committee concerning their jurisdiction, respectively, over public lands management and wildlife refuges. In no way was the inclusion of this language in the bill intended to preclude the ability of those Committees to conduct oversight hearings and provide input in the final legislation to withdraw the Goldwater and other ranges covered in Title 29. In full respect, however, of these Committees' interest in ensuring this bill in no way prejudices the outcome of the legislative process, I agree that a placeholder which simply expresses the desire to the Senate to enact legislation this year is more appropriate at this time. I fully expect to work closely with all members of the Senate and interested outside parties to reach a consensus on legislation that can be re-inserted in this bill in conference.

I also sympathize with the concerns raised by several organizations regarding future environmental stewardship of the Goldwater Range, just as I fully appreciate and support the need to maintain the availability of the range for essential military training.

Let me reiterate what I said more fully in my additional views filed with the bill. This language was intended

simply to be a placeholder to ensure that, if an Administration proposal is submitted to Congress this year for the withdrawal of these lands, it can be appropriately considered in the normal legislative process. I have been and will remain committed to ensuring that all viewpoints are heard and respected in crafting the final language of the withdrawal legislation, both because of the importance of the Goldwater Range as a military training facility, and to preserve and protect the unique environmental and cultural resources in this 2.7 million acre area.

The placeholder language in Title 29 of the Committee-reported bill is generally based on Public Law 99-606, which is the law that currently governs the status of these lands and which expires in 2001. However, the language is intentionally silent on many of the difficult issues that must be resolved before this legislation can be enacted. For example, the Committee-approved provision does not specify a length of time for the withdrawal of the Goldwater Range. The provision is deliberately ambiguous, as is the language of Public Law 99-606 which currently governs these lands, about whether the Cabeza Prieta is withdrawn or not, and it is silent on the issue of which federal agency manages all or part of the land.

At the same time, through the Committee process, the language was amended to include several additional provisions, not in the current law, to improve environmental protection and resource management of the lands. It mandates at least the same level of resource management and preservation be maintained at the range, and requires the Secretary of the Interior to provide a report on any additional recommended management measures. It precludes changes in the memorandum of understanding between the Department of Defense and Department of the Interior that governs the management of the Cabeza Prieta without notifying Congress 90 days in advance. It also includes a provision requiring a study and recommendation, to be submitted to Congress within two years, on the proposal to designate the Goldwater Range as part of a Sonoran Desert National Park.

The language would have been subject to further negotiation and amendment, pending submission of the Administration's legislative proposal to Congress. However, respecting the concerns raised by others about the content of the placeholder legislation, I am proposing that it be stricken.

Mr. President, it is vitally important that the Administration complete the process for renewing the withdrawal of these lands and provide a final legislative proposal to Congress this year. Delaying this issue unnecessarily puts at risk both the tremendous efforts to protect the natural and cultural resources on these lands and the critical need to conduct military training, both of which would end with the expiration of the current law.

The Administration has stated their desire to complete the legislative process for withdrawal of these lands during this session of the Congress—a goal which I and the Committee fully support—and has now committed to send a final legislative proposal to Congress by approximately June 9, 1999. I urge the Administration to finalize and submit a legislative proposal as early as possible so that all interested parties may review it carefully and efforts can be undertaken quickly to achieve a consensus on legislation that can be enacted this year in this bill.

Mr. President, I hope this amendment can be accepted. I believe I have the support of the able Chairman of the Armed Services Committee, Senator WARNER, to try to work out acceptable language on the Goldwater Range withdrawal, as well as the Chairmen of the Environment and Energy Committees. I look forward to working with the relevant committees and interested parties to reach a consensus on a final legislative package regarding the Goldwater Range that can be included in the conference agreement on this bill.

#### AMENDMENT NO. 517

(Purpose: To increase by \$2,000,000 the amount authorized for the Navy for procurement of MJU-52/B air expendable countermeasures and to offset the increase by a decrease by \$2,000,000 of the amount authorized for the Army for UH-1 helicopter modifications)

On page 16, line 17, strike "\$1,500,188,000" and insert "\$1,498,188,000".

On page 17, line 18, strike "\$540,700,000" and insert "\$542,700,000".

#### AMENDMENT NO. 518

(Purpose: To authorize a one-year delay in the demolition of three certain radio transmitting facility towers at Naval Station, Annapolis, Maryland and to facilitate transfer of towers)

At the end of subtitle E of title XXVIII, add the following: SEC: ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) One-Year Delay.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) Covered Towers.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) Transfer of Towers.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

## AMENDMENT NO. 519

(Purpose: To impose certain requirements relating to the recovery and identification of remains of World War II servicemen in the Pacific theater of operations)

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

**SEC. 1061. RECOVERY AND IDENTIFICATION OF REMAINS OF CERTAIN WORLD WAR II SERVICEMEN.**

(a) RESPONSIBILITIES OF THE SECRETARY OF THE ARMY.—(1) The Secretary of the Army, in consultation with the Secretary of Defense, shall make every reasonable effort, as a matter of high priority, to search for, recover, and identify the remains of United States servicemen of the United States aircraft lost in the Pacific theater of operations during World War II, including in New Guinea.

(2) The Secretary of the Army shall submit to Congress not later than September 30, 2000, a report detailing the efforts made by the United States Army Central Identification Laboratory to accomplish the objectives described in paragraph (1).

(b) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State, upon request by the Secretary of the Army, shall work with officials of governments of sovereign nations in the Pacific theater of operations of World War II to overcome any political obstacles that have the potential for precluding the Secretary of the Army from accomplishing the objectives described in subsection (a) (1).

Mr. SMITH of New Hampshire. Mr. President, I want to thank the managers of this bill for accepting this amendment, and I thank all of my colleagues for their support.

Let me say this is a very simple amendment, but one that becomes profoundly relevant as we approach Memorial Day next Monday, especially for the families of unaccounted for servicemen from World War II.

The amendment instructs the Secretary of the Army to make every reasonable effort to search for, recover, and identify the remains of U.S. servicemen from World War II crashsites in the South Pacific. As many of my colleagues know, the Army is DoD's executive agent for this kind of recovery work.

Mr. President, earlier this month I attended a military funeral for a World War II Army Air Corps pilot from Worcester, Massachusetts. I can't begin to tell you how moved I was to attend this funeral and listen to the eulogy about this young pilot, who joined the Army the day after Pearl Harbor, went on to get his wings in the Army Air Corps, married his sweetheart, only to have to leave her two days later. He was never to come home. He was lost over the jungles of New Guinea flying his P-47 Thunderbolt in 1943.

Fifty-three years later, in 1996, his remains inside his crashed plane were accidentally located by a private American citizen, Mr. Fred Hagen, who was searching for his great uncle's B-25 bomber.

Only then, did the emotional rollercoaster ride for the surviving elderly family members really begin because it took almost 3 additional years, and my continuous intervention along

the way, for the remains to be formally recovered and identified by the Army. There was political instability in New Guinea at one point, and that delayed things, and there were also competing priorities that the Army was trying to balance.

That case is now behind us, but I am aware that there are other World War II crashsites in New Guinea where the remains of American servicemen are presently located, yet they have not been formally recovered by the Army. Indeed, Mr. President, I would like to enclose for the record a letter I received yesterday from one American who has located several crash sites in New Guinea.

All this amendment does, Mr. President, is ensure that the Army works hard at locating, excavating, and identifying remains from these crash sites. By passing this amendment, we increase the likelihood that some of these families of missing World War II aviators will finally have a grave at which to lay flowers during a future Memorial Day. It's the least we can do, Mr. President, to honor those who made the ultimate sacrifice, and their aging family members.

Accounting for missing servicemen from World War II is just as important as accounting for missing servicemen from the Vietnam or Korean Wars. Each of these brave men made the ultimate sacrifice for their country. This amendment makes sure every effort is made to account for these missing servicemen.

I ask unanimous consent to have the letter printed in the RECORD.

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

ALFRED (FRED) HAGEN,  
Philadelphia, PA.

Senator SMITH,  
c/o Dino Carluccio.

DEAR SIR: In September, 1998 Cil-Hi apparently flew over the site of a B-25 that I found in November, 1997 and decided that the site should not be recovered due to the danger of landslides and the difficulty of working on the precipitous slope. If Cil-Hi does not change their position on this matter, I plan to organize a private team and recover the site myself.

We were able to identify the plane as a B-25D-I, #41-30182, 38th Bomb Group, 71st Bomb Squadron. The B-25 had departed Saidor on a shuttle flight to Nadzab on July 1, 1944@0907. There were 9 persons aboard:

They were: Pilot, Richard Hurst, 1st Lt.; Co-Pilot, James Henderson, 1st Lt.; Navigator, Aloysius Steele, 2nd Lt.; Radio/Gunner, John Creighton, Pfc.; Gunner, Henry Miga, Sgt.; Passenger, A. Milazzo, TEC 5; Passenger, B. Durham, Pfc.; Passenger, S. Russell; Pfc.; Passenger, G. Norris, Cpl.

Their exact fate had been unknown until Friday, November 7th, 1997. I picked up the bones of what turned out to be partial remains of three men and put them in my backpack. The remains had already been moved by the natives and no site integrity was lost by my action. I returned the remains to the US Ambassador in Port Moresby.

After years of searching, I also located the wreckage of the B-25 in which my late relative Major Bill Benn was killed in 1957. The

spot was located in very rugged terrain in 1957 and was visited by an Australian who performed a cursory "look around", salvaged a few bones and left. The site is littered with remains. I returned a number of bones to Cil-Hi after my June 1998 visit and requested that they do a formal site investigation. The site has never been visited by a US serviceman, in fact, there is little doubt in my mind that no one had re-visited the site until my team located it in 1998. The scarce remains of the crew were interred in a single box in Zachary Taylor National Cemetery (chosen due to its central location). I would like all the recoverable remains to come home, the 1957 burial site exhumed and all the remains to be segregated utilizing today's DNA technology. It would be very meaningful to my family to be able to give Bill Benn a proper burial in Arlington, minutes away from the residence of his widow and daughter.

I don't think that is too much to ask for a man who received the following commendation from General Kenney "No one in the theatre made a greater contribution to victory than Bill Benn". He has subsequently been forgotten by the world but not by his family.

This may not be a high priority for Cil-Hi because the case is supposedly already resolved. The bulk of remains appear to still be in New Guinea, however, and the question is whether it is good enough to appear to recover remains or whether the US military is committed enough to recover all possible remains. I cut a large heli-pad nearby and the site is readily accessible. I am also willing to accompany the team to guide them and render any assistance possible.

I appreciate your interest and assistance. I understand that you are busy and probably not available on short notice but I want to invite you to attend the burial of another P-47 pilot that I discovered in New Guinea named George Gaffney. He is being buried at Arlington on June 9th, 1999. After I found Desilets, Gaffney's daughter contacted me and asked me to look for her father. In what can only be described as a "miraculous" turn of good fortune, I succeeded in finding his remains.

Thank you so much.

FRED HAGEN.

## AMENDMENT NO. 520

(Purpose: To make technical and clarifying amendments)

On page 33, beginning on line 3, strike "that involve" and insert ", as well as for use for".

On page 278, line 4, strike "1998" and insert "1999".

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 368, line 14, strike "\$40,000,000" and insert "\$85,000,000".

On page 397, beginning on line 2, strike "readily accessible and adequately preserved artifacts and readily accessible representations" and insert "adequately visited and adequately preserved artifacts and representations".

On page 411, in the table below line 12, strike the item relating to "Naval Air Station Atlanta, Georgia".

On page 412, in the table above line 1, strike "\$744,140,000" in the amount column in the item relating to the total and insert "\$738,710,000".

On page 413, in the table following line 2, strike the first item relating to Naval Base, Pearl Harbor, Hawaii, and insert the following new item:

	Naval Base, Pearl Harbor .....	133 Units .....	\$30,168,000

On page 414, line 6, strike "\$2,078,015,000" and insert "\$2,072,585,000".

On page 414, line 9, strike "\$673,960,000" and insert "\$668,530,000".

On page 429, line 20, strike "\$179,271,000" and insert "\$189,639,000".

On page 429, line 21, strike "\$115,185,000" and insert "\$104,817,000".

On page 429, line 23, strike "\$23,045,000" and insert "\$28,475,000".

On page 509, line 10, strike "\$892,629,000" and insert "\$880,629,000".

On page 509, line 16, strike "\$88,290,000" and insert "\$100,290,000".

On page 509, between lines 16 and 17, insert the following:

Project 00-D—, Transuranic waste treatment, Oak Ridge, Tennessee, \$12,000,000.

Project 00-D-400, Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, \$1,306,000.

On page 541, line 22, strike "The" and insert "After five members of the Commission have been appointed under paragraph (1), the".

On page 542, between lines 11 and 12, insert the following:

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

On page 546, strike lines 20 through 23.

On page 547, line 1, strike "(3)" and insert "(2)".

On page 577, line 16, strike "PROJECT" and insert "PLANT".

On page 577, line 23, strike "Project" and insert "Plant".

On page 578, line 3, strike "Project" and insert "Plant".

On page 578, line 6, strike "Project" and insert "Plant".

On page 578, line 14, strike "Project" and insert "Plant".

On page 578, strike lines 17 through 21, and insert the following:

(3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of the enactment of this Act.

#### AMENDMENT NO. 521

(Purpose: To require a report on military-to-military contacts between the United States and the People's Republic of China)

On page 357, between lines 11 and 12, insert the following:

#### SEC. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2)

in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation such as memoranda for the record, official reports, and final itineraries, and receipts for expenses over \$1,000 concerning military-to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

(8) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People's Republic of China.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

#### AMENDMENT NO. 522

(Purpose: To authorize the Secretary of Defense to transfer to the Attorney General quantities of lethal chemical agents required to support training at the Chemical Defense Training Facility at the Center for Domestic Preparedness, Fort McClellan, Alabama)

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

#### SEC. 1061. CHEMICAL AGENTS USED FOR DEFENSIVE TRAINING.

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of lethal chemical agents transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety, and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of lethal chemical agents that are produced, acquired, or retained by the Department of Defense.

(3) The Secretary of Defense may not transfer lethal chemical agents under this section until—

(A) the Center referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary determines that the Attorney General is prepared to receive such agents.

(4) To carry out the training described in paragraph (1) and other defensive training not prohibited by the Chemical Weapons

Convention, the Secretary of Defense may transport lethal chemical agents from a Department of Defense facility in one State to a Department of Justice or Department of Defense facility in another State.

(5) Quantities of lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) NON-INTERFERENCE WITH TREATY OBLIGATIONS.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

#### AMENDMENT NO. 523

#### SEC. . ORDNANCE MITIGATION STUDY.

(a) The Secretary of Defense is directed to undertake a study and is authorized to remove ordnance infiltrating the federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99-662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection(a).

#### AMENDMENT NO. 524

(Purpose: To require a study and report regarding the options for Air Force cruise missiles)

In title II, at the end of subtitle C, add the following:

#### SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

#### AMENDMENT NO. 525

(Purpose: To encourage reductions in Russian nonstrategic nuclear arms, and to require annual reports on Russia's nuclear arsenal)

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

#### SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in

working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

#### AMENDMENT NO. 526

(Purpose: To make technical corrections)

On page 153, line 19, strike "the United States" and insert "such."

On page 356, line 7, insert after "Secretary of Defense" the following: ", in consultation with the Secretary of State,".

On page 356, beginning on line 8, strike "the Committees on Armed Services of the Senate and House of Representatives" and insert "the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives".

On page 358, strike line 21 and all that follows through page 359, line 7.

On page 359, line 8, strike "(c)" and insert "(b)".

On page 359, line 16, strike "(d)" and insert "(c)".

#### AMENDMENT NO. 527

(Purpose: To To authorize \$4,000,000 for construction of a control tower at Cannon Air Force Base, New Mexico, and \$8,000,000 for runway improvements at Cannon Air Force Base, and to offset such authorizations by striking a military family housing project at Holloman Air Force Base, New Mexico, and by reducing the amount authorized for the United States share of projects of the NATO Security Investment program)

On page 417, in the table preceding line 1, insert after the item relating to McGuire Air Force Base, New Jersey, the following new items:

New Mexico .....	Cannon Air Force Base .....	\$4,000,000
	Cannon Air Force Base .....	\$8,100,000

On page 417, in the table preceding line 1, strike "\$628,133,000" in the amount column of the item relating to the total and insert "\$640,233,000".

On page 418, in the table following line 5, strike the item relating to Holloman Air Force Base, New Mexico.

On page 418, in the table following line 5, strike "\$196,088,000" in the amount column of the item relating to the total and insert "\$186,248,000".

On page 419, line 15, strike "\$1,917,191,000" and insert "\$1,919,451,000".

On page 419, line 19, strike "\$628,133,000" and insert "\$640,233,000".

On page 420, line 7, strike "\$343,511,000" and insert "\$333,671,000".

On page 420, line 17, strike "\$628,133,000" and insert "\$640,233,000".

On page 429, line 5, strike "\$172,472,000" and insert "\$170,472,000".

#### AMENDMENT NO. 528

(Purpose: To amend title XXIX, relating to renewal of public land withdrawals for certain military ranges, to include a placeholder to allow the Secretary of Defense and the Secretary of the Interior the opportunity to complete a comprehensive legislative withdrawal proposal, and to provide an opportunity for public comment and review)

On page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

#### "TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS.

##### "SEC. 2901. FINDINGS.

"The Congress finds that—

"(1) Public Law 99-606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor

Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

"(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

"(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

"(4) the future uses of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

"(5) the public land withdrawals authorized in 1986 under Public Law 99-606 were for a period of 15 years, and expire in November, 2001; and

"(5) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99-606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

##### "SEC. 2902. SENSE OF THE SENATE.

"It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999."

#### AMENDMENT NO. 529

(Purpose: To authorize \$3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire)

On page 429, line 5, strike out "\$172,473,000" and insert in lieu thereof "\$168,340,000"

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth \$3,850,000

On page 412, in the table line Total strike out "744,140,000" and insert "747,990,000."

On page 414, line 6, strike out "\$2,078,015,000" and insert in lieu thereof "\$2,081,865,000".

On page 414, line 9, strike out "\$673,960,000" and insert in lieu thereof "\$677,810,000".

On page 414, line 18, strike out "\$66,299,000" and insert in lieu thereof "\$66,581,000".

#### AMENDMENT NO. 530

(Purpose: To authorize \$11,600,000 for the Air Force for a military construction project at Nellis Air Force Base, Nevada (Project RKM983014))

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

Nellis Air Force Base ..... \$11,600,000

On page 417, in the table preceding line 1, strike "\$628,133,000" in the amount column of the item relating to the total and insert "\$639,733,000".

On page 419, line 15, strike "\$1,917,191,000" and insert "\$1,928,791,000".

On page 419, line 19, strike "\$628,133,000" and insert "\$639,733,000".

On page 420, line 17, strike "\$628,133,000" and insert "\$639,733,000".

## AMENDMENT NO. 531

At the end of Section E of Title XXVIII insert the following:

SEC. . ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.—Section 2603 of the National Defense Authorization Act for fiscal year 1998 (P.L. 105-85) is amended as follows: With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Funds received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

## AMENDMENT NO. 532

(Purpose: To authorize, with an offset, an additional \$59,200,000 for drug interdiction and counterdrug activities of the Department of Defense)

On page 62, between lines 19 and 20, insert the following:

**SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.**

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by \$59,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) \$6,000,000 shall be available for Operation Capet Focus.

(2) \$17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) \$2,700,000 shall be available for forward looking infrared radars for P-3 aircraft.

(4) \$8,000,000 shall be available for enhanced intelligence capabilities.

(5) \$5,000,000 shall be used for Mothership Operations.

(6) \$20,000,000 shall be used for National Guard State plans.

Mr. DEWINE. Mr. President, last year the Congress provided an \$800 million down payment to restore viability to our counter drug eradication and interdiction strategy in the region. This funding was the first installment of the Western Hemisphere Drug Elimination Act, which was passed as part of last year's omnibus appropriations bill. Our goal is to reduce significantly the flow of cocaine and heroine flowing into the United States. This would be done by driving up drug trafficking costs, reducing drug availability, and ultimately keeping these horrendous drugs out of the reach of our children.

We made great progress last year to secure the funds for an enhanced counter-drug strategy. Today, I am seeking additional resources for this important national security interest.

Today, Senator COVERDELL and I are offering an amendment that would authorize more funds for Defense counter-drug programs. This amendment is taken from a provision contained in S. 5, the Drug Free Century Act, which I introduced with seven of my Senate colleagues.

Mr. President, since the late 1980's, the Department of Defense has been

called upon to support counter narcotics activities in transit areas in the Caribbean, and these dedicated members of our armed services have done an extraordinary job. Unfortunately, we in the Congress, and those all over the United States, are keenly aware that the Armed Forces of the United States are being stretched too thin. With the ongoing hostilities against Saddam Hussein in Iraq, and the enormous air campaign against Slobodan Milosevic in Kosovo, material and manpower dedicated to the interdiction of drugs entering our country have been diverted to these "higher priority" duties, leaving the drug transit areas vulnerable and unguarded.

In addition, this year we have seen the closure of Howard Air Force Base in Panama, which causes the United States to lose a premier airfield for conducting counter-drug aerial detection and monitoring missions. Without this aerial surveillance of the coca fields and production sites in Colombia, and the major transit areas for bringing cocaine into the United States, timely and actionable intelligence cannot be relayed to the Colombian government forces in time for seizure and eradication actions.

Fortunately, the current bill already would authorize \$42.8 million for the creation of forward operating locations to replace the capability lost with the closure of Howard Air Force Base. These sites will be critical to the continuing ability of the U.S. Armed Forces and law enforcement agencies to effectively detect and interdict illegal drug traffic. However, it will take time to get these sites identified and operational.

Mr. President, that is why this amendment is timely and important. Our amendment would shore up deficient funding in the critical areas of intelligence gathering, monitoring, and tracking of suspect drug activity heading toward the United States.

This amendment would provide authorization for an additional \$59.2 million in counter-drug intelligence gathering and interdiction operations.

We need to have a reliable and efficient means of monitoring, identifying, and tracking suspect traffickers before assigning interdiction aircraft or marine craft to intercept. The key to our success is accurate intelligence. Without accurate intelligence, we are wasting time and valuable resources.

This amendment would enable such intelligence gathering technologies as a CONUS-based, over-the-horizon radar that could be used in detecting and tracking both air and maritime targets in the eastern Pacific and Mexico. This technology would greatly enhance the ability of law enforcement agencies of both the United States and Mexico to interdict and disrupt shipments of narcotics destined for the United States.

This amendment also would authorize funds for enhanced intelligence capabilities such as signals intelligence, collections, and translation that would significantly improve the overall effectiveness of the counter drug effort.

Mr. President, it is time to renew drug interdiction efforts, provide the necessary equipment to our drug-enforcement agencies, and make the issue a national priority once again. I urge my colleagues to support this amendment and help turn the tide of the drug crisis in our country.

## AMENDMENT NO. 533

(Purpose: Expressing the Sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997)

At the appropriate place insert the following:

**SEC. . SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMEN'S FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.**

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov TU-154M aircraft collided with a United States Air Force C-141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU-154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU-154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States



Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

#### AMENDMENT NO. 534

(Purpose: To commemorate the victory of freedom in the Cold War)

On page 387, below line 24, add the following:

#### SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as "Victory in the Cold War Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

(c) COLD WAR MEDAL.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

#### "§ 1133. Cold War medal: award

"(a) AWARD.—There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States armed forces during the Cold War in order to recognize the contributions of such individual to United States victory in the Cold War.

"(b) DESIGN.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the 'Victory in the Cold War Medal'. The decoration shall be of appropriate design, with ribbons and appurtenances.

"(c) PERIOD OF COLD WAR.—For purposes of subsection (a), the term 'Cold War' shall mean the period beginning on August 14, 1945, and ending on November 9, 1989."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1133. Cold War medal: award."

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(l) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed \$15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the "Commission on Victory in the Cold War" (in this subsection to be referred to as the "Commission").

(2) The Commission shall be composed of twelve individuals, as follows:

(A) Two shall be appointed by the President.

(B) Two shall be appointed by the Minority Leader of the Senate.

(C) Two shall be appointed by the Minority Leader of the House of Representatives.

(D) Three shall be appointed by the Majority Leader of the Senate.

(E) Three shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

(5) The Commission shall be chaired by two individuals as follows:

(A) one selected by and from among those appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (2);

(B) one selected by and from among those appointed pursuant to subparagraphs (D) and (E) of paragraph (2).

Mr. LEVIN. It is my understanding that the creation of a medal under this section is solely at the discretion of the Secretary of Defense.

#### AMENDMENT NO. 535

(Purpose: To require the implementation of the Department of Defense special supplemental nutrition program

In title VI, at the end of subtitle E, add the following:

#### SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to pro-

vide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a)."

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program."

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b))."

#### AMENDMENT NO. 536

(Purpose: To provide \$4,000,000 for testing of airblast and improvised explosives (in PE 63122D), and to offset that amount by reducing the amount provided for sensor and guidance technology (in PE 63762E)

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

#### SEC. 216. TESTING OF AIRBLAST AND IMPROVISED EXPLOSIVES.

Of the amount authorized to be appropriated under section 201(4)—

(1) \$4,000,000 is available for testing of airblast and improvised explosives (in PE 63122D); and

(2) the amount provided for sensor and guidance technology (in PE 63762E) is reduced by \$4,000,000.

The PRESIDING OFFICER. Is there further debate on the amendments?

Mr. WARNER. I ask unanimous consent that the amendments be agreed to en bloc, the motion to reconsider be laid on the table, and that any statements be printed in the RECORD.

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

The amendments (Nos. 482 through 538) were agreed to.

Mr. WARNER. Mr. President, I ask all remaining amendments at the desk be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. It is the intention of the managers to move to third reading momentarily.

Mr. LEVIN. We are ready.

Mr. WARNER. In the moment I have here, I just want to acknowledge, again, the tremendous cooperation and the spirit with which my distinguished colleague from Michigan and I—we have worked together for these many years—came together. We were supported by superb staffs; our staff directors, I tell you, they are pretty tough.



At this moment we will withhold that, but the balance of the staffs on both sides have done magnificent work.

Mr. LEVIN. Mr. President, I join my dear friend, the chairman, in that sentiment about our staffs and our colleagues. This is a very complex bill. I think we have done it in record time, but it has taken the cooperation of all of our colleagues, the leadership on both sides, and of course our staff made it possible. We will have more to say about that after final passage. I think we are now waiting for the final high-sign from our staff that everything has been cleared.

Mr. WARNER. Mr. President, of course we include Les Brownlee and David Lyles in those accolades.

Mr. KYL. Mr. President, I inquire how much time is remaining?

The PRESIDING OFFICER. There remain 1 minute 42 seconds.

Mr. KYL. The minority has yielded back its time?

Mr. REID. We have not yielded it back, but I don't think we will use it. We will wait and see what the Senator has to say.

Mr. KYL. I ask unanimous consent Senator DOMENICI's time be folded in with my time and then I will close our side of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 3 minutes 42 seconds.

Mr. KYL. Mr. President, let me just clarify about three things that were said by Members of the minority a moment ago.

Senator BINGAMAN said we should not be playing politics with national security. We could not agree more with that. He, then, began discussing how these problems have been around a long time, under Republican administrations as well as Democrat administrations. That is true. It is not political; it is true. Of course, that is what the Cox Commission report said, but that has nothing to do with whether we should begin to solve those problems now.

Once this administration became aware of the espionage in about 1995, it was important to begin the work of cleaning up the mess at the Department of Energy. What we are saying is if that is not going to be done by the administration, we are prepared to help do that with the amendment we have offered.

Second, Senator BINGAMAN indicated that Democrats did not object to the Republican security amendments in the Armed Services Committee, which were then included in the bill and which Members of the Democratic side have been talking about as a good thing in this bill.

I just asked staff to note a couple of the specifics to which there was objection. The minority, for example, objected to the requirement that DOE employees who have access to nuclear weapons data have a full background investigation. They watered it down by delaying implementation and also re-

quiring an analysis of costs. They weakened the restrictions on the lab-to-lab program, section 3156 or 3158, I have forgotten. There were more. Not to quibble, but the point is the security provisions in this bill were put there by the Members of the Republican side, by and large. The primary section that was discussed was the section put in by Senator LOTT, the majority leader.

But there is one more important piece of unfinished business and that is the Kyl-Domenici-Murkowski amendment, and that is what the Democrats will not let each of us talk about let alone debate about, except for the unanimous consent to close the debate here this evening.

Senator REID concluded by saying he did not improperly hold up the bill. He, in fact, used the rules of the Senate to protect the prerogatives of one Senator and his side. That is certainly true. He knows the rules. He used the rules. He was able to use the rules to prevent us from speaking, from debating our amendment, and from voting on it. The only way we could bring the defense authorization bill to a close and conclude this very important piece of business for the American people was for us to withdraw this important amendment.

I hope all of our colleagues and the American people understand what happened here. Because we could not discuss or vote on the Kyl-Domenici-Murkowski amendment, and because it was important to conclude the work on the defense authorization bill, we were required to withdraw our amendment. That important piece of unfinished business to protect the security of the National Laboratories, therefore, remains unfinished business and will have to be taken up in the future.

I do not know of a higher priority for the Senate at this time than trying to ensure the security of our National Laboratories and our most sophisticated weapons. This amendment would go a long way toward doing that. It is not the total answer. I am just hopeful in the days and weeks to come we will not hear the continuing wails that it is not time, we do not have time to discuss this, we should have lots of hearings about it.

We are prepared to have all kinds of discussions. We need to have those discussions. If we are not able to have those discussions in future times here, then the next time it will not be withdrawn and we will have to deal with it one way or the other.

I urge my colleagues to work together, try to resolve these important security issues for the safety and defense of the United States of America.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 399

Mr. HARKIN. Mr. President, I want to briefly speak on an amendment I of-

fered today that was accepted by unanimous consent in the Defense authorization bill. My amendment will address an unfulfilled obligation to our nation's veterans. The problem is a substantial backlog of requests by veterans for replacement and issuance of military medals. At a time when our troops are engaged overseas, and with the Memorial Day weekend approaching, it is all the more important to ensure we are recognizing the sacrifices of our veterans.

Believe it or not, it can take years for veterans to receive medals earned through their service to our nation. My state offices are involved in a number of current cases where veterans have been waiting two to three years for medals they earned, but were never awarded. While my staff and I pursue these cases aggressively, the reality is that no amount of pressure and follow-through can overcome what is essentially a resource problem.

The medal issue revolves around a huge backlog of requests. The personnel centers, which process applications for the separate services for never-issued awards and replacement medals, have accumulated huge backlogs of requests by veterans. In one personnel center alone, 98,000 requests have been allowed to back up, resulting in years of waiting time. These time delays have denied veterans across the nation the medals and honors they have rightfully earned through heroic actions.

Let me briefly share the story of Mr. Dale Holmes, a Korean War veteran. I have shared this story on the floor before, but I think it bears repeating. Mr. Holmes fired a mortar on the front lines of the Korean War. Stacy Groff, the daughter of Mr. Holmes, tried unsuccessfully for three years on her own, through the normal Department of Defense channels, to get the medals her father earned and deserved. Ms. Groff turned to me after her letter writing produced no results. My office began an inquiry in January of 1997 and we were not able to resolve this issue favorably until September 1997.

Ms. Groff made a statement about the delays that sum up my sentiments perfectly: "I don't think it's fair. My dad deserves, everybody deserves, better treatment than that." Ms. Groff could not be more correct. Our veterans deserve better from the country they served so courageously.

DOD claims that it does not have the people or resources to speed up the process. But it would not take much to make a dent in the problem. For example, the Navy Liaison Office was averaging a relatively quick turnaround time of only four to five months when it had five personnel working cases. Now that it has only three people in the office, it is having a hard time keeping up with the crush of requests. DOD must make putting more resources towards this problem a priority. However, it seems like the same old story—our government forgets the

sacrifices servicemen and women have made as soon as they leave military duty. We can do better.

Last year, during the debate over the FY99 Defense Appropriations bill, the Senate passed my amendment urging the DOD to end the backlog of unfulfilled military medal requests. Unfortunately, the Pentagon has not moved to fix the problem. In fact, according to my information, the problem has worsened.

Therefore, here I am again. My amendment directs the Secretary of Defense to establish and carry out a plan to make available the funds and resources necessary to eliminate the backlog in decoration requests.

Specifically, my amendment says the Secretary of Defense shall make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, the Air Force Personnel Center, the National Archives and Records Administration, and any other relevant office or command, the resources necessary to solve the problem. These resources could be in the form of increased personnel, equipment or whatever these offices need for this problem.

My amendment also directs that funding and resources should not come at the expense of other personnel service and support activities within DOD. It is a commonsense approach which will allow DOD to structure a quick and direct solution to the problem.

Our veterans are not asking for much. Their brave actions in time of war deserve our highest respect, recognition, and admiration. My amendment will help expedite the recognition they so richly deserve. Our veterans deserve nothing less.

I thank the Veterans of Foreign Wars for strongly supporting this amendment. Their support meant a great deal to my efforts.

I thank the managers of the Defense Authorization bill, Senator WARNER and Senator LEVIN, for their cooperation and understanding in agreeing to accept this important amendment.

While this is only a small change to the Defense authorization bill, it will send a clear message to our Nation's veterans and active duty personnel: we recognize and value the sacrifices you have made on our behalf.

AMENDMENT NO. 394

Ms. COLLINS. Mr. President, I rise today as a cosponsor of the majority leader's amendment to the defense authorization bill. The amendment takes important steps to improve the monitoring of the export of advanced U.S. satellite technology and to strengthen security and counterintelligence measures at Department of Energy facilities.

As a Senator, I have been privy to a wide range of classified and unclassified information relating to efforts by the People's Republic of China to acquire our sensitive technology and influence our political process. As a United States citizen, I am gravely concerned.

As a member of the Governmental Affairs Committee, I learned during the campaign finance investigation ably lead by Chairman THOMPSON that China developed and implemented a plan to influence U.S. politicians and elections. And from Charlie Trie and John Huang, both of whom have recently plead to felony offenses and agreed to cooperate with the Justice Department, I suspect we could learn more. More recently, I reviewed the Cox report, and just yesterday, listened to testimony concerning the report during a hearing of the Subcommittee on International Security, Proliferation, and Federal Services. The evidence is clear that China stole very sensitive military secrets involving virtually all of our nuclear weapons. What is more, I believe that the lax security at our government labs is completely inexcusable as is the Clinton Administration's abject failure to take swift and strong action when it became aware of evidence of serious breaches in our national security.

This administration is faced now with the opportunity to focus the country on constructive solutions to our problems concerning espionage and undue foreign influence. I fear, however, that we will be mired for a long time to come in the details of what happened, because those who know will not tell. Instead of a swift accounting of what went wrong, I am afraid we can expect the stonewalling and lack of cooperation we received during the campaign finance inquiry.

Yet there are things Congress can do now to improve security at our national labs, and the majority leader's amendment is one of them. The Amendment increases the exchange of information between the Administration and the Congress and requires changes at the Departments of State, Energy, Defense as well as other intelligence agencies. These changes will help strengthen security checks, licensing procedures, and access to classified information. I am hopeful that these provisions will enhance the security and protection of our most vital technological secrets and ensure that if violations do occur, swift and decisive action is taken to correct them.

I urge my colleagues to support this measure.

BQM-74 TARGET DRONE PROCUREMENT

Mr. CONRAD. Mr. President, I ask unanimous consent on behalf of myself, Senator DORGAN, and Senator BINGAMAN to engage the Chairman and Ranking Member of the Armed Services Committee in a colloquy.

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

Mr. CONRAD. I thank the chair. Mr. President, Senator DORGAN, Senator BINGAMAN, and I have come to the Senate floor today to discuss with the Armed Services Committee's able leadership how the Congress might go about ensuring funding for procurement in fiscal year 2000 of the BQM-74, a Navy target drone.

Mr. DORGAN. I understand that the Senator from New Mexico has some expertise on this subject.

Mr. BINGAMAN. I have been pleased to support the BQM-74. This target drone plays an important role in Navy air-to-air and surface warfare training, representing enemy fighters, bombers, and cruise missiles during live-fire training operations. The Chief of Naval Operations has a requirement that at least 240 of these drones be kept in the active inventory. We have maintained this number in the past, and I hope that the Navy will be able to continue to do so.

Mr. CONRAD. I wonder if I could direct a question to my colleague from North Dakota, who also has some familiarity with this program. Senator DORGAN, am I correct to understand that a lack of BQM-74 procurement in fiscal year 2000 could result in the Navy's inventory falling below the CNO's requirement?

Mr. DORGAN. My colleague from North Dakota is entirely correct. I am informed that no production in the coming fiscal year would likely result in a dangerous reduction to the inventory, and could force Navy training operations to be curtailed as early as 2002. This would clearly not be in our nation's interest. I am additionally informed that a gap in production next year could drive up unit cost sharply.

Mr. CONRAD. This is most distressing. I wonder, could the Senator from New Mexico provide some background on the BQM-74's current funding status?

Mr. BINGAMAN. As my colleagues may be aware, the Navy had allocated 435 million for procurement of 135 BQM-74 drones in fiscal year 2000. This funding was zeroed out by the Office of the Secretary of Defense prior to submission of the budget request to Congress.

Mr. DORGAN. The Office of the Secretary of Defense clearly did not act prudently in this regard, and I am pleased to report that this week the Senate Defense Appropriations Subcommittee—on which I serve—added 430 million for procurement of this target drone. This move followed an authorization by the House Armed Services Committee of \$27 million for BQM-74 procurement.

Mr. CONRAD. In light of the unquestioned importance of the BQM-74 and the action taken by the House authorizers and Senate appropriators, I wonder if the distinguished Chairman of the Senate Armed Services Committee believes that this matter can be addressed in conference.

Mr. WARNER. I thank the Senators for their valuable input. The BQM-74 is one of several critical defense priorities that will be addressed in conference.

Mr. DORGAN. Senator LEVIN, might I ask if you concur with the Chairman?

Mr. LEVIN. the issue will certainly have to be addressed in conference. The BQM-74 target drone is important to

peacetime training and readiness. I know that the House Armed Services Committee authorized funding, and the Senate Appropriations Committee has recommended funding. It is my intention to work with the Chairman and our House counterparts in the upcoming conference to try to provide authorization funding for BQM-74 procurement in fiscal year 2000.

Mr. CONRAD. On behalf of myself, Senator DORGAN, and Senator BINGAMAN, I thank the distinguished Chairman and Ranking Members for their important assurances.

#### WARTIME EMBARGO

Ms. SNOWE. Mr. President, this amendment imposes a straightforward but neglected requirement on the administration to seek multilateral economic embargoes as well as foreign asset seizures against governments with which the United States engages in armed hostilities.

After one month of conflict in Kosovo, the Pentagon had announced that NATO had destroyed most of Yugoslavia's internal oil refining capacity.

But the Secretary of State then acknowledged that the Serbians continued to fortify their hidden armored forces in the province with imported oil.

And just three weeks ago, the allies first agreed to an American proposal to intercept petroleum exports bound for Serbia on the high seas but then declined to enforce the ban against their own ships!

On May 1st, five weeks after the Kosovo operation had begun, the President finally signed an executive order imposing an American embargo against Belgrade on oil, software, and other sensitive products.

Yet NATO and the United States have paid a steep price for failing to impose comprehensive economic sanctions on Serbia from the beginning of the air campaign in late March. As recently as May 13th, an anonymous U.S. government source told Reuters that the Yugoslavian Army continued to smuggle significant amounts of oil over land and water.

At the end of April, General Wesley Clark, NATO's Supreme Commander, gave the alliance a plan for the interdiction of oil tankers streaming in the Adriatic towards Serbian ports. To justify this proposal, he cited the fact that through approximately 11 shipments, as this chronology shows, the Yugoslavians had imported 450,000 barrels containing 19 million gallons of petroleum vital to their war efforts. One Russian vessel alone deposited more than four million gallons of this amount.

Unfortunately, Mr. President, it has been economic business as usual for the Serbians as our missiles try to grind their will. The President declared on March 24th the beginning of the NATO campaign and set a goal of deterring a bloody offensive against Moslem civilians.

Less than four weeks later, with more than 400 planes flying over 400,000 internally displaced Kosovars, Belgrade reached the mid-point of receiving 11 shipments of oil from abroad.

By the close of April, General Clark confirmed the destruction of Yugoslavia's oil production capacity. On the same day, however, the Serbs took in 165,000 barrels of imported fuel.

And on May 1st, when the President signed the executive order banning U.S. trade with Yugoslavia, Milosevic had received the last of the 11 April oil shipments for a total of 450,000 barrels.

As of three weeks ago, the number of displaced Kosovars had topped one million and NATO acknowledged the continuation of energy imports by the enemy.

These imported energy reserves play a significant role in supporting Serbian ground operations. The U.S. Energy Information Agency estimates that Yugoslav forces consume about four thousand barrels of oil per day. This fact means that if Serbian armored units in Kosovo used only *one-half* of the *imported* fuel just from April, they could have operated for nearly two months.

It took barely one month after the start of the NATO campaign, however, for President Milosevic to uproot the vast majority of the ethnic Albanian population of the province. So by the time frame that NATO had claimed to destroy Serbia's oil refining capacity, mid-to-late April, the Yugoslavians still managed to perpetrate Europe's worst humanitarian crisis since World War II.

We now face the strategic and operational challenge of uprooting dispersed tank, artillery, and infantry units in Kosovo. This challenge confounds NATO because our military campaign ignored the offshore economic base sustaining the aggression that we had pledged to overcome.

This example, Mr. President, teaches us that military victory involves more than the decisive application of force. It also demands, as Operation Desert Storm so dramatically illustrated, a coordinated diplomatic and economic enemy isolation effort among the United States and its allies.

Iraq invaded Kuwait on August 1, 1990. Five days later, on August 6th, the United Nations Security Council, with only Cuba and Yemen in opposition, had passed a resolution directing "all states" to bar Iraqi commodity and product imports. This action first helped to freeze Saddam in Kuwait before he could move into Saudi Arabia. The wartime coalition subsequently faced the more manageable task of expelling this dictator from a small country rather than the entire Arabian Peninsula.

We must always try to damage or destroy the offensive military apparatus of a hostile state. But as the Persian Gulf War taught us, it should also be starved of resources.

Efforts to establish multilateral embargoes will always encounter resist-

ance and lapses in enforcement. My amendment, however, puts the tyrants of the globe on notice that as a matter of policy, the United States will take immediate steps to deprive them of the finances and the imports to wage war should America and its international partners engage in hostilities against them.

The language of this provision instructs the President to "seek the establishment of a multinational economic embargo" against an enemy government upon the engagement of our Armed Forces in hostilities. If the conflict continues for more than 14 days, the President must also report to Congress on the actions taken by the administration to implement the embargo and to publish any foreign sources of trade and revenue that sustain an adversary's war-making capabilities.

This amendment will not constrain, but strengthen, future Presidents in organizing the international community against regional zealots like Milosevic. We must remember that the European Union states declined to enforce the Adriatic Sea embargo against the advice of the United States. But if we lend the force of law to administration's embargo efforts from the outset of a war, we could gain more allied partners to force an aggressor into military bankruptcy.

As our Balkan campaign reveals, the foreign energy and assets at the disposal of dictators can provide their forgotten tools of aggression. But this seamless embargo amendment signals that the United States will not only remember these tools, but take decisive action to break them. It signals that we should not bomb only so the enemy can trade and hide.

To enforce greater clarity in our strategies of isolating the nation's armed adversaries of tomorrow, Mr. President, I urge the Senate's unanimous support for this amendment.

#### NATO'S MISSION

Mr. DOMENICI. Mr. President, I rise today to discuss three interrelated aspects of our country's security at the brink of the new millenium. There has already been discussion of NATO in this new world. We have also intermittently discussed the war in the region of Kosovo.

It is important to reflect on NATO's mission under changed circumstances. It is critical to address the U.S. role as part of NATO. At the same time, we must evaluate threats globally, and we must be vigilant in safeguarding our security and defense capabilities.

In April, we celebrated NATO's 50th Anniversary. Despite the circumstances, we had good reason to celebrate. After the horrors of World War I and II, U.S. decisionmakers sought to construct European structures for integration, peace, and security. U.S. policy focused on two tracks: the Marshall Plan for economic reconstruction and NATO for transatlantic security cooperation.

The creation of the North Atlantic Treaty Organization in 1949 acknowledged what we failed to admit after World War I. Europe was and is a precarious continent. Twice in the first 50 years of this century, America fought against tyrannical and malevolent forces in Europe.

It is important to remember that NATO did not begin as a response to the Warsaw Pact. This primary objective evolved as a de facto result of Stalinist expansion into Central Europe.

Fifty years later NATO remains the strategic link between the Old World and the New. NATO achieved its Cold War mission and even now, in a changed era and very different world, NATO is a vital element of transatlantic cooperation and security.

We must, however, be conscious and careful in applying the lessons of the past to current circumstances. None of what I have just talked about should be interpreted as an argument for current NATO action in the region of Yugoslavia, Albania, Macedonia, and Montenegro.

The administration repeatedly suggests that violence in the Balkans ignited the First World War. This is true. A member of the Black Hand, a Serbian nationalist group, assassinated Archduke Franz Ferdinand. Serbia, at that time, was a small nation fighting for independence within a crumbling Austro-Hungarian Empire.

Due to Russia's alliance with Serbia and Germany's open-ended military pact with Austria, both Germany and Russia mobilized immediately. Other than a few neutral countries—Norway, Sweden, Italy, Switzerland, and Spain—the rest were locked in polarized blocs that set the Triple Alliance against the Triple Entente.

Such polarized blocs do not exist today. Serbia's aggression against Kosovar Albanians can and has created regional instabilities. But this would not lead to World War Three.

This is not 1914. Only one alliance dominates Europe—NATO. NATO can be used as a force for peace. Acting without regard to security perceptions outside of NATO, however, can lead us down a very different and dangerous path.

Our current actions disregarded the views others of their own security. Our actions in Kosovo may yet unravel any gains achieved in nuclear arms reductions and cooperative security alliances since the Soviet Union collapsed.

Furthermore, NATO's response in Kosovo has accelerated and exacerbated regional instability. We have managed to create a humanitarian crisis, while not achieving any of our military objectives. Of course, any rational person could see that an air campaign from 20,000 feet would not prevent executions, rapes, and purges on the ground. This is especially true given the 5 months of time we gave President Milosevic to plan, prepare, and position his forces.

One relevant aspect of today's world that the administration failed to men-

tion in their arguments for involvement in this campaign is the impact this would have on U.S.-Russian relations. We have a tendency to believe that Russia is so weak and needs our money so bad that we can disregard their views or interests.

I ask you to consider two key facts: as Russia's conventional military declines, reliance on their nuclear arsenal increases;

global stability cannot be achieved without cooperation between the U.S. and Russia.

The reciprocal unilateral withdrawal of thousands of tactical nuclear warheads between the U.S. and Russia may also be reversed. Russia has recently announced its intent to redeploy components of its tactical nuclear arsenal. We were on a path through arms reduction and steps toward increased transparency to addressing tactical weapons. These gains are steadily unraveling.

The administration never suggested that NATO strikes against Serbs may lead to a worst-case scenario over the next few years in Russian politics. Russia faces Parliamentary elections this year and a Presidential election next.

According to one of the most pro-American Duma members, the U.S. Administration picked the best route to influence the upcoming elections in favor of Communist and ultra-nationalist parties. In Russia, 90 percent of the public support the Serbs and are against NATO.

This war will have profoundly negative impact on the relationship between Russia and the U.S. for a long time.

The U.S. was supposedly not fighting for either side. We were trying to be the honest broker, at least in the beginning. Our actions have created enemies. These enemies have historical ties to Russia. Russia's economy is in tatters, but Russia still controls the only means to obliterate the United States.

We feel we are in the right, because we are fighting a tyrant, one capable of great evil. I don't disagree with the objectives sought, but I do believe that the Administration should have taken into account the possible political consequences of our actions on Russia's political future, as well as our future relationship with Russia.

There are those who suggest that NATO must be victorious in the Kosovo conflict. Victory in Kosovo is short-term if we do not sort out the broader consequences of a victory dictated on NATO's terms.

Russia is edging closer to China, and India. Our blatant disregard of the security needs of others and perceptions may culminate in a Eurasian bloc allied against us—against NATO. And election campaigns in Russia will begin very soon.

As European leaders converged to celebrate NATO's 50th birthday, they spent much time debating and deliberating on NATO's future. NATO's

present reflects poor policy decisions and an ineffective military approach.

I also take this opportunity to discuss the grievous situation of our military today. Recent actions in Kosovo underscore the self-inflicted damage we have done to our national security in the years since the Cold War.

I was one of many Senators during the 1980's who supported seeing our Nation's defenses bolstered in order to bring the Soviet Union to its knees. We defeated them—not through hot war—but by demonstrating the unparalleled power of American democracy and free market dominance over a command economy.

The collapse of the Soviet state was inevitable, but it would have taken a lot longer without the catalyst of our rapid defense buildup. This charge greatly accelerated the breakdown in the Soviet Union's economy. Their political and economic institutions unraveled in light of America's clear superiority.

In 1991, after years of focus on a strong defense, when the Iraqis occupied Kuwait, U.S. forces were able to demonstrate their dominance. The U.S. military liberated Kuwait in a short, decisive campaign. The Gulf war was a ground and air war. It was a full blown offensive.

And at no time during the Gulf war did anyone even so much as hint that U.S. forces were spread too thin. There were no reports of not being able to thwart an attack from North Korea due to our commitment in the Gulf. Never did we hear of depleted munitions stores, shortages in spare parts for our equipment, or waning missile supplies.

Eight years later, the cracks in our defense capabilities emerged after less than 60 days of an air campaign in the Kosovo region. In less than forty days of what have been limited air strikes, respected officials reported that U.S. defenses are spread too thin. If North Korea or Saddam wanted to capitalize on our distraction in the Balkans, we currently would not have the means to defend our interests.

We have been forced to divert resources from other regions in the world to meet NATO's needs in the Balkans. Our transport capabilities are insufficient. We evidently have too few carriers. Our munitions reserves are depleted. And, as ludicrous as it may sound, for years our military personnel have had to scramble to find spare parts.

In the early nineties, after the collapse of the Soviet Union, the U.S. was viewed as the only remaining "superpower." Our global economic and military dominance was unquestioned. That time was, in the words of respected scholars and strategists, the Unipolar Moment. There was no doubt that the U.S. could defend its interests in any situation—whether military action or political persuasion were necessary.

We have squandered that moment and missed many opportunities to capitalize on our success. In fact, out of

complacency and misplaced perceptions of the post-Cold War world, our defense capacity today is insufficient to match the threats to our national interests.

Many years of self-indulgence and inattention to our nation's defense cannot be corrected with a one-time boost. This is a complex and long-term problem. But I'm committed to ensuring that our nation's defenses are not further eroded. I'm fed up with the complacency that has created our current situation.

We must have a strong defense. We must ensure that the men and women in uniform have the right equipment, the best training, and are afforded a quality of life sufficient to keep them in the military. This cannot be done by sitting on our hands and hoping that the world remains calm.

Additions to readiness accounts, ammunition, and missile stocks in the emergency supplemental for Kosovo will help ensure that our fighting forces are not in worse shape than before this engagement. It provides a small, but significant, step forward.

The Defense authorization bill before us takes additional steps in the right direction. I commend Senator WARNER and his diligent staff on the hard work they have done to balance priorities and provide for our men and women in uniform.

Let me briefly outline some major provisions of this bill that I consider important and appropriate to address some of our military's most pressing needs.

As an additional boost to problems in readiness, this bill authorizes an additional \$1.2 billion in operations and maintenance funding.

The bill also includes over \$740 million for DoD and Department of Energy programs that provide assistance to Russia and other states of the former Soviet Union. These programs address the most prevalent proliferation threat in our world today.

The \$3.4 billion increase in military construction and family housing is an essential element of providing our armed forces with the quality of life they deserve. In addition, pay raises and improved retirement plans demonstrate our commitment to the people who serve in our military.

I do not believe that increased pay and better retirement address the full spectrum of issues that feed into retention problems. The preliminary findings of a GAO study requested by myself and Senator Stevens indicate that the main problem is not pay, but rather working conditions. Lack of spare parts and deficient manning were the most frequent reasons offered for dissatisfaction with their current situation.

These are important findings, because it is something we can address. As more conclusions come to light, we can do a better job in fixing the problems that currently contribute to recruitment and retention. We must pay

close attention to these issues. The men and women serving in our military are the sole assurance of a strong, capable U.S. defense capability.

A strong defense must be coupled with a consistent set of foreign policy objectives that strive to reduce or contain security threats. At present, we have neither.

Mr. President, it seems we must focus on shifting the balance back in our favor. This cannot be done ad hoc. Securing U.S. interests requires sustained commitment and well-planned execution. First, we must provide the domestic means for a strong, capable armed forces. Second, we must be calculated and careful in the application of force as a fix to failed diplomacy.

#### THE NUCLEAR CITIES INITIATIVE

Mr. BINGAMAN. Mr. President, I would like to clarify a provision, section 3136(b), of the National Defense Authorization Bill for Fiscal Year 2000, concerning the Nuclear Cities Initiative (NCI). The Nuclear Cities Initiative is a Department of Energy cooperative effort with Russia to assist Russia in downsizing its nuclear weapons complex. The report accompanying the Defense Bill, Senate Report 106-50, states that Russia has not agreed to close or dismantle weapons-related facilities at the nuclear complexes receiving U.S. technical and financial assistance. As a result, Section 3136 of the Defense Authorization bill contains a provision that would prohibit the obligation or expenditure of funding until the Secretary of Energy certifies to the Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

Because of several past interpretations by the Department of Defense of the wording similar to that in section 3136(b), I believe that the wording of this provision would effectively prevent the implementation of the Nuclear Cities Initiative.

While I share the goal of Senator ROBERTS, to ensure that the Russian weapons complex is downsized, I am concerned that the specific certification is unachievable. Russia has publicly committed to shut down or downsize some of its nuclear weapons complexes or related facilities. Even if the certification is achievable, the logistics of the required certification process could delay the program for a very long time.

The Nuclear Cities program is just getting started, but has already made some real progress. To stop the funding in fiscal year 2000, particularly since Russian officials have already announced their intent to close some facilities seems to me to be counterproductive. If funding were suspended, program activities would be halted and the cooperative program itself placed in jeopardy. Given the shared concerns that Senator ROBERTS and I have with respect to prevention of the spread of nuclear weapons technology and information, I would like to ask my esteemed colleague whether that is the intent behind this provision in the bill.

Mr. ROBERTS. I thank the Senator. The NCI was intended to be a joint program with the Russian government. At one point the Russians said that they would provide \$30 million to the NCI. Due to the current economic crisis in Russia, any Russian assistance to the NCI program will be in the form of in-kind contributions, such as labor and buildings. The NCI has the potential to provide the Russian government with significant economic benefit. According to the Department of Energy, the benefit to the United States is to have the Russian government close or dismantle the nuclear weapons complexes in those ten cities. However, the Russian government has not agreed to close or dismantle weapons-related facilities in these cities in exchange for United States' assistance. In the absence of such a Russian agreement, this initiative could result in great financial benefit for the Russians without any reduction in Russian weapons capability. The provision in question requires that, as a prerequisite for U.S. funding for the Nuclear Cities Initiative, the Russian government agree to close facilities engaged in work on weapons of mass destruction.

I assure the Senator from New Mexico that it is not the intention behind this provision to result in the termination of this program. Rather, it is to secure a commitment from the Russian government to do more to support the nonproliferation goals of the NCI effort. It is important to ensure that the Russians participate in the implementation of this program in an equitable way. I believe that the requirement for an agreement will ensure that the Russians participate equitably through in-kind contributions and through the closure of weapons of mass destruction facilities. I believe the provision contained in this bill will afford benefits to the U.S. national security and will assure that the program is on firm footing in the foreseeable future. I look forward to working with Senator BINGAMAN in overseeing the implementation of the Nuclear Cities Initiative.

Mr. BINGAMAN. I thank the Senator from Kansas for that assurance, and promise to work closely with you and the Department of Energy to see that the Nuclear Cities Initiative continues to move forward.

Mr. KERRY. Mr. President, I too wish to thank the Senator from Kansas for clarifying his intentions with regard to the language in this bill as it relates to funding for the Department of Energy's Nuclear Cities Initiative.

There is no more important national security issue facing America today than preventing the proliferation of weapons of mass destruction. Through the Nuclear Cities Initiative, the United States and Russia are working together to downsize Russia's nuclear weapons complex and prevent the dispersal of the scientific and technical legacy that remains in Russia today. In the short term, this will require the creation of alternate industries and

new employment for as many as 50,000 scientists and technicians who are under tremendous financial burdens and might be tempted to offer their nuclear expertise to rogue governments and others who are all too willing to pay top dollar for that information. Over the long run, it will require sustainable economic development to allow Russia's scientific and technological assets to be put to peaceful, prosperous use. Mr. President, the Nuclear Cities Initiative is an integral part of our ongoing counterproliferation efforts. I join my colleague from New Mexico in pledging to continue to work with the Senator from Kansas and the Department of Energy in support of this program. I yield the floor.

#### HEALTH CARE CHOICE FOR MILITARY RETIREES

Mr. GORTON. Mr. President, I thank the Chairman, Mr. Warner, for including an amendment that directs a demonstration project for TRICARE Designated Providers to enroll new military beneficiaries on a 12-month continuous basis.

This is a compromise amendment sponsored by Senator SNOWE, which I have agreed to cosponsor. I personally would have preferred a straight-forward amendment that would have permitted beneficiaries the same opportunities to enroll in the Uniformed Services Family Health Plan provided by Designated Providers as is currently available for TRICARE Prime. For the sake of providing fairness to the beneficiaries and affording more health care choices, beneficiaries should be able to enroll at a Designated Provider at anytime during the year. I note that eleven groups representing military retirees recently wrote the Chairman in support of this proposal for open continuous enrollment for the Designated Providers.

My preferred amendment, however, was not acceptable to the Committee. However, I am pleased that a compromise advanced by my colleague from Maine was agreeable, which directs a two-year demonstration of continuous open enrollment for the Designated Providers. I urge the Department of Defense to faithfully carry out this demonstration by including as many of the TRICARE Designated Providers in the demonstration as possible. The agreed-to amendment does not restrict the size of the demonstration. Since the seven Designated Providers run the same Uniformed Services Family Health Program, I believe it makes sense to include all of them in the demonstration.

At a minimum, I urge the Department to include the PacMed Clinics in my state in this demonstration. The PacMed Clinics pioneered managed health care for military beneficiaries and have provided quality care to military families for a generation. Beneficiaries should have the opportunity to enroll at PacMed during any time of the year, just like TRICARE Prime. Accordingly, the demonstration man-

dated by this amendment should include the PacMed clinics and as many of the other Designated Provider as possible.

Mr. SMITH of New Hampshire. Mr. President, I rise today to express my strong support for S. 1059, the National Defense Authorization Bill for Fiscal Year 2000. As Chairman of the Strategic Subcommittee, I want to briefly summarize the Strategic Subcommittee portion of the Armed Services Committee markup and the philosophy that it is based on. As in the past, the Strategic Subcommittee has reviewed the adequacy of programs and policies in five key areas: (1) ballistic and cruise missile defense; (2) national security space programs; (3) strategic nuclear delivery systems; (4) military intelligence; and (5) Department of Energy activities regarding the nuclear weapons stockpile, nuclear waste cleanup, and other defense activities.

This year, the subcommittee's review included two field hearings—one at the Lawrence Livermore National Laboratory on DOE weapons programs, and one at U.S. Space Command in Colorado Springs on U.S. national security space programs. In addition, the subcommittee visited the U.S. Army Space and Missile Defense Command in Huntsville Alabama, Barksdale Air Force Base in Louisiana, the Capistrano High Energy Laser Test facility in California, Beale Air Force Base in California, and a variety of military facilities in the Denver and Colorado Springs area. These visits greatly enhanced my understanding of the issues under the subcommittee's jurisdiction and significantly influenced the bill before us today.

The Strategic Subcommittee recommended funding increases for critical programs under the subcommittee's jurisdiction by approximately \$850 million, including an increase of \$500 million for Ballistic Missile Defense programs, \$220 million for national security space programs, \$110 million for strategic forces, and \$50 million for military intelligence.

The Strategic Subcommittee also supported the full amount requested by the Department of Energy with the exception of the Formerly Utilized Sites Remedial Action Program. Let me highlight the key funding and legislative issues.

In the area of missile defense the Strategic Subcommittee included the following funding: An increase of \$120 million to accelerate the Navy Upper Tier program and provide for continued development of advanced radar concepts. An increase of \$212 million to fix the Patriot PAC-3 funding shortfall so the program can begin production during fiscal year 2000. An increase of \$60 million to begin production of the Patriot Anti-Cruise missile program, which will provide an upgraded seeker for older Patriot missiles.

In the area of space programs and technologies, the Strategic Subcommittee included the following fund-

ing: An increase of \$92 million, which the Administration requested, to fully fund the revised Space Based Infrared System (High) program. An increase of \$111 million for advanced space technology development, including funds for space control technology, micro-satellite technology, and space maneuver vehicle development.

In the area of strategic nuclear delivery systems, the Strategic Subcommittee included the following funding: An increase of \$40 million for the Minuteman III Guidance Replacement Program to put the program on a more efficient production schedule. An increase of \$52.4 million for bomber upgrades based on the Air Force's unfunded priorities list, including funding for the B-2 Link-16 program and B-52 radar upgrades.

In the area of military intelligence programs the Strategic Subcommittee included a number of funding increases, including an increase of \$25 million for U-2 cockpit and defensive system upgrades. I would note that the Strategic Subcommittee toured the U-2 base at Beale Air Force base and witnessed first hand the serious deficiencies associated with the U-2.

In the area of DOD legislative provisions, the Strategic Subcommittee included the following: A provision addressing DOD's proposed TMD Upper Tier strategy, which reverses DOD's decision to compete Navy Upper Tier and THAAD. A provision establishing a commission to assess U.S. national security space organization and management, which is modeled after the Rumsfeld Commission. A provision limiting the Retirement of strategic nuclear delivery systems, which extends last year's law on this matter, but also allows the Navy to retire 4 older Trident submarines while modernizing the remaining fleet to carry the D-5 missile. A provision regarding the Airborne Laser program, which requires a number of tests, certifications, and acquisition strategy modifications before the program can move into successive phases of its development. A provision regarding the Space Based Laser program, which requires near-term focus on an Integrated Flight Experiment.

In the Department of Energy section of the markup, the Strategic Subcommittee provided the full amount of the Administration's request with the exception of the Formerly Utilized Sites Remedial Action Program. I took great pains to examine the budget request and eliminate those funding items that do not support organizational mission requirements. In the weapons program, my goal was to ensure DOE has a well planned and funded stockpile life extension program that is capable to remanufacturing and certifying every warhead in the enduring U.S. nuclear stockpile. My goal in the cleanup program was to maintain the pace of clean-up at DOE facilities and continue to press for earlier deployment of innovative technologies to lower out-year costs.

The Strategic Subcommittee included the following recommendations regarding DOE funding: An increase of \$55 million for the four traditional weapons production plants. An increase of \$15 million for the tritium production program. A reduction of \$30.0 million to the Advanced Strategic Computing Initiative. An increase of \$35 million to support security and counter-intelligence activities. An increase of \$17 million to increase security investigations in support of security clearances at DOE.

In the area of DOE legislative provisions, the Strategic Subcommittee included the following: A substantial package of legislation dealing with security and counter-intelligence at DOE. A provision regarding tritium production, which would require DOE to implement the Secretary's tritium production decision.

Mr. President, in closing let me reiterate my strong support for S. 1059. This is a good bill that deserves strong bipartisan support.

PROPERTY CONVEYANCE AT NIKE BATTERY BASE  
80 IN EAST HANOVER, NEW JERSEY

Mr. LAUTENBERG. I would like to call up my amendment regarding property conveyance at Nike Battery Base 80 Family Housing Site in East Hanover Township, New Jersey. This provision would convey roughly 14 acres to the Township of East Hanover for the development of low and moderate income housing, senior housing, and parkland. Using this land for these purposes is consistent with the 1994 Base Closure and Community Redevelopment Homeless Assistance Act. The Township needs this land to fulfill its obligation to provide such housing under New Jersey state law. I understand a similar provision exists in the bill reported from the House Armed Service Committee. In the interest of expediting the Senate's consideration of this bill, I am willing to withdraw my amendment contingent upon a commitment from the managers of the bill that they will give the House position full consideration in conference.

Mr. LEVIN. I thank the senior Senator from New Jersey for his willingness to expedite our consideration of this bill. We understand the House has a similar provision. During conference, we will give full consideration to the project as the Senator from New Jersey has recommended.

Mr. WARNER. I concur with my distinguished colleague from Michigan.

Mr. LIEBERMAN. Mr. President, I rise to discuss several provisions within the FY2000 Defense Authorization Act. These provisions can be found in Title II, Subtitle D, Sections 231-239 within the FY2000 Defense Authorization Act. The provisions are intended to stimulate intense technical innovation within our military research and development (R&D) enterprise and hence lay the foundation for revolutionary changes in future warfare concepts. Before giving an extended introduction to these defense innovation

provisions, I would like to thank Senator ROBERTS and Senator BINGAMAN and the staff who have worked on this subtitle—particularly Pamela Farrell, Peter Levine, John Jennings, Frederick Downey, Merrilea Mayo, and William Bonvillian—for their hard and thoughtful work on this legislation. The technical superiority of our military is something we have come to take for granted, yet it is founded in an R&D system that has seen little change since the cold war era. These defense innovation provisions attempt to reposition our R&D system so that it can keep up with the pace of technological change in the very different world we are in today.

It is my belief that the explosive advances in technology may provide the basis for not just a "revolution in military affairs," but a complete paradigm shift. With advanced communication and information systems, it may become possible to fight a war without concentrating forces, making force organizations impossible to kill. With advances in robotics and miniaturization, it may become possible to fight a ground war with far fewer people. With advances in nuclear power, hydrolysis, and hydrogen storage, it may be possible to create virtually unlimited sources of on-site power. These opportunities are complemented by numerous challenges, also brought forth by technology: urban warfare, space warfare, electronic/information warfare, chemical, nuclear, and biological warfare, and warfare relying on underground storage centers and facilities. As the variety of opportunities and threats continues to climb, and as increasing numbers of nations emerge into the high tech arena, I believe the military arms race of the past will be replaced by a military technology race. Instead of simply accumulating ever greater numbers of conventional armaments against a well-established foe, as we did in the Cold War era, we will have to concentrate on producing fewer, but ever more rapidly evolving, and ever more specialized weapons systems to counter specific asymmetric threats.

To meet these new challenges, we need to transform our R&D enterprise from its antiquated Cold War structure to a fast-moving, well-integrated R&D machine that can seize the leading edge of techno-warfare. For this reason Senator ROBERTS, Senator BINGAMAN and I have inserted provisions within Title II, Subtitle D of the FY2000 Defense Authorization Act whose purpose is to stimulate a much greater and faster degree of technical innovation within the military.

The defense innovation provisions address three goals—establishing a new vision for military R&D, changing the structure of the military R&D enterprise, and correcting the driving forces for R&D in our current system. For the first task, establishing a new vision, Section 231 of the FY2000 Defense Authorization Act requires DoD to deter-

mine the most dangerous adversarial threats we will likely face two to three decades from now, and what technologies will be needed on our part to prevail against those threats. Given that it takes 20-30 years to translate basic science to fielded application, our R&D vision needs to be founded on a set of required operational capabilities that is equally distant in time, and far beyond the 5 year vision of our current Program Objective Memorandums (POM's). We need not strive for perfect clairvoyance in this exercise; however, we should be able to create an open conceptual architecture which successfully frames the many potential future opportunities and threats. Once the far future threats and hence far future operational capabilities are outlined, Section 231 asks DOD to give Congress a roadmap of future systems hardware and technologies our services will have to deploy within two to three decades to assure US military dominance in that time frame. From the first roadmap, we are requesting DOD derive a second roadmap—the R&D path that DOD, in cooperation with the private sector, will have to follow to obtain these new defense technologies and systems. To add depth and perspective to the results, I encourage the Secretary of Defense to utilize an independent review panel of outside experts in these exercises, to complement the work done by in-house personnel. The broader our vision, the more likely it is to be inclusive of whatever surprises the actual future may bring.

A second goal of the defense innovation provisions, Subtitle D, is to lay the groundwork for a new organizational structure for R&D. Unless we fix the innovation structure, we will be unable to deliver to DOD the rapid technological advances it will need to secure and maintain world dominance. To meet the challenges of the upcoming decades, the Defense Science Board has recommended that at least one third of the technologies pursued by DoD be ones that offer 5 to 10 fold improvements in military capabilities. However, the current structure, which was founded on Cold War realities, will require large organizational change to enable it to pursue revolutionary, rather than evolutionary, technology goals. The segregated and insulated components of the military R&D system will need to be seamlessly interwoven, and the system as a whole will need to be much more flexible in its interactions with the outside world. We can learn from the success of the commercial sector, which takes advantage of temporary alliances between competitors and peers to develop technologies at a breathtaking pace.

The defense innovation provisions ask DoD to formulate a modern blueprint for the structure, of not only its laboratories, but of the extended set of policies, institutions, and organizations which together make up its entire innovation system. As noted earlier, the Defense Science Board has



called for the military R&D system to increase its focus on revolutionary new technologies. The overarching goal of the new structural plan requested by Section 233 is to deliver the conceptual architecture for an innovation system that is capable of routinely providing such revolutionary advances. Section 239 requests an analysis by the Defense Science Board of overlaps and gaps within the current system. Section 233 asks the Under Secretary of Defense for Acquisition to develop the plan for the future innovation system, one which ensures that joint technologies, technologies developed in other government laboratories, and technologies developed in the private sector can readily flow into and across the military R&D labs and the broader innovation structure as a whole. Section 233 emphasizes the need to develop better processes for identifying private sector technologies of military value, and military technologies of commercial value. Once identified, there also need to be efficient processes in place for transfer of those technologies, so that the military may reap the respective military and economic gains. Also in Section 233, the Under Secretary is requested to deliver a solution to the major structural gap which currently exists between the R&D pipeline and the acquisition pipeline. Development of the best technologies in the world will not help our future military posture if those technologies are never adopted, or even seen, by the acquisition arms of our services. Finally, to better merge the strategic and technological threads within the military's decision making process, Section 233 in the FY2000 Defense Authorization Act requests a DoD plan for modifying the ongoing education of its future military leadership (i.e., its uniformed officers) so they may better understand the technological opportunities and threats they face.

The laboratories themselves could and should play a crucial role in our future military. Ideally, the military laboratories are the place where the minds of the brightest scientists meet the demands of the most experienced warfighters. Out of this intense dialogue would then come a clearer understanding of future warfare possibilities, as well as the technological breakthroughs critical to changing the face of warfare as we know it. For various reasons, however, that vision is in danger of becoming lost. One specific problem is DoD's rigid personnel system and the corresponding lack of performance-based compensation, which is causing the labs to rapidly hemorrhage talent to the more competitive and less bureaucratic private sector. To address these issues, a defense innovation provision within the FY2000 Defense Authorization Act—specifically, Section 237—repeals several of the labs' restrictive personnel regulations. The intent of this Section is to drastically reduce hiring times and eliminate artificial salary constraints to the point where

defense laboratories can hire new talent in a time frame and at a salary level that is similar to that offered by the private and university sectors. Currently, the two processes are not even close to competitive: the military R&D labs take several months to over a year to extend an offer, with the result that the laboratories, over and over again, lose the hiring race to private sector interests which can hire top-notch talent in one or two weeks. As noted by the Defense Science Board report, the salaries which can be offered by the laboratories are also about 50 percent lower (for higher grade new hires), compared to the salaries those same new hires could obtain in the private sector. It is significant that the hiring time problem, as well as the high grade caps problem, were universally cited by laboratory managers as the key obstacles in upgrading their laboratory talent.

In addition to improving the quality of the laboratories' effort by attracting and retaining highly qualified personnel, the defense innovation provisions ask the Secretary of Defense to improve the quality of work itself by developing a system of modern business performance metrics which can be implemented within and across all military laboratories (Section 239(b)). Such metrics can help ensure that the best work and the best talent are identified, so that they may be rewarded, nurtured and used accordingly. As a word of caution, the ultimate impact of science and technology innovation is very hard to measure, especially in the early stages. Overly mechanical assessments inevitably do much more harm than good. Nevertheless, advanced technology companies have been making great strides in better assessing (and assisting) their innovation efforts, and DOD is encouraged to work with industry R&D leaders in implementing this section. Examples of metrics which may be useful for DOD labs include measurement of lab quality through formal annual peer reviews of its divisions, measurement of technical relevance through required customer approval/evaluation of R&D projects both before and after they are undertaken, and measurement of organizational relevance through annual board meetings of senior military with the heads of the R&D laboratories. The first of these metrics can help capture and bring attention to promising work in its earliest stages, while the last two can help bridge the gap between later stage innovation and new products.

The need for structural reform within the laboratories is a pressing one. The above-mentioned reforms are intended to be jump started with a pilot program, found in Section 236 of the Defense Authorization Provisions. This pilot program may address any of the issues mentioned above but is particularly focused on the problem of attracting and retaining the best possible talent for the laboratories. To be more competitive with working conditions in

the commercial sector, this pilot program may include such innovations as pay for performance, starting bonuses (e.g., in the form of equipment start-up funds) for attracting key scientists, ability to alter reduction in force (RIF) retention rules to favor high performers, broadbanding of pay grades, simplified employee classification, educational programs which allow employees to receive advanced degrees while still employed, modification of priority placement procedures, and creation of employee participation and reward programs.

To attract the best possible outside talent for collaborations with the laboratories, Section 236 also encourages expansion of exchange programs at both the personal and institutional level. Programs for exchanges within DoD, with the private sector, and with academic institutions are all encouraged. Examples of such programs include the sponsorship of talented students through college or graduate school in exchange for later work commitments to the laboratories, expansion of the federated laboratory concept, increased exchanges between the defense laboratories and the war colleges, training programs, and extension of IPA authority to hire commercial sector employees. The Defense Science Board has strongly recommended that the laboratories emulate DARPA in its mix of temporary and permanent workers in order to be able to quickly bring in relevant talent when needs shift. Section 236(a)(2) creates this option and can be used in conjunction with other provisions in Subtitle D.

A new structure and a new vision are all well and good, but if there is no motivation for the new structure to proceed towards the new vision, nothing is gained. Consequently, the third goal of the defense innovation provisions is to correct current forces which tend to drive DoD away from technical innovation. Three of these driving forces are described below.

The first "counter-innovation" driving force is the lack of a well-defined customer within the military for far future military technologies. Ideally, this customer would be at the Joint Chiefs level, so that broadly sweeping strategies which capitalize on novel technologies can be rapidly incorporated into our existing military structure, doctrine, and systems. Unfortunately, there is little connection at present between that level and the service laboratories. Section 239(b) should be used to improve this situation. Furthermore, as part of the legislation's mandated study on improving the structure of our R&D system (Section 233), we also request the Under Secretary of Defense to address the issue of a suitable internal customer for truly long range R&D. For maximum impact and credibility, this customer—whether it be a person, position, or organization—should be a bona

fide paying customer who has responsibility not just for the long range technology itself, but for the unconventional military options such technology provides.

The lack of an internal customer for long range R&D is one driving force pulling the military away from technical innovation. The second is the vacuum-like force created by the absence of an intimate connection between the R&D customers and producers within the later stages of R&D. Specifically, there is an insufficient connection between the program managers who sponsor product development and the R&D workforce performing later stage R&D. In contrast, the industrial experience has shown that if the customer, researchers, and designers share in all product development decisions from the very initial stages of concept design, the degree of innovation is much higher, the product acceptance rate is much higher, and, ultimately, the pace of technological change is dramatically accelerated. Section 233(b)(5) directs the Under Secretary of Defense to identify how new technologies can be rapidly transitioned from late stage R&D to product development and prepare an appropriate plan for doing so. One sub-issue within this larger problem is this need to create a DoD customer—DoD researcher—DoD designer interaction that is early enough and robust enough to ensure that maturing innovations can be drawn into product lines on a time scale similar to that experienced in the commercial sector. This sub-issue should be addressed in the Under Secretary's plan under Section 233(b)(5).

The third force which drives the military away from technological innovation is the lack of a customer outside the military for innovative military technologies. Were such a customer present, it might partially make up for the lack of the other two drivers in terms of motivating innovation. Currently, the most important external customer for military R&D is the industrial half of the military-industrial complex. However, the structure of our procurement regulations give virtually identical profit margins to these companies no matter how difficult the technical path or how many risks are undertaken in the process of producing a military system. Therefore, the continued production of legacy systems is guaranteed to be profitable, while gambling with innovative new systems is not. Essentially, our procurement regulations are a direct disincentive to innovation, giving the defense industry a strong vested interest in adhering to incremental change. The resulting lobbying by industry, aimed squarely at preserving the "state-of-yesterday's-art," then significantly slows the rate at which the military can innovate. Accordingly, one of the defense innovation provisions, specifically Section 234, Subtitle D, Title II of the FY 2000 Defense Authorization Act, calls for

DoD to change its profit margins for acquisitions in order to alter the innovation incentives for industry. Given substantially higher profit levels for the development of innovative systems, than for the continued production of legacy systems, industry could become much more receptive to the idea of cultivating innovation in fielded hardware. Substantive, consistent economic rewards are critical to incentivizing companies to take the necessary and serious technological risks required to produce the innovations DOD must have.

In closing, I thank my colleagues Senators ROBERTS and BINGAMAN for joining me in developing a set of stimulating and thought-provoking defense innovation provisions within Subtitle D, Title II of the FY2000 Defense Authorization bill. These provisions should launch us towards a new vision, a new structure, and a new set of driving forces for military R&D. In the past 48 years, DoD has funded the pre-award research of 58 percent of this country's Nobel laureates in Chemistry, and 43 percent of this country's Nobel laureates in Physics. This is a phenomenal base on which to build. However, the Cold War structure and rationale for our R&D enterprise needs to be shed so that leading edge technowarfare can emerge. The time to do this is now, because, in many senses, the future is already here. The military systems of 2020 and 2030 will be founded on the science of the year 2000.

Mr. KOHL. Mr. President, I come to the floor today to draw the Senate's attention to the CBO cost estimate on the Defense Authorization bill. In the Budget Resolution Congress agreed that the national defense account would have \$288 billion in Budget authority and \$276 in outlays for fiscal year 2000.

The CBO estimates that the Defense Authorization bill as it currently stands in the Senate, would exceed the outlay level by almost \$7 billion. The Budget Committees of the House and Senate have told CBO to reduce their score of the outlays by \$10 billion in order that the bill fit under the caps. While this changes the scoring number, it does not change the fact that the bill still authorizes the Department of Defense to spend \$284 billion next year, \$7 billion over the caps.

Whether someone agrees with the Budget Resolution or not, these sorts of end runs are destructive to the process by undermining popular confidence in the institution.

If there is not enough money for Defense in the Budget Resolution, then members should not have supported it back in March. If there was enough in March, nothing has changed, and it should be enough now. The Congress recently passed a Supplemental Appropriations bill that include \$11 billion for funding for the Kosovo operation, almost \$5 billion over the President's request, so there should be plenty of money for our operation in Europe.

Now, if members grudgingly supported the Resolution because of the assurances of the Budget Committee Chairman that he would "fix the outlay problem" I ask them to show me the fix. It looks as though the Budget Committee did nothing but allow Defense spending to exceed the budget caps without letting any other program do the same.

Congress should own up to the fact that the Budget caps are being exceeded. They are being quietly raised by hiding the increase in a scoring gimmick. Members should take notice that the way to get more money for your appropriations priorities is to petition the Budget Committee for an "outlay fix".

There is going to be a train wreck at the end of this year, and we all know it. There is going to be a train wreck, and it will happen because no one is driving the train, we are all just nervously looking out the window admiring the scenery and trying not to think of our impending doom.

I have faith that the American people will eventually figure out how much we are going to spend next year. The increases in Defense spending will no doubt be joined by a tremendous amount of last minute spending at the end of the year. The American people will look at what Congress told them we would spend at the beginning of the year, and what we will eventually agree to at the close of the year and they will be very surprised at the difference. I hope they hold us accountable.

It is worth noting that we do not have to be in this situation. Congress could take action to cut unnecessary spending in the defense account. This would reduce the pressure on the discretionary budget, and free up resources for other needs around the country.

Another two rounds of base closures for example, while increasing outlays in the short run, would yield savings of \$4 billion over ten years according to the Congressional Budget Office. I co-sponsored Senator MCCAIN's legislation on this matter, and I co-sponsored the McCain-Levin amendment, which would only authorize one additional round. I was disappointed the Senate refused to support this worthy alternative. The military has come to the Senate time and again pleading with us to give them the authority to close bases through the Commission process in a manner isolated from political pressures. Had we supported base closure rounds when they were initially requested we might not now be pushing so tightly against the budget caps, while straining under draconian cuts in the non-defense accounts.

Senator KERREY has also offered an amendment that could help reduce the need to rely on budget gimmickry without reducing our capacity overseas. He would simply allow the Department of Defense to reduce our nuclear forces below the START I levels

of 6,500 warheads. According to CBO, if we reduce our warheads to the START II level of 3,500 the Department of Defense could save \$12.7 billion by 2009. All that savings would come without reducing our conventional capability one iota. While nuclear deterrence is still important, it can be accomplished with many fewer missiles, and at less cost.

My point, Mr. President, is defense spending does not have to be this high. It is only this high because Congress and the Department of Defense are unwilling to make the tough choices to bring the cost of defending our nation and international interests down to a sustainable level. When our troops are deployed overseas, and in harms way, it is hard to critically look at the defense budget for unnecessary or unwise spending. Our instinct is to give our brave men and women whatever they need and then some to get the job done. I would argue, however, that it is even more important now than ever to closely examine our spending priorities. We need to stretch every defense dollar as far as it can go, and to do that we need to look for efficiencies and cut wasteful projects and items that contribute little to our defense.

Careful spending is the way to reduce outlays, not budget gimmicks. Congress needs to be more critical, not more clever.

Mr. ASHCROFT. Mr. President, I rise today to speak for a few moments about the F-15 Eagle, the finest fighter plane in the world. The F-15 arguably has been the most successful fighter in the history of U.S. aviation warfare. Unfortunately, the United States is in danger of losing this aircraft. The Administration is well aware of the performance record of the F-15, but in not taking the steps necessary to save the line.

The Senator from Wisconsin, Senator FEINGOLD, and I had a debate this morning on congressional oversight of the Department of Defense. I agreed with the Senator from Wisconsin that Congress has oversight responsibilities for the Pentagon, but disagreed with abdicating that responsibility to GAO.

In the case of the F/A-18E/F, Congress has exercised its oversight responsibilities. Three of the four oversight committees already have approved the multiyear contract for the E/F, and the House appropriators are expected to next month.

But Congress does have a responsibility to address deficiencies in judgment within the Defense Department when it sees them. The loss of the F-15 is just such a case. General Richard Hawley, Commander of the Air Force's Combat Command, stated just this month that "... the F-15 is the most stressed fighter in Air Combat Command's inventory right now in terms of its use in engagements and the operational tempo of the aircrews."

Given the nature of the threats we face today, which require the strike, range, and versatility of the F-15, it is

easy to see why this fighter is the most tasked plane in the Air Force. The loss of the F-15 will harm national security and harm my home state of Missouri. Seven thousand highly skilled aerospace workers will lose their jobs if the F-15 line closes. Those workers and their knowledge is a national security asset that must not be lost.

On almost every front, the arguments are compelling for maintaining this national security asset. There is plenty of work for the F-15 to do. Purchasing more planes provides a critical fighter to the Air Force. Purchasing more planes would preserve the production capability of this critical national security asset. Finally, Congress wants to encourage budgetary discipline in other tactical fighter programs. Purchasing more F-15s would encourage budgetary discipline in the F-22 program.

I and many of the members from the Missouri and Illinois delegations have written to the President requesting a meeting regarding the F-15. We have not received a reply. We have asked the President that he take the steps necessary to keep the F-15 line open. Unfortunately, the Clinton administration has blocked efforts to do so.

The F-15 program was initiated with a Request for Proposal in December 1968. The first model, the F-15A, entered operational service in 1976. The F-15A was a single mission, air superiority fighter with a maximum gross weight of 56,000 pounds.

The F-15 entered the world stage as the dominant air superiority fighter in 1976, and the evolution of the program demonstrates just how much this great fighter improved over the years. After twelve years and subsequent models of the F-15 were developed, the latest model, the F-15E, was delivered to the Air Force in 1988.

The F-15E's gross weight was 45 percent greater than the A model. Engineers increased fuel capacity over 50 percent to 34,000 pounds, giving the aircraft record range. Payload was enhanced and the dominant air-to-air platform was given critical air-to-ground capabilities. Avionics, engine, and weapons technology were also upgraded.

The F-15 is arguably the most versatile and effective fighter in the history of the U.S. Air Force. The F-15 has never lost in air-to-air combat. It has the best air-to-air kill ratio of any fighter in the history of U.S. aviation warfare: 96.5 to 0. That was certainly the case in Desert Storm, where F-15s destroyed 33 of the 35 fixed-wing aircraft Iraq lost in air combat. The F-15E maintained a 95.5 percent average mission capable rate, the highest of any fighter in the war. The F-15's stellar performance also has been on display in Kosovo. General Johnny Jumper, Commander of U.S. Air Forces Europe, has lauded the performance of the F-15 as the workhorse of the operation.

In addition, the F-15 has the best safety record of any Air Force fighter:

2.42 losses per 100,000 flying hours. With a record like that—the best safety record, the most successful air-to-air combat record, the most versatile aircraft in the Air Force inventory—it is not difficult to see why the plane is in such demand.

One of the major concerns about the F-15 is the cost of the airplane. When you compare a \$50 million F-15 to an F-22 that costs over \$100 million, the F-15 doesn't look so bad. But even against the cheaper F-16, the cost differential is not as great as it appears.

The greater capabilities of the F-15 over the F-16 negate much of the cost differential. RAND completed a study for the Air Force entitled "Measuring Effects of Payload and Radius Differences of Fighter Aircraft." Let me mention several of the major conclusions of the report which were made in light of the nature of future conflicts.

First, increasing the use of inertially/GPS-aided weapons could exploit the inherent payload carriage advantage of the F-15E. Second, most regional conflict scenarios involve long distances from bases to targets, favoring aircraft having greater combat radius. Third, as the fighter force structure contracts, higher quality systems can help maintain force capability.

Each of those conclusions point to the desirability of the F-15. A major conclusion of the report was that "Over a wide spectrum of cases, our analysis suggests that an equal cost but smaller force of F-15s is a more cost effective carrier of weapons to the target area than an alternative larger force of F-15Cs. Looking to the future, the employment characteristics of future precision weapons, the size of many potential regional conflict theaters, and the reality of expected force structure contractions seem consistent with the capabilities offered by large payload, long radius vehicles such as the F-15E."

Another reason to maintain the production capability of the F-15 is uncertainty over the future of the F-22 and Joint Strike Fighter. These fighter programs may have additional developmental difficulties. The F-22 is not expected to be in operational service until 2005. The Joint Strike Fighter will not be in service until 2010 or later. Remember, these are the best case scenarios.

Since its inception, the F-22 program has been restructured three times, with a 50 percent reduction in the number of planes to be procured. The F-22 is up against a budget cap and has run out of political capital in Congress. Additional, significant increases in cost could jeopardize the program, which still has five years to go to Initial Operational Capability.

Because the Air Force has had to reduce the number of F-22s it will buy, it will need to rely more on the F-15. Colonel Frederick Richardson, chief of F-22 requirements at Air Combat Command, states "From a pure numbers standpoint, we're clearly not going to

be able to replace the F-15 with F-22s on a one-to-one basis, which means we'll have to assume some more risks and probably keep the F-15 around for longer than 23 planned." But if the F-15 line is shut down, there won't be the production capabilities to fill the gap.

To conclude, Mr. President, the F-15 is the best fighter in the world. Its unique capabilities have made it the most heavily tasked aircraft in the force today, according to General Hawley, Commander of the Air Force's Combat Command.

The RAND study concludes that the F-15E is the kind of airplane we need to meet the security threats of the future. The Air Force is not infallible. The RAND study itself encourages the Air Force to pursue a better mix of fighter aircraft, stating that "To maintain force capability as its force structure contracts, the Air Force may need to strive for a higher quality mix of forces. The Air Force should be alert to opportunities for maintaining and in some cases enhancing overall force effectiveness despite cuts in force structure" (From the report "Measuring Effects of Payload and Radius Differences of Fighter Aircraft").

By purchasing additional F-15Es, not only are we taking appropriate steps to meet our current force needs, we are preserving a critical national security asset for an uncertain future. I reiterate my call on the President to take the necessary steps to keep the F-15 line open.

Mr. LIEBERMAN. Mr. President, I rise in support of the FY 2000 defense authorization bill. As the challenges facing us today demonstrate, the effectiveness of our military, and its readiness to act immediately to protect our national interests, must always be a priority concern for Congress. The \$288.8 billion proposed in this bill is a 2 percent real increase over last year's budget and is the first real increase in topline defense funding since FY 1985, the middle of the Reagan administration. After fourteen years of declining, or flat defense spending, we increased authorization for readiness programs by \$1.1 billion, we increased authorizations for procurement by \$2.9 billion, and we increased authorizations for research and development by \$1.5 billion. I firmly believe this bill makes an important statement at a critical time, affirming our commitment to having the best trained, best equipped, and most effective military in the world, both today and tomorrow.

Under the excellent leadership of our colleagues, Senator JOHN WARNER, chairman of the Senate Armed Services Committee, and the ranking Democrat, Senator CARL LEVIN, we stepped up to our responsibility to provide what our soldiers, sailors, and airmen need today, and we took some very important steps to move toward the military that will protect our nation in the next century.

The past 14 years of inadequate defense spending has taken a toll on the

readiness of our force today. We simply were not able to keep our training and maintenance at the levels that our role as a superpower demands. The struggle to do so, and the increasing need to use our forces to meet the many challenges of the post cold war world has taken its toll not just on equipment, but on our people in uniform. Simply put, the morale of our forces is suffering. This past year, we not only sought out and listened to our nation's top military leaders as they outlined the problems facing our military, but in this bill we addressed the most critical of those problems, including falling recruitment and retention in critical skill areas; aging equipment that costs more to keep operating at acceptable levels of reliability; a need for more support services for a force with a high percentage of married personnel.

So I am pleased and proud that we reversed the 14 years of declining defense dollars and added the money to readiness and procurement to fix the most urgent near-term readiness problems. But many of these problems are not simple to address, and simply adding money to budget lines will not fix them any more than adding money to welfare programs fixed the underlying welfare problem in America. Adding money was necessary, but it won't be enough. How we spend the money we spend is as important as how much money we spend. We will have to be sure that we are alert to how well the provisions we have included here are working to have a positive effect on those critical problems we must solve.

This will be more difficult than it has been in the past. We are now in an era of fundamental change for our security and our military. The collapse of the Soviet Union in 1991 and the unprecedented explosion in technology are now redefining what it is we are asking our military to do, the threats that it must overcome to do what we ask of it, and the capabilities that our military will bring to bear to successfully accomplish its mission. This body has been in the forefront of demanding rigorous assessments about our needs and our potential. We directed, in the Military Force Structure Review Act of 1996, the Secretary of Defense to complete a comprehensive assessment of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense policies and programs with a view toward determining and expressing the defense strategy of the United States and establishing a revised program. This assessment, completed by the Secretary of Defense in 1997, declared that our future force will be different in character than our current force, and placed great emphasis on the need to prepare now for an uncertain future by exploiting the revolution in technology and transforming the force toward that envisioned in Joint Vision 2010. The independent National Defense Panel report published in December 1997 concluded "the Department of Defense should ac-

cord the highest priority to executing a transformation strategy for the U.S. military, starting now." These assessments, and others that have come to our attention, have reinforced the wisdom of Congress in passing in 1986, over the Pentagon's strenuous objections, the Goldwater-Nichols act and have provided us here with a compelling argument that the future security environment will be different and that environment requires new capabilities. In last year's defense authorization bill we sent a strong signal to the Pentagon that we must begin to build the fundamentally different military by including a provision strongly supporting Joint Experimentation to objectively examine our future needs and how we can best fulfill them.

This year, once again, Congress is stepping up to the responsibility to ensure our future security. By establishing this year the Emerging Threats and Capabilities Subcommittee, Senator WARNER addressed the growing consensus that transformation of our military to deal with the uncertain future we face is one of our most important objectives and that promoting innovation is among our greatest challenges. Under the leadership of the subcommittee chairman, Senator ROBERTS and the Ranking Member, Senator BINGAMAN, we focused on the critical threats facing our nation and the emerging capabilities to deal with these threats. I would like to highlight what I think are important legislative provisions that this new subcommittee placed in this bill that further both transformation and innovation. An ongoing initiative of transformation supported by this bill is joint experimentation. The committee recognized the program's progress in developing joint service warfighting requirements, doctrinal improvements, and in promoting the values and benefits of joint operations for future wars and contingency operations. We need to continue to identify and assess interdependent areas of joint warfare which will be key in transforming the conduct of future U.S. military operations, and expanding projected joint experimentation activities this year will be a strong base for future efforts. To this end the committee approved provisions that built on its previous support for Joint Experimentation by adding \$10 million to accelerate the establishment of the organization responsible for joint experimentation, and to accelerate the conduct of the initial joint experiments. The committee also modified the reporting requirements of the commander responsible for joint experimentation to send a strong signal that we expect him to make important and difficult recommendations about future requirements for forces, organizations, and doctrine and that we expect the Secretary of Defense fully inform us about what action he takes as a result of these recommendations. The bill also includes very important provisions to stimulate a greater degree of

technical innovation faster within the military. It is my belief that the explosive advances in technology provide the basis for not just a "revolution in military affairs," but ultimately a complete paradigm shift. The opportunities provided by technology give us the promise of achieving an order of magnitude increase in military capability over that which we have today. The U.S. military of 2020 and 2030 will be based on the science we begin to develop in the year 2000. But to take advantage of this promise and defend ourselves against its use against us by future adversaries, we need to transform our R&D enterprise from its antiquated cold war structure to a fast-moving, better-integrated structure and a process that can seize the leading edge of techno-warfare. The Defense Innovation provisions in this bill establish a new vision for military R&D that is based more on how we want to fight in the future, and begin to change the structure of the military R&D enterprise to achieve that objective through better integration and less inefficiency.

To help establish a new vision, the provisions require the Secretary of Defense to determine the most dangerous adversarial threats we will likely face two to three decades from now and what technologies will be needed on our part to prevail against those threats, and merge the strategic and technological decision-making processes. To help lay the groundwork for a new organizational structure for R&D, the Department of Defense is to develop a plan which ensures the crossflow of technologies into and across R&D labs, and close the gap between the R&D pipeline and the acquisition pipeline, to ensure the customer is involved in the entire R&D process. Our R&D structure needs to be revamped now so that leading edge techno-warfare can emerge.

Along the same lines as innovation, this bill has provisions that ensure we continue to step up to our responsibility to oversee the transformation of our military to the future force that will protect our security in the 21st century. We need a permanent requirement that the Secretary of Defense conduct a Quadrennial Defense Review at the beginning of each new administration to determine and express the defense strategy of our nation, and establish a revised defense plan for the next 10 to 20 years. Complementing the QDR will be a National Defense Panel that would conduct an assessment of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies established under the previous quadrennial defense review. Based on our previous experiences with the QDR and NDP, and the debate they raised, it is obvious that any one time assessment is not going to provide all the answers we need. Periodic assessments as prescribed by this legislation will con-

tinue to provide Congress with a compelling forecast of the future security environment and the military challenges we will face.

The requirement for the provisions I have mentioned is paramount. The need for renewed emphasis on innovation and transformation has never been more apparent to me than after my time this year as the Ranking Member on the AirLand Subcommittee. That committee, under the excellent leadership of Senator RICK SANTORUM, examined many modernization issues affecting the Army and the Air Force. Some of the findings were disturbing, and reinforce the fact that despite the widespread and growing consensus that transformation is essential to our military, our budgets continue to look much as they have for a decade, focused on today's force at the expense of tomorrow. I would like to discuss some of the disturbing findings, and some of the important provisions we included in the bill to begin to address these concerns.

We found that some responsible voices are concerned that the United States Army is facing a condition of deteriorating strategic relevance. The Army force structure is essentially still a cold war force structure built around very heavy weapons systems. The Army modernization program is based on incremental improvements to this force and is largely unfunded due to hard choices made in the past. This has resulted in inefficient programs and extended program timelines. Consequently we have a force that looks essentially the same today as it did yesterday, and that doesn't have enough money to maintain an increasingly expensive current force and invest in the Army After Next which is the future. Kosovo is an example of the future the Army will surely face; operations that are increasingly urbanized, with growing deployment and access problems, and the need for lighter weight, self-deployable systems becomes compelling. We reviewed the Army's modernization plan to understand the relationship between the current service modernization program and projected land force challenges. The Army's modernization plans do not appear adequately address these issues. So we have required the Army to take a renewed look at its modernization plans generally, and its armor and aviation modernization programs specifically, to address these challenges and to provide us with modernization plans that are complete and that will be fully funded in future budgets. We direct this analysis include the operational capabilities that are necessary for the Army to prevail against the future land force challenges, including asymmetrical threats, and the key capabilities and characteristics of the future Army systems needed to achieve these operational capabilities. We are especially concerned about the ability of the Army to maintain the current fleet of helicopters that is rapidly

aging and we have included a provision to require them to provide a complete and funded program that would upgrade, modernize, or retire the entire range of aircraft currently in the fleet, or provide an alternative that is sufficient and affordable. Similarly, the Army's armor modernization plan seems to be inadequate to modernize the current armor force while designing the tank of the future, and leads me to believe that the Army must reassess armor system plans and provide us with the most appropriate path to accelerate the development of the future combat vehicle.

The Air Force has fewer apparent modernization problems than the Army, but I wonder if their modernization plan is on the right track. Our hearings strongly suggest that the Department of Defense needs to answer several questions about our tactical air requirements, not the least of which is the characteristics, mix, and numbers of aircraft best suited for future conflicts. Kosovo is an example of how important the right mix of platforms and weapons really is to success on the battlefields of the future. We are embarked on three new TAC air programs which may report increasing costs coming dangerously close to the cost caps we have established, and in the case of the F-22 we must be alert to the danger that we will delay critical testing in order to not exceed the caps. And in the out years, the combined costs of these programs will consume a very large share of the overall procurement budget. We must make sure that we are not sacrificing other leading-edge capabilities, like unmanned aerial vehicles, information technology, or space technology. The specific aircraft programs will require close scrutiny as will the strategy for their use as we attempt to decide on the right course in future authorization bills.

We must overcome our cold war mentality and further examine and direct our trek into the 21st century. The provisions in this bill concerning innovation and transformation lay the foundation for the required changes in our defense mind set that will become mandatory as we face far different conflicts in the future—and, as we see on CNN everyday, much of that future is already here.

In closing, I express my appreciation to the committee for agreeing to include in the bill a provision to extend and expand the highly successful Troops to Teachers program, which I joined Senators MCCAIN and ROBB in sponsoring.

As my colleagues may know, this program was initially authorized by Congress several years ago to help transition retiring and downsized military personnel into jobs where they could continue their commitment to public service and bring their valuable skills to bear for the benefit of America's students.

To date Troops to Teachers has placed more than 3,000 retired or

downsized service members in public schools in 48 different states, providing participants with assistance in obtaining the proper certification or licensing and matching them up with prospective employers. In return, these new teachers bring to the classroom what educators say our schools need most: mature and disciplined role models, most of them male and many of them minorities, well-trained in math and science and high tech fields, highly motivated, and highly capable of working in challenging environments.

The legislation we introduced earlier in the year, and which the President has endorsed, aims to build on this success by encouraging more military retirees to move into teaching. It would do so by offering those departing troops new incentives to enter the teaching profession, particularly for those who are willing to serve in areas with large concentrations of at-risk children and severe shortages of qualified teaching candidates.

Even with the new incentives we are creating, which we hope will recruit as many as 3,000 new teachers each year, we recognize that Troops to Teachers will still only make a modest dent in solving the national teacher shortage. The Department of Education estimates that America's public schools will need to hire more than two million new teachers over the next decade.

But we are confident that, with an extremely modest investment, we will make a substantial contribution to our common goals of not just filling classroom slots, but doing so in way that raises teaching standards and helping our children realize their potential. I can't think of a better source of teaching candidates than the pool of smart, disciplined and dedicated men and women who retire from the military every year.

What's more, with this bill, we may well galvanize support for a recruitment method that, as Education Secretary Richard Riley has suggested, could serve as a model for bringing many more bright, talented people from different professions to serve in our public schools. This really is an ingenious idea, helping us to harness a unique national resource to meet a pressing national need, and I think we would be well served as country to build on it.

In putting together this bill, once again hard choices had to be made. We closely examined and analyzed the critical defense issues, and we ended up with an effective and affordable defense authorization bill which meets the growing readiness and retention challenges facing our armed forces, and augments our investment in the research, development, and procurement of the weapon systems necessary to maintain our military superiority well into the 21st Century. This bill compensates our most valuable resource, our service men and women, plus lays the groundwork for a sensible and executable programs for our military. I

urge all of my colleagues to support this legislation and send an unequivocal message of support to our troops and their families.

Mr. CONRAD. Mr. President, I rise in support of the bill before us.

In this bill the Armed Service Committee has done a good job of reconciling important yet competing needs for defense funding under daunting fiscal constraints. This bill will be an important contribution to our efforts to strengthen our already first-class military, and enhance important benefits for American military personnel, their dependents, retirees, and veterans.

I am especially pleased that this legislation includes my amendments concerning Russia's tactical nuclear stockpile, National Missile Defense, and Air Force cruise missiles. I would offer to the distinguished Chairman and Ranking Member my most sincere thanks for working with me on these important amendments, as I would for the assurances they offered regarding the Navy's BQM-74 in a colloquy with Senator DORGAN, Senator BINGAMAN, and myself.

Before reviewing several of the bill's provisions, I would like to reflect for a moment on the context in which the Senate is considering this year's defense authorization bill.

Mr. President, I have had the honor and privilege of serving the people of North Dakota and the nation in the United States Senate for 13 years. However, this is the first time during my tenure that the Senate has taken up a defense authorization bill while our forces are engaged in hostilities. I know I am not alone in being especially mindful of the fact that the provisions we approve here today will have a significant impact on our brave men and women in uniform as they do their jobs in Balkans and over Iraq. I am pleased that several sections of this bill address concerns and needs that have been identified during Operation Desert Fox and the current air campaign against Yugoslavia.

Now, Mr. President, allow me to highlight several particularly good provisions of this bill, for which Chairman WARNER and Senator LEVIN should be congratulated.

First, this measure wisely provides full funding for vital missile defense programs. National Missile Defense that is affordable, makes sense in the context of our arms control agreements, and utilizes proven technology has always had my support, and it is encouraging to see that it has been fully funded for fiscal year 2000. After damaging cuts in recent years, the revolutionary Airborne Laser program has also been fully supported this year by the Committee.

Chairman WARNER and Senator LEVIN must also be praised for including many of the provisions passed earlier this year by the Senate as part of S. 4, the Soldier's Sailor's, Airmen's, and Marine's Bill of Rights. Several of the most beneficial include a base COLA of

4.8 percent for all personnel, coupled with reform of the pay tables. Servicemembers will also now be able to participate in a Thrift Savings Plan.

Third, the bill recommends significant funding boosts for vital strategic forces. The Minuteman III Guidance Replacement Program will be kept on schedule with a \$40 million hike, and \$41.4 million has been wisely added for B-52 upgrades identified as top unfunded priorities by the Air Force.

Additionally, the Committee has also supported important housing improvement projects at Minot and Grand Forks Air Force Bases in North Dakota, and acted to accelerate construction of a \$9.5 million apron extension at Grand Forks.

Finally, I am pleased that the Strategic Forces Subcommittee has recommended a reduction in the minimum START I Trident submarine force level that must be maintained until START II is ratified by the Russian Duma. The Commander in Chief of the U.S. Strategic Command has assured me that we can meet our deterrence needs with 14 Trident boats, and that retirement of four submarines will not adversely affect our nation's security.

All of these provisions are steps in the right direction, but there are a number of matters in this bill of great concern.

First, the Committee yet again did not provide adequate funding for the B-52H bomber force. Today, part of the fleet is deployed to keep an eye on Saddam, and 15 B-52s are participating in Operation Allied Force. The B-52 is the backbone of the long range bomber force, and it is my hope that the Committee will review its decision not the fund the entire force during conference. As I have said many times before, no airborne platform can deliver a greater quantity or quality of nuclear and conventional munitions as far without refueling at as little cost to taxpayers than today's thoroughly modernized, battle-tested B-52. I applaud Senator STEVENS and Senator INOUE—the distinguish leadership of the Defense Appropriations Subcommittee—for acting to fund all 94 B-52s in the fiscal year 2000 defense appropriations bill.

Additionally, the bill unnecessarily increases spending on the Space Based Laser by \$25 million. One day we will likely do the NMD mission from space. But that time is not now, when ground-based NMD will soon be available. Today, the SBL is unaffordable, a clear violation of the ABM Treaty, and simply not feasible. I hope the extra funding is reallocated in conference.

Despite these drawbacks, this is a good bill. But it is a better bill in light of the addition of the amendments I offered today. Briefly, I would like to summarize each in turn.

First, the 1999 Conrad Russian tactical nuclear weapons amendment responds to Russia's extremely disturbing announcement last month that it will not reduce its massive tactical

nuclear stockpile, but rather will retain and redeploy many of these ill-secured thermonuclear weapons.

My amendment includes a Sense of the Senate calling on the President to urge the Russians to match U.S. tactical nuclear cuts. Additionally, my amendment requires regular reports on Russia's tactical arsenal, which could be larger than ours by a factor of eight to one, and is not covered by any arms control treaty. My amendment builds on the bipartisan amendment I authored last year, and supports the related provisions in the bill before us.

I thank the able leadership of the Armed Services Committee for supporting this amendment, as I do for accepting my amendment concerning NMD. As a result of this measure, the Secretary of Defense will be required to study the advantages of a two-site NMD system, as opposed to a single site, as is now being considered by the Administration.

Although we may be able to defend all 50 states from a single site, there may be advantages from a two-site system related to defensive coverage, system security, and economies of scale. My amendment will make sure these are fully explored. Two sites are also not incompatible with arms control. In fact, the ABM Treaty as originally drafted included two sites, and it may be appropriate to go back to such an idea.

The third amendment I offered here today responds to growing concern on the part of our military commanders about the rapidly diminishing supply of conventional air launched cruise missiles, or CALCMs.

Simply put, the CALCM has performed brilliantly in Operation Allied Force. Its range of more than 1,500 miles, ability to carry a 3,000 pound warhead, and dead-on accuracy are unmatched by any other air-delivered cruise missile in the world. It represents a capability we will continue to need, long after the 60 or so left in the inventory, and the 320 now being converted from nuclear missions, have been expended.

My amendment will require the Secretary of the AF to report to Congress on how the Air Force plans to meet the long-range, large warhead, high accuracy cruise missile requirement once the CALCMs are expended.

In particular, three options will be reviewed: restarting the CALCM line, developing and acquiring a new variety of cruise missile with the same or better performance characteristics, and upgrading planned munitions. The time to start planning on this matter is now, and again I thank Chairman WARNER and Senator LEVIN for working with me on this amendment.

In closing, Mr. President, I would reiterate that the bill before us is a good one, and deserves the support of every Senator.

No bill is perfect in every respect, but I am confident that this defense authorization bill will strengthen our

armed forces and require studies that will enhance our national security. At a time when we are at war in the Balkans, ready for another on the Korean Peninsula, and continue an open-ended air campaign against Iraq, we owe our brave men and women in uniform no less.

Mr. FEINGOLD. Mr. President, I voice my strong opposition to the fiscal year 2000 Department of Defense Authorization Act.

It is with disgust and sorrow that we are forced to bear witness to a defense bill that fails, once again, to understand the 21st century reality of national defense. So we set the foundation for our national defense in the new millennium to serve the needs of the Cold War era.

Mr. President, this bill exemplifies the Pentagon's utter failure to adapt its priorities to the post-Cold War era. It promotes a pervasive Pentagon mind set that sacrifices the interests of our men and women in uniform to the assumption that bigger and more expensive weapons systems are always better. And even then, the prohibitive cost of the new weapons systems necessary means that we can't replace, on a one-to-one basis, old weapons for newer replacements. No matter how much money we throw at this problem, we won't find a solution. Short of a true shift in the paradigm at the heart of our national defense strategy, this problem will continue unabated.

Mr. President, I start with a perennial culprit of misguided defense strategy; that is the continued spending of billions of dollars on wasteful and unnecessary programs. But this year, it's been taken a step further.

For the past year, Mr. President, we've heard the call to address our military's readiness crisis from virtually all quarters. We were told that foremost among the readiness shortfalls were operations and maintenance as well as pay and allowances accounts. This 288.8 billion dollar bill would have us increase O&M by all of \$1.1 billion, with \$1.8 billion for a pay raise and a retirement benefit change. That works out to about 1 percent. I'm sure that our men and women in uniform are not impressed.

Mr. President, even the pay raise and retirement change is fraught with uncertainty and was addressed in a less than proper manner. In February, this body passed the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights. We did so without benefit of hearings, prior to the budget resolution, and prior to the issuance of three reports on whether such changes would improve recruitment and retention in our armed forces.

Then, this month, we paid for the entire \$1.8 billion price tag for the pay raise and benefit reform in the emergency supplemental bill. Yet we still await reports from the General Accounting Office, the Congressional Budget Office, and the Department of Defense on the efficacy of that action.

Earlier this year, GAO offered preliminary data on a study showing that money has been overstated as a factor affecting decisions to stay in or leave the military.

Instead, GAO found that issues like a lack of spare parts; concerns with the health care system; increased deployments; and dissatisfaction with military leaders have at least as much effect on retention, if not more, than pay issues. These are the same concerns that I have heard from the men and women out on the front lines.

Mr. President, there's no question that certain services have a recruiting and retention problem. For a variety of reasons, officers and enlisted members are leaving the Army, Navy, and Air Force, and these services are having problems bringing enough new people on board. Serious questions remain unresolved about the cause of this problem, or its best solution, yet we will authorize and appropriate the entire \$1.8 billion in an extraordinary and inappropriate manner. This is a quick fix that fails to address the recruitment and retention problem in a comprehensive and thoughtful manner.

I agree that many service members need a raise. These men and women have chosen to represent our country. They deserve to be paid adequately.

Meanwhile, in this bill, Mr. President, programs that didn't even warrant DoD's request will receive \$3.3 billion. Additionally, weapons procurement is up \$2.9 billion beyond DoD's request. Missile defense programs, that paragon of efficiency and effectiveness, is up \$509 million. These and other provisions raise the question, just how important does the Pentagon think our men and women in uniform are?

Mr. President, the bill authorizes 2.9 billion dollars for the Navy's F/A-18E/F Super Hornet program. It also authorizes the Navy to enter into a five-year \$9 billion multi-year procurement contract for the Super Hornet. It's no secret that I have numerous concerns about the program, but I am also troubled by the manner in which the Pentagon and the Navy have moved the Super Hornet forward. And my concerns are not addressed in the least by this bill. In fact, this bill makes them worse.

The Super Hornet program hasn't even begun its Operational Test and Evaluation, yet we're ready to authorize a five-year, \$9 billion procurement contract. The program has 29 unresolved, major deficiencies, yet we're ready to authorize a five-year, \$9 billion procurement contract. The program still fails significantly to improve on the existing F/A-18C aircraft, yet we're poised to blindly authorize a five-year, \$9 billion procurement contract. Mr. President, the logic is baffling.

The current Hornet program has been proven reliable and cost-effective. Why do we want to replace the Hornet with a bloated, cost-prohibitive aircraft that offers marginal benefits over a reliable fighter?



Mr. President, this bill has some remarkable budgetary issues. Essentially, we can't pay for what this bill authorizes, and remain under the budget caps. The bill meets the fiscal year 2000 Budget Resolution target for budget authority, but current estimates state that the bill exceeds the outlay target in the Budget Resolution by \$2 to \$3 billion. Even by Washington standards, that is real money.

Mr. President, one concern goes to the heart of the entire debate on our national defense. The underlying question is this: Why should the Pentagon receive billions dollars more in funding when it has failed utterly to manage its budget?

In a 1998 audit of the Department of Defense, GAO, the official auditors for the U.S. Congress, could not match more than \$22 billion in DoD expenditures with obligations; it could not find over \$9 billion in inventory; and it documented millions in overpayments to contracts. GAO concluded that "no major part of DoD has been able to pass the test of an independent audit." Throwing good money after bad without accountability is not the answer.

Instead, Mr. President, we will sharply increase defense spending. The fiscal year 1999 DoD authorization bill assumed a budget of \$250.6 billion. Since that time, the Congress has added \$17 billion in emergency spending for defense. That spending boost is not offset and takes money directly from the Social Security Trust Fund.

Mr. President, we have done a tremendous job of eliminating our budget deficit. We're staring a huge budget surplus in the face, but we can't seem to handle the temptation to spend it. To spend it before we address Social Security and Medicare is irresponsible, Mr. President.

Mr. President, a large part of that success has been due to the willingness of both the Congress and the President to do more with less, to trim excessive spending wherever possible and maintain important services with fewer resources. We have begun to succeed in many areas of government—education, health care, veterans' care, welfare benefits, environmental programs—but not in defense spending, where we continue to build destroyers the Navy does not ask for and continue to build bombers the Air Force does not want. This bill continues this sad tradition.

I yield the floor.

Mr. KENNEDY. Mr. President, I support the National Defense Authorization bill for fiscal year 2000. This past year has demonstrated once again how important it is for the nation to maintain a well-prepared military. There is no doubt that the Nation's armed forces are more active today than they were during cold war. Our servicemen and women are currently conducting combat operations in Kosovo and Iraq. They are serving as peacekeepers in Bosnia, and as humanitarian support personnel in Central America. All of this is taking place in addition to the

day-to-day routine operations and exercises in which the military participates throughout the year in this country and in many other parts of the globe.

The Nation is also calling on its National Guard and Reserve units at an increased rate. This past year, Guard and Reserve units from Massachusetts were deployed in support of operation Northern Watch in Iraq, Hurricane Mitch relief in Central America, and most recently Operation Allied Force in the Balkans. Our country is proud of their service and grateful for the sacrifices that they, their families and their civilian employers are making for all of us.

Our armed forces continue to do all that is asked of them. This year, many of us in Congress have been concerned about the effects that these increased operations tempo are having on our service personnel and equipment. We have no doubt about the dedication and skills of our 1.4 million men and women in the Army, Navy, Air Force and Marine Corps who make our military the most capable fighting force in the world today. But there are increasing questions about whether they are receiving the full support they need to do their job well.

This bill addresses many of the current concerns about declining readiness, insufficient equipment, and inadequate recruitment and retention. It provides greater support for our military forces, while maintaining a realistic balance between readiness to take care of immediate needs, and the investments needed to develop and procure the best systems for the future.

The cornerstone of the Nation's military preeminence rests on many factors, but the most critical is its people. Without men and women willing to volunteer for military duty, the Nation would not be able to respond to crises around the globe as it does today. We need to have cutting-edge weapon systems, but we also need dedicated service members to operate these systems. It is imperative for us to provide effectively for our troops and their families.

Today's force is truly an all volunteer force. Its ranks contain well-educated professionals who have chosen to serve their country in the armed forces. We must treat them as professionals or we will lose them.

The bill provides a fully-funded and well-deserved 4.8% pay raise for military personnel, as well as expanded authority to offer additional pay and other incentives to critical military specialities. The bill also improves retirements benefits for those who are serving by addressing concerns with the current system and allowing servicemen and women to participate in a Thrift Savings Plan.

The bill also enhances the very successful Troops-to-Teachers Program. Troops-to-Teachers was established by Congress in 1993 and has enabled over 3,000 service men and women to go into the teaching profession. These teachers

have filled positions in high-need schools in 48 states. The bill shifts the responsibility for this program to the Department of Education in order to see that it is coordinated as effectively as possible with our overall education reform initiatives.

Well over half of today's military is married. In many cases both parent are employed. The military also contains many single mothers and fathers. Each of these constituencies has unique characteristic and need that must be recognized so that we can encourage continued service and careers in the Nation's armed forces.

The bill contains a provision which I strongly support to authorize the Secretary of Defense to provide financial assistance for child care services and youth programs for members of the armed services. These expanded provisions will ensure that many more military families have access to adequate child care and worthwhile activities for their children.

The Nation's service men and women operate in a demanding and stressful environment that is being exacerbated by the increased operations of the last decade. One unfortunate result has been an increase in domestic violence involving military families. We have a responsibility to these families to help them cope more effectively with this problem. An important provision in this year's bill require the Secretary of Defense to appoint a military-civilian task force to review domestic violence in the military. In addition, the bill takes other steps to guarantee that the Services are more sensitive to this problem and take steps to prevent it.

This bill also moves on many fronts to address modernization requirements that have been deferred for too long. As the ranking member on the Seapower Subcommittee, I am pleased that this bill takes needed steps to ensure that the Nation's naval forces have the vessels and equipment they need to sustain naval operations throughout the world.

The bill authorizes the extension of the DDG-51 destroyer procurement for fiscal year 2002 and 2003 and increases multiyear procurement from 12 to 18 ships. The bill also authorizes the Navy to enter into a 5-year multiyear procurement contract for the F/A-18E/F Super Hornet. In addition, it increases the budget request for the Marine Corps' MV-22 Osprey tilt-rotor aircraft from 10 to 12. These are all strong steps in strengthening the readiness of the Nation's Navy-Marine Corps team.

Last year, the Defense authorization bill called for a 2 percent annual increase in military spending on science and technology from 2000 to 2008. Unfortunately, the Department's proposed Fiscal Year 2000 budget reduced spending on science and technology programs. The Air Force, alone, was slated for \$95 million in cuts in science and technology funding. Such a decline would be detrimental to national defense, particularly when the battlefield

environment is becoming more and more reliant on technology. Fortunately, under the leadership of the Chairman of the Emerging Threats and Capabilities Committee, Senator ROBERTS, this bill restores \$70 million in Air Force Science and Technology funding, to ensure that sufficient scientists and engineers are available to conduct research to address the Defense Department's technology needs for the future.

One of the most important technology fields is in the area of cyber-security. The growing frequency and sophistication of attacks on the Department of Defense's computer systems are cause for concern, and they highlight the need for improved protection of the Nation's critical defense networks. This bill includes a substantial increase in research and development on defenses against cyber attacks. This increase will greatly improve the Department's focus on this emerging threat.

Existing threats from the cold war are also addressed in this legislation. The efforts to provide financial assistance to the former Soviet Union for nonproliferation programs such as the Nunn-Lugar Comprehensive Threat Reduction programs are essential for our national security. I commend the administration's plans to continue funding these valuable initiatives and the committee's support for them.

One of the greatest threats to our national security is the danger of terrorism, particularly using weapons of mass destruction. We must do all we can to prevent our enemies from acquiring these devastating weapons and from being able to conduct successful terrorist attacks on the Nation. Significant progress has been made toward strengthening the Nation's response to such attacks, but more must be done. This bill strengthens counter-terrorism activities and increases support for the National Guard teams that are part of this important effort.

I commend my colleagues on the committee for their leadership in dealing with the many challenges facing us on national defense. This measure is important to our national security in the years ahead and I urge the Senate to approve it.

Mr. REID. Mr. President, I thank my colleagues for their hard work over the last few days on this very important bill. The events in Kosovo underscore the importance of the work that we are doing here.

I think that we have worked to put together a good bill. It doesn't satisfy everyone, I myself have some concerns about some parts of it, but overall I think that it is a good bill.

I want to make a brief statement clarifying the substance of one of the amendments in the manager's package that we passed today.

I want to make it clear that the amendment relating to the authorization of \$4,500,000 for the procurement and development of a hot gas decon-

tamination facility, is directed to the development of such a facility at Hawthorne Army Depot in Hawthorne, Nevada. That reflects the prior agreement of the managers. The text of the amendment does not specify the location of the facility, and I want to make it clear in the record of the proceedings associated with this bill where that facility is to be located and how that money is intended by this Congress to be appropriated and spent.

Mr. THURMOND. Mr. President, I rise to enter into a colloquy with the distinguished chairman of the Armed Services Committee, Senator WARNER, concerning his amendment, No. 439, on radio frequency spectrums.

Mr. WARNER. Mr. President, I am pleased to enter into this colloquy with the distinguished President Pro Tempore and former Chairman of the Armed Services Committee.

Mr. THURMOND. Mr. President, it is important and I support the Chairman's efforts to protect critical DOD systems from harmful interference. Some concerns have been raised whether the amendment is intended to have an adverse impact on cellular, PCS, and other wireless systems that millions of Americans rely upon. I ask the Chairman whether I am correct in my understanding that that is not his intended effort.

Mr. WARNER. Mr. President, the gentleman from South Carolina is correct in his assessment.

Mr. THURMOND. Mr. President, I look forward to working with the distinguished Chairman during Conference with the House to ensure the successful use of radio frequency spectrum by the military, appropriate government agencies, and the private sector.

Mr. WARNER. Mr. President, I will be pleased to work with my friend from South Carolina to ensure that this important amendment has its intended affect.

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

#### AMENDMENT NO. 461

Mr. ROBB. Mr. President, the amendment I have offered today is about accepting responsibility. On February 3, 1998, a United States Marine Corps EA-6B Prowler severed a ski gondola cable near Cavalese, Italy, plummeting twenty people nearly 400 feet to their deaths. We later learned, to our great disappointment, that the pilot and the navigator conspired to destroy evidence of the circumstances leading to the accident.

This amendment, cosponsored by Senators SNOWE, BINGAMAN, LEAHY and KERREY, upholds the honor of the United States Marine Corps and our military both here and abroad, permits the United States to accept responsibility for this tragic accident, and sends an unambiguous message that we will not tolerate efforts to cover-up our mistakes.

The Congress has already authorized payment to rebuild the gondola we de-

stroyed. We have not yet authorized payment to help rebuild the lives of the families we destroyed. This amendment allows the Secretary of Defense to compensate the victims' families both for the accident and the effort to hide evidence of the accident.

A similar amendment was passed by the Senate during consideration of the Emergency Supplemental. The amendment passed unanimously, but was dropped during Conference consideration. I urge the Senate to adopt the amendment and allow the families of the victims to begin healing.

Mr. THURMOND. Mr. President, I am in opposition to the amendment offered by the Senator from Virginia. I understand his desire to settle claims resulting from the accident involving a Marine Corps aircraft, which resulted in the unfortunate deaths of civilians in Italy. I note, Mr. President, that this case is covered by the Status of Forces Agreement or SOFA, which provides a mechanism for the settlement of claims. The Robb amendment would provide additional compensation, above and beyond that which might be provided by a SOFA settlement.

While, I have sympathy for the families of the victims of that tragedy, I must bring to the attention of my colleagues another tragic occurrence which took the lives of nine American servicemen. I spoke in some detail on this matter last month, when I introduced Senate Resolution 83. Let me summarize the facts of this accident.

On September 13, 1997, a German Luftwaffe Tupelov TU-154M collided with a U.S. Air Force C-141 Starlifter off the coast of Namibia, Africa. As a result of that mid-air collision nine United States Air Force Servicemen were killed. Accident investigations conducted by the United States and Germany both assigned responsibility for the collision and deaths to the German crew, who not only filed an inaccurate flight plan, but were flying at the wrong altitude.

The families of the nine victims, having endured tremendous suffering and significant financial losses, are seeking compensation from the German government. Sadly, the German government has not been fully cooperative. Because these claims do not fall under the Status of Forces Agreement, the families were instructed to file their claims with Germany and wait for German adjudication.

The German government has an obligation to these American families who lost loved ones because of negligence and fault of the German Air Force. This is a simple matter of fairness.

To address this matter, I introduced a Sense of the Senate Resolution calling upon the German government to make quick and generous compensation to the families of the U.S. Servicemen. In addition, it prohibits payment to the families of any German national killed in the gondola accident caused by the United States Marine Corps aircraft until the German government has

made comparable restitution to the families of the U.S. air crew killed in September 1997. My Resolution will not block payment to the families of any victim who is not a German national.

Mr. President, I addressed my concerns on this matter to the Secretary of Defense. I requested that he give this matter his attention and raise this issue with the German Ministry of Defense. In addition, I have invited the German Ambassador to meet with me and family members of those killed in the air collision. To date, the Ambassador has not accepted my invitation.

Mr. President, the Robb amendment is unnecessary at this time. The claims of family members of those killed in the ski gondola accident should first go through the SOFA process. In the meantime, the German government should quickly and fairly settle the claims of Americans killed as a result of the negligence of the German Air crew. I reiterate that the American claims do not fall under SOFA.

My amendment expresses the Sense of the Senate that the Government of Germany should promptly settle with the families of members of the United States Air Force killed in a collision between a United States C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia on September 12, 1997. My amendment also states the Sense of the Senate that the United States should not make any payment to citizens of Germany as settlement of such citizens claims for deaths arising from the accident involving the United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the German Government and the American service members' families.

Mr. DOMENICI. Mr. President, I rise today to discuss three interrelated aspects of our country's security at the brink of the new millennium. There has already been discussion of NATO in this new world. We have also intermittently discussed the war in the region of Kosovo.

It's important to reflect on NATO's mission under changed circumstances. It is critical to address the U.S. role as part of NATO. At the same time, we must evaluate threats globally, and we must be vigilant in safeguarding our security and defense capabilities.

In April we celebrated NATO's 50th Anniversary. Despite the circumstances, we had good reason to celebrate. After the horrors of World War I and II, U.S. decision makers sought to construct European structures for integration, peace, and security. U.S. policy focused on two tracks: the Marshall Plan for economic reconstruction and NATO for transatlantic security cooperation.

The creation of the North Atlantic Treaty Organization in 1949 acknowledged what we failed to admit after World War I. Europe was and is a precarious continent. Twice in the first

fifty years of this century America fought against tyrannical and malevolent forces in Europe.

It is important to remember that NATO did not begin as a response to the Warsaw Pact. This primary objective evolved as a de facto result of Stalinist expansion into Central Europe.

Fifty years later NATO remains the strategic link between the Old World and the New. NATO achieved its Cold War mission and even now, in a changed era and very different world, NATO is a vital element of transatlantic cooperation and security.

We must, however, be conscious and careful in applying the lessons of the past to current circumstances. None of what I've just talked about should be interpreted as an argument for current NATO action in the region of Yugoslavia, Albania, Macedonia, and Montenegro.

The Administration repeatedly suggests that violence in the Balkans ignited the First World War. This is true. A member of the Black Hand, A Serbian nationalist group, assassinated Archduke Franz Ferdinand. Serbia, at that time was a small nation fighting for independence within a crumbling Austrian-Hungarian Empire.

Due to Russia's alliance with Serbia and Germany's open-ended military pact with Austria, both Germany and Russia mobilized immediately. Other than a few neutral countries—Norway, Sweden, Italy, Switzerland, and Spain—the rest were locked in polarized blocs that set the Triple Alliance against the Triple Entente.

Such polarized blocks do not exist today. Serbia's aggression against Kosovar Albanians can and has created regional instabilities. But this would not lead to World War Three.

This is not 1914. Only one alliance dominates Europe—NATO. NATO can be used as a force for peace. Acting without regard to security perceptions outside of NATO, however, can lead us down a very different and dangerous path.

Our current actions disregarded others' views of their own security. Our actions in Kosovo may yet unravel any gains achieved in nuclear arms reductions and cooperative security alliances since the Soviet Union collapsed.

Furthermore, NATO's response in Kosovo has accelerated and exacerbated regional instability. We've managed to create a humanitarian crisis, while not achieving any of our military objectives. Of course, any rational person could see that an air campaign from 20,000 feet would not prevent executions, rapes, and purges on the ground. This is especially true given the five months of time we gave President Milosevic to plan, prepare, and position his forces.

One relevant aspect of today's world that the Administration failed to mention in their arguments for involvement in this campaign is the impact this would have on U.S.-Russian relations. We have a tendency to believe

that Russia is so weak and needs our money so bad that we can disregard their views or interests.

I ask you to consider two key facts: as Russia's conventional military declines, reliance on their nuclear arsenal increases; global stability cannot be achieved without cooperation between the U.S. and Russia.

The reciprocal unilateral withdrawal of thousands of tactical nuclear warheads between the U.S. and Russia may also be reversed. Russia has recently announced its intent to redeploy components of its tactical nuclear arsenal. We were on a path through arms reduction and steps toward increased transparency to addressing tactical weapons. These gains are steadily unraveling.

The Administration never suggested that NATO strikes against Serbs may lead to a worst-case scenario over the next five years in Russian politics. Russia faces Parliamentary elections this year and a Presidential election next.

According to one of the most pro-American Duma members, the U.S. Administration picked the best route to influence the upcoming elections in favor of Communist and ultra-nationalist parties. In Russia, 90 percent of the public support the Serbs and are against NATO.

This war will have profoundly negative impact on the relationship between Russia and the U.S. for a long time.

The U.S. was supposedly not fighting for either side. We were trying to be the honest broker, at least in the beginning. Now, our actions have created enemies. These enemies have historical ties to Russia. Russia's economy is in tatters, but Russia still controls the only means to obliterate the United States.

We feel we're in the right, because we are fighting a tyrant, one capable of great evil. I don't disagree with the objectives sought, but I do believe that the Administration should have taken into account the possible political consequences of our actions on Russia's political future, as well as our future relationship with Russia.

There are those who suggest that NATO must be victorious in the Kosovo conflict. Victory in Kosovo is short-term if we do not sort out the broader consequences of a victory dictated on NATO's terms.

Russia is edging closer to China, and India. Our blatant disregard of other's security needs and perceptions may culminate in a Eurasian bloc allied against us—against NATO. And election campaigns in Russia will begin very soon.

As European leaders converged to celebrate NATO's 50th birthday, they spent much time debating and deliberating on NATO's future. NATO's present reflects poor policy decisions and an ineffective military approach.

Mr. President, I'd also like to take this opportunity to discuss the grievous situation of our military today.

Recent actions in Kosovo underscore the self-inflicted damage we have done to our national security in the years since the Cold War.

I was one of many Senators during the 1980s who supported seeing our nation's defenses bolstered in order to bring the Soviet Union to its knees. We defeated them—not through hot war—but by demonstrating the unparalleled power of American democracy and free market dominance over a command economy.

The collapse of the Soviet state was inevitable, but it would have taken a lot longer without the catalyst of our rapid defense buildup. This charge greatly accelerated the breakdown in the Soviet Union's economy. Their political and economic institutions unraveled in light of America's clear superiority.

In 1991, after years of focus on a strong defense, when the Iraqis occupied Kuwait, U.S. forces were able to demonstrate their dominance. The U.S. military liberated Kuwait in a short, decisive campaign. The Gulf war was a ground and air war. It was a full blown offensive.

And at no time during the Gulf war did anyone even so much as hint that U.S. forces were spread too thin. There were no reports of not being able to thwart an attack from North Korea due to our commitment in the Gulf. Never did we hear of depleted munitions stores, shortages in spare parts for our equipment, or waning missile supplies.

Eight years later, the cracks in our defense capabilities emerged after less than 60 days of an air campaign in the Kosovo region. In less than forty days of what have been limited air strikes, respected officials reported that U.S. defenses are spread too thin. If North Korea or Saddam wanted to capitalize on our distraction in the Balkans, we currently would not have the means to defend our interests.

We've been forced to divert resources from other regions in the world to meet NATO's needs in the Balkans. Our transport capabilities are insufficient. We evidently have too few carriers. Our munitions reserves are depleted. And, as ludicrous as it may sound, for years our military personnel have had to scramble to find spare parts.

In the early nineties, after the collapse of the Soviet Union, the U.S. was viewed as the only remaining "Superpower." Our global economic and military dominance was unquestioned. That time was, in the words of respected scholars and strategists, the Unipolar Moment. There was no doubt that the U.S. could defend its interests in any situation—whether military action or political persuasion were necessary.

We have squandered that moment and missed many opportunities to capitalize on our success. In fact, out of complacency and misplaced perceptions of the post-Cold War world, our defense capacity today is insufficient to match the threats to our national interests.

Many years of self-indulgence and inattention to our nation's defense cannot be corrected with a one-time boost. This is a complex and long-term problem. But I'm committed to ensuring that our nation's defenses are not further eroded. I'm fed up with the complacency that has created our current situation.

We must have a strong defense. We must ensure that the men and women in uniform have the right equipment, the best training, and are afforded a quality of life sufficient to keep them in the military. This cannot be done by sitting on our hands and hoping that the world remains calm.

Additions to readiness accounts, ammunition, and missile stocks in the emergency supplemental for Kosovo will help ensure that our fighting forces are not in worse shape than before this engagement. It provides a small, but significant, step forward.

The Defense Authorization bill before us takes additional steps in the right direction. I commend Senator Warner and his diligent staff on the hard work they've done to balance priorities and provide for our men and women in uniform.

Let me briefly outline some major provisions of this bill that I consider important and appropriate to address some of our military's most pressing needs.

As an additional boost to problems in readiness, this bill authorizes an additional \$1.2 billion in operations and maintenance funding.

The bill also includes over \$740 million for DoD and Department of Energy (DoE) programs that provide assistance to Russia and other states of the former Soviet Union. These programs address the most prevalent proliferation threat in our world today.

The \$3.4 billion increase in military construction and family housing is an essential element of providing our armed forces with the quality of life they deserve. In addition, pay raises and improved retirement plans demonstrate our commitment to the people who serve in our military.

I do not believe that increased pay and better retirement address the full spectrum of issues that feed into retention problems. The preliminary findings of a GAO study requested by myself and Senator STEVENS indicate that the main problem is not pay, but rather working conditions. Lack of spare parts and deficient manning were the most frequent reasons offered for dissatisfaction with their current situation.

These are important findings, because it's something we can address. As more conclusions come to light, we can do a better job in fixing the problems that currently contribute to recruitment and retention. We must pay close attention to these issues. The men and women serving in our military are the sole assurance of a strong, capable U.S. defense capability.

A strong defense must be coupled with a consistent set of foreign policy

objectives that strive to reduce or contain security threats. At present, we have neither.

Mr. President, it seems we must focus on shifting the balance back in our favor. This cannot be done ad hoc. Securing U.S. interests requires sustained commitment and well-planned execution. First, we must provide the domestic means for strong, capable armed forces. Second, we must be calculated and careful in the application of force as a fix to failed diplomacy.

Mr. DODD. Mr. President, I rise to state my views on the Fiscal Year 2000 Defense Authorization bill. First, I congratulate the Chairman, Senator WARNER, and the Ranking Member, Senator LEVIN, for their work on this bill. Together they helped move this bill through the Senate in record time. The broad support for this bill provides a promising beginning to Senator WARNER's tenure as Chairman of the committee, and it is a tribute to Senator LEVIN's ability to work with members from both parties on matters of national defense.

This bill provides an increase in defense spending that will maintain this nation's superpower status as we enter the 21st Century. As always, this defense bill relies heavily on Connecticut—the Provisions State. In procurement and modernization, Blackhawk helicopters, Comanche helicopters, the F-22 program, the Joint Strike Fighter program, Joint STARS aircraft, and submarine programs were all funded at or above the President's request. For our military personnel, this bill authorizes much deserved pay and pension increases. Other important programs that this bill funds include: military construction, cooperative threat reduction and ballistic missile defense.

I commend the Senate Armed Services Committee for increasing the number of H-60 helicopters requested in this bill from 21 to 33. The Committee added nine UH-60L Blackhawk helicopters for a total of 15 that will begin to fill the Guard's requirement for 90 Blackhawks. I feel strongly that it is important to fill this requirement, especially as we continue to call up our Guard and Reserve forces to serve in the Balkans. Those forces deserve to have the most modern equipment that this country can provide. The Committee also added three CH-60 helicopters, the Navy version of the Blackhawk. The CH-60 will replace several models of the Navy's helicopter fleet and will perform all the missions for which those models were responsible.

The committee gave a vote of confidence to the Comanche helicopter program by adding over \$56 million in research and development funding to the Administration's request. Likewise, it supported the purchase of a fifteenth Joint STARS aircraft. Those aircraft are performing magnificently

in the Balkans, and I feel that this nation should continue to build these aircraft until the Air Force has the 19 aircraft it needs.

The guided missile submarine concept received a boost by this committee in the form of \$13 million in needed research and development funding. The concept proposes converting four Trident submarines into guided missile submarines which would be capable of launching more tomahawk missiles than any ship afloat today. As important as the funding authorization was the provision the committee included in the bill to reduce the lower threshold of our Trident submarine force. That action will allow the Navy to reduce the number of Trident submarines from 18 to 14, an adjustment to the fleet that the Chief of Naval Operations has requested. By including the provision, the committee surmounted an obstacle to implementing the submarine concept and saved taxpayers billions of dollars which would have gone towards upgrading Trident missiles.

This bill authorizes important increases in military pay and pensions that this nation's servicemen and servicewomen deserve. I note that this bill not only calls for more pay and higher pensions, but it also identifies how this nation will pay for those important increases. Furthermore, through the regular hearings with Defense Department officials over the last few months, the Department has had ample opportunity to air its views with respect to provisions of this bill that address pay and pension issues. I am proud to support these provisions.

As for the prospect of additional military base closures, a minority of the Senate once again sought to mandate another Base Realignment and Closure round in 2001. I opposed that amendment for a few reasons. Even after a Defense Department report and a General Accounting Office report, there is no clear accounting of how much this nation saves from base closure rounds. Furthermore, the long-term environmental clean-up costs are virtually impossible to estimate. I think that before we put communities across the country through the wrenching experience of another base closure round, we must better understand the costs and benefits of another round. Finally, I want to remind my colleagues that some of the bases ordered to be closed under previous rounds have yet to be closed. Of those that have been closed, some have not yet been turned over to the surrounding communities. I would like to know the full impact of the previous rounds, and I will not put communities in my state at risk by rushing into another round without being absolutely certain that this nation is ready.

The Senate wisely voted to table an amendment offered by Senator SPECTER which would have sent a dangerous signal to Slobodan Milosevic that the United States is not committed to end-

ing his horrific campaign of genocide. As we debate these issues, we must be cognizant of the fact that our men and women in uniform are risking their lives in the Balkans. They deserve to know that our Nation's leaders, including the Senate, stand firmly behind them. An amendment which limits our Commander-in-Chief's ability to act sends exactly the opposite message. It tells every soldier, sailor and airman and woman that the United States Senate is wavering in our support for their efforts and sacrifices. That is a statement we must never send.

Similarly, we must remember that there are innocent men, women and children, desperately looking to the United States and NATO for relief from Slobodan Milosevic's hateful campaign of genocide. Approval of the ill-advised amendment would have likewise sent a signal to the 1.4 million ethnic-Albanians who have been displaced from their homes that we were wavering at the moment they needed us most.

As I have said time and time again, we must be mindful of the United States role as a world leader and the degree to which our NATO allies look to us for guidance. The Specter amendment would have precluded the President and our military from effectively responding to urgent military requirements and putting an end to Slobodan Milosevic's murderous campaign as expeditiously as possible. It would also have precluded the United States from taking the lead on an important potential avenue to bringing a lasting peace to the Balkans.

In closing, I again commend the managers of this bill for their efforts. This legislation is a fitting tribute to our soldiers, sailors, airmen and marines who protect this Nation's freedom and liberty. It comes at an appropriate time—just before Memorial Day when we will honor the sacrifices that the members of our armed forces have made.

Mr. McCAIN. Mr. President, as my colleagues in the Senate know, I make a point of going through spending bills very carefully and compiling lists of programs added at the request of individual members that were not included in the Defense Department's budget request. I should state at the outset that I believe Chairman WARNER and Senator LEVIN, the ranking member, should be commended for their efforts at producing a bill that addresses a number of very serious readiness problems. As American pilots continue to fly missions over Yugoslavia and Iraq while maintaining commitments in virtually every part of the globe, the care and maintenance of the armed forces cannot be taken for granted—not if we wish to avoid imperiling our vital national interests.

I would be remiss in my responsibilities, however, were I not to illuminate the large number of programs that were added primarily for parochial reasons. With our military stretched perilously thin after more than a decade of

declining budgets and expanding commitments, we can ill afford the business-as-usual practice of adding programs not requested by the military. It is for that reason that the list of unrequested programs that I would like to submit for the record, totaling more than \$4 billion, is so troubling.

While I continue to have concerns about the integrity of the process by which the service unfunded priorities lists are produced, I have this year chosen to respect their legitimacy and have excluded from the compilation of unrequested projects I am submitting for the RECORD those items added by members that are reflected on the unfunded priority lists.

To wit, while I have to question the reverse economies of scale achieved on the C-40 program—in effect, why do two aircraft cost more on a unit cost basis than did the one aircraft included in the budget submission—I have not included the second aircraft, added by the committee, on this list because of its inclusion on the Navy's unfunded priority list. Similarly, I have omitted from my list two KC-130J aircraft because they are on the Marine Corps unfunded priority list despite the incredible surplus in C-130 frames already in the U.S. inventory. I will mention these programs no more today.

Let me be very clear, however, that the process by which budgets are put together is seriously flawed and both fiscal responsibility and national security dictate that we strive to improve it. After so many years of going through this exercise, though, I find it difficult to be optimistic.

I am, for instance, bewildered by the continued annual addition to the budget request of \$18 million for MK-19 automatic grenade launchers. The repeated addition by Congress of the MK-19 to the defense budget forces to me to wonder whether someone hasn't stockpiled these things out of some psychological need to accumulate grenade launchers as a substitute for balls of string. What on earth does someone think the Marines are doing with its automatic grenade launchers that compels this body to repeatedly add them to the budget? How do we justify continuing to allocate significant amounts of money for a program that the Corps does not even include on its unfunded priorities list?

Every single year we add funding—this year, \$15 million—for the NULKA anti-ship missile decoy system. An Israeli destroyer during the Six Day War, a British destroyer during the battle for the Falklands, and the USS Stark incident are all testimony to the threat of anti-ship missiles. That only one U.S. ship has been so targeted since World War II, however, and under rather unique circumstances at that, makes it difficult to understand why we spend so much money every year for decoys.

I have been critical in the past about earmarking funds for the National Automotive Center, an odd member-

created entity that has taken on a life of its own. The bill includes \$6.5 million for development of a Smart Truck, with half of the money earmarked for the National Automotive Center. Presumably, this will be a really smart truck, inasmuch as it is taking us for over \$6 million. I can only hope it will be able to change its own oil.

The Administration's military construction request was a true exercise in Byzantine budgeting. Incrementally funding the entire military construction program was not somebody's better idea, and I applaud the committee's rejection of that proposal. I must condemn, however, that same committee's decision to add \$923 million in projects not requested by the services. A new \$3.6 million C-17 simulator building at Jackson Airport; a new \$8.9 million C-130J simulator building at Keesler Air Force Base; a new \$6 million visiting officers' quarters at Niagara Falls; \$17 million to replace family housing at the Marine Corps Air Station at Yuma; and an addition of \$10 million for a new education center and library at Ellsworth are just a few of the items added to the budget by members for parochial reasons.

Let me note at this junction that many of these projects may very well be meritorious upon further review. For example, I know there is a dire need for new family housing at the Marine base in Yuma, Arizona. But is that need greater than exists at some other base? The method by which that project was added does not allow for the kind of comparative analysis that should be an integral part of the process by which these budgets are drafted.

Of particular interest is the \$241 million for ammunition demilitarization facilities, none of which was requested by the military. I recognize the legitimate need to expeditiously dismantle aging chemical weapons and deal with the environmental contamination resulting from their construction and storage over many years. My concern lies in the perpetually uncertain environment in which spending bills are prepared. Are each of these facilities necessary, and does each one need to be funded during a fiscal year for which funding for it was not requested? Chemical demilitarization has been an important priority for the Armed Services Committee, but the case has not been made that these programs had to be added to this bill.

Mr. President, I may make light of some of these programs, but the issue is deadly serious. Our armed forces are stretched perilously thin as global commitments grow and operations like those in Kosovo and the continuing operation in Bosnia continue to take their devastating toll on our ability to remain prepared for the major regional contingencies that are inarguably tied to our vital national interests. Not every program on the list that I am submitting for the RECORD is impractical or worthy of ridicule. But to argue their worth individually and in a vacuum is to miss the point.

I do not include on these lists most programs related to defense against weapons of mass destruction, and generally give classified programs a free ride. The nature of the process, however, is such that a certain amount of skepticism is warranted. It is too much a matter of routine practice that items are added for primarily parochial reasons under headings that sound logical and yet which are low or no priority for the services. As absolutely important as areas like chemical and biological defense are, it is equally important that funds allocated to deal with those threats are not wasted on programs added to the budget solely because a contractor convinced his or her senator that they deserve \$2 million to investigate that program's potential when other higher priority programs already exist to fulfill the requirement.

I have respected the unfunded priority lists this year because they provide the only roadmap as to where the services would allocate additional dollars if such funding were made available. It is far from a perfect process, but it is all we have. That there are still over \$4 billion in member adds in this bill is testament to the indomitable will of members of this body to force projects into a strained defense budget in defiance of fiscal prudence and operational requirements. That is not intended as a compliment; it is simple acknowledgment that there is still ample room for improvement.

Finally, let me also note for the record my concerns regarding the amendment offered by Senator LOTT to narrow the scope of the Pilot Program for Commercial Services. I believe the amendment will restrict the ability of the Secretary of Defense to explore all options for fair and reasonable procurement of transportation services. This will continue to artificially inflate the Defense Department's transportation cost and will directly impact the findings of the program.

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

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

**NATIONAL DEFENSE AUTHORIZATION ACT  
FOR FISCAL YEAR 2000 MEMBER ADD-  
ONS, INCREASES & EARMARKS**

**Army Procurement**

**Aircraft Procurement, Army**

(page 25):	
LONGBOW .....	\$45.0
UH-1 Mods .....	72.5
ASE Mods (ATIRCM) .....	8.1
ASE Infrared CM .....	6.6
Missile Procurement, Army (page 27):	
PATRIOT mods .....	60.0
Procurement of W&TCV, Army (page 29):	
M109A6 155mm Howitzer mods ..	20.0
Field Artillery Ammunition Support Vehicle PIP .....	20.0
M88 Improved Recovery Vehicle ..	72.0
Heavy Assault Bridge mod .....	14.0
MK-19 40mm Grenade Launcher ..	18.3
Procurement of Ammunition, Army (page 31):	
40mm, all types .....	8.0

60mm mortar, all types .....	9.0
102mm HE M934 w/mo fuse .....	4.0
105mm ARTY DPICM .....	10.0
Wide Area Munitions .....	10.0
Arms Initiative .....	14.0
Other Procurement, Army (page 35):	
High Mobility Multi-Purpose Vehicle .....	17.0
Army Data Distribution System .....	25.9
SINGCARS Family .....	70.0
ACUS mod program .....	50.0
Standard Integrated CMD Post System .....	9.2
Lightweight Maintenance Enclosure .....	3.2
Combat Training Centers Support .....	7.0
Modification of In-Service Equipment .....	8.1
Acquisition Stability Reserve Construction Equip .....	29.6
Army RDT	
Basic Research in Counter-Terrorism .....	15.0
AAN Materials .....	2.5
Scramjet Technologies .....	2.0
Smart Truck .....	6.5
Medteams .....	1.8
PEPS .....	8.0
Virtual Retinal Eye Display Technology .....	5.0
Future Combat Vehicle Development .....	10.0
Digital Situation Mapboard .....	2.0
Acoustic Technology Research ..	4.0
Radar Power Technology .....	4.0
OICW .....	14.8
FIREFINDER Accel. TBM Cueing Requirement .....	7.9
Directed Energy Testbed (HELTF) .....	5.0
HIMARS .....	30.6
Space Control Technology .....	41.0
Navy Procurement	
Aircraft Procurement, Navy (page 61):	
UC-35 (3) .....	18.0
EA-6 Series .....	25.0
H-1 Series .....	15.0
Common ECM Equipment .....	16.0
Weapons Procurement, Navy (page 64):	
Drones and Decoys .....	10.0
Weapons Industrial Facilities ...	7.7
Shipbuilding & Conversion, Navy: LPD-17 (1) .....	375.0
Other Procurement, Navy (page 71):	
WSN-7 Ring Laser Inertial Navigation Gear .....	15.0
Items less than \$5 million .....	30.9
Radar Support AN/BPS-15/16H ECDIS-N .....	8.0
Integrated Combat System Test Facility .....	5.0
JEDMICS .....	9.0
Navy Shore Communications ...	30.7
Info Systems Security Program (ISSP) .....	12.0
Aviation Life Support .....	18.1
NULKA Anti-Ship Missile Decoy System .....	15.3
Procurement, Marine Corps (page 83):	
Comm and Elec. Infrastructure Support .....	54.5
5/4T Truck HMMWV (MYP) (668) .....	40.0
Navy RDT	
Non-Traditional Warfare Initiatives .....	5.0
Hyperspectral Research .....	3.0
Heatshield Research .....	2.0
Free Electron Laser .....	10.0
Waveform Generator .....	3.0

Power Node Control Centers .....	3.0	Advanced Spacecraft Technology—MSTRS .....	5.0	C3I—Information Assurance Test Bed .....	5.0
Composite Helicopter Hangar .....	5.0	Standard Protocol Interpreter .....	2.0	Joint Mapping Tool Kit .....	8.0
Virtual Testbed for Advanced Electrical Systems .....	5.0	Space-Board Laser .....	25.0	C3I—Strategic Technology Assessment .....	5.0
BURRO .....	5.0	Space Control Technology—Program Increase .....	10.0	Maxwell AFB—Off. Transient Student Dormitory .....	10.6
Advanced Lightweight Grenade Launcher .....	1.0	Joint Strike Fighter—Alternative Engine .....	15.0	Anniston AD—Ammo Demilitarization Facility .....	7.0
Vehicle Tech Demo .....	0.5	ICBM Dem/Val RSLP .....	7.0	Redstone Arsenal—Unit Training Equip. Site .....	8.9
Ocean Modeling for Mine and Submarine Warfare .....	9.0	EW Development—PLAID .....	7.0	Dannelly Field—Med. Training & Dining Facility .....	6.0
Low Observable Stack .....	5.0	EW Development—DIRCM .....	3.9	Fort Wainwright—Ammo Surveillance Facility .....	2.3
Vector Thrust Ducted Propeller .....	4.0	SBIRS—High EMD .....	0.4	Fort Wainwright—MOUT Collective Trng. Facility .....	17.0
Integrated Combat Weapons Systems for CM Ships .....	18.0	Correction of WCMD Testing Problems .....	2.5	Elmendorf AFB—Alter Roadway, Davis Highway .....	9.5
Advanced Water-Jet Technology .....	2.0	Aircrew Laser Eye Protection .....	4.5	Pine Bluff Arsenal—Ammo. Demilitarization Facility .....	61.8
Enhanced Performance Motor Brush .....	2.3	Inflatable Restraints .....	5.0	Pueblo AD—Ammo. Demilitarization Facility .....	11.8
Standard for the Exchange for Product Model Data .....	3.0	EELV Composite Payload Dispenser .....	25.0	West Hartford—ADAL Reserve Center .....	17.525
Trident SSGN Design .....	13.0	Big Crow .....	15.4	Orange ANG—Air Control Squadron Complex .....	11.0
Common Command and Decision Systems .....	5.0	Micro Satellite Technology .....	8.0	Dover AFB—Visitor's Quarters .....	12.0
Advanced Amphibious Assault Vehicle .....	26.4	B-52 Radar Warning Upgrades .....	17.4	Smyrna—Readiness Center .....	4.381
Non-lethal Weapons—Innovation Initiative .....	3.0	COMPASS CALL TRACS .....	5.0	Pensacola—Readiness Center .....	4.628
NAVCITTI .....	4.0	JSTARS—Radar Technology Insertion Program .....	48.0	Fort Stewart—Contingency Logistics Facility .....	19.0
Parametric Airborne Dipping Sonar .....	15.0	Advanced Program Evaluation Theater Missile Defenses—TAWs .....	18.0	NAS Atlanta—BEQ-A .....	5.43
H-1 Upgrades, 4BN/4BW Helicopter Upgrade Program .....	26.6	Airborne Recon. Systems—JSAF-LBSS .....	21.0	Bellows AFS—Regional Training Institute .....	12.105
Multi-Purpose Processor .....	11.0	Manned Recon. Systems—SYERS Polarization .....	20.0	Gowen Field—Fuel Cell & Corrosion Control Hgr .....	2.3
Non-Propulsion Electronic Systems .....	10.0	Distributed Common Ground Systems—Eagle Vision .....	60.0	Newport AD—Ammo. Demilitarization Facility .....	61.2
Smart Propulsor Product Model NULKA Anti-Ship Missile Decoy System .....	2.0	Defense-Wide Procurement Procurement, Defense-Wide (page 124):	6.0	Fort Wayne—Med. Training & Dining Facility .....	7.2
Advanced Deployable System .....	4.4	Information Systems Security PATRIOT PAC-3 .....	15.75	Sioux City IAP—Vehicle Maintenance Facility .....	3.6
Battle Force Tactical Training .....	7.5	SOF Ordnance Replenishment .....	18.9	Fort Riley—Whole Barracks Renovation .....	27.0
Air Force Procurement		SOF Small Arms and Weapons Chem/Bio Individual Protection Chem/Bio Decontamination .....	1.5	McConnell AFB—Improve Family Housing Area Safety .....	1.363
Aircraft Procurement, Air Force (page 100):		Chem/Bio Contamination Avoidance .....	10.0	Fort Campbell—Vehicle Maintenance Facility .....	17.0
EC-130J .....	30.0	National Guard & Reserve Equipment (page 128):		Blue Grass AD—Ammo. Demilitarization Facility .....	11.8
E-8C .....	46.0	Chem Agents & Munitions Destruction—RDT .....	334.0	Fort Polk—Organization Maintenance Shop .....	4.309
F-15 .....	20.0	Chem Agents & Munitions Destruction—Procurement .....	241.5	Lafayette—Marine Corps Reserve Center .....	3.33
T-43 .....	3.1	Chem Agents & Munitions Destruction—O&M .....	595.5	NAS Belle Chase—Ammunition Storage Igloo .....	1.35
C-20 Mods .....	12.2	Defense RDT		Andrews AFB—Squadron Operations Facility .....	9.9
DARP .....	82.0	Applied Research—HFSWR .....	5.0	Aberdeen P.G.—Ammo. Demilitarization Facility .....	66.6
E-4 .....	6.9	Applied Research—Wide Band Gap Technologies .....	14.0	Hanscom AFB—Acquisition Man. Fac. Renovation .....	16.0
Missile Procurement, Air Force (page 107):		Medical Free Electron Laser Research .....	4.0	Camp Grayling—Air Ground Range Support Facility .....	5.8
MM III Modifications .....	40.0	Computer Security .....	1.0	Camp Ripley—Combined Support Maintenance Shop .....	10.368
Other Procurement, Air Force (page 110):		Chem/Bio Defense Program—Safeguard .....	5.0	Columbus AFB—Add to T-1A Hangar .....	2.6
Truck Tank Fuel R-11 .....	18.0	WMD Related technology—Deep Digger .....	5.0	Keesler AFB—C-130J Simulator Facility .....	8.9
Items less than \$5 million .....	2.4	Advanced Technology—Atmospheric Interceptor Tech. .....	30.0	Miss. Army Ammo Pl.—Land/Water Ranges .....	3.3
Air Force RDT		Scorpius .....	5.0	Camp Shelby—Multi-purpose Range .....	14.9
Materials—Resin Systems .....	3.0	Excalibur .....	5.0	Vicksburg—Readiness Center .....	5.914
Materials—Titanium Matrix .....	2.2	Special Technical Support—Complex Systems Dev. .....	5.0	Jackson Airport—C-17 Simulator Building .....	3.6
Materials—Friction Welding .....	2.0	Product Data Engineering Tools .....	5.0	Rosencrans Mem APT—Upgrade Aircraft Parking Apron .....	9.0
Aerospace Propulsion—Science and Engineering .....	0.775	Joint Warfighting Program—Joint Experimentation .....	10.0	Malmstrom AFB—Dormitory .....	11.6
Solid State Electrolyte Oxygen Generator .....	2.0	High Performance Computing—Visualization Research .....	3.0	Great Falls IAP—Base Supply Complex .....	1.4
Variable Displacement Vane Pump .....	4.0	Joint Robotics Program .....	2.0	Hawthorne Army Dep.—Container Repair Facility .....	1.7
Multi-spectral Battlespace Simulation .....	5.0	CALS Initiative—Integrated Data Environment .....	70.0	Fort Monmouth—Barracks Improvement .....	11.8
Hypersonic Technology Programs .....	16.6	NTW—Acceleration .....	50.0	Kirtland AFB—Composite Support Complex .....	9.7
Post-boost Control Systems .....	2.9	NTW—Radar Development .....	40.0	Niagara Falls—Visiting Officer's Quarters .....	6.3
Missile Propulsion Technology .....	1.7	Liquid Target Development .....			
Tactical Missile Propulsion .....	3.0	BMD Technical Ops—Advanced Research Center .....			
Orbit Transfer Propulsion .....	3.0	Chem/Bio—CBIRF .....			
Tropo-Weather .....	2.5	PATRIOT PAC-3—EMD .....			
Space Survivability .....	0.6	Foreign Material Acquisition and Exploitation .....			
HIS Spectral Sensing .....	0.8				
HAARP .....	10.0				
Lidar for Standoff/Detection for Chem Weapons .....	5.0				
Electro-Magnetic Technology .....	9.3				
Polymeric Foam Technology .....	3.0				
Panoramic Night Vision Goggles .....	2.0				
Advanced Spacecraft Technology—SMV .....	35.0				



Fort Bragg—Upgrade Barracks D-Area .....	14.4
Grand Forks AFB—Parking Apron Extension .....	9.5
Wright Patterson—Convert to Physical Fitness Ctr. ....	4.6
Columbus AFB—Reserve Center Addition .....	3.541
Springfield—Complex .....	1.77
Tinker AFB—Repair and Upgrade Runway .....	11.0
Vance AFB—Upgrade Center Runway .....	12.6
Tulsa IAP—Composite Support Complex .....	10.8
Umatilla DA—Ammo. Demilitarization Facility .....	35.9
Salem—Armed Forces Reserve Center NFPC Philadelphia—Cating Pits Modification .....	15.255
NAS Willow Grove—Ground Equipment Shop .....	13.320
Johnstown Cambria—Air Traffic Control Facility .....	0.6
Quonset—Maintenance Hangar and Shops .....	6.2
McEntire ANGB—Replace Control Tower .....	16.5
Ellsworth AFB—Education/library Center .....	8.0
Henderson—Organization Maintenance Shop .....	10.2
Dyess AFB—Child Development Center .....	1.976
Lackland AFB—F-16 Squadron Ops Flight Complex .....	5.5
Salt Lake City IAP—Upgrade Aircraft Main. Complex .....	9.7
Northfield—Multi-purpose Training Facility .....	9.7
Fort Pickett—Multi-purpose Training Range .....	8.652
Fairchild AFB—Flight Line Support Facility .....	13.5
Fairchild AFB—Composite Support complex .....	9.1
Eleanor—Maintenance Complex .....	9.8
Eleanor—Readiness Center .....	18.521
Forward Deployment—Facilities Upgrade .....	9.583
Forward Deployment—Facilities Upgrade .....	4.88
Forward Deployment—Facilities Upgrade .....	6.726
MCAS Yuma—Replace Family Housing (100 units) .....	31.229
MCB Hawaii—Replace Family Housing (84 units) .....	17.0
Holloman AFB—Replace Family Housing (76 units) .....	22.639
	9.84

#### CHEMICAL DEMILITARIZATION

Mr. SMITH of Oregon. On behalf of the Senior Senator from Oregon and myself, I wish to engage in a colloquy with the Honorable Chairman and Ranking Member of the Senate Armed Services on the issue of Chemical Demilitarization.

Oregon is one of the eight states with chemical weapons stored and awaiting destruction required by the Chemical Weapons Convention.

Our local communities surrounding the Umatilla depot have serious concerns about the pending demilitarization program. These concerns include the safety of the local population and the impact on the local communities of undertaking a huge demilitarization effort to destroy 3700 tons of chemical agent.

This effort will require the influx of nearly one thousand workers to build and operate the destruction facility over a period of eight years. These

workers will require the communities to provide facilities, infrastructure and services to accommodate them. These efforts will cost money, and we are concerned that the economic impact of this effort will be a huge drain on the local communities. We are concerned that, while there may be a considerable impact on the local communities, there has not been adequate attention given this issue by the Department of Defense.

Would the distinguished Chairman and Ranking Member of the Committee agree to work with us to look into this situation so we can better understand the problem, and in so doing, find a solution?

Finally, I mentioned my concerns to the Secretary of Defense. He expressed his willingness to work with us. I would ask that the Chairman and Ranking Member discuss this problem with the Secretary of Defense and consider including language in the Conference Report on the issue of impact. I understand from the Office of the Secretary that the Army will work with us to include some acceptable report language. We want to make it clear that any discussion of impact would be restricted to the chemical demilitarization program and account. Again, I thank the honorable Chairman and Ranking Member.

Mr. WARNER. Mr. President. I thank Senators SMITH and WYDEN for raising this issue and bringing it to our attention.

I understand that Senators SMITH and WYDEN have serious concerns about this situation, and that the local communities are worried about the impact that this process may have on them. I would be happy to work with the Senators in looking into this situation and helping to obtain information that will provide us with a fuller understanding of the issues relating to chemical demilitarization.

Mr. WYDEN. I want to thank you on behalf of the people of Oregon for your willingness to work with us on this very important issue. There are indeed serious concerns surrounding chemical demilitarization, but Oregonians are committed to working with the Army and the Chemical Demilitarization Program to meet the obligations under the Chemical Weapons Convention. The future and success of the Chemical Demilitarization program will depend on the communication we enter into, and the cooperative solutions that we produce. This is a very challenging program for both the Army and the good people of the depot states. We acknowledge and appreciate all the hard work that has been done thus far, and very much look forward to the completion of the chemical demilitarization project in Oregon.

Mr. BYRD. Mr. President, the United States is engaged in a dangerous air war against Yugoslavia. More than 30,000 members of the U.S. military have been deployed to the Balkans to prosecute this campaign. While we read

the latest news from the front every morning in the comfort of our homes and offices, American men and women in uniform are living the harrowing details day in and day out.

It is fitting that the Senate, in the midst of this conflict, enact without delay the National Defense Authorization Bill. This bill—which includes a significant pay raise for the military as well as a healthy increase in funding intended to improve military readiness—sends a strong signal of support to the men and women of the United States military, and to their families.

I commend Senator WARNER, the new and capable Chairman of the Senate Armed Services Committee, and Senator LEVIN, the able ranking minority member, for their leadership in producing an excellent bill. This legislation bears testament to the skills and willingness of both of these distinguished Senators to craft meaningful policy decisions in the context of bipartisan consensus.

Earlier this week, the Senate Appropriations Committee, of which I am the ranking member, approved a Defense Appropriations Bill for Fiscal Year 2000 that goes hand-in-glove with this measure. Last week, Congress sent to the President an emergency supplemental appropriations bill to fund the Kosovo operation. Together, these bills take great strides toward giving our military forces the tools that they need and the support that they deserve to protect the national security of the United States and to execute the military's many critical missions both at home and overseas.

While the air war over Yugoslavia is on the front pages of the newspapers every day, we must never forget that behind the headlines, scores of other U.S. forces are engaged in difficult, and often dangerous, missions around the globe. From the peacekeeping patrols in Bosnia to the dangerous skies over Iraq to the tense border between North and South Korea, U.S. military personnel face the potential peril of combat every day. Resources have been stretched thin while operating tempos are constantly being accelerated. These are difficult times for the military, and I salute the dedication of the men and women who serve their nation so diligently. These are the individuals who stake their very lives on the policies and programs that we debate here in the Senate. These are the individuals to whom we must dedicate our best legislative efforts.

Mr. President, this bill delivers the goods. It includes a 4.8 percent pay raise for the military, and it restores full retirement benefits to service members. It adds more than \$1.2 billion to the nuts-and-bolts readiness accounts—base operations, infrastructure repairs, training, and ammunition—that are so vitally needed to improve the long term readiness of the armed forces. It funds the purchase of essential equipment and weapons systems. And, through the efforts of the newly

established and forward looking Emerging Threats and Capabilities Subcommittee, on which I am pleased to serve, it invests in programs to combat the ever increasing threat to the United States of terrorist attack, information warfare, and chemical and biological weapons.

Mr. President, we cannot put a price on the sacrifices and contributions of our military, but we can make sure that the best fighting forces in the world have the necessary tools of their trade. That is the purpose of this bill. We are sending a message to the troops that we have heard their concerns and we have responded to them. I urge the Senate to move quickly to pass this legislation.

I yield the floor.

BRAC

Mr. HATCH. Mr. President, when Congress enacted the BRAC legislation, it left little doubt that the local community was intended to be the prime beneficiary of surplus facilities. Agencies were designed and created to determine the best use of the facilities deemed surplus by BRAC. In many cases, it has been determined that local school districts are the best recipient for use of these facilities.

Unfortunately, local school districts and other public education entities today face a barrier in acquiring the surplus facility.

This barrier is a highly punitive fee established by the Department of Education that can actually discourage local education entities from acquiring surplus defense facilities.

ED has determined that certain non-instructional uses of these facilities, such as the vaguely defined "research" disqualify the district for a 100 percent exemption from the costs of acquiring the surplus facility. Similarly, ED has determined that certain other uses of these facilities, such as storage, even if directly related to instruction, warrants payment of a fee.

For example, if a school district wants to use 70% of a facility for instructional purposes and 30% for storage of teaching related supplies, this district could be charged upwards of \$300,000.

Additionally, Mr. President, I find it somewhat ironic that, when the President's own education agenda calls for another federal program and more federal funding to provide school construction funds, the Clinton administration's Department of Education has concocted this schedule of fees to charge local school districts who wish to use surplus military property.

I know that in my state of Utah, we have a great need for additional facilities. For example, of Utah's 461,000 students, 22,255 of them—or nearly 5% take classes in portable classrooms. That is unacceptable and the arbitrary requirements that the Department of Education has set for districts to acquire disposed defense facilities are onerous and should be corrected.

I believe every public education entity ought to be eligible for a 100% ex-

ception from the payment of costs to acquire the facility when the surplus defense facility is used for instruction or other educational purposes.

I understand that the distinguished Chairman of the Armed Services Committee does not have jurisdiction over the Education Department. He does, however, have jurisdiction over the underlying statute that the Department of Education has a role in carrying out.

Mr. WARNER. I agree with my good friend from Utah that BRAC procedures should produce reasonable opportunities for communities to turn facilities into productive use. I believe the Defense Base Closure and Realignment Act of 1990 provision does that, by allowing a cost-free transfer for economic development. I don't believe anything in the provision's language poses an obstacle to what the Senator from Utah wishes to accomplish.

Mr. HATCH. The problem with the language is that it's too vague. For the past two days, I have asked OSD, the Army General Counsel, and the real Property Administrator at the Department of Education to tell me how a local school district could benefit from the President's proposal that is in this provision of the bill. They could not explain it to me. I ask unanimous consent to have printed in the RECORD a copy of my letter to the Army General Counsel.

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

UNITED STATES SENATE,  
Washington, DC, May 26, 1999.

Mr. EARL STOCKDALE,  
Office of General Counsel, Department of the  
Army, Washington, DC.

DEAR MR. STOCKDALE: Your assistance is requested in clarifying the intent of the President's recent request to amend the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510, 10 U.S.C. 2687 note) as it relates to a filing made by the Ogden-Weber School District ["District"] for a warehouse facility on the former Defense Depot Ogden ["DDO"], a Utah military installation closed under a prior BRAC action.

In amending sec. 2905(b)(4), the President would "authorize the Secretary of Defense to transfer property to the local redevelopment authority, without consideration, provided that LRAs reuse plan provides for the property to be used for job creation and the LRA uses the economic benefits from the property to reinvest in the economic redevelopment of the installation and the surrounding community." The change does not appear to remove the LRA's decisional authority from compliance with other statutes or regulations by which DOD overseas and approves the actions of the LRA.

My interest in this matter extends to the Ogden-Weber School District which was granted eligibility by the Ogden LRA to acquire a DDO warehouse. The District applied for a public benefit allowance ["PBA"] to the Department of Education ["ED"] under the Federal Property and Administrative Services Act (40 U.S.C. 484(k)(1)(A)); in applying 34 CFR 12.15, ED allotted a 70 percent PBA, asserting that the balance of the intended use did not serve an educational purpose. I believe that ED misapplied the rule in failing to realize that the balance of the facility, in fact, intended an education-related use by

storing materials directly related to education.

The principal use of the facility was clearly educational in nature but involved a complex vocational program to train automated material handling equipment operators. This function required shelving, bins, conveyors, and warehouse vehicles that consumed great amounts of space.

My question, therefore, is twofold. First, can the District make a "split" request for an educational PBA, with a second PBA sought under the economic development category for the balance of the space that did not qualify for the education PBA? Second, whether the split filing procedure is allowable or not, will the application for the PBA under the economic development category, for whole or for part of the facility, remain subject to the Federal Property and Administrative Services Act, in that the appropriate Federal agency with jurisdiction rather than the Secretary of Defense will determine the PBA? Or does the LRA make that determination with final approval authority resting with the Secretary of the Army?

Your reply is requested at the earliest possible time so that I may advise the District accordingly.

I send my high regards.

Sincerely,

ORRIN G. HATCH.

Mr. HATCH. What I'm saying, and I know the Senator from Virginia agrees, is that public education is no less important than economic development. And, when it comes to pushing the desperately underfunded school district to a position where it must purchase its facility, while some undefined economic development function gets a free conveyance, I can only conclude that the President has his priorities badly reversed, despite his rhetoric on the importance of education.

At a time when we all seem to agree that we should do everything we can to help our state and local education agencies, we ought to be eliminating the requirement that local school districts jump through hoops just to be able to use surplus property—surplus because the community has already been hit by an economically devastating base closing.

Mr. WARNER. Mr. President, I ask for the third reading of this historic bill.

The PRESIDING OFFICER. The clerk will conduct a third reading.

The bill (S. 1059) was read the third time.

Mr. WARNER. Mr. President, I urge my colleagues to support this historic piece of legislation. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) and the Senator from Indiana (Mr. LUGAR) are necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLINGS), the Senator from New Jersey

(Mr. LAUTENBERG) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN), would vote "aye."

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 154 Leg.]

#### YEAS—92

Abraham	Durbin	Lott
Akaka	Edwards	McCain
Allard	Enzi	McConnell
Ashcroft	Feinstein	Mikulski
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Murray
Bennett	Gorton	Nickles
Biden	Graham	Reed
Bingaman	Gramm	Reid
Bond	Grassley	Robb
Boxer	Gregg	Roberts
Breaux	Hagel	Rockefeller
Brownback	Harkin	Roth
Bryan	Hatch	Santorum
Bunning	Helms	Sarbanes
Burns	Hutchinson	Schumer
Byrd	Hutchison	Sessions
Campbell	Inhofe	Shelby
Chafee	Inouye	Smith (NH)
Cleland	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stevens
Coverdell	Kyl	Thomas
Craig	Landrieu	Thompson
Crapo	Leahy	Thurmond
Daschle	Levin	Torricelli
DeWine	Lieberman	Voinovich
Dodd	Lincoln	Warner
Domenici		Wyden
Dorgan		

#### NAYS—3

Feingold	Kohl	Wellstone
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#### NOT VOTING—5

Hollings	Lugar	Moynihan
Lautenberg	Mack	

The bill (S. 1059) as amended, was passed.

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of S. 1060 through S. 1062—that is Calendar Order Nos. 115, 116, and 117—that all after the enacting clause be stricken and the appropriate portion of S. 1059, as amended, be inserted in lieu thereof, according to the schedule which I send to the desk; that these bills be advanced to third reading and passed; that the motion to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

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

#### DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The bill (S. 1060) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, to prescribe personnel

strengths for such fiscal year for the Armed Forces, and for other purposes; was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

#### MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2000

The bill (S. 1061) to authorize appropriations for fiscal year 2000 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

#### DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2000

The bill (S. 1062) to authorize appropriations for fiscal year 2000 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. ROBERTS. Mr. President, I ask unanimous consent, with respect to S. 1059, S. 1060, S. 1061, and S. 1062 just passed by the Senate, that if the Senate receives a message with respect to any one of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conferees; and that the foregoing occur without any intervening action or debate.

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

#### MORNING BUSINESS

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

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

#### COMMEMORATING RETIREMENT OF UTILITY EXECUTIVE

Mr. LOTT. Mr. President, on July 1, 1999, Donald E. Meiners will retire from Entergy Mississippi after 39 years of service. Don started as a salesman in Jackson and culminated as the president and chief executive officer.

Mr. Meiners rose rapidly in the company and quickly became one of its of-

ficers. He has worked in marketing, operations and customer services, and within various subsidiaries of the company requiring frequent moves. Entergy recognized his leadership capabilities early, and he excelled at each challenge.

He has also been very involved in the civic aspects of his community. He has taken on different roles from steering various United Way Campaigns to chairing the Chambers of Commerce for Jackson and Vicksburg, to leading MetroJackson's Housing Partnership and the Newcomen Society of Mississippi. Don has also supported the Executive Women's International Night, Mississippi Museum of Art, International Ballet Competition, Jackson Symphony Orchestra, and the Boys and Girls Club of America. His efforts have ensured that all Mississippians can be exposed to the full richness of the Magnolia State's culture.

Mr. Meiners has made a personal commitment to education by serving on the boards of the Mississippi State University Foundation, Tougaloo College, Jackson State, and the Mississippi University for Women. Through these post-secondary institutions, he wanted to foster an atmosphere that inspired all Mississippians to reach up and participate in our national prosperity by having essential educational skills. He has also served or is currently serving on the boards of the Trustmark National Bank, Institute for Technology Development and Mississippi Manufacturers Association. Here, his focus has been to promote the right type of job producing capacity in my home state.

As a result of his contributions to Mississippi, Mr. Meiners has been recognized as the Governor's Volunteer of the Year, Mississippi's Economic Development Outstanding Volunteer of the Year, Goodwill's Outstanding Volunteer, and he received the Hope Award from Mississippi's Multiple Sclerosis Chapter. It is clear that he has given his time and energy to all facets of Mississippi.

Mr. Meiners is a family man caring for four generations of his relatives. He is devoted to Patricia Stone, his high school sweetheart and wife for 42 years. He also cares for his 90-year-old father. His sons, Christopher and Charles, have truly made him proud, and his two granddaughters, Hannah and Mallory light up his life. He is also an active member of Christ United Methodist Church.

I must not forget to mention that Don is a Mississippi State University Bulldog with a degree in electrical engineering. This Rebel found a way to look past this personal educational flaw. No, seriously, I am proud to call Don, a Hazlehurst native, my friend. I respect his professionalism and dedication to Mississippi. He is a true southern gentleman, and he will be missed. I wish Don and Pat the best as they pursue a well-earned retirement.

# HONORING SOUTH DAKOTA'S SMALL BUSINESSMAN OF THE YEAR

Mr. DASCHLE. Mr. President, the values and spirit that helped early settlers thrive and prosper in the harsh conditions of life on the prairie are alive and well today in South Dakota.

Yesterday, I had the opportunity to meet someone who embodies many of the values and ideals that the great state of South Dakota was built upon. Phillip Clark, owner and President of Hansen Manufacturing Corporation of Sioux Falls, is one of 53 persons honored this week by the Small Business Administration as part of its celebration of National Small Business Week. For over two decades, Phil has guided his company through a variety of complex challenges and built a thriving business. In the process, he has made an important contribution to our state, and to the city of Sioux Falls.

As a manufacturer of conveyor belt assemblies, Phil invented an enclosed belt conveyor system. Anyone who has worked in or around a grain elevator knows the importance of minimizing dust; it is one of the most important safety steps that can be taken to prevent fires and explosions. This enclosed belt system has helped a number of grain facilities improve the safety of their operations, and dramatically changed the way that grain and other bulk materials are moved.

Phil was able to develop this system because he listened to what his customers wanted, and he acted to fill that need. It is a basic lesson that every successful business owner must know: listen to your customer.

While Phil has maintained a clear focus on his company's future, he has also taken the steps necessary to position his company to deal with current business conditions. As a manufacturer of conveyor belt systems, Hansen Manufacturing derives much of its business from grain elevators, feed manufacturers, and other companies that process agricultural goods and other bulk materials. Because of the continued crisis in our agricultural markets, many of these companies have faced extremely difficult business conditions over the past few years, resulting in equally difficult times for their suppliers. Furthermore, domestic weakness has been compounded by weakness in foreign markets, which have become increasingly important for Hansen Manufacturing.

While short-term business conditions have been challenging, Phil has been able to successfully grow his business while making critical investments in new product lines. His successful stewardship of Hansen Manufacturing serves as an example to all small business people in South Dakota. I commend the Small Business Administration for recognizing his outstanding work.

In South Dakota, almost all businesses are small businesses, and that's true nationwide. But in South Dakota

small businesses are big business. I thank the Small Business Administration for its work with business owners such as Phil Clark, and I congratulate Phil for his hard work and his outstanding contributions to his community and state.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 26, 1999, the federal debt stood at \$5,602,150,880,889.93 (Five trillion, six hundred two billion, one hundred fifty million, eight hundred eighty thousand, eight hundred eighty-nine dollars and ninety-three cents).

One year ago, May 26, 1998, the federal debt stood at \$5,506,917,000,000 (Five trillion, five hundred six billion, nine hundred seventeen million).

Five years ago, May 26, 1994, the federal debt stood at \$4,596,085,000,000 (Four trillion, five hundred ninety-six billion, eighty-five million).

Ten years ago, May 26, 1989, the federal debt stood at \$2,779,342,000,000 (Two trillion, seven hundred seventy-nine billion, three hundred forty-two million) which reflects a doubling of the debt—an increase of almost \$3 trillion—\$2,822,808,880,889.93 (Two trillion, eight hundred twenty-two billion, eight hundred eight million, eight hundred eighty-nine dollars and ninety-three cents) during the past 10 years.

## ESSAY ON PARENTS AND TEENS

Mr. STEVENS. Mr. President, a young Alaskan, a freshman in Colony High School in the Matanuska Valley town of Wasilla, wrote an opinion piece in the Anchorage Daily News this week which shows thoughtfulness and wisdom well beyond his 15 years.

Travis Johnson sat down at his computer the day after the tragedy at Columbine High School, and wrote from the heart his feelings and his ideas on how to prevent further tragedies like Columbine.

He showed the essay to his parents who were moved and impressed with their youngster's effort. His mother, a physician, and his dad, an insurance executive, grew up in Anchorage. While they are not hunters themselves, they have friends and family who are gun owners and who hunt.

After Travis shared his essay with his English teacher, his dad suggested that he send it to the Anchorage Daily News.

Travis refutes the ideas that guns and violence on television and in films are responsible for incidents like Columbine.

Travis believes that parents must be more and more involved with their children. He asks the parents who read his opinion piece to "talk to your kids, even though you may not want to, and your kids may act like they don't want to talk to you." And he tells teens to talk to their parents.

Mr. President, Travis Johnson's observations and ideas are important insights into how to avoid further incidents like those in Colorado and Georgia, from a teen who understands how teens feel.

I ask unanimous consent that his column from the May 25 Anchorage Daily News, titled "Parents Are the Only Answer to Teens' Problems" be printed in the RECORD.

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

[From the Anchorage Daily News, May 25, 1999]

### PARENTS ARE THE ONLY ANSWER TO TEENS' PROBLEMS

(By Travis Johnson)

I'm sure all of those who are reading this paper have heard of the recent Columbine High School shooting incident in which two students walked into the school and started a massacre that left 15 people dead. My heart goes out to those families and their loss. Upon hearing about this incident, I found myself very disturbed. How could two seemingly "normal" high school students (I use the term lightly because there is really no such thing as a normal high school student) be capable of doing something like this? I listened to television reports about what might be responsible for this incident. The two that seemed to be most stressed were harassment from peers and guns. It seemed as though the combination of those two automatically justified a killing spree.

First, let's think about the issue of harassment from peers. Every day I go to school, and I am judged. So is everybody else around me. I know that I've withstood my fair share of insults, and they still keep coming. And I know many people around me have it worse than I do, especially my school's own group of trench coat wearers, commonly referred to as "Goths." I'm willing to admit there are firearms in my household; I'm even proud of it. I'm not especially popular, and I could easily find out how to make bombs on the Internet. I'm sure many of the "Goths" at my school have access to the same materials. Given this information, I think that it's time I or someone else at my school went on a homicidal rampage, don't you think? I don't think so! Just because people are harassed doesn't justify a killing.

In the real world, people are harassed all the time. I think it's just life. There are mean people out there. Live with it. The killers at Columbine High School were lacking something in their personalities to do something like this. That is self-control, self-esteem and an understanding of the value of life. I think this has less to do with harassment and more with the killers themselves. If the killers had better values, this never would have happened.

Maybe firearms are to blame? I'm sure many people noticed that immediately after this incident, a series of gun-control laws were proposed, including a proposal to raise the age limit to own a handgun from 18 to 21. Do people really think that if the handgun age limit was higher, this incident would have never happened?

I hate to say it, but welcome to politics. In the world today, what people want to see is action. It has to be quick, it has to be cheap and it has to keep them from being responsible. Politicians realize this, so immediately they come up with a "solution" that fits these criteria. It doesn't have to work; the people just have to think it does. So what happens? Well, they scream, "Guns are the problem!" and we all lose more rights.

The truth is, if somebody wants to kill someone with a firearm laws banning guns aren't going to stop them. A lot of guns used in robberies and murders are stolen. Well, if we got rid of the runs in the world, then we would have a solution, right! Nope, people would use other homemade weapons, bombs, knives, etc.

A gun is a tool, not a weapon. It is a tool for hunting, recreation and protection. It can be a historical piece, it can be a keepsake, it can represent something. Guns are not to blame for the Columbine High School incident.

By now you might be asking yourself what is to blame. Unfortunately, it's a problem not many people want to face. It starts at the home. It starts with a lack of discipline, a lack of love, and a lack of values. I'm sure that if the parents of the boys involved in this shooting incident has been more involved with their kids, this incident would have never occurred.

The parents are not completely to blame. Today's violent televised society illustrates this violence as a normal everyday thing. This makes it difficult to draw the line between right and wrong. These things, added together, resulted in the final problem: The boys responsible for this shooting. In the end, it is they who are responsible.

So, what can be done to prevent another tragedy like this one? To all the parents who are reading this talk to your kid! Even though you may not want to and your kids may act like they don't want to talk to you, just their knowing you're willing to talk often helps. Spend time with them, draw them to activities that keep them busy and feeling wanted such as sports, church, even target shooting! If parents teach their kids how to use and respect a firearm, they'll be less likely to abuse it than if their parents avoid telling them about guns.

To all of the kids and teens reading this: talk to your parents. They can be a valuable source of information and can help you when you feel there is no one else to turn.

Other things you can do include complimenting people instead of insulting them, always remembering that you are important, having good friends, and reporting to authorities if anyone you know makes dangerous threats against you or anyone else. By doing this we might be able to prevent another incident like the one that occurred at Columbine High School. I hope that everyone reading this will pray for the families affected by the shooting and take my advice to heart.

#### RECOGNITION OF SERVICE TO THE SENATE

Mr. DOMENICI. Mr. President, it is with some sadness but also with some pride, that I stand before the Senate today to recognize Austin Smythe—a longstanding and highly respected member of the Senate Budget Committee staff. After nearly 15½ years of service to the Senate and the Congress, Austin will begin employment in the private sector at the end of this week.

Those who know Austin in this Chamber, know he is a Senator's dream staffer. Austin is dedicated, loyal, intelligent, and above all else possessing integrity beyond reproach. He came to the Senate Budget Committee in December 1983, as the committee's energy budget expert. Over the years, he gradually took on more responsibilities to where today, as he leaves the Sen-

ate, he is my staff director's right-hand man on issues related to the budget act, process reform issues, and the often arcane world of budget score keeping.

He has been instrumental in the passage of many a budget resolution and reconciliation bills over these last many years. He has also taken the lead on helping to reform the process by his work on the Federal Credit Reform Act of 1990, the Unfunded Mandates Control Act of 1995, and the Line Item Veto Act of 1996—that unfortunately was ruled unconstitutional. He has been my key budget committee staffer on my quest to get Congress to change its appropriation and budget process into a biennial system—that work, I promise you Austin, will continue.

Along the way, Austin was able to find the time to get married and start a family. It is his wife, Katie, and his two young girls that have borne the real burden of Austin's dedicated service to the Senate and his country.

The American public is unaware of the role staff play in helping us elected officials "to do the right thing." Sometimes even with good staff, we get it wrong, and of course, when it doesn't come out right we blame our staff. But if the legislation advances public policy in an affirmative way, we will take the credit for success. In truth, of course, it is to staff like Austin Smythe, who work under very difficult circumstances, long hours, and sleepless nights, that we—and indeed the country—all owe a tremendous debt of gratitude. For without Austin's dedication, and staff like him, the things we have gotten right would never have happened.

I wish Austin and his family the best. And on behalf of all the Budget Committee members, the committee staff, and indeed the entire Senate, thank you Austin for a job well done. We all will miss you.

#### KIDNAPPING OF SENATOR CORDOBA IN COLOMBIA

Mr. KENNEDY. Mr. President, I rise today to express my deep concern over the kidnapping of Colombian Senator Piedad Córdoba de Castro. Senator Córdoba was abducted on May 21 by paramilitary forces under the command of Carlos Castaño. I urge the Government of Colombia to take all appropriate measures to obtain her safe release and to bring those responsible for this kidnapping to justice.

Senator Córdoba, as President of the Colombian Senate's Human Rights Commission, is a strong voice in Colombia for the promotion of human rights. She has also been a leader in efforts to bring peace to Colombia after fifty years of political violence. Senator Córdoba's role as a leading advocate of human rights and peace makes this crime particularly shocking.

UN Secretary-General Kofi Annan has also condemned the kidnapping of Senator Córdoba and has urged the Co-

lombian authorities to do everything possible to obtain her release. Secretary-General Annan called Senator Córdoba "a firm supporter of peace" who had "performed invaluable work towards the achievement of fundamental rights and freedom".

It is extremely disturbing to see that paramilitary forces and guerrilla groups involved in Colombia's internal conflict continue to resort to kidnapping as a means of political pressure. This violent action against a prominent human rights advocate emphasizes the importance of the efforts of President Pastrana to eliminate all links between the Colombian Government and the paramilitaries.

I urge the Government of Colombia to take all necessary and appropriate measures to break these links, obtain Senator Córdoba's release, and bring to justice those responsible for her kidnapping.

#### THE SATELLITE HOME VIEWERS ACT

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for S. 303, the Satellite Home Viewers Act. This legislation will enable many more consumers in Massachusetts and across the nation to receive network signals by satellite.

The Act achieves a fairer balance between the interests of satellite TV firms, local broadcasters and cable firms. It reverses a federal court decision that has caused millions of satellite TV subscribers throughout the country, including in many rural areas of Massachusetts, to lose their access to network television stations. Consumers will be major winners with the passage of this legislation. It means greater choice, particularly to those in rural areas.

This legislation will also promote competition between the satellite and cable industries by enabling satellite providers to offer local broadcast signals in the same local market. In recent years, "must carry" rules have protected small broadcasters from being left by the wayside during the rapid growth of the cable industry. Similarly, this bill protects small broadcasters by requiring satellite carriers re-transmitting local signals to the local market to comply with the "must carry" rules by January 1, 2002.

Consumers everywhere will benefit from the passage of the Satellite Home Viewers Act. I commend Senator McCain and Senator Burns for their leadership in providing more choices and better service to consumers.

#### COSPONSORSHIP OF THE MOTOR VEHICLE RENTAL FAIRNESS ACT

Mr. MCCAIN. Mr. President, yesterday, I introduced two bills, S. 1130, the Motor Vehicle Rental Fairness Act and S. 1125, the Telecommunications Merger Review Act of 1999. Later in the day, I asked that Senator CONNIE MACK be

added as an original cosponsor to the Motor Vehicle Rental Fairness Act. Despite the fact that my request specifically stated "the Motor Vehicle Rental Fairness Act", the Bill Clerk's office inadvertently added Senator MACK as a cosponsor to the Telecommunications Merger Review Act. It is my understanding that this error has been corrected. I want the record to reflect that Senator MACK was an original Cosponsor of the Motor Vehicle Rental Fairness Act.

#### "SHALL ISSUE" LAWS

Mr. LEVIN. Mr. President, I rise today to discuss concealed weapons laws. Currently, in Michigan, if a person wants to obtain a permit for a concealed weapon, he or she must apply at the local county gun board. Each one of these gun boards is made up of three members: the local sheriff, county prosecutor and a designee of the state police. The gun boards base their decisions on a person's demonstrated need for a gun, and that person's criminal record, if any, and on local conditions.

Local decisionmaking makes sense. Local law enforcement officials know the local environment, local citizens, and can best assess the local impact of increasing the numbers of weapons carried in public. Last night, the Michigan State Senate passed a bill that, if signed into law, would take discretion away from local gun boards and put more weapons on our streets and in public places. In my view, eliminating the authority of local gun boards would be detrimental to public safety in Michigan and take us in the opposite direction than we are heading in Congress. More important than my opinions are the views of the law enforcement community in Michigan. Every major law enforcement agency in the state of Michigan including the State Police, Michigan Association of Chiefs of Police, Michigan Prosecuting Attorneys Association, Michigan Municipal League as well as many other organizations such as the Michigan Municipal League have made statements opposing this bill.

One of the bills that is now before a conference committee of the Michigan Legislature is referred to as a "shall issue" bill. The NRA has been lobbying Michigan legislators to support a "shall issue" policy. The legislation is called "shall issue" because it mandates that if a person passes an FBI Federal background check, the gun board "shall issue" him a permit to carry a concealed weapon, without requiring a show of need or the condition of other local circumstances.

This legislation goes in the wrong direction. It would increase the danger of gun violence in our communities. I have seen no evidence, that people who have a legitimate need to carry a gun for protection are being denied the ability to do so. The numbers demonstrate that the overwhelming majority of requests for concealed weapons

permits are approved. It's important for public safety that local gun boards continue to make such judgments.

Here in Congress, we are working hard to reduce the easy availability of lethal weapons to people who should not have them. I do not want to see my State go in the other direction by passing a law that encourages the spread of concealed weapons in public places.

Michigan has not been the only state targeted for these NRA-backed concealed weapons bills. Yet, despite the best efforts of the NRA, the "shall issue" policy has been rejected by a bipartisan group of legislators in more than 10 States. That's because of the power of people in those States who united to demand action. Voters in the State of Missouri recently defeated a "shall issue" proposal much like the one in the Michigan Legislature. Missourians voted to keep in place prudent regulations for carrying concealed weapons—regulations that were first enacted in reaction to the days of Jesse James and the outlaw gangs.

I believe the majority of Michigan's citizens feel the same way.

#### MEMORIAL DAY COMMEMORATION REMARKS

Mr. SPECTER. Mr. President, in anticipation of Memorial Day this coming Monday, I wish to honor the memories of the 1.1 million Americans who gave their lives in defense of America and American ideals. Americans have fought and died in various wars spanning over two centuries. Her fallen soldiers have left indelible marks on the annals of history in conflicts notable for the good attained over the evil vanquished: independence over monarchical tyranny; freedom over slavery; and democracy over fascism and communism. Indeed, in this century alone, American servicemembers can be hailed for turning the tide of history's two world wars. As we head towards the dawn of a new millennium, I ask my colleagues to join with me to give homage to America's patriots, in deed as well as word.

I believe the best way to commemorate the spirit of those who gave their lives is to honor, respect, and care for the 26 million American veterans living today. As Chairman of the Committee on Veterans' Affairs, I have striven to accomplish this goal through a number of legislative measures and processes. After a successful battle over the budget resolution, I and 52 of my Senate colleagues signed on to a letter urging the Appropriation's Committee to match the budget resolution's recommendation of an additional \$1.66 billion for veterans' health care. This funding is vital to ensure that our nation's veterans get the highest quality of health care available. I have also pushed for enactment of legislation which would increase veterans' education benefits; allow for a Medicare Subvention demonstration project; require additional national cemeteries to

be built in areas with high veteran populations; and ensure that construction of the World War II Memorial begins next year.

The Athenian leader Pericles had these words to say about those who lost their lives in the Peloponnesian War over 24 centuries ago: "Not only are they commemorated by columns and inscriptions, but there dwells also an unwritten memorial of them, graven not on stone but in the hearts of men." This Memorial Day, I challenge my colleagues to make a commitment to engrave the memory of 1.1 million Americans not only in our hearts, but in the legislation we enact for veterans and servicemembers during the remainder of the 106th Congress.

#### ELECTION OF EHUD BARAK AS PRIME MINISTER OF ISRAEL

Mr. DODD. Mr. President, I rise to congratulate Ehud Barak, on his victory in the recent Prime Ministerial election in Israel. Mr. Barak is a man of courage and a proven leader. He is eminently capable of leading our closest ally in the Middle East at this important juncture in its history. His resounding victory reaffirmed the Israeli people's strong desire for peace.

Not only was the election a victory for Mr. Barak, it was also a victory for Israeli democracy. Nearly four out of five Israeli citizens over the age of 18 cast ballots on May 17, 1999. That figure is even more astounding when you consider that Israelis—even those living overseas—are not permitted to cast absentee ballots. More than ten thousand Israelis purchased airline tickets and traveled great distances in order to exercise their right to vote. This dedication to the most basic pillar of democracy is enviable, for if people fail to exercise their right to vote they quickly lose their voice.

This election also marked an important milestone. For the first time in Israel's history, an Arab campaigned for Prime Minister. Although Azmi Bishara withdrew from the race shortly before the election in order to boost the chances of Mr. Barak, he should be commended for his courage in running. While members of Israel's Arab minority have long been represented in the Knesset—Israel's parliament—Mr. Bishara's campaign demonstrated that Arabs are welcome in all segments of Israel's political life.

Mr. Barak is both a true son of Israel and a worthy leader of the only democracy in the Middle East. Born on a Kibbutz six years before Israel's independence, he has served his country well as its most decorated soldier, Chief of Staff of the Israeli Defense Forces, Member of the Knesset, Minister of the Interior and Foreign Minister.

After the polls closed on May 17th, when it was clear that he had been elected, Mr. Barak traveled to Rabin Square in the center of Tel Aviv. Standing just feet from the spot where an assassin's bullet struck Prime Minister Yitzhak Rabin three and a half



years ago, the Prime Minister-elect renewed his commitment to the Peace Process Prime Minister Rabin courageously began. It was a fitting tribute to Israel's fallen leader.

Making peace is not an easy endeavor. Indeed, it is often more difficult to make peace than to wage war. As Prime Minister Rabin often said, one does not make peace with one's friends, one makes peace with one's enemies. Barak, like Rabin, has proven himself a great general on the battlefield. Now he must prove himself worthy of the even more exalted title of peacemaker. I am confident that Ehud Barak will indeed earn that title, making Israel's second fifty-years devoid of the wars which characterized its first fifty years.

Mr. President, the United States is one of Israel's closest allies. Under the stewardship of Mr. Barak, I am confident that relationship will only grow stronger. I look forward to a close collaboration between our two nations on issues ranging from security to trade. Most importantly, however, is the struggle to bring peace to a region which has seen far too many wars.

#### MEMORIAL DAY OBSERVANCE

Mr. DORGAN. Mr. President, I received a very touching letter from a Vietnam Veteran from my state, who was recently awarded the Silver Star for his bravery during the Vietnam Conflict.

Helping Al Myers get that Silver Star and the recognition he deserved for so long was a very rewarding experience. Al sent me this letter. It is a fictional remembrance of a soldier who's name is on the Vietnam Memorial.

The letter defines the importance of paying tribute to our nation's honored soldiers who have fought for, won, and kept our freedom, whether that tribute comes in the form of our nation building a great "Black Granite Wall," or simply a family member putting flowers on a beloved white tombstone at a veteran's cemetery. It exemplifies the strength, dedication, and sacrifice our nation's military men and women, and their families, make. We are forever indebted to them, and it fills me with great pride and humility to honor those who have made the ultimate sacrifice to preserve our way of life as Americans.

I thought it was very important to read it in honor of the Memorial Day Observance on Monday. It touched my heart and I wanted to share it here on the Floor today. It is called "The Wall from the Other Side."

#### THE WALL FROM THE OTHER SIDE

(Pat Camunes)

At first there was no place for us to go until someone put up that "Black Granite Wall." Now, every day and night, my Brothers and Sisters wait to see the many people from places afar file in front of this "Wall." Many people stopping briefly and many for hours and some that come on a regular basis.

It was hard at first, not that it's gotten any easier, but it seems that many of the attitudes towards that Vietnam War we were involved in have changed. I can only pray that the ones on the other side have learned something, and more "Walls" as this one, needn't be built.

Several members of my unit, and many that I did not recognize, have called me to The Wall by touching my name engraved upon it. The tears aren't necessary, but are hard even for me to hold back. Don't feel guilty for not being with me, my Brothers. This was my destiny as it is yours to be on that side of The Wall. Touch The Wall, my Brothers, so that I can share in the memories that we had. I have learned to put the bad memories aside and remember only the pleasant times that we had together. Tell our other Brothers out there to come and visit me, not to say Good-bye but to say Hello and be together again . . . even for a short time . . . and to ease that pain of loss that we all still share.

Today, an irresistible and loving call summons me to The Wall. As I approach, I can see an elderly lady . . . and as I get closer, I recognize her—It's Momma! As much as I have looked forward to this day, I have also dreaded it, because I didn't know what reaction I would have.

Next to her, I suddenly see my wife and immediately think how hard it must have been for her to come to this place, and my mind floods with the pleasant memories of 30 years past. There's a young man in a military uniform standing with his arm around her—My God!—he has to be my son! Look at him trying to be the man without a tear in his eye. I yearn to tell him how proud I am, seeing him stand tall, straight and proud in his uniform.

Momma comes closer and touches The Wall, and I feel the soft and gentle touch I had not felt in so many years. Dad has crossed to this side of The Wall, and through our touch, I try to convince her that Dad is doing fine and is no longer suffering or feeling pain. I see my wife's courage building as she sees Momma touch The Wall and she approaches and lays her hand on my waiting hand. All the emotions, feelings and memories of three decades past flash between our touch and I tell her that . . . it's all right . . . carry on with your life and don't worry about me . . . I can see as I look into her eyes that she hears and a big burden has been lifted from her on wings of understanding.

I watch as they lay flowers and other memories of my past. My lucky charm that was taken from me and sent to her by my CO . . . a tattered and worn teddy bear that I can barely remember having as I grew up as a child . . . and several medals that I had earned and were presented to my wife. One is the Combat Infantry badge that I am very proud of, and I notice that my son is also wearing this medal. I had earned mine in the jungles of Vietnam and he had probably earned his in the deserts of Iraq.

I can tell that they are preparing to leave, and I try to take a mental picture of them together, because I don't know when I will see them again. I wouldn't blame them if they were not to return, and can only thank them that I was not forgotten. My wife and Momma near The Wall for one final touch, and so many years of indecision, fear and sorrow are let go. As they turn to leave, I feel my tears that had not flowed for so many years, form as if dew drops on the other side of The Wall.

They slowly move away with only a glance over their shoulders. My son suddenly stops and slowly returns. He stands straight and proud in front of me and snaps a salute. Something draws him near The Wall and he

puts his hand upon the etched stone and touches my tears that had formed as dew drops on the face of The Wall . . . and I can tell that he senses my presence and the pride and love that I have for him. He falls to his knees and the tears flow from his eyes and I try my best to reassure him that it's all right, and the tears do not make him any less of a man. As he moves back wiping the tears from his eyes, he silently mouths, "God Bless you, Dad . . ."

God Bless You, Son . . . we Will meet someday, but in the meanwhile go on your way . . . there is no hurry at all.

As I see them walk off in the distance, I yell loud to Them and Everyone there today, as loud as I can: Thank You For Remembering. . . . Thank You All For Remembering . . . and as others on this side of The Wall join in, I notice the U.S. Flag, Old Glory, that so proudly flies in front of us everyday, is flapping and standing proudly straight out in the wind from our gathering numbers this day . . . and I shout again, and . . . again . . . and again . . .

Thanks for Remembering!

Thanks for Remembering!

Thanks for Remembering!

#### THE CONTRIBUTION OF IMMIGRANTS TO AMERICA'S ARMED FORCES

Mr. ABRAHAM. Mr. President, with Memorial Day soon upon us, I wanted to share with my colleagues some of the testimony from yesterday's Senate Immigration Subcommittee hearing on "The Contribution of Immigrants to America's Armed Forces." It featured some dramatic testimony from both immigrants and native-born individuals.

Let me begin by quoting the testimony of Elmer Compton, a native of Indiana who served in Vietnam.

When I look at my wife, son and daughter, I cannot keep from thinking of one particular immigrant by the name of Al Rascon and the contribution he made to me and my family on March 16, 1966. The heroic and gallant actions of Al Rascon on that day, I believe saved my life, as well as other members of my team.

On March 16, 1966, Al Rascon was with the Recon Platoon on a search and destroy mission known as Operation Silver City. My team had engaged a well-armed enemy force. The enemy force had fire superiority that immediately pinned down the entire point squad with heavy machine gun fire and numerous hand grenades. Through the intense fire of automatic weapons and grenades, Rascon made his way to point where my squad was pinned down and could not move in any direction. Wounded himself, Rascon continued to work his way to my position, attending to wounded as he did.

After reaching my position I could see that he was in great pain. He began to patch me up. As I was placing M16 fire in the direction of the enemy, two or three hand grenades were thrown in the direction of Rascon and myself, landing no more than a few feet away. Without hesitation, Rascon jumped on me, taking me to the ground and covering me with his body. He received numerous wounds to his body and face.

I truly believe his actions that day saved my life. What more can a person do for God, Country and his fellow man.

In closing, I think of the Military Code of Conduct. The First Code, I am an American fighting man, I serve in the forces which guard our Country and our way of life. And



I am prepared to give my life in its defense.' The immigrants I had the privilege to know and serve with upheld this Code. Again, thank you for this opportunity.

Erick A. Mogollon, a Guatemalan-born immigrant and Gulf War veteran, is a Senior Chief Petty Officer with the U.S. Navy. At the hearing he summed up the views of many immigrant soldiers and sailors when he testified,

After having had the opportunity to meet so many shipmates over the course of my career, I can honestly say that the contribution of immigrant American's can never be fully measured. These Soldiers, Sailors, Airmen and Marines, have left their motherland, been welcomed by the United States and have given of themselves to the defense of this nation. For many immigrants, they have given and will continue to give because of their deep appreciation and dedication to the United States. They know, first hand, how it is to live without the protection and security they now count on, and will give their lives to protect it.

The statement of Paul Bucha, president of the Congressional Medal of Honor Society, also included some strong declarations that I believe are worth sharing. Mr. Bucha testified,

Tens of thousands of immigrants and hundreds of thousands of the descendants of immigrants have died in combat fighting for America. I put to you that there is a standard, a basic standard, by which to judge whether America is correct to maintain a generous legal immigration policy: Have immigrants and their children and grandchildren been willing to fight and die for the United States of America? The answer—right up to the present day—remains a resounding "yes."

I ask unanimous consent that the full text of the testimony delivered by Mr. Bucha and Senior Chief Mogollon be printed in the RECORD.

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

STATEMENT OF AVIATION BOATSWAIN'S MATE (HANDLING) SENIOR CHIEF (AW), ERICK A. MOGOLLON, UNITED STATES NAVY, SUBCOMMITTEE ON IMMIGRATION, COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, ON "THE CONTRIBUTION OF IMMIGRANTS TO AMERICA'S ARMED FORCES" MAY 26, 1999

Mr. Chairman and distinguished members of the Committee, I am honored to appear before you today to talk about immigrant American's contribution to the Armed Forces and our national defense. I'd like to share with you a few thoughts on how I became an American and why I joined the United States Navy.

I was born in Guatemala City, Guatemala on 24 January 1960 and immigrated to the United States with my family in 1970. My mother, three brothers and one sister lived outside of Boston in Milford, Massachusetts. In 1973, I moved to East Douglas and attended Douglas High School. I am proud to say I graduated in 1979 with high honors. While in high school, I entered the Delayed Entry Program and shipped out to boot camp in September 1979. I joined because of the opportunity to excel and to give of myself in gratitude for what this great country of ours has done for me and my family. I'd like to acknowledge the support of my wife, Marilyn and my children, Solines (15), Erick (12), Elias (9) and Marilyn (6) throughout my career. Sailors go to sea, but the family must always remain behind.

Being able to qualify for service was itself an accomplishment that encouraged me to

do my best. I graduated at the top of my class from "A" school and was assigned to the world's best aircraft carrier, the U.S.S. *John F. Kennedy* (CV-67). After serving on *Kennedy*, I was assigned to VR-22 and VQ-2 in Rota, Spain. I have enjoyed the opportunity of overseas service and earned my qualification as an Aviation Warfare Specialist. While in Spain, I was fortunate and honored to receive the Commander-in-Chief, U.S. Naval Forces Europe, Leadership Award for Petty Officers. Being chosen from thousands of highly qualified shipmates was truly rewarding. The most important highlight of this tour was my citizenship. On June 17, 1985, I became a United States Citizen at Faneuil Hall in Boston, Massachusetts.

After leaving Spain, I asked for reassignment to the U.S.S. *John F. Kennedy* (CV-67). I am proud of the ship and our combat service during Operations Desert Shield and Desert Storm. As a newly promoted Chief Petty Officer, I served as a flight deck chief during the war and was directly responsible for the launching and recovery of our combat aircraft. During the war, U.S.S. *John F. Kennedy* aircraft participated in over 120 combat strike missions and flew nearly 4000 strike sorties. I am proud to say we did not lose any pilots or aircrew during the war. The pride, professionalism and dedication of our sailor's was evident in daily operations.

After the war, I was assigned to U.S.S. *America* (CV-66) as the Leading Chief Petty Officer for V-3 division and was able to experience the contributions of many immigrant Americans who are dedicated to the defense of our nation. I now teach leadership to the senior enlisted force and am assigned to the Submarine School in Groton, CT. This highlight gives me the opportunity to instill pride and commitment to others.

After having had the opportunity to meet so many shipmates over the course of my career, I can honestly say that the contribution of immigrant American's can never be fully measured. These Soldiers, Sailors, Airmen and Marines, have left their motherland, been welcomed by the United States and have given of themselves to the defense of this nation. For many immigrants, they have given and will continue to give because of their deep appreciation and dedication to the United States. They know, first hand, how it is to live without the protection and security they now count on, and will give their lives to protect it.

TESTIMONY OF PAUL BUCHA, PRESIDENT, CONGRESSIONAL MEDAL OF HONOR SOCIETY, BEFORE THE SUBCOMMITTEE ON IMMIGRATION, COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, CONCERNING "THE CONTRIBUTION OF IMMIGRANTS TO AMERICA'S ARMED FORCES" MAY 26, 1999, 10 A.M., DIRKSEN 226

My name is Paul Bucha, President of the Congressional Medal of Honor Society, and I have asked Charles MacGillivray, a past president of the society, to present my testimony. I want to thank you Senator ABRAHAM for holding this hearing and, more importantly, for displaying leadership on the immigration issue and reminding us of America's great tradition as a nation of immigrants.

Let me state my position clearly: All of us owe our freedom and our prosperity to the sacrifices of immigrants who gave of themselves so that we might have more. We are fortunate and we are forever indebted to those who have gone before.

The Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the U.S. Armed Services. Generally presented to its recipient by the Presi-

dent in the name of Congress, it is often called the Congressional Medal of Honor. In 1946, the Medal of Honor Society was formed to perpetuate and uphold the integrity of the Medal of Honor and to help its recipients. In 1957, Congress passed legislation, later signed by President Eisenhower, that incorporated the Congressional Medal of Honor Society.

A review of the records shows that 715 of the 3,410 Congressional Medal of Honor recipients in America's history—more than 20 percent—have been immigrants. I would like to share the stories of some of these individuals so the committee can better understand the sacrifices made by these and other immigrants.

Lewis Albanese, an immigrant from Italy served during the Vietnam War as a private first class in the U.S. Army. On December 1, 1966, Albanese's platoon advanced through dense terrain. At close range, enemy soldiers fired automatic weapons. Albanese was assigned the task of providing security for the platoon's left flank so it could move forward.

Suddenly, an enemy in a concealed ditch opened fire on the left flank. Realizing his fellow soldiers were in danger, Albanese fixed his bayonet, plunged into the ditch and silenced the sniper fire. This allowed the platoon to advance in safety toward the main enemy position.

The ditch that Lewis Albanese had entered was filled with a complex of defenses designed to inflict heavy damage on any who attacked the main position. The other members of the platoon heard heavy firing from the ditch and some of them saw what happened next: Albanese moved 100 meters along the trench and killed six snipers, each of whom were armed with automatic weapons. But soon, Albanese, out of ammunition, was forced to engage in hand-to-hand combat with North Vietnamese soldiers. He killed two of them. But he was mortally wounded in the attack.

"His unparalleled action saved the lives of many members of his platoon who otherwise would have fallen to the sniper fire," reads the official citation. "Private First Class Albanese's extraordinary heroism and supreme dedication to his comrades were commensurate with the finest traditions of the military service and remain a tribute to himself, his unit, and the U.S. Army." Lewis Albanese was 20 years old.

Mexican-born immigrant Marcario Garcia was acting squad leader of Company B (22nd Infantry) near Grosshau, Germany during World War II. Garcia was wounded and in pain as he found his company pinned down by the heavy machine gun fire of Nazi troops and by an artillery and mortar barrage. Garcia crawled forward up to one of the enemy's positions. He lobbed hand grenades into the enemy's emplacement, singlehandedly assaulted the position, and destroyed the gun, killing three German soldiers.

Shortly after returning to his company, another German machine gun started firing. Garcia returned to the German position and again singlehandedly stormed the enemy, destroying the gun, killing three more German soldiers, and capturing four prisoners.

Finally, Lieutenant John Koelsch was a London-born immigrant who flew a helicopter as part of a Navy helicopter rescue unit during the Korean War. On July 3, 1951, he received word that the North Koreans had shot down a U.S. marine aviator and had him trapped deep inside hostile territory. The terrain was mountainous and it was growing dark. John Koelsch volunteered to rescue him.

Koelsch's aircraft was unarmed and due to the overcast and low altitude he flew without a fighter escort. He drew enemy fire as he descended beneath the clouds to search for the downed aviator.

After being hit, Koelsch kept flying until he located the downed pilot, who had suffered serious burns. While the injured pilot was being hoisted up, a burst of enemy fire hit the helicopter, causing it to crash into the side of the mountain. Koelsch helped his crew and the downed pilot out of the wreckage, and led the men out of the area just ahead of the enemy troops. With Koelsch leading them, they spent nine days on the run evading the North Koreans and caring for the burned pilot. Finally, the North Koreans captured Koelsch and his men.

"His great personal valor and heroic spirit of self-sacrifice throughout sustain and enhance the finest traditions of the U.S. Naval Service," his citation for the Medal of Honor reads. That self-sacrifice, the citation notes, included the inspiration of other prisoners of war, for during the interrogation he "refused to aid his captors in any manner" and died in the hands of the North Koreans.

These and other immigrant Medal of Honor recipients tell the story not only of America's wars but of America's people. After all, we must never forget that all of us are either immigrants or the descendants of immigrants.

Tens of thousands of immigrants and hundreds of thousands of the descendants of immigrants have died in combat fighting for America. I put to you that there is a standard, a basic standard, by which to judge whether America is correct to maintain a generous legal immigration policy: Have immigrants and their children and grandchildren been willing to fight and die for the United States of America? The answer—right up to the present day—remains a resounding "yes."

#### DETROIT FREE PRESS ARTICLE ON GUN-RELATED PROSECUTIONS

Mr. ABRAHAM. Mr. President, I rise today to call attention to a Detroit Free Press article, published on Tuesday of this week, entitled, "Federal gun cases decrease: Decline in Michigan greater than in U.S." This article notes that from 1993 to 1997, there has been a very significant decline in the number of gun prosecutions brought in Detroit.

Mr. President, over the last two weeks, we in this body engaged in lengthy debate on the question of how effective or useful different proposals to regulate firearms were likely to be in stemming violent crime, most especially juvenile crime. I supported some of the proposals and opposed others. This article, however, brings home another important point raised in this debate: no matter what laws this Congress passes, their effect on violent crime will almost certainly be negligible if the Administration is not willing to use them to prosecute violent criminals. Unfortunately, the Free Press article provides little ground for optimism on this score.

According to the Free Press, between 1993 and 1997 the number of people prosecuted in Detroit in cases investigated by the BATF dropped by 55%, compared with a 36% drop nationally. The Free Press also reports that there has been a nearly 50% decrease in prosecutions involving the three largest categories of federal gun laws, from 221 to 112 respectively.

When asked about this, U.S. Attorney Saul Green of Detroit reportedly stated that the decrease in prosecutions in the Eastern District of Michigan follows a downward trend in crimes. In fact, however, while there has been some improvement on that score, Detroit's violent crime rate has been falling significantly less than that of most large metropolitan areas, and it remains unacceptably high. Meanwhile, the much more dramatic decline of violent crime in Richmond, Virginia, where federal officials have pursued a policy of vigorous prosecution of gun offenders, strongly suggests that if the Administration were following the same course in Detroit, we would be doing better.

As the Detroit Free Press article points out, police records show that there were 559 murders in Detroit in 1993, compared to 453 in 1998. But that still left Detroit with the highest murder rate per capita for cities with a population of approximately one million or more—and the sixth highest among the U.S.'s 225 largest cities.

Moreover, while in 1998 the rate of reported violent crimes decreased 6% nationally, in Detroit it actually increased by 13%, according to FBI figures. Nor is this simply a one-year anomaly.

In 1997, the number of murders in Detroit increased by 9% from 1996 and Detroit's murder rate ranked 5th worst among the U.S.'s 225 largest cities. Meanwhile, our rate of serious crime decreased by only 1%, compared to a 3.2% decrease nationally. Similarly, in 1996, Detroit's rate of violent crimes decreased by only 3%, compared to a 7% decrease nationally.

Nor is Detroit's relatively small numerical improvement explained by the fact that it is a major metropolitan area. To the contrary, it is mostly the biggest cities, like New York, that have seen the largest drops in crime rates over the past few years.

The fact that Detroit is lagging behind the nation's improving violent crime rates, along with the fact that it is continually among nation's 5-7 worst cities with respect to its homicide rate, clearly indicates that this is no time for anyone in Detroit, including the federal government, to be relaxing our crime-fighting efforts. Meanwhile, recent data from Richmond, Virginia's Project EXILE strongly suggest that aggressive prosecution and severe punishment of gun law violations would be of major help. In 1998, the year following the implementation of Project Exile in Richmond, the homicide rate in Richmond decreased by approximately 1/3. The rate of firearm-related homicides in Richmond dropped even more—66%, from 122 in 1997 to 78 in 1998.

This takes me back to where I started. I voted in favor of several of the measures the Senate adopted last week because I believe that they can be useful tools in stopping gun violence. But quite simply, no gun laws, either those

currently on the books or any new ones that Congress may enact, can be effective if the Attorney General does not enforce them through aggressive prosecution. The Detroit Free Press's article of two days ago confirms that right now, both in Detroit and nationally, aggressive prosecution is not what we are seeing. For our children's sake, it is high time for it to begin.

Mr. President, I ask unanimous consent that the full text of the Detroit Free Press article be printed in the RECORD.

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

[From the Detroit Free Press, May 25, 1999]

#### FEDERAL GUN CASES DECREASE

DECLINE IN MICHIGAN GREATER THAN IN U.S.

(By Tim Doran)

Federal gun law prosecutions declined sharply in the eastern half of Michigan between 1993 and 1997.

The number of people prosecuted in cases investigated by the federal Bureau of Alcohol, Tobacco and Firearms plummeted 55 percent. Nationally, prosecutions were down 36 percent, according to data analyzed by the Free Press.

For the three largest categories of gun law violations, the number of people prosecuted in eastern Michigan dropped from 221 in 1993 to 112 in 1997.

The analysis comes at a time when Congress is debating legislation to tighten access to guns, and the state Legislature is considering laws to make it easier to get a concealed weapons permit.

If the federal government wants to reduce gun crime, it should enforce existing laws, said Dave LaCourse, public affairs director for the Second Amendment Foundation, which supports gun ownership.

"But the agency that's set up to put the screws to the bad guy is almost being cut in half," LaCourse said.

Last month, Wayne County and the City of Detroit sued gun manufacturers and dealers, saying they used a strategy of "willful blindness," looking the other way when guns are sold illegally. A sting by county law enforcement alleged that nine of 10 dealers sold guns to people who indicated they were buying on behalf of a minor or felon with them.

Both U.S. Attorney Saul Green of Detroit and Special Agent Michael Morrissey, head of the ATF in Michigan, dispute the numbers from the Free Press study. The reports analyzed for the study came from the Executive Office for U.S. Attorneys and are made public by the Transactional Records Access Clearinghouse (TRAC) at Syracuse University.

"The numbers have gone down," Green said. But he said he does not accept the data the Free Press analyzed as definitive.

Green said that the decline follows a general downward trend in crimes.

For example, according to police records, Detroit had 559 homicides in 1993 and 453 in 1998.

The increased use of local-federal task forces may play a role in the decreased federal gun cases, he said. "We have a lot more cooperation than we had in the past and some of the cases developed might go to local prosecution, rather than federal."

Morrissey and ATF officials in Washington said the bureau shifted its investigative strategy, targeting more serious violators.

The number of ATF investigators on the street declined both nationally and in Michigan, and some of the remaining agents have taken on added duties.

The number of licensed gun dealers in the state has dropped, from about 11,000 in the early 1990s to 2,498 as of earlier this month, and violent crime is down.

"We're doing more with less," Morrissey said. "I think we're doing better quality with less, too."

And a program started in the last two months in Detroit could reverse the downward trend. Operation Countdown hopes to use tough federal gun laws to take felons caught with guns off the streets.

#### REDUCTIONS DEBATED

Green and Morrissey disputed TRAC's numbers, but reports from other sources, including the ATF's national office in Washington, show a drop in prosecutions.

In March, U.S. Sen. Jeff Sessions, R-Ala., released figures showing federal gun prosecutions under one program dropped 46 percent between 1992 and 1998.

"The senator's message is: We've seen a reduction in violent crime rates overall," said his spokesman John Cox. "But not the reduction that we want. The effectiveness of federal prosecution of gun crimes has got to be utilized."

ATF's own national figures show the number of cases the bureau referred for prosecution to state and federal prosecutors dropped by about 48 percent from 1993-1997, said agent Jeff Roehm, chief of the public information division of the ATF in Washington. Numbers for 1998 show a slight increase.

Between 1993 and 1997, the median prison term for those convicted after investigation by the ATF stayed fairly constant at around 30 months, which suggests if agents were targeting more serious violators, they did not receive greater prison time.

"We gather the facts and present them to the U.S. Attorney for prosecution. It is up to the court to decide the sentence," Morrissey said. "And often times, the sentences fall under guidelines enacted by Congress."

While the number of people prosecuted declined in eastern Michigan, agents in the district referred more people for prosecution in 1997 than in any other federal district. The eastern district had a high number of referrals in 1993-1996 as well.

The Eastern District of Michigan covers the eastern half of the Lower Peninsula.

In the Western District of Michigan, which covers the rest of the state, the number of federal prosecutions fluctuated but the annual totals were much less than in the east.

If recent undercover investigations in Wayne County are an indication, finding illegal gun sales would not be difficult.

Between March 24 and April 14, undercover teams who told gun dealers they were juveniles and convicted felons bought weapons from nine out of 10 dealers.

Morrissey, who took over ATF Michigan operations last August, said his bureau can inspect gun dealers only once a year unless the bureau has probable cause to suspect a crime.

His figures show the number of cases referred to prosecutors by the ATF in Michigan have fluctuated between 1993 and 1997 but remained fairly constant. They do show, however, a downward trend in prosecutions.

In the early 1990s, when the numbers were higher, the bureau targeted more felons with guns, Morrissey said.

"Those are as easy as going out and picking blades of grass," he said.

But the number of guns on the street did not decline, Morrissey said. The ATF began concentrating on licensed and unlicensed dealers who supply guns illegally and violent felons. One dealer can supply guns used in many crimes, he said.

The ATF has 33 fewer agents on the streets of Michigan this year than it had in 1992, he

said. And some of those agents have more duties related to their specialized training in arson and explosives.

Some are assigned to state task forces, so the criminals they help arrest might not show up in the ATF's statistics, he said.

The ATF also assigns agents to gang reduction programs in schools, and the bureau investigates cigarette bootlegging, arson fires and explosions, not just gun violations.

#### IT WORKS IN RICHMOND

While the ATF has shifted its emphasis nationally away from individual felons with guns, one city that strictly enforced federal firearms laws saw a reduced murder rate.

In Richmond, federal prosecutors began in March 1997 to prosecute every gun case in the city of 200,000, said Jim Comey, executive assistant U.S. attorney. Officials advertise the tougher enforcement of Project Exile on billboards and television, Comey said.

"We have been selling deterrence the way they usually sell Wrangler jeans," he said.

It has worked, Comey said. Defendants ask lawyers to stop their cases from going "Exile." When cops pat down suspects on traffic stops, some say they are not stupid enough to carry a gun.

It has also helped change the murder rate. The city had 140 homicides in 1997 and 95 in 1998, he said. The number of firearm-related homicides dropped from 122 in 1997 to 78 in 1998.

Comey doesn't give Project Exile all the credit. Crack is waning in popularity; the state abolished parole three years ago, and drug enforcement has increased. He and others say it should not be seen as the answer for every city, although both gun-rights and gun-control advocates support it.

Local and federal officials in Detroit have joined to start a similar program. Operation Countdown, which began about two months ago, is operating in a few precincts. Already eight cases have been referred to federal prosecutors, said Bob Agacinski, deputy chief in charge of career criminals for the Wayne County Prosecutor's Office.

He said the program, which involves the ATF and Detroit police, has strong support from both Green and Wayne County Prosecutor John O'Hair.

"I think it's going better than we thought," Agacinski said.

#### MESSAGES FROM THE PRESIDENT

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.)

#### REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT—PM 33

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

#### To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 26, 1999.

#### REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

#### To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

WILLIAM J. CLINTON

THE WHITE HOUSE, May 26, 1999.

#### REPORT OF THE NOTICE OF THE CONTINUATION OF THE EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

#### To the Congress of the United States:

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

On December 27, 1995, I issued Presidential Determination 96-7, directing the Secretary of the Treasury, *inter*

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

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

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

President Milosevic's actions continue to pose a continuing unusual and

extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond June 9, 1999.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, May 27, 1999.

#### REPORT RELATIVE TO THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD—MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

#### *To the Senate of the United States:*

I understand that the Congress, in creating the Internal Revenue Service Oversight Board (Oversight Board), designated one Board member to be an employee representative. I agree that the role of an employee representative is crucial to the success of this Board. Therefore, I have chosen to use the authority the Congress has given me to waive the conflict of interest rules that would otherwise impede Robert Tobias from serving on this Board while continuing to serve as President of the National Treasury Employees Union (NTEU) until August 1999 and as a part-time NTEU employee thereafter.

I care deeply about the ethics laws that preserve the public trust and confidence in the integrity of Federal employees as they carry out the Government's business. In this unique instance, however, I find it necessary to exercise the express authority granted to me to waive appropriate provisions of Chapter 11 of Title 18, United States Code, in order to remove the impediment to Robert Tobias' service on the Oversight Board.

Therefore, it is my intent to issue the following waivers to Robert Tobias upon his confirmation as an Oversight Board member:

—To the extent that the interests of the National Treasury Employees Union (NTEU) would, pursuant to 18 U.S.C. § 208(a), prohibit you from participating as a member of the Internal Revenue Service Oversight Board in particular matters affecting the financial interests of the NTEU, I hereby waive that restriction for only those interests, pursuant to I.R.C. § 7802(b)(3)(D).

—To the extent I.R.C. §§ 7802(b)(3)(C)(i)(I–III) would otherwise prohibit you from representing the NTEU before the Department of the Treasury, the Internal Revenue Service, or the Department of Justice on any matter that is not pending before the Oversight Board, I hereby waive those provisions until August 6, 1999, or until you no longer serve as NTEU President, whichever is sooner.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 27, 1999.

#### MESSAGES FROM THE HOUSE

At 9:45 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 249. An act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 100. An act to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania.

H.R. 197. An act to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office."

H.R. 441. An act to amend the Immigration and Nationality Act with respect to the requirements for the admission of non-immigrant nurses who will practice in health professional shortage areas.

H.R. 974. An act to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes.

H.R. 1191. An act to designate certain facilities of the United States Postal Service in Chicago, Illinois.

H.R. 1251. An act to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building".

H.R. 1377. An act to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building".

H.R. 1833. An act to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.

At 1:52 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House had agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

S. Con. Res. 35. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

#### ENROLLED BILLS SIGNED

At 2:00 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1183. An act to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

H.R. 1121. An act to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman,

Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse."

H.R. 1183. An act to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

### MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 100. An act to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania; to the Committee on Governmental Affairs.

H.R. 197. An act to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office"; to the Committee on Governmental Affairs.

H.R. 441. An act to amend the Immigration and Nationality Act with respect to the requirements for the admission of non-immigrant nurses who will practice in health professional shortage areas; to the Committee on the Judiciary.

H.R. 974. An act to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

H.R. 1191. An act to designate certain facilities of the United States Postal Service in Chicago, Illinois; to the Committee on Governmental Affairs.

H.R. 1251. An act to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1377. An act to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1833. An act to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes; to the Committee on Finance.

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Indian Affairs:

S. 438. A bill to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes.

### MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

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

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3346. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electricity Produced from Certain Renewable Resources; Calendar Year 1999 Inflation Adjustment Factor and Reference Prices" (Notice 99-26), received May 24, 1999; to the Committee on Finance.

EC-3347. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 99-28), received May 24, 1999; to the Committee on Finance.

EC-3348. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-32, Election to Claim Education Tax Credit" (Notice 99-32), received May 24, 1999; to the Committee on Finance.

EC-3349. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "April-June Bond Factor Amounts" (Revenue Rule 99-24), received May 24, 1999; to the Committee on Finance.

EC-3350. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Uniform Closing Agreement Procedures for Modified Endowment Contracts" (Rev. Proc. 99-27), received May 18, 1999; to the Committee on Finance.

EC-3351. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-31, Guidance Regarding Section 664 Regulations" (OGI-108611-99), received May 20, 1999; to the Committee on Finance.

EC-3352. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 8820: Section 467 Rental Agreements; Treatment of Rent and Interest Under Certain Agreements for the Lease of Tangible Property" (RIN1545-AU11), received May 18, 1999; to the Committee on Finance.

EC-3353. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled the "Medicare Contracting Reform Amendments of 1999"; to the Committee on Finance.

EC-3354. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3355. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, -200, -300, -SP, and -400F Series Airplanes; Docket No. 97-NM-325-AD; Amendment 39-11116; AD 99-08-10" (RIN2120-AA64), received April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3356. A communication from the Program Support Specialist, Aircraft Certifi-

cation Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-200, and 747-SP Series Airplanes and Military Type E-4B Airplanes; Docket No. 97-NM-100-AD; Amendment 39-11162; AD 99-10-09" (RIN2120-AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3357. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 98-NM-292-AD; Amendment 39-11125; AD 99-08-19" (RIN2120-AA64), received April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3358. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Series Airplanes; Docket No. 97-NM-53-AD; Amendment 39-11161; AD 99-10-08" (RIN2120-AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3359. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 Series Airplanes; Docket No. 98-NM-37-AD; Amendment 39-11146; AD 99-09-13" (RIN2120-AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3360. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Request for Comments; Eurocopter France Model SE 3130, SE313B, SA3180, SA318B, and SA318C Helicopters; Docket No. 98-SW-54-AD" (RIN2120-AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3361. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Request for Comments; Eurocopter France Model AS332L2 Helicopters; Docket No. 98-SW-09-AD" (RIN2120-AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3362. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models C90A, B200, B200C, B200T, B200CT, 300, B300, B300C, and A200CT Airplanes; Docket No. 98-CE-104-AD" (RIN2120-AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3363. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Corporation Model Beech 2000 Airplanes; Final Rule; Request for Comments; Docket No. 99-CE-17-AD" (RIN2120-AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3364. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes; Docket No. 99-NM-50-AD; Amendment 39-11152; AD 99-09-19" (RIN2120-AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3365. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR42 Series Airplanes; Docket No. 98-NM-175-AD; Amendment 39-11115; AD 99-08-09" (RIN2120-AA64), received April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3366. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes; Docket No. 98-CE-80-AD" (RIN2120-AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3367. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes; Docket No. 98-NM-214-AD; Amendment 39-11145; AD 99-09-12" (RIN2120-AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3368. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASH 26E Sailplanes; Docket No. 98-CE-98-AD" (RIN2120-AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3369. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-CE-03-AD" (RIN2120-AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3370. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235 Series Airplanes; Docket No. 99-NM-219-AD; Amendment 39-11098; AD 99-07-13" (RIN2120-AA64), received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3371. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series Airplanes; Docket No. 99-NM-202-AD; Amendment 39-11151; AD 99-09-18" (RIN2120-

AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3372. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-87-AD; Amendment 39-11138; AD 99-08-51" (RIN2120-AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3373. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, -200, and -300 Series Airplanes; Docket No. 97-NM-87-AD; Amendment 39-11097; AD 99-07-12" (RIN2120-AA64), received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3374. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-200, -300 and -400 Series Airplanes; Docket No. 98-NM-286-AD; Amendment 39-11163; AD 99-10-10" (RIN2120-AA64), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3375. A communication from the Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations-William D. Ford Federal Direct Loan Program" (RIN1840-AC57), received May 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3376. A communication from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitative Research" (84.133), received May 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3377. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled "Aminoethoxyvinylglycine; Temporary Pesticide Tolerance (FRL #6080-4)", "Aspergillus flavus AF36; Pesticide Tolerance Exemption (FRL #6081-2)", "Clomazone; Extension of Tolerance for Emergency Exemptions (FRL #6080-6)" and "Pesticide Tolerance Processing Fees (FRL #6056-6)", received May 20, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3378. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Investment Management" (RIN3052-AB76), received May 25, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3379. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Revised Format for Materials Being Incorporated by Reference (FRL #63325-8)", received May 14, 1999; to the Committee on Environment and Public Works.

EC-3380. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Wyoming (FRL #6344-2)", received May 14, 1999; to the Committee on Environment and Public Works.

EC-3381. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese (FRL #6345-7)", received May 14, 1999; to the Committee on Environment and Public Works.

EC-3382. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories; National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production (FRL #6345-47)", received May 14, 1999; to the Committee on Environment and Public Works.

EC-3383. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Fenhexamid; Pesticide Tolerance (FRL #6082-7)" and "Terbacil; Extension of Tolerance for Emergency Exemptions (FRL #6080-5)", received May 25, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3384. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Eliminating Racial and Ethnic Disparities in Health"; to the Committee on Health, Education, Labor, and Pensions.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations, without amendment:

S. 1143: An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106-55).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget for Fiscal Year 2000" (Rept. No. 106-56).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 920: A bill to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001 (Rept. No. 106-57).

## 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 Ms. MIKULSKI (for herself, Mr. DODD, Mr. HOLLINGS, Mr. JEFFORDS, Mr. KENNEDY, Mrs. MURRAY, and Mr. WELLSTONE):

S. 1142: A bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.



By Mr. SHELBY:

S. 1143. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. VOINOVICH (for himself, Mr. CHAFEE, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. WARNER, Mrs. HUTCHISON, Mr. REID, Mr. LAUTENBERG, and Mr. LEAHY):

S. 1144. A bill to provide increased flexibility in use of highway funding, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. INOUE, Mr. SARBANES, Mr. REID, Mr. ROBB, Mr. AKAKA, Mr. SCHUMER, Mrs. FEINSTEIN, and Mr. EDWARDS):

S. 1145. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. ROCKEFELLER):

S. 1146. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans Affairs.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. KOHL, and Mrs. HUTCHISON):

S. 1147. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax employers who provide child care assistance for dependents of their employees, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. KERREY):

S. 1148. A bill to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and for other purposes; to the Committee on Indian Affairs.

By Mr. LAUTENBERG:

S. 1149. A bill to amend the Safe Drinking Water Act to increase consumer confidence in safe drinking water and source water assessments, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. BAUCUS, Mrs. FEINSTEIN, Mr. KYL, Mr. ROBB, and Mr. BINGAMAN):

S. 1150. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. WARNER, and Mr. LEVIN):

S. 1151. A bill to amend the Office of Federal Procurement Policy Act to streamline the application of cost accounting standards; to the Committee on Governmental Affairs.

By Ms. SNOWE:

S. 1152. A bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees; to the Committee on Governmental Affairs.

By Mr. HARKIN (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. BAUCUS, Mr. CONRAD, Mr. WELLSTONE, Mr. JOHNSON, Mr. WYDEN, Mr. REID, Mr. KERREY, Mr. ROCKEFELLER, and Mrs. MURRAY):

S. 1153. A bill to establish the Office of Rural Advocacy in the Federal Communications Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VOINOVICH (for himself, Mr. GRAHAM, Mr. BAYH, Mr. COCHRAN, and Mr. DEWINE):

S. 1154. A bill to enable States to use Federal funds more effectively on behalf of young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself, Mr. WARNER, Mr. HARKIN, Mr. KERREY, Mr. LUGAR, Mr. MCCONNELL, Mr. JOHNSON, and Mr. ENZI):

S. 1155. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND (for himself and Mr. KERRY):

S. 1156. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes; to the Committee on Small Business.

By Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. THURMOND, Mr. NICKLES, Mr. HELMS, and Mr. COCHRAN):

S. 1157. A bill to repeal the Davis-Bacon Act and the Copeland Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON:

S. 1158. A bill to allow the recovery of attorney's fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself, Mr. COCHRAN, Mr. INOUE, Mr. HAGEL, Mr. BINGAMAN, Mr. SHELBY, Mr. LEVIN, Mr. DODD, and Mr. THURMOND):

S. 1159. A bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mrs. FEINSTEIN):

S. 1160. A bill to amend the Internal Revenue Code of 1986 to provide marriage penalty relief, incentives to encourage health coverage, and increased child care assistance, to extend certain expiring tax provisions, and for other purposes; to the Committee on Finance.

By Mr. DODD:

S. 1161. A bill to establish procedures for the consideration and enactment of unilateral economic sanctions legislation and for the use of authority to impose sanctions under law; to the Committee on Foreign Relations.

By Mr. LEAHY:

S. 1162. A bill to provide supplemental foods and nutrition education to low-income pregnant, postpartum, and breastfeeding women, infants, and children of military families stationed outside the United States that are similar to supplemental foods and nutrition education provided in the United States under special supplemental nutrition program for women, infants, and children; to the Committee on Armed Services.

By Mr. BENNETT (for himself, Mrs. MURRAY, Mr. SCHUMER, and Mr. TORRICELLI):

S. 1163. A bill to amend the Public Health Service Act to provide for research and services with respect to lupus; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. MACK):

S. 1164. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

By Mr. MACK (for himself, Mrs. FEINSTEIN, Mr. MURKOWSKI, Mr. BREAUX, Mr. GRAMM, Mr. ROBB, Mr. CHAFEE, Mr. GRAHAM, Mr. BRYAN, Mr. TORRICELLI, Mr. WARNER, Mr. THURMOND, Mr. GRAMS, Mr. KYL, Mr. HELMS, Mr. HUTCHINSON, Mr. LUGAR, and Mr. COCHRAN):

S. 1165. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income; to the Committee on Finance.

By Mr. NICKLES:

S. 1166. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. SMITH of Oregon, and Mr. CRAIG):

S. 1167. A bill to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 1168. A bill to eliminate the social security earnings test for individuals who have attained retirement age, to protect and preserve the social security trust funds, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. COCHRAN, and Mr. BURNS):

S. 1169. A bill to require that certain multilateral development banks and other lending institutions implement independent third party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

By Mr. TORRICELLI:

S. 1170. A bill to provide demonstration grants to local educational agencies to enable the agencies to extend the length of the school year; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COVERDELL (for himself, Mrs. FEINSTEIN, Mr. DEWINE, Mr. HELMS, Mr. LOTT, Mr. TORRICELLI, Mr. CRAIG, Mr. GRAHAM, and Mr. REID):

S. 1171. A bill to block assets of narcotics traffickers who pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI:

S. 1172. A bill to provide a patent term restoration review procedure for certain drug products; to the Committee on the Judiciary.

S. 1173. A bill to provide for a teacher quality enhancement and incentive program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 1174. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS:

S. 1175. A bill to amend title 49, United States Code, to require that fuel economy labels for new automobiles include air pollution information that consumers can use to help communities meet Federal air quality standards; to the Committee on Commerce, Science, and Transportation.



By Mr. ROBB (for himself, Mr. WARNER, and Mr. SARBANES):

S. 1176. A bill to provide for greater access to child care services for Federal employees; to the Committee on Governmental Affairs.

By Mr. HARKIN (for himself, Mr. KERREY, and Mr. GRASSLEY):

S. 1177. A bill to amend the Food Security Act of 1985 to permit the harvesting of crops on land subject to conservation reserve contracts for recovery of biomass used in energy production; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE:

S. 1178. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project, South Dakota, to the Commission of Schools and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 1179. A bill to amend title 18, United States Code, to prohibit the sale, delivery, or other transfer of any type of firearm to a juvenile, with certain exceptions; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. DASCHLE, Mrs. MURRAY, Mr. SCHUMER, Mr. LEVIN, and Mr. DORGAN):

S. 1180. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:

S. 1181. A bill to appropriate funds to carry out the commodity supplemental food program and the emergency food assistance program during fiscal year 2000; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI:

S. 1182. A bill to authorize the use of flat grave markers to extend the useful life of the Santa Fe National Cemetery, New Mexico, and to allow more veterans the honor and choice of being buried in the cemetery; to the Committee on Veterans Affairs.

By Mr. NICKLES:

S. 1183. A bill to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the NIPER facility of the Department of Energy; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. KYL):

S. 1184. A bill to authorize the Secretary of Agriculture to dispose of land for recreation or other public purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. HATCH, Mr. MCCAIN, Mr. MCCONNELL, Mr. LOTT, Mr. BOND, Mr. ASHCROFT, Mr. COVERDELL, Mr. NICKLES, Mr. BROWNBAC, Mr. GORTON, Mr. GRASSLEY, Mr. SESSIONS, Mr. BURNS, Mr. INHOFE, Mr. HELMS, Mr. ALLARD, Mr. HAGEL, Mr. MACK, Mr. BUNNING, Mr. JEFFORDS, Mr. DEWINE, Mr. CRAIG, Mr. HUTCHINSON, and Mr. ENZI):

S. 1185. A bill to provide small business certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBAC (for himself, Mr. FRIST, Mr. HUTCHINSON, Mr. LAUTENBERG, Mr. MACK, and Mr. LIEBERMAN):

S. Res. 109. A resolution relating to the activities of the National Islamic Front government in Sudan; to the Committee on Foreign Relations.

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. LOTT, Mr. DASCHLE, Mr. MACK, Mr. DOMENICI, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. COLLINS, Mr. DEWINE, Mr. ENZI, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. HELMS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. SNOWE, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, Mr. BAUCUS, Mr. BROWNBAC, Mr. DURBIN, Mr. ROTH, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. ALLARD, Mr. BIDEN, and Mr. EDWARDS):

S. Res. 110. A resolution designating June 5, 1999, as "National Race for the Cure Day"; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. BURNS, Mr. SARBANES, Mr. SMITH of Oregon, Mrs. MURRAY, Mr. BOND, Mr. DASCHLE, Mr. DEWINE, Mr. ROBERTS, Mr. SPECTER, Ms. MIKULSKI, Mr. MACK, Mr. THURMOND, Mr. EDWARDS, Mr. VOINOVICH, Mr. TORRICELLI, Mr. CRAIG, Mr. JOHNSON, Mr. GRASSLEY, Ms. LANDRIEU, Ms. SNOWE, Mr. LEVIN, Mr. WARNER, Mr. ROBB, Mr. ENZI, Mr. LAUTENBERG, Mr. CRAPO, Mr. AKAKA, Mr. GORTON, Mr. DODD, Mr. DOMENICI, Mr. BREAUX, Mr. STEVENS, Mr. CLELAND, Mr. HAGEL, Mr. KENNEDY, Mr. ABRAHAM, Mr. DORGAN, Mrs. FEINSTEIN, Mr. KERRY, Mrs. BOXER, Mr. REID, Mr. DURBIN, Mr. CONRAD, Mr. BYRD, Mr. INOUE, Mr. BAYH, Mr. BINGAMAN, Mr. BRYAN, Mr. LIEBERMAN, Mr. WYDEN, Mr. HOLLINGS, and Mr. HATCH):

S. Res. 111. A resolution designating June 6, 1999, as "National Child's Day"; considered and agreed to.

By Mr. FEINGOLD:

S. Res. 112. ; considered and agreed to.

By Mr. SCHUMER (for himself, Mr. MOYNIHAN, Mr. BROWNBAC, Mr. MACK, and Mr. LIEBERMAN):

S. Con. Res. 36. A concurrent resolution condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself, Mr. DODD, Mr. HOLLINGS, Mr. JEFFORDS, Mr. KENNEDY, Mrs. MURRAY, and Mr. WELLSTONE):

S. 1142. A bill to protect the right of a member of a health maintenance or-

ganization to receive continuing care at a facility selected by that member, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SENIORS' ACCESS TO CONTINUING CARE ACT OF 1999

• Ms. MIKULSKI. Mr. President, I rise today to introduce the "Seniors' Access to Continuing Care Act of 1999", a bill to protect seniors' access to treatment in the setting of their choice and to ensure that seniors who reside in continuing care communities, and nursing and other facilities have the right to return to that facility after a hospitalization.

As our population ages, more and more elderly will become residents of various long term care facilities. These include independent living, assisted living and nursing facilities, as well as continuing care retirement communities (CCRCs), which provide the entire continuum of care. In Maryland alone, there are over 12,000 residents in 32 CCRCs and 24,000 residents in over 200 licensed nursing facilities.

More and more individuals and couples are choosing to enter continuing care communities because of the community environment they provide. CCRC's provide independent living, assisted living and nursing care, usually on the same campus—the Continuum of Care. Residents find safety, security and peace of mind. They often prepay for the continuum of care. Couples can stay together, and if one spouse needs additional care, it can be provided right there, where the other spouse can remain close by.

Most individuals entering a nursing facility do so because it is medically necessary, because they need a high level of care that they can no longer receive in their homes or in a more independent setting, such as assisted living. But residents are still able to form relationships with other residents and staff and consider the facility their "home". I have visited many of these facilities and have heard from both residents and operators. They have told me about a serious and unexpected problem encountered with returning to their facility after a hospitalization.

Hospitalization is traumatic for anyone, but particularly for our vulnerable seniors. We know that having comfortable surroundings and familiar faces can aid dramatically in the recovery process. So, we should do everything we can to make sure that recovery process is not hindered.

Today, more and more seniors are joining managed care plans. This trend is likely to accelerate given the expansion of managed care choices under the 1997 Balanced Budget Act. As more and more decisions are made based on financial considerations, choice often gets lost. Currently, a resident of a continuing care retirement community or a nursing facility who goes to the hospital has no guarantee that he or she will be allowed by the managed care organization (MCO) to return to

the CCRC or nursing facility for post acute follow up care. The MCO can dictate that the resident go to a different facility that is in the MCO network for that follow up care, even if the home facility is qualified and able to provide the needed care.

Let me give you a few examples:

In the fall of 1996, a resident of Applewood Estates in Freehold, New Jersey was admitted to the hospital. Upon discharge, her HMO would not permit her to return to Applewood and sent her to another facility in Jackson. The following year, the same thing happened, but after strong protest, the HMO finally relented and permitted her to return to Applewood. She should not have had to protest, and many seniors are unable to assert themselves.

A Florida couple in their mid-80's were separated by a distance of 20 miles after the wife was discharged from a hospital to an HMO-participating nursing home located on the opposite side of the county. This was a hardship for the husband who had difficulty driving and for the wife who longed to return to her home, a CCRC. The CCRC had room in its skilled nursing facility on campus. Despite pleas from all those involved, the HMO would not allow the wife to recuperate in a familiar setting, close to her husband and friends. She later died at the HMO nursing facility, without the benefit of frequent visits by her husband and friends.

Collington Episcopal Life Care Community, in my home state of Maryland, reports ongoing problems with its frail elderly having to obtain psychiatric services, including medication monitoring, off campus, even though the services are available at Collington—how disruptive to good patient care!

On a brighter note, an Ohio woman's husband was in a nursing facility. When she was hospitalized, and then discharged, she was able to be admitted to the same nursing facility because of the Ohio law that protected that right.

Seniors coming out of the hospital should not be passed around like a baton. Their care should be decided based on what is clinically appropriate, NOT what is financially mandated. Why is that important? What are the consequences?

Residents consider their retirement community or long term care facility as their home. And being away from home for any reason can be very difficult. The trauma of being in unfamiliar surroundings can increase recovery time. The staff of the resident's "home" facility often knows best about the person's chronic care and service needs. Being away from "home" separates the resident from his or her emotional support system. Refusal to allow a resident to return to his or her home takes away the person's choice. All of this leads to greater recovery time and unnecessary trauma for the patient.

And should a woman's husband have to hitch a ride or catch a cab in order

to see his recovering spouse if the facility where they live can provide the care? NO. Retirement communities and other long term care facilities are not just health care facilities. They provide an entire living environment for their residents, in other words, a home. We need to protect the choice of our seniors to return to their "home" after a hospitalization. And that is what my bill does.

It protects residents of CCRC's and nursing facilities by: enabling them to return to their facility after a hospitalization; and requiring the resident's insurer or MCO to cover the cost of the care, even if the insurer does not have a contract with the resident's facility.

In order for the resident to return to the facility and have the services covered by the insurer or MCO: 1. The service to be provided must be a service that the insurer covers; 2. The resident must have resided at the facility before hospitalization, have a right to return, and choose to return; 3. The facility must have the capacity to provide the necessary service and meet applicable licensing and certification requirements of the state; 4. The facility must be willing to accept substantially similar payment as a facility under contract with the insurer or MCO.

My bill also requires an insurer or MCO to pay for a service to one of its beneficiaries, without a prior hospital stay, if the service is necessary to prevent a hospitalization of the beneficiary and the service is provided as an additional benefit. Lastly, the bill requires an insurer or MCO to provide coverage to a beneficiary for services provided at a facility in which the beneficiary's spouse already resides, even if the facility is not under contract with the MCO, provided the other requirements are met.

In conclusion, Mr. President, I am committed to providing a safety net for our seniors—this bill is part of that safety net. Seniors deserve quality, affordable health care and they deserve choice. This bill offers those residing in retirement communities and long term care facilities assurance to have their choices respected, to have where they reside recognized as their "home", and to be permitted to return to that "home" after a hospitalization. It ensures that spouses can be together as long as possible. And it ensures access to care in order to PREVENT a hospitalization. I want to thank my co-sponsors Senators DODD, HOLLINGS, JEFFORDS, KENNEDY, MURRAY and WELLSTONE for their support. I urge my colleagues to join me in passing this important measure to protect the rights of seniors and their access to continuing care.●

By Mr. VOINOVICH (for himself, Mr. CHAFEE, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. WARNER, Mrs. HUTCHISON, Mr. REID, Mr. LAUTENBERG, and Mr. LEAHY):

S. 1144. A bill to provide increased flexibility in use of highway funding,

and for other purposes; to the Committee on Environment and Public Works.

SURFACE TRANSPORTATION ACT OF 1999

Mr. VOINOVICH. Mr. President, I am pleased today to introduce the Surface Transportation Act of 1999 along with my colleagues, Chairman CHAFEE of the Senate Environment and Public Works Committee, Senators MOYNIHAN, JEFFORDS, REID, WARNER, HUTCHISON, REID, LAUTENBERG and LEAHY. The purpose of this bill is to provide additional flexibility to the States and localities in implementing the Federal transportation program.

Let me briefly describe the three most significant provisions of the bill.

(1) *State infrastructure banks*—the bill authorizes all 50 states to participate in the State Infrastructure Bank (SIB) program. SIBs are revolving funds, capitalized with Federal and State contributions, which are empowered to make loans and provide other forms of non-grant assistance to transportation projects. Before TEA-21 was enacted, transferring Federal highway funding to a State Infrastructure Bank was an option available to all 50 states, with 39 states actively participating. Regrettably, TEA-21 limited the SIB program to just four states. This section would restore the program as it existed prior to TEA-21.

The American Association of State Highway and Transportation Officials (AASHTO), the National Association of State Treasurers, and numerous industry groups, including the American Road & Transportation Builders (ARTBA), strongly support legislation giving all states the opportunity to participate in the SIB program.

The availability of SIB financial assistance has attracted additional investment. According to the U.S. Department of Transportation, SIBs made 21 loans and signed agreements for another 33 loans as of November 1, 1998. Together, these 54 projects are scheduled to receive SIB loan disbursements totaling \$408 million to support project investments of more than \$2.3 billion—resulting in a leverage ratio of about 5.6 to 1 (total project investment to amount of SIB investment).

(2) *High priority project flexibility*—the bill includes a provision that allows States the flexibility to advance a "high priority" project faster than is allowed by TEA-21, which provides the funding for high priority projects spread over the six-year life of TEA-21. This provision would allow States to accelerate the construction of their "high priority" projects by borrowing funds from other highway funding categories (e.g., NHS, STP, CMAQ). The flexibility is particularly important for states who are ready to construct some of the high priority projects in the first few years of TEA-21, and without this provision, may need to defer completion until the later years of TEA-21.

(3) *Funding flexibility for Intercity passenger rail*—the bill also gives States the option to use their National Highway System, Congestion Mitigation

and Air Quality funds, and Surface Transportation Program funds to fund capital expenses associated with intercity passenger rail service, including high-speed rail service. The National Governors' Association, has passed a resolution requesting this additional flexibility for states to meet their transportation needs. In testimony before the committee, the U.S. Conference of Mayors and the National Council of State Legislatures also requested this additional flexibility.

In closing, I would like to encourage my colleagues to support this bill, especially for members whose states who are supportive of the State Infrastructure Bank program, have high priority projects that are ready-to-go, or would like the option of using available Federal transportation funding to support intercity passenger rail needs in their state.

I encourage my colleagues to support this important legislation. I ask that a section by section description of the bill be printed into the RECORD.

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

SUMMARY OF THE SURFACE TRANSPORTATION  
ACT OF 1999

*Summary*

The purpose of this bill is to provide additional flexibility to States and localities in implementing the Federal transportation program. This bill does not affect the funding formula agreed to in TEA 21 or modify the overall level of funding for any program.

SECTION BY SECTION

*Section 1—Short Title*

*Section 2—State Infrastructure Banks*

This section authorizes all 50 states to participate in the State Infrastructure Bank (SIB) program. SIBs are revolving funds, capitalized with Federal and State contributions, which are empowered to make loans and provide other forms of non-grant assistance to transportation projects. Before the Transportation Equity Act for the 21st Century (TEA 21) was enacted, transferring Federal highway funding to a State Infrastructure Bank was an option available to all 50 states, with 39 states actively participating. Regrettably, TEA 21 took the program backwards and limited the SIB program to just four states. This section would restore the program as it existed prior to TEA 21. The bill extends thru FY 2003 the SIB program, which was authorized in the National Highway System Designation Act.

The American Association of State Highway and Transportation Officials (AASHTO), the National Association of State Treasurers, and numerous industry groups, including the American Road & Transportation Builders (ARTBA), strongly support legislation giving all states the opportunity to participate in the SIB program. At their annual meeting in November 1998, AASHTO members adopted a resolution supporting expansion of the SIB program.

Availability of SIB financial assistance has attracted additional investment. According to U.S. DOT, SIBs made 21 loans and signed agreements for another 33 loans as of November 1, 1998. Together, these 54 projects are scheduled to receive SIB loan disbursements totaling \$408 million to support project investments of more than \$2.3 billion—resulting in a leverage ratio of about 5.6 to 1 (total project investment to amount of SIB investment).

*Section 3—High Priority Project Flexibility*

Subsection (a) allows States the flexibility to advance a "high priority" project faster than is allowed by TEA 21, which provides the funding for high priority projects spread over the six-year life of TEA 21. This provision would allow States to accelerate the construction of their "high priority" projects by borrowing funds from other highway funding categories (e.g., NHS, STP, CMAQ). This flexibility is particularly important for states who are ready to construct some of the high priority projects in the first few years of TEA 21, and without this provision may need to defer completion until the later years of TEA 21.

*Section 4—Funding Flexibility and High Speed Rail Corridors*

Subsection (a) gives States the option to use their National Highway System, Congestion Mitigation and Air Quality funds, and Surface Transportation Program funds to fund capital expenses associated with intercity passenger rail service, including high-speed rail service. The National Governors' Association, has passed a resolution requesting this additional flexibility for states to meet their transportation needs. In testimony before the committee, the U.S. Conference of Mayors and the National Council of State Legislatures also requested this additional flexibility.

Subsection (b) specifies how funds transferred for intercity passenger rail services are to be administered.

*Section 5—Historic Bridges*

This section eliminates a restriction that caps the amount of Federal-aid highway funds that can be spent on a historic bridge to an amount equal to the cost of demolition. The restriction unnecessarily limits States' flexibility to preserve historic bridges, and limits spending on these historic bridges for the enhancements program for alternative transportation uses. A similar provision was included in the Senate-passed version of the reauthorization, but was not considered by the conferees due to time constraints.

*Section 6—Accounting Simplification*

This section makes a minor change to the distribution of the Federal-aid obligation limitation that simplifies accounting for states. Currently, a very small amount of the obligation authority directed to the minimum guarantee program is made available for one-year even though the overwhelming majority is made available for several years. This section would make all obligation authority for this program available as multi-year funding. Therefore, this section eliminates the need to account for the States to plan for the small amount of funding separately.

By Mr. LEAHY (for himself, Mr. INOUE, Mr. SARBANES, Mr. REID, Mr. ROBB, Mr. AKAKA, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1145. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL JUDGESHIP ACT OF 1999

• Mr. LEAHY. Mr. President, today I am introducing the Federal Judgeship Act of 1999. I am pleased that Senators INOUE, SARBANES, REID, ROBB, AKAKA, and SCHUMER are joining me as original cosponsors of this measure.

Our bill creates 69 new judgeships across the country to address the increased caseloads of the Federal judi-

ary. Specifically, our legislation would: create 7 additional permanent judgeships and 4 temporary judgeships for the U.S. Courts of Appeal; create 33 additional permanent judgeships and 25 temporary judgeships for the U.S. District Courts; and convert 10 existing temporary district judgeships to permanent positions.

This bill is based on the recommendations of the Judicial Conference of the United States, the non-partisan policy-making arm of the judicial branch. Federal judges across the nation believe that the continuing heavy caseload of our courts of appeals and district courts merit these additional judges. Indeed, the Chief Justice of the United States in his 1998 year-end report of the U.S. Judiciary declared: "The number of cases brought to federal courts is one of the most serious problems facing them today."

Chief Justice Rehnquist is right. The filings of cases in our Federal courts has reached record heights. For instance, criminal case filings in Federal courts rose 15 percent in 1998—nearly tripling the 5.2 percent increase in 1997. The number of criminal cases filed since 1991 increased 25 percent with the number of criminal defendants rising 21 percent. In fact, the filings of criminal cases and defendants reached their highest levels since the Prohibition Amendment was repealed in 1933.

Federal civil caseloads have similarly increased. For the past eight years, total civil case filings have increased 22 percent in our Federal courts. This increase includes jumps of 145 percent in personal injury product liability cases, 112 percent in civil rights filings, 71 percent in social security cases, 49 percent in copyright, patent and trademark filings, and 29 percent prisoner petitions from 1991 to 1998.

But despite these dramatic increases in case filings, Congress has failed to authorize new judgeships since 1990, thus endangering the administration of justice in our nation's Federal courts.

Historically, every six years Congress has reviewed the need for new judgeships. In 1984, Congress passed legislation to address the need for additional judgeships. Six years later, in 1990, Congress again fulfilled its constitutional responsibility and enacted the Federal Judgeship Act of 1990 because of a sharply increasing caseload, particularly for drug-related crimes. But in the last two Congresses, the Republican majority failed to follow this tradition. Two years ago the Judicial Conference requested an additional 55 judgeships to address the growing backlog. My legislation, based on the Judicial Conference's 1997 recommendations, S. 678, the Judicial Judgeship Act of 1997, languished in the Judicial Committee without action during both sessions of the last Congress.

It is now nine years since Congress last seriously reexamined the caseload of the federal judiciary and the need

for more federal judges. Congress ignores the needs of the Federal judiciary at the peril of the American people. Overworked judges and heavy caseloads slow down the judicial process and delay justice. In some cases, justice is in danger of being denied because witnesses and evidence are lost due to long delays in citizens having their day in court.

We have the greatest judicial system in the world, the envy of people around the globe who are struggling for freedom. It is the independence of our third, co-equal branch of government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those more susceptible to the gusts of the political winds of the moment.

We are fortunate to have dedicated women and men throughout the Federal Judiciary in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the federal government. They deserve our respect and our support.

Let us act now to ensure that justice is not delayed or denied for anyone. I urge the Senate to enact the Federal Judgeship Act of 1999 without further delay.●

By Mr. DASCHLE (for himself and Mr. ROCKEFELLER):

S. 1146. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

THE VETERANS' ACCESS TO EMERGENCY CARE  
ACT OF 1999

Mr. DASCHLE. Mr. President, the American people continue to say they want a comprehensive, enforceable Patients' Bill of Rights. Toward that goal, several of my Democratic colleagues and I introduced S. 6, the Patients' Bill of Rights Act of 1999, earlier this year. That legislation, which we first introduced in the 105th Congress, addresses the growing concerns among Americans about the quality of care delivered by health maintenance organizations. I am disappointed that some of my colleagues on the other side of the aisle prevented the Senate from considering managed care reform legislation last year. But I remain hopeful that the Republican leadership will allow an open and honest debate on this important issue this year.

I am hopeful that my colleagues will also take a moment to listen to veterans in this country who are raising legitimate concerns about the medical care they receive from the Department of Veterans Affairs (VA). Many veterans are understandably concerned that the Administration requested approximately \$18 billion for VA health care in FY00—almost the same amount it requested last year. They fear that if

this flat-lined budget is enacted, the VA would be forced to make significant reductions in personnel, health care services and facilities. I share their concerns and agree that we simply cannot allow that to happen. On the contrary, Congress and the Administration need to work together to provide the funds necessary to improve the health care that veterans receive.

Toward that end, and as we prepare to celebrate Memorial Day, I am reintroducing the Veterans' Access to Emergency Care Act of 1999. I am pleased that Senator ROCKEFELLER, the distinguished Ranking Member of the Senate Veterans' Affairs Committee, is joining me in this effort. This legislation, which was S. 2619 last year, calls for veterans to be reimbursed for emergency care they receive at non-VA facilities.

The problem addressed in the bill stems from the fact that veterans who rely on the VA for health care often do not receive reimbursement for emergency medical care they receive at non-VA facilities. According to the VA, veterans may only be reimbursed by the VA for emergency care at a non-VA facility that was not pre-authorized if all of the following criteria are met:

First, care must have been rendered for a medical emergency of such nature that any delay would have been life-threatening; second, the VA or other federal facilities must not have been feasibly available; and, third, the treatment must have been rendered for a service-connected disability, a condition associated with a service-connected disability, or for any disability of a veteran who has a 100-percent service-connected disability.

Many veterans who receive emergency health care at non-VA facilities are able to meet the first two criteria. Unless they are 100-percent disabled, however, they generally fail to meet the third criterion because they have suffered heart attacks or other medical emergencies that were unrelated to their service-connected disabilities. Considering the enormous costs associated with emergency health care, current law has been financially and emotionally devastating to countless veterans with limited income and no other health insurance. The bottom line is that veterans are forced to pay for emergency care out of their own pockets until they can be stabilized and transferred to VA facilities.

During medical emergencies, veterans often do not have a say about whether they should be taken to a VA or non-VA medical center. Even when they specifically ask to be taken to a VA facility, emergency medical personnel often transport them to a nearby hospital instead because it is the closest facility. In many emergencies, that is the only sound medical decision to make. It is simply unfair to penalize veterans for receiving emergency medical care at non-VA facilities. Veterans were asked to make enormous sacrifices for this country, and we should

not turn our backs on them during their time of need.

There should be no misunderstanding. This is a widespread problem that affects countless veterans in South Dakota and throughout the country. I would like to cite just three examples of veterans being denied reimbursement for emergency care at non-VA facilities in western South Dakota.

The first involves Edward Sanders, who is a World War II veteran from Custer, South Dakota. On March 6, 1994, Edward was taken to the hospital in Custer because he was suffering chest pains. He was monitored for several hours before a doctor at the hospital called the VA Medical Center in Hot Springs and indicated that Edward was in need of emergency services. Although Edward asked to be taken to a VA facility, VA officials advised him to seek care elsewhere. He was then transported by ambulance to the Rapid City Regional Hospital where he underwent a cardiac catheterization and coronary artery bypass grafting. Because the emergency did not meet the criteria I mentioned previously, the VA did not reimburse Edward for the care he received at Rapid City Regional. His medical bills totaled more than \$50,000.

On May 17, 1997, John Lind suffered a heart attack while he was at work. John is a Vietnam veteran exposed to Agent Orange who served his country for 14 years until he was discharged in 1981. John lives in Rapid City, South Dakota, and he points out that he would have asked to be taken to the VA Medical Center in Fort Meade for care, but he was semi-conscious, and emergency medical personnel transported him to Rapid City Regional. After 4 days in the non-VA facility, John incurred nearly \$20,000 in medical bills. Although he filed a claim with the VA for reimbursement, he was turned down because the emergency was not related to his service-connected disability.

Just over one month later, Delmer Paulson, a veteran from Quinn, South Dakota, suffered a heart attack on June 26, 1997. Since he had no other health care insurance, he asked to be taken to the VA Medical Center in Fort Meade. Again, despite his request, the emergency medical personnel transported him to Rapid City Regional. Even though Delmer was there for just over a day before being transferred to Fort Meade, he was charged with almost a \$20,000 medical bill. Again, the VA refused to reimburse Delmer for the unauthorized medical care because the emergency did not meet VA criteria.

The Veterans' Access to Emergency Care Act of 1999 would address this serious problem. It would authorize the VA to reimburse veterans enrolled in the VA health care system for the cost of emergency care or services received in non-VA facilities when there is "a serious threat to the life or health of a veteran." Rep. LANE EVANS introduced

similar legislation in the House of Representatives earlier this year. I am encouraged that the Administration's FY00 budget request includes a proposal to allow veterans with service-connected disabilities to be reimbursed by the VA for emergency care they receive at non-VA facilities. This is a step in the right direction, but I think that all veterans enrolled in the VA's health care system—whether or not they have a service-connected disability—should be able to receive emergency care at non-VA facilities. I look forward to continuing to work with Senator ROCKEFELLER and my colleagues on both sides of the aisle to ensure that veterans receive the health care they deserve.

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. 1146

*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 "Veterans' Access to Emergency Care Act of 1999".

## SEC. 2. EMERGENCY HEALTH CARE IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR ENROLLED VETERANS.

(a) DEFINITIONS.—Section 1701 of title 38, United States Code, is amended—

(1) in paragraph (6)—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) emergency care, or reimbursement for such care, as described in sections 1703(a)(3) and 1728(a)(2)(E) of this title."; and

(2) by adding at the end the following new paragraph:

"(10) The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

"(A) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

"(B) serious impairment to bodily functions; or

"(C) serious dysfunction of any bodily organ or part.".

(b) CONTRACT CARE.—Section 1703(a)(3) of such title is amended by striking "medical emergencies" and all that follows through "health of a veteran" and inserting "an emergency medical condition of a veteran who is enrolled under section 1705 of this title or who is".

(c) REIMBURSEMENT OF EXPENSES FOR EMERGENCY CARE.—Section 1728(a)(2) of such title is amended—

(1) by striking "or" before "(D)"; and

(2) by inserting before the semicolon at the end the following: "; or (E) for any emergency medical condition of a veteran enrolled under section 1705 of this title".

(d) PAYMENT PRIORITY.—Section 1705 of such title is amended by adding at the end the following new subsection:

"(d) The Secretary shall require in a contract under section 1703(a)(3) of this title, and as a condition of payment under section 1728(a)(2) of this title, that payment by the Secretary for treatment under such contract, or under such section, of a veteran enrolled under this section shall be made only after any payment that may be made with respect to such treatment under part A or part B of the Medicare program and after any payment that may be made with respect to such treatment by a third-party insurance provider.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to care or services provided on or after the date of the enactment of this Act.

Mr. ROCKEFELLER. Mr. President, I am pleased to offer my support to the Veterans' Access to Emergency Care Act of 1999. This bill will authorize VA to cover emergency care at non-Department of Veterans Affairs (VA) facilities for those veterans who have enrolled with VA for their health care. I join my colleague, Senator DASCHLE, in cosponsoring this valuable initiative and thank him for his leadership.

Currently, VA is restricted by law from authorizing payment of comprehensive emergency care services in non-VA facilities except to veterans with special eligibility. Most veterans must rely on other insurance or pay out of pocket for emergency services.

I remind my colleagues that VA provides a standard benefits package for all veterans who are enrolled with the VA for their health care. In many ways, this is a very generous package, which includes such things as pharmaceuticals. Enrolled veterans are, however, missing out on one essential part of health care coverage: the standard benefits package does not allow for comprehensive emergency care. So, in effect, we are asking veterans to choose VA health care, but leaving them out in the cold when it comes to emergency care.

Mr. President, we have left too many veterans out in the cold already. When veterans call their VA health care provider in the middle of the night, many reach a telephone recording. This recording likely urges that veterans who have emergencies dial "911." Veterans who call for help are then transported to non-VA facilities. After the emergency is over, veterans are presented with huge bills. These are bills which VA cannot, in most cases, pay and which are, therefore, potentially financially crushing. We cannot abandon these veterans in their time of need.

Let me tell my colleagues about some of the problems that veterans face because of the restriction on emergency care. In January of this year, a low income, non-service-connected, World War II veteran with a history of heart problems, from my State of West Virginia, presented to the nearest non-VA hospital with severe chest pain. In an attempt to get the veteran admitted to the VA medical center, the private physician placed calls to the Clarksburg VA Medical Center, where the veteran was enrolled, on three separate occasions, over the course of three

days. The response was always the same—"no beds available."

Ultimately, a different VA medical center, from outside the veteran's service area, accepted the patient, and two days later transferred him back to the Clarksburg VA Medical Center where he underwent an emergency surgical procedure to resolve the problem. By this time, however, complications had set in, and the veteran was critically ill.

The veteran's wife told me that "no one should have to endure the pain and suffering" they had to endure over a five-day period to get the emergency care her husband needed. But in addition to that emotional distress, the veteran now also faces a medical bill of almost \$800 at the private hospital, the net amount due after Medicare paid its portion. This is an incredible burden for a veteran and his wife whose sole income are their small Social Security checks.

In another example from my state, in February 1998, a 100 percent service-connected veteran with post-traumatic stress disorder suffered an acute onset of mid-sternal chest pain, and an ambulance was called. The ambulance took him to the nearest hospital, a non-VA facility. Staff at the private facility contacted the Clarksburg VA Medical Center and was told there were no ICU beds available and advised transferring the patient to the Pittsburgh VA Medical Center.

When contacted, Pittsburgh refused the patient because of the length of necessary transport. A call to the Beckley VAMC was also fruitless. The doctor was advised by VA staff that the trip to Beckley would be "too risky for the three hour ambulance travel."

The veteran was kept overnight at the private hospital for observation, and then was billed for the care—\$900, after Medicare paid its share.

Two more West Virginia cases quickly come to mind involving 100 percent service-connected combat veterans, both of whom had to turn to the private sector in emergency situations.

One veteran had a heart attack and as I recall, his heart stopped twice before the ambulance got him to the closest non-VA hospital. The Huntington VA Medical Center was his health care provider and it was more than an hour away from the veteran's home. This veteran had Medicare, but he was still left with a sizeable medical bill for the emergency services that saved his life.

The other veteran suffered a fall that rendered him unconscious and caused considerable physical damage. He also was taken to the closest non-VA hospital—and was left with a \$4,000 bill after Medicare paid its share.

Both contacted me to complain about the unfairness of these bills. As 100 percent service-connected veterans, they rely totally on VA for their health care. I can assure you that neither of them, nor the other two West Virginia veterans I referred to, ever expected to be in the situation in which they all

suddenly found themselves—strapped with large health care bills because they needed emergency treatment in life-threatening situations, when they were miles and miles from the nearest VA medical center.

Coverage of emergency care services for all veterans is supported by the consortium of veterans services organizations that authored the Independent Budget for Fiscal Year 2000—AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars. The concept is also included in the Administration's FY 2000 budget request for VA and the Consumer Bill of Rights, which President Clinton has directed every federal agency engaged in managing or delivering health care to adopt.

To quote from the Consumer Bill of Rights, "Consumers have the right to access emergency health care services when and where the need arises. Health plans should provide payment when a consumer presents to an emergency department with acute symptoms of sufficient severity—including severe pain—such that a 'prudent layperson' could reasonably expect the absence of medical attention to result in placing their health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part." This "prudent layperson" standard is included in the Veterans' Access to Emergency Care Services Act of 1999 and is intended to protect both the veteran and the VA.

To my colleagues who would argue that this expansion of benefits is something which the VA cannot afford, I would say that denying veterans access to care should not be the way to balance our budget. The Budget Resolution includes an additional \$1.7 billion for VA. I call on the appropriators to ensure that this funding makes its way to VA hospitals and clinics across the country.

Truly, approval of the Veterans' Access to Emergency Services Act of 1999 would ensure appropriate access to emergency medical services. Thus, we would be providing our nation's veterans greater continuity of care.

Mr. President, veterans currently have the opportunity to come to VA facilities for their care, but they lack coverage for the one of the most important health care services. I look forward to working with my colleagues on the House and Senate Committees on Veterans' Affairs to make this proposal a reality.

By Mr. GRAHAM (for himself,  
Mr. JEFFORDS, Mr. KOHL, and  
Mrs. HUTCHISON):

S. 1147. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax employers who provide child care assistance for dependents of their employees, and for other purposes; to the Committee on Finance.

WORKSITE CHILD CARE DEVELOPMENT ACT OF  
1999

Mr. GRAHAM. Mr. President, I am extremely proud to introduce the

"Worksite Child Care Development Act of 1999" with Senators HUTCHISON, KOHL, and JEFFORDS. This measure will make child care more accessible and affordable to the many millions of Americans who find it not only important, but necessary, to work.

This legislation would grant tax credits to employers who assist their employees with child care expenses by providing:

A one-time 50 percent tax credit not to exceed \$100,000 for startup expenses, including expansion and renovations of an employer-sponsored child care facility;

A 50 percent tax credit for employers not to exceed \$25,000 annually for the operating costs to maintain a child care facility; and

A 50 percent tax credit yearly not to exceed \$50,000 for this employers who provide payments or reimbursements for their employees' child care costs.

Why is this legislation important?

First, the workplace has changed over the years. In 1947, just over one-quarter of all mothers with children between 6 and 17 years of age were in the labor force. By 1996, their labor force participation rate had tripled.

Indeed, the Bureau of Labor Statistics reports that 65 percent of all women with children under 18 years of age are now working and that the growth in the number of working women will continue into the next century.

Second, child care is one of the most pressing social issues of the day. It impacts every family, including the poor, the working poor, middle class families, and stay-at-home parents.

Last June, I hosted a Florida statewide summit on child care where over 500 residents of my State shared with me their concerns and frustration on child care issues.

They told me that quality child care, when available, is often not affordable.

Those who qualify told me there are often long waiting lists for subsidized child care.

They told me that working parents struggle to find ways to cope with the often conflicting time demands of both work and child care.

They told me that their school-age children are at risk because before and after-school supervised care programs are not readily available.

Mr. President, quality child care should be a concern to all Americans. The care and nurturing that children receive early in life has a profound influence on their future—and their future is our future.

In the 21st century, women will comprise more than 60 percent of all new entrants into the labor market. A large proportion of these women are expected to be mothers of children under the age of 6.

The implications for employers are clear. They understand that our Nation's work force is changing rapidly and that those employers who can help their employees with child care will

have a competitive advantage. In Florida, for instance, Ryder System's Kids' Corner in Miami has enrolled approximately 100 children in a top-notch day care program.

I commend the many corporations in Florida and across the nation that have taken the important step of providing child care for its employees. Many smaller businesses would like to join them, but do not have the resources to offer child care to employees. Our legislation would help to lower the obstacle to on-site child care.

Mr. President, we believe that this legislation will assist businesses in providing attractive, cost-effective tools for recruiting and retaining employees in a tight labor market.

We believe that encouraging businesses to help employees care for children will make it easier for parents to be more involved in their children's education.

Most of all, Mr. President, we believe that this bill is good for employers and families and will go far in addressing the issue of child care for working families of America. I urge all of my colleagues to support this important piece of legislation.

Mr. President, I ask unanimous consent that letters of support from the Chief Executive Officers of the Ryder Corporation and Bright Horizons Corporation be included in the RECORD.

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

BRIGHT HORIZONS,  
FAMILY SOLUTIONS,  
May 6, 1999.

Hon. ROBERT GRAHAM,  
U.S. Senator, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR GRAHAM: Thank you for allowing our company the opportunity to review and comment on the Worksite Child Care Development Center Act of 1999. We strongly support this bill and want to do all that we can to support you as the primary sponsor.

We applaud your strategy of targeting tax credits for small businesses. Your approach makes perfect sense. Experience has shown that employer-supported child care is not as financially feasible for many small businesses. Since the majority of working parents work for small businesses, their needs have not been adequately addressed. We believe that your bill will have far reaching impact by making it possible for a greater number of working parents to benefit from support offered by their employers.

For your consideration, we respectfully submit comments and suggestions, which we think will strengthen the impact of your bill. I welcome the opportunity to share our experience with you and to discuss these or any other ideas you may have, so please feel free to call me.

Thank you for your willingness to champion the cause for more and better child care for today's working families. Our company shares this important mission with you. We look forward to supporting you in your efforts to pass this historic legislation.

All my best,

ROGER H. BROWN,  
President.



RYDER SYSTEM, INC.  
Miami, FL, April 29, 1999.

Hon. BOB GRAHAM,  
U.S. Senate, Hart Building,  
Washington, DC.

DEAR BOB: I am writing to commend you on your introduction of the Worksite Child Care Development Center Act of 1999. The problem of finding high quality, affordable child care is one of the most difficult challenges faced by the modern American workforce. Companies should be encouraged to provide these services on site—as Ryder has done with great success at our Kids' Corner facility—whenever possible. Your bill will provide incentives for other businesses to do just that. We wish you great success with this important legislation.

Sincerely,

TONY.

By Mr. DASCHLE (for himself  
and Mr. KERREY):

S. 1148. A bill to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and for other purposes; to the Committee on Indian Affairs.

YANKTON SIOUX TRIBE AND SANTEE SIOUX TRIBE  
OF NEBRASKA DEVELOPMENT TRUST FUND ACT

Mr. DASCHLE. Mr. President, today I am introducing legislation to compensate the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for losses the tribes suffered when the Fort Randall and Gavins Point dams were constructed on the Missouri River over four decades ago.

As a result of the construction of these dams, more than 3,259 acres of land owned by the Yankton Sioux Tribe was flooded or subsequently lost to erosion. Approximately 600 acres of land located near the Santee village and 400 acres on the Niobrara Island of the Santee Sioux Tribe Indian Reservation also was flooded. The flooding of these fertile lands struck a significant blow at the economies of these tribes, and the tribes have never adequately been compensated for that loss. Passage of this legislation will help compensate the tribes for their losses by providing the resources necessary to rebuild their infrastructure and their economy.

To appreciate fully the need for this legislation, it is important to understand the historic events that preceded its development. The Fort Randall and Gavins Point dams were constructed in South Dakota pursuant to the Flood Control Act (58 Stat. 887) of 1944. That legislation authorized implementation of the Missouri River Basin Pick-Sloan Plan for water development and flood control for downstream states.

The Fort Randall dam, which was an integral part of the Pick-Sloan project, initially flooded 2,851 acres of tribal land, forcing the relocation and resettlement of at least 20 families, including the traditional and self-sustaining community of White Swan, one of the four major settlement areas on the reservation. On other reservations, such as Crow Creek, Lower Brule, Cheyenne River, Standing Rock and Fort

Berthold, communities affected by the Pick-Sloan dams were relocated to higher ground. In contrast, the White Swan community was completely dissolved and its residents dispersed to whatever areas they could settle and start again.

The bill I am introducing today is the latest in a series of laws that have been enacted in the 1990s to address similar claims by other tribes in South Dakota for losses caused by the Pick-Sloan dams. In 1992, Congress granted the Three Affiliated Tribes of Fort Berthold Reservation and the Standing Rock Sioux Tribe compensation for direct damages, including lost reservation infrastructure, relocation and resettlement expenses, the general rehabilitation of the tribes, and for unfulfilled government commitments regarding replacement facilities. In 1996 Congress enacted legislation compensating the Crow Creek tribe for its losses, while in 1997, legislation was enacted to compensate the Lower Brule tribe. The Yankton Sioux Tribe and Santee Sioux Tribe have not yet received fair compensation for their losses. Their time has come.

Mr. President, the flooding caused by the Pick-Sloan projects touched every aspect of life on the Yankton and Santee Sioux reservations, as large portions of their communities were forced to relocate wherever they could find shelter. Never were these effects fully considered when the federal government was acquiring these lands or designing the Pick-Sloan projects.

The Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act represents an important step in our continuing effort to compensate fairly the tribes of the Missouri River Basin for the sacrifices they made decades ago for the construction of the dams. Passage of this legislation not only will right a historic wrong, but in doing so it will improve the lives of Native Americans living on these reservations.

It has taken decades for us to recognize the unfulfilled federal obligation to compensate the tribes for the effects of the dams. We cannot, of course, remake the lost lands that are now covered with water and return them to the tribes. We can, however, help provide the resources necessary to the tribe to improve the infrastructure on their reservations. This, in turn, will enhance opportunities for economic development that will benefit all members of the tribe. Now that we have reached this stage, the importance of passing this legislation as soon as possible cannot be stated too strongly.

I strongly urge my colleagues to approve this legislation this year. Providing compensation to the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska for past harm inflicted by the federal government is long-overdue and any further delay only compounds that harm. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1148

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the "Pick-Sloan program")—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the waters impounded for the Fort Randall and Gavins Point projects of the Pick-Sloan program have inundated the fertile, wooded bottom lands along the Missouri River that constituted the most productive agricultural and pastoral lands of, and the homeland of, the members of the Yankton Sioux Tribe and the Santee Sioux Tribe;

(3) the Fort Randall project (including the Fort Randall Dam and Reservoir)—

(A) overlies the western boundary of the Yankton Sioux Tribe Indian Reservation; and

(B) has caused the erosion of more than 400 acres of prime land on the Yankton Sioux Reservation adjoining the east bank of the Missouri River;

(4) the Gavins Point project (including the Gavins Point Dam and Reservoir) overlies the eastern boundary of the Santee Sioux Tribe;

(5) although the Fort Randall and Gavins Point projects are major components of the Pick-Sloan program, and contribute to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water, the reservations of the Yankton Sioux Tribe and the Santee Sioux Tribe remain undeveloped;

(6) the United States Army Corps of Engineers took the Indian lands used for the Fort Randall and Gavins Point projects by condemnation proceedings;

(7) the Federal Government did not give Yankton Sioux Tribe and the Santee Sioux Tribe an opportunity to receive compensation for direct damages from the Pick-Sloan program, even though the Federal Government gave 5 Indian reservations upstream from the reservations of those Indian tribes such an opportunity;

(8) the Yankton Sioux Tribe and the Santee Sioux Tribe did not receive just compensation for the taking of productive agricultural Indian lands through the condemnation referred to in paragraph (6);

(9) the settlement agreement that the United States entered into with the Yankton Sioux Tribe and the Santee Sioux Tribe to provide compensation for the taking by condemnation referred to in paragraph (6) did not take into account the increase in property values over the years between the date of taking and the date of settlement; and

(10) in addition to the financial compensation provided under the settlement agreements referred to in paragraph (9)—



(A) the Yankton Sioux Tribe should receive an aggregate amount equal to \$34,323,743 for—

(i) the loss value of 2,851.40 acres of Indian land taken for the Fort Randall Dam and Reservoir of the Pick-Sloan program; and

(ii) the use value of 408.40 acres of Indian land on the reservation of that Indian tribe that was lost as a result of stream bank erosion that has occurred since 1953; and

(B) the Santee Sioux Tribe should receive an aggregate amount equal to \$8,132,838 for the loss value of—

(i) 593.10 acres of Indian land located near the Santee village; and

(ii) 414.12 acres on Niobrara Island of the Santee Sioux Tribe Indian Reservation used for the Gavins Point Dam and Reservoir.

### SEC. 3. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) PROGRAM.—The term “Program” means the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(3) SANTEE SIOUX TRIBE.—The term “Santee Sioux Tribe” means the Santee Sioux Tribe of Nebraska.

### SEC. 4. YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Yankton Sioux Tribe Development Trust Fund” (referred to in this section as the “Fund”). The Fund shall consist of any amounts deposited in the Fund under this Act.

(b) FUNDING.—Out of any money in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit \$34,323,743 into the Fund not later than 60 days after the date of enactment of this Act.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO YANKTON SIOUX TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning at the end of the first fiscal year in which interest is deposited into the Fund, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO YANKTON SIOUX TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Yankton Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Yankton Sioux Tribe has adopted a tribal plan under section 6.

(C) USE OF PAYMENTS BY YANKTON SIOUX TRIBE.—The Yankton Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 6.

(D) PLEDGE OF FUTURE PAYMENTS.—

(i) IN GENERAL.—Subject to clause (ii), the Yankton Sioux Tribe may enter into an

agreement under which that Indian tribe pledges future payments under this paragraph as security for a loan or other financial transaction.

(ii) LIMITATIONS.—The Yankton Sioux Tribe—

(I) may enter into an agreement under clause (i) only in connection with the purchase of land or other capital assets; and

(II) may not pledge, for any year under an agreement referred to in clause (i), an amount greater than 40 percent of any payment under this paragraph for that year.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

### SEC. 5. SANTEE SIOUX TRIBE OF NEBRASKA DEVELOPMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Santee Sioux Tribe of Nebraska Development Trust Fund” (referred to in this section as the “Fund”). The Fund shall consist of any amounts deposited in the Fund under this Act.

(b) FUNDING.—Out of any money in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit \$8,132,838 into the Fund not later than 60 days after the date of enactment of this Act.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO SANTEE SIOUX TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning at the end of the first fiscal year in which interest is deposited into the Fund, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO SANTEE SIOUX TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Santee Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Santee Sioux Tribe has adopted a tribal plan under section 6.

(C) USE OF PAYMENTS BY SANTEE SIOUX TRIBE.—The Santee Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 6.

(D) PLEDGE OF FUTURE PAYMENTS.—

(i) IN GENERAL.—Subject to clause (ii), the Santee Sioux Tribe may enter into an agreement under which that Indian tribe pledges future payments under this paragraph as security for a loan or other financial transaction.

(ii) LIMITATIONS.—The Santee Sioux Tribe—

(I) may enter into an agreement under clause (i) only in connection with the purchase of land or other capital assets; and

(II) may not pledge, for any year under an agreement referred to in clause (i), an amount greater than 40 percent of any payment under this paragraph for that year.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer

or withdraw any amount deposited under subsection (b).

### SEC. 6. TRIBAL PLANS.

(a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the tribal council of each of the Yankton Sioux and Santee Sioux Tribes shall prepare a plan for the use of the payments to the tribe under section 4(d) or 5(d) (referred to in this subsection as a “tribal plan”).

(b) CONTENTS OF TRIBAL PLAN.—Each tribal plan shall provide for the manner in which the tribe covered under the tribal plan shall expend payments to the tribe under subsection (d) to promote—

(1) economic development;

(2) infrastructure development;

(3) the educational, health, recreational, and social welfare objectives of the tribe and its members; or

(4) any combination of the activities described in paragraphs (1), (2), and (3).

(c) TRIBAL PLAN REVIEW AND REVISION.—

(1) IN GENERAL.—Each tribal council referred to in subsection (a) shall make available for review and comment by the members of the tribe a copy of the tribal plan for the Indian tribe before the tribal plan becomes final, in accordance with procedures established by the tribal council.

(2) UPDATING OF TRIBAL PLAN.—Each tribal council referred to in subsection (a) may, on an annual basis, revise the tribal plan prepared by that tribal council to update the tribal plan. In revising the tribal plan under this paragraph, the tribal council shall provide the members of the tribe opportunity to review and comment on any proposed revision to the tribal plan.

### SEC. 7. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

(a) IN GENERAL.—No payment made to the Yankton Sioux Tribe or Santee Sioux Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Yankton Sioux Tribe or Santee Sioux Tribe is otherwise entitled because of the status of the tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of a tribe under paragraph (1) is entitled because of the status of the individual as a member of the tribe.

(b) EXEMPTIONS FROM TAXATION.—No payment made pursuant to this Act shall be subject to any Federal or State income tax.

(c) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.

### SEC. 8. STATUTORY CONSTRUCTION.

Nothing in this Act may be construed as diminishing or affecting any water right of an Indian tribe, except as specifically provided in another provision of this Act, any treaty right that is in effect on the date of enactment of this Act, any authority of the Secretary of the Interior or the head of any other Federal agency under a law in effect on the date of enactment of this Act.

### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including such sums as may be necessary for the administration of the Yankton Sioux Tribe Development Trust Fund under section 4 and the Santee Sioux Tribe of Nebraska Development Trust Fund under section 5.

Mr. KERREY. Mr. President, today, I join with my colleagues to introduce the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska Development Trust Fund Act. This legislation will provide compensation to the Yankton and Santee Sioux Tribes for

damages incurred by the development of the Pick-Sloan Missouri River Basin program.

As a result of the construction of Pick-Sloan development projects on tribally-held land adjacent to the Missouri river, Tribes were subjected to forced land takings, involuntary resettlement of families, and the loss of irreplaceable reservation resources.

The Santee Sioux Tribe of Nebraska lost approximately 600 acres of Indian land located near the Santee village and an additional 400 acres on the Nebraska Island of the Santee Sioux Tribe Indian Reservation.

Congress provided compensation to other Native American Tribes for losses caused by the Pick-Sloan projects. However, the Yankton and the Santee Sioux Tribes were not provided opportunities to receive compensation by Congress. Instead, they received settlements for the appraised value of their property through condemnation proceedings in U.S. District Court. But these Tribes did not receive rehabilitation compensation. As a result, the Yankton and Santee Sioux Tribes are entitled to this additional compensation.

This legislation seeks to utilize revenues from the sale of hydropower generated by the Pick-Sloan dams to redress tribal claims for land takings. Congress has endorsed this approach on three separate occasions by enacting legislation which established compensation for several other Tribes adversely impacted by the Pick-Sloan projects.

We propose to establish trust funds for the Yankton and Santee Sioux Tribes from a portion of the revenues of hydropower sales made by the Western Areas Power Administration. More specifically, the Santee Sioux Tribe of Nebraska would receive a yearly payment of interest earned on the principal in the trust fund. Our legislation encourages the Santee Sioux Tribe to craft an economic development plan for use of the interest income. This self-governance approach will enable the Santee Sioux Tribe to continue to address improving the quality of life of its tribal members.

This legislation values the importance of redressing tribal claims and self-governance for Nebraska Native American Tribes. It will enable the Santee Sioux Tribe of Nebraska to address past grievances and look forward to investing in its future.

By Mr. LAUTENBERG:

S. 1149. A bill to amend the Safe Drinking Water Act to increase consumer confidence in safe drinking water and source water assessments, and for other purposes; to the Committee on Environment and Public Works.

THE DRINKING WATER RIGHT-TO-KNOW ACT OF 1999

Mr. LAUTENBERG. Mr. President, I am introducing today the Drinking Water Right-To-Know Act of 1999. This

legislation is designed to give the public the Right to Know about contaminants in their drinking water that are unregulated, but still may present a threat to their health.

Mr. President, when we passed the Safe Drinking Water Act Amendments of 1996, I praised the bill because I believed it would enhance both the quality of our drinking water and America's confidence in its safety. While the bill did not require that states perform every measure necessary to protect public health, it provided tremendous flexibility and discretion to allow the states to do so.

I was especially hopeful that in my state—the most densely-populated state in the country, a state with an unfortunate legacy of industrial pollution, a state in which newspaper articles describing threats to drinking water seem to appear every few days—that our state agencies would exercise their discretion to be more protective of public health than the minimum required under our 1996 bill.

Mr. President, I am sad to say I have been disappointed. I am sad to say that in my state, and probably in some of my colleagues' as well, the state agency has clung too closely to the bare minimum requirements. A good example of this is in the "Source Water Assessment Plan," proposed by the state of New Jersey last November, as required by the 1996 law.

Under the law, the state is required to perform Source Water Assessments to identify geographic areas that are sources of public drinking water, assess the water systems' susceptibility to contamination, and inform the public of the results. The state's Source Water Assessment Plan describes the program for carrying out the assessments.

An aggressive Source Water Assessment program is essential if a state is going to achieve the goals we had for the 1996 Safe Drinking Water Act. Source Water Assessment is the keystone of the program by which the state will prevent—not just remediate and treat, but prevent—contamination of our drinking water resources. Source Water Assessment also underpins what I believe will be the most far-reaching provisions of the law—those giving the public the Right to Know about potential threats to its drinking water.

Mr. Chairman, there are serious deficiencies in my state's proposed Source Water Assessment Plan. These are deficiencies that I fear may characterize other states' plans as well.

First, under the proposed plan, the state will not identify and evaluate the threat presented by contaminants unless they are among the 80 or so specifically regulated under the Safe Drinking Water Act. Under its proposed plan, the state might ignore even contaminants known to be leaching into drinking water from toxic waste sites. For example, the chemical being studied as a possible cause of childhood cancer at Toms River, New Jersey would not be

evaluated under the state's plan. Radium 224, recently discovered in drinking water across my state, might not be evaluated under the state's plan until specifically regulated. With gaps like that in our information, what do I tell the families when they want to know what is in their drinking water?

In addition, under its proposed plan, the state would not consult the public in identifying and evaluating threats to drinking water. This exclusion would almost certainly result in exclusion of the detailed information known to the watershed groups and other community groups which exist across New Jersey and across the country. Also, the state's plan to disclose the assessments are vague and imply that only summary data would be made available to the public. The public must have complete and easy access to assessments for the Right to Know component of the drinking water program to be effective.

The Drinking Water Right-To-Know Act of 1999 will address these deficiencies by amending the Safe Drinking Water Act to improve Source Water Assessments and Consumer Confidence Reports. First, under my bill, when the state performs Source Water Assessments, it will assess the threat posed, not just by regulated contaminants, but by certain unregulated contaminants believed by EPA and U.S. Geological Survey to cause health problems, and contaminants known to be released from local pollution sites, such as Superfund sites, other waste sites, and factories. The bill will also require the state to identify potential contamination of groundwater, even outside the immediate area of the well, perform the assessments with full involvement from the public, and update the assessments every five years.

Second, the Drinking Water Right-To-Know Act of 1999 will make several improvements to the "Consumer Confidence Reports" required under the 1996 law to notify the public of water contamination. The bill will require monitoring and public notification, not only of regulated contaminants, but of significant unregulated contaminants identified through the Source Water Assessments, and of sources of contamination. The bill will not require local water purveyors to monitor for every conceivable contaminant—only those identified by the state as posing a threat and having been released by a potentially significant source. In addition, the bill will require notification of new or sharply-increased contamination within 30 days. The bill will also require reporting not just to "customers," but to "consumers," such as apartment-dwellers, who do not receive water company bills. Finally, the bill will require that consumers be provided information on how they can protect themselves from contamination in their drinking water.

Third, the bill will require that testing for the presence of radium 224 take place within 48 hours of sampling the

drinking water, so that public water supplies can have an accurate assessment of this rapidly-decaying radioactive contaminant.

Mr. President, the public has the Right-to-Know about the full range of contaminants they might find in their tap water. The Drinking Water Right-To-Know Act of 1999 will guarantee them that right. I urge my colleagues to co-sponsor this legislation.

Thank you, Mr. President. I ask unanimous consent that the text of the bill be printed into the RECORD.

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

S. 1149

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

#### SECTION. 1. SHORT TITLE.

This Act may be cited as the "Drinking Water Right-to-Know Act of 1999".

#### SEC. 2. RADIUM 224 IN DRINKING WATER.

Section 1412(b)(13) of the Safe Drinking Water Act (42 U.S.C. 300g-1(b)(13)) is amended by adding at the end the following:

"(H) RADIUM 224 IN DRINKING WATER.—A national primary drinking water regulation for radionuclides promulgated under this paragraph shall require testing drinking water for the presence of radium 224 not later than 48 hours after taking a sample of the drinking water."

#### SEC. 3. CONSUMER CONFIDENCE REPORTS BY COMMUNITY WATER SYSTEMS.

Section 1414(c)(4) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "The Administrator" and inserting the following:

"(i) IN GENERAL.—The Administrator";

(B) in the first sentence—

(i) by striking "customer of" and inserting "consumer of the drinking water provided by"; and

(ii) by inserting before the period at the end the following: "that includes a report on the level of each contaminant that—

"(I) may be difficult to detect in finished water; and

"(II) may be present at levels that present a public health concern in finished water;"

(C) in the second sentence, by striking "Such regulations shall provide" and inserting the following:

"(ii) REGULATIONS.—The regulations shall—

"(I) provide";

(D) by striking "contaminant. The regulations shall also include" and inserting "contaminant;

"(II) include";

(E) by striking "water. The regulations shall also provide" and inserting "water;

"(III) provide";

(F) by striking the period at the end of the subparagraph and inserting "; and"; and

(G) by adding at the end the following:

"(IV) direct public water systems to mail consumer confidence reports to residential consumers and mail consumer confidence reports suitable for posting to customers providing water to non-residential consumers, in addition to other methods provided for by the regulations.";

(2) in subparagraph (B), by inserting after clause (vi) the following:

"(vii) The requirement that each community water system shall report to consumers of drinking water supplied by that community water system—

"(I) any detection of a contaminant described in section 1453(a)(2)(D);

"(II) any known or potential health effects of each contaminant detected in the drinking water, to the maximum level of specificity practicable, including known or potential health effects of each contaminant on children, pregnant women, and other vulnerable subpopulations, as determined by the Administrator;

"(III) known or suspected sources of contaminants detected in the drinking water identified by name and location; and

"(IV) information on any health advisory issued for the contaminant, including actions that consumers can take to protect themselves from contamination in the drinking water supplied by the community water system.";

(3) in subparagraph (C)—

(A) in clause (i), by striking "its customers" and inserting "consumers of drinking water provided by the system"; and

(B) in clause (iii), by striking "customers of" and inserting "consumers of its drinking water";

(4) in clause (ii) of the second sentence of subparagraph (D), by striking "of its customers" and inserting "consumer of its drinking water"; and

(5) by adding at the end the following:

"(F) NOTICE OF NEWLY DETECTED CONTAMINATION WITH POTENTIAL TO HAVE ADVERSE HEALTH EFFECTS.—The procedures under subparagraph (D) shall specify that a public water system shall provide written notice to each consumer by mail or direct delivery—

"(i) as soon as practicable, but not later than 30 days after the date of discovery of new contamination or a significant increase in contamination (as compared to the level of contamination reported in any previous consumer confidence report) by a regulated contaminant that is above the maximum contaminant level goal for that contaminant; or

"(ii) as soon as practicable, but not later than 30 days after the date of the discovery of new contamination or the detection of a significant increase in contamination (as compared to the level of contamination reported in any previous consumer confidence report) by an unregulated contaminant.

"(G) DEFINITION OF CONSUMER.—In this paragraph, the term 'consumer' includes—

"(i) a customer of a public water system; and

"(ii) the ultimate consumer of the drinking water.".

#### SEC. 4. SOURCE WATER ASSESSMENTS.

(a) IN GENERAL.—Section 1453(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-13(a)(2)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(C) assess the susceptibility of each public water system in the delineated areas to any contaminant that—

"(i) is subject to a national primary drinking water regulation promulgated under section 1412;

"(ii) is included on a list of unregulated contaminants that is published under section 1412(b)(1)(B);

"(iii) is the subject of a health advisory that has been published by the Administrator;

"(iv) is monitored under the source water assessment program established under this subsection;

"(v) is known or suspected to be from a pollution source, including—

"(I) a nonpoint source;

"(II) a facility subject to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

"(III) a factory or other operating facility that generates, treats, stores, disposes of, or releases a material regulated or reported under—

"(aa) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(bb) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(cc) the Clean Air Act (42 U.S.C. 7401 et seq.); or

"(dd) section 313 of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11023); or

"(vi) is monitored by the United States Geological Survey under the National Water Quality Assessment program;

"(D) identify each contaminant described in subparagraph (C) that the State determines presents a threat to public health;

"(E) for each assessment under subparagraph (C), require monitoring for contaminants described in subparagraph (C) if the State determines that a contaminant may have been released by a potentially significant source;

"(F) identify, with the maximum specificity practicable, known or suspected sources of pollution that may threaten public health;

"(G) apply to wellheads, groundwater recharge areas, watersheds, and other assessment areas determined to be appropriate by the Administrator; and

"(H) be developed, updated, and implemented in cooperation with members of the general public that are served by each source water assessment area included in the program."

(b) PUBLIC AVAILABILITY.—Section 1453(a)(7) of the Safe Drinking Water Act (42 U.S.C. 300j-13(a)(7)) is amended by inserting "and all documentation related to the assessments" after "assessments".

(c) PLANS.—Section 1453(a) of the Safe Drinking Water Act (42 U.S.C. 300j-13(a)) is amended by adding at the end the following:

"(8) PLANS.—

"(A) INITIAL PLAN.—Not later than 1 year after the date of enactment of this paragraph, the State shall submit to the Administrator the plan of the State for carrying out this subsection.

"(B) UPDATES.—Not later than 5 years after the date of the initial submission of the plan and every 5 years thereafter, the State shall update, and submit to the Administrator, the plan of the State for carrying out this subsection."

By Mr. HATCH (for himself, Mr. BAUCUS, Mrs. FEINSTEIN, Mr. KYL, Mr. ROBB, and Mr. Bingaman):

S. 1150. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Finance.

THE SEMICONDUCTOR EQUIPMENT INVESTMENT ACT OF 1999

Mr. HATCH. Mr. President, I rise today to introduce the Semiconductor Investment Act of 1999. I am joined by Senators BAUCUS, FEINSTEIN, KYL, ROBB, and BINGAMIN. This bill is designed to help the American semiconductor industry compete globally by shortening the depreciable life of semiconductor manufacturing equipment from 5 years to 3.

The U.S. semiconductor industry employs more than 275,000 Americans,

sells over \$67 billion of products annually, and currently controls 55 percent of the \$122 billion world market. Its products form the foundation of practically every electronic device used today. Growth in this industry translates directly into new employment opportunities for American workers and to economic growth for the nation as a whole.

The American semiconductor industry is a success story because it has invested heavily in the most productive, cutting-edge technology available, and currently spends 14% of its revenues on research and development and 19% on capital investment. Unfortunately, Mr. President, our semiconductor industry is threatened.

While the equipment used to manufacture semiconductors has a useful life of only about 3 years, current tax depreciation rules require that cost of the equipment be written off over a full 5 years. The Semiconductor Investment Act would correct this flaw, Mr. President, by allowing equipment used in the manufacture of semiconductors to be depreciated over a more appropriate 3-year period. Given the massive level of investment in the semiconductor industry, accurate depreciation is critical to industry success.

The key reason for this 3-year depreciation period is that the equipment used to make semiconductors grows technologically obsolete more quickly than other manufacturing equipment. Research indicates that semiconductor manufacturing equipment almost completely loses its ability to produce sellable products after less than 3 years. Today's 5-year period simply doesn't reflect reality. A quicker write-off period would help semiconductor manufacturers finance the large investment in equipment they need for the next generation of products.

The National Advisory Committee on Semiconductors reinforced this conclusion. Congress founded the committee in 1988, and it consisted of Presidential appointees from both the public and private sectors. In 1992, the committee recommended a 3-year schedule would increase the industry's annual capital investment rate by a full 11 percent.

By comparison, Japan, Taiwan, and Korea employ much more generous depreciation schedules for similar equipment, and all three nations provide stiff competition for America's semiconductor manufacturers. For example, under Japanese law, a company can depreciate up to 88 percent of its semiconductor equipment cost in the first year, while United States law permits a mere 20-percent depreciation over the same period. When multinational semiconductor firms are deciding where to invest, a depreciation gap this large can be decisive.

This legislation will help ensure that America's semiconductor industry retains its hard-earned preeminence, a preeminence that yields abundant opportunities for high-wage, high-skill employment. Mr. President, my home

State of Utah, provides an outstanding example of the industry's job-creating capacity. Thousands of Utahns earn their living in the State's flourishing semiconductor industry. Firms such as Micron Technology, National Semiconductor, Intel, and Varian have reinforced Utah's strong position in high-technology industries. With the fair tax treatment this bill brings, all Utahns can look forward to a more secure and prosperous future.

Mr. President, the Semiconductor Investment Act of 1999 will help level the playing field between U.S. and foreign semiconductor manufacturers, and provides fair tax treatment to an industry that is one of the Nation's greatest success stories of recent years. I hope that my fellow Senators will join me in supporting this legislation. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1150

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Semiconductor Equipment Investment Act of 1999".

**SEC. 2. 3-YEAR DEPRECIABLE LIFE FOR SEMICONDUCTOR MANUFACTURING EQUIPMENT.**

(a) IN GENERAL.—Subparagraph (A) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) any semiconductor manufacturing equipment."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 168(e)(3) of such Code is amended—

(A) by striking clause (ii),

(B) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively, and

(C) by striking "clause (vi)(I)" in the last sentence and inserting "clause (v)(I)".

(2) Subparagraph (B) of section 168(g)(3) of such Code is amended by striking the items relating to subparagraph (B)(ii) and subparagraph (B)(iii) and inserting the following:

"(A)(iv) .....	3
"(B)(ii) .....	9.5"

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to equipment placed in service after the date of the enactment of this Act.

By Mr. THOMPSON (for himself,  
Mr. LIEBERMAN, Mr. WARNER,  
and Mr. LEVIN):

S. 1151. A bill to amend the Office of Federal Procurement Policy Act to streamline the application of cost accounting standards; to the Committee on Governmental Affairs.

COST ACCOUNTING STANDARDS AMENDMENTS OF  
1999

Mr. THOMPSON Mr. President, I rise today to introduce a bill on behalf of myself as chairman of the Governmental Affairs Committee and Senator LIEBERMAN, the Committee's ranking minority member, and Senators WAR-

NER and LEVIN, the chairman and ranking minority member of the Armed Services Committee. This legislation will benefit the procurement process in all agencies across the Federal government.

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

Since the early 1900's, the Federal government has required certain unique accounting standards or criteria designed to protect it from the risk of overpaying for goods and services by directing the manner or degree to which Federal contractors apportion costs to their contracts with the government. The Cost Accounting Standards (CAS standards) are a set of 19 accounting principles developed and maintained by the Cost Accounting Standards (CAS) Board, a body created by Congress to develop uniform and consistent standards. The CAS standards require government contractors to account for their costs on a consistent basis and prohibit any shifting of overhead or other costs from commercial contracts to government contracts, or from fixed-priced contracts to cost-type contracts.

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

This bill carefully balances the government's need for greater access to commercial items, particularly those of nontraditional suppliers, with the need for a strong set of CAS standards to protect the taxpayers from overpayments to contractors. The bill would

modify the CAS standards to streamline their applicability, while maintaining the applicability of the standards to the vast majority of contract dollars that are currently covered. In particular, the bill would raise the threshold for coverage under the CAS standards from \$25 million to \$50 million; exempt contractors from coverage if they do not have a contract in excess of \$5 million; and exclude coverage based on firm, fixed price contracts awarded on the basis of adequate price competition without the submission of certified cost or pricing data.

The bill also would provide for waivers of the CAS standards by Federal agencies in limited circumstances. This would allow contracting agencies to handle this contract administration function, in limited circumstances, as part of their traditional role in administering contracts. Our intent is that waivers would be available for contracts in excess of \$10 million only in "exceptional circumstances." The "exceptional circumstances" waiver may be used only when a waiver is necessary to meet the needs of an agency, and i.e., the agency determines that it would not be able to obtain the products or services in the absence of a waiver.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1151

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

#### SECTION 1.SHORT TITLE.

This Act may be cited as the "Cost Accounting Standards Amendments of 1999".

#### SEC. 2. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

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

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

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

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

"(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

"(i) Contracts or subcontracts for the acquisition of commercial items.

"(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

"(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

"(iv) Contracts or subcontracts with a value that is less than \$5,000,000."

(b) WAIVER.—Such section is further amended by adding at the end the following:

"(5)(A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value less than \$10,000,000 if that official determines in writing that—

"(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

"(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

"(B) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

"(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below the senior policymaking level in the executive agency.

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

"(i) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

"(ii) The specific circumstances under which such a waiver may be granted.

"(E) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis."

(c) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by this section shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A-21, as in effect on January 1, 1999; or

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

#### SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

By Ms. SNOWE:

S. 1152. A bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees; to the Committee on Governmental Affairs.

#### OSTEOPOROSIS FEDERAL EMPLOYEE HEALTH BENEFITS STANDARDIZATION ACT

• Ms. SNOWE. Mr. President, I rise today to reintroduce legislation that will standardize coverage for bone mass measurement for people at risk for osteoporosis under the Federal Employee Health Benefits Program. This legislation is similar to my bill which was enacted as part of the Balanced Budget Act to standardize coverage of bone mass measurement under Medicare. The bill I reintroduce today guarantees the same uniformity of coverage to Federal employees and retirees as Congress provided to Medicare beneficiaries two years ago.

Osteoporosis is a major public health problem affecting 28 million Americans, who either have the disease or are at risk due to low bone mass; 80 percent of its victims are women. This devastating disease causes 1.5 million fractures annually at a cost of \$13.8 billion—\$38 million per day—in direct medical expenses. In their lifetime, one in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. Amazingly, a woman's risk of a hip fracture is equal to her combined risk of contracting breast, uterine, and ovarian cancer.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass were detected early and treated. Though we now have drugs that promise to reduce fractures by 50 percent and new drugs have been proven to actually rebuild bone mass, a bone mass measurement is the only way to diagnose osteoporosis and determine one's risk for future fractures. And we have learned that there are some prominent risk factors: age, gender, race, a family history of bone fractures, early menopause, risky health behaviors such as smoking and excessive alcohol consumption, and some medications all have been identified as contributing factors to bone loss. But identification of risk factors alone cannot predict how much bone a person has and how strong bone is—experts estimate that without bone density tests, up to 40 percent of women with low bone mass could be missed.

Unfortunately, coverage of bone density tests under the Federal Employee Health Benefit Program (FEHBP) is inconsistent. Instead of a comprehensive national coverage policy, FEHBP leaves it to each of the nearly 500 participating plans to decide who is eligible to receive a bone mass measurement and what constitutes medical necessity. Many plans have no specific rules to guide reimbursement and cover the tests on a case-by-case basis. Some plans refuse to provide consumers with information indicating when the plan covers the test and when it does not and some plans cover the test only for people who already have osteoporosis.

Mr. President, we owe the people who serve our Government more than that. We know that osteoporosis is highly preventable, but only if it is discovered in time. There is simply no substitute for early detection. My legislation standardizes coverage for bone mass measurement under the FEHBP and I urge my colleagues to support this legislation. •

By Mr. HARKIN (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. BAUCUS, Mr. CONRAD, Mr. WELLSTONE, Mr. JOHNSON, Mr. WYDEN, Mr. REID, Mr. KERRY, Mr. ROCKEFELLER, and Mrs. MURRAY):

S. 1153. A bill to establish the Office of Rural Advocacy in the Federal Communications Commission, and for other

purposes; to the Committee on Commerce, Science, and Transportation.

RURAL TELECOMMUNICATIONS IMPROVEMENT  
ACT OF 1999

Mr. HARKIN. Mr. President, today I am introducing important legislation to assist rural America, the Rural Telecommunications Improvement Act of 1999. I am pleased to be joined in this effort by our distinguished Democratic leader, Senator DASCHLE, as well as Senators DORGAN, BAUCUS, CONRAD, WELLSTONE, JOHNSON, WYDEN, REID, KERREY, ROCKEFELLER and MURRAY. I would like to thank each of them for joining me in this effort to promote the interests of rural America within the Federal Communications Commission (FCC).

Our legislation will establish an Office of Rural Advocacy within the FCC to promote access to advanced telecommunications in rural areas. The Rural Advocate will be responsible for focusing the Commission's attention on the importance of rural areas to the future of American prosperity, as well as on ensuring that Universal Service provisions mandated by the Communications Act and the Telecommunications Act are being met and implemented.

Our proposal is modeled on the Small Business Administration's Office of Advocacy, which has been very successful in promoting the interests of small business within the U.S. government.

Under our bill, the Office of Rural Advocacy will have 9 chief responsibilities:

To promote access to advanced telecommunications service for populations in the rural United States;

To develop proposals to better fulfill the commitment of the Federal Government to universal service and access to advanced telecommunications services in rural areas;

To assess the effectiveness of existing Federal programs for providers of telecommunications services in rural areas;

To measure the costs and other effects of Federal regulations on telecommunication carriers in rural areas;

To determine the effect of Federal tax laws on providers of telecommunications services in rural areas;

To serve as a focal point for the receipt of complaints, criticisms and suggestions concerning policies and activities of any department or agency of the Federal Government which affect the receipt of telecommunications services in rural areas;

To counsel providers of telecommunications services in rural areas;

To represent the views and interests of rural populations and providers of telecommunications services in rural areas; and

To enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in providing information about the telecommunications programs and services of the Federal Government which benefit rural areas and telecommunications companies.

Mr. President, such an office within the FCC is needed for one very important reason, no bureau or Commissioner at the FCC has as an institutional role with the responsibility to promote the interests of rural telecommunications. The FCC has a great number of issues to consider due to the ever changing role of communications.

Our legislation will ensure the FCC has the resources necessary to focus the Commission's attention on rural issues and will help establish an agenda at the FCC to address rural America's telecommunications needs, something the Commission has not done in the recent past. For example, the FCC's report on Advanced Telecommunications Services stated "deployment of advanced telecommunications generally appear, at present, reasonable and timely." I can tell you Mr. President, this is not the case in Iowa where, according to the Iowa Utilities Board (IUB), approximately 8% of our exchanges have no access to the Internet. Additionally, access in many rural areas is of low speed and poor quality. This doesn't even include access to broadband, or high-speed Internet access, which is not available in numerous rural areas and small towns in Iowa and across the country.

Other examples of the FCC's lack of focus on rural issues include a failure to understand how rural telephone cooperatives interact with their members, such as preventing rural telephone cooperatives from calling members to check on long distance preference changes, and an FCC definition that establishes a 3000 hertz level of basic voice grade service, when such a low level prevents Internet access on longer loops in rural areas.

In order to effectively influence policy on rural telecommunications, this legislation gives the Rural Advocate the rank of a bureau chief within the FCC. The Rural Advocate will also have the authority to file comments or reports on any matter before the Federal Government affecting rural telecommunications without having to clear the testimony with the OMB or the FCC. Additionally, the Rural Advocate can file reports with the Administration, Congress and the FCC to recommend legislation or changes in policy. Finally, the Rural Advocate will be appointed directly by the President and confirmed by the Senate.

Mr. President, in short, this legislation would allow rural America to enter the fast lane of the Information Superhighway. Again, thank you to my colleagues who have joined me in sponsoring this proposal. I urge all Senators to consider joining us in moving this initiative forward.

I ask unanimous consent that a copy of our proposal be printed in the RECORD.

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

S. 1153

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Rural Telecommunications Improvement Act of 1999".

**SEC. 2. ESTABLISHMENT OF OFFICE OF RURAL ADVOCACY IN THE FEDERAL COMMUNICATIONS COMMISSION.**

(a) ESTABLISHMENT.—Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

**"SEC. 12. OFFICE OF RURAL ADVOCACY.**

"(a) ESTABLISHMENT.—There shall be in the Commission an office to be known as the 'Office of Rural Advocacy'. The office shall not be a bureau of the Commission.

"(b) HEAD OF OFFICE.—(1) The Office shall be headed by the Rural Advocate of the Federal Communications Commission. The Rural Advocate shall be appointed by the President, by and with the advice and consent of the Senate, from among citizens of the United States.

"(2) The Rural Advocate shall have a status and rank in the Commission commensurate with the status and rank in the Commission of the heads of the bureaus of the Commission.

"(c) RESPONSIBILITIES OF OFFICE.—The responsibilities of the Office are as follows:

"(1) To promote access to advanced telecommunications service for populations in the rural United States.

"(2) To develop proposals for the modification of policies and activities of the departments and agencies of the Federal Government in order to better fulfill the commitment of the Federal Government to universal service and access to advanced telecommunications services in rural areas, and submit such proposals to the departments and agencies.

"(3) To assess the effectiveness of existing Federal programs for providers of telecommunications services in rural areas, and make recommendations for legislative and non-legislative actions to improve such programs.

"(4) To measure the costs and other effects of Federal regulations on the capability of telecommunication carriers in rural areas to provide adequate telecommunications services (including advanced telecommunications and information services) in such areas, and make recommendations for legislative and non-legislative actions to modify such regulations so as to minimize the interference of such regulations with that capability.

"(5) To determine the effect of Federal tax laws on providers of telecommunications services in rural areas, and make recommendations for legislative and non-legislative actions to modify Federal tax laws so as to enhance the availability of telecommunications services in rural areas.

"(6) To serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning policies and activities of any department or agency of the Federal Government which affect the receipt of telecommunications services in rural areas.

"(7) To counsel providers of telecommunications services in rural areas on the effective resolution of questions and problems in the relationships between such providers and the Federal Government.

"(8) To represent the views and interests of rural populations and providers of telecommunications services in rural areas before any department or agency of the Federal Government whose policies and activities affect the receipt of telecommunications services in rural areas.



"(9) To enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the telecommunications programs and services of the Federal Government which benefit rural populations and providers of telecommunications services in rural areas.

"(d) STAFF AND POWERS OF OFFICE.—

"(1) STAFF.—

"(A) IN GENERAL.—For purposes of carrying out the responsibilities of the Office under this section, the Rural Advocate may employ and fix the compensation of such personnel for the Office as the Rural Advocate considers appropriate.

"(B) PAY.—

"(i) IN GENERAL.—The employment and compensation of personnel under this paragraph may be made without regard to the provisions of title 5, United States Code, governing appointments in the civil service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the classification of positions and General Schedule pay rates.

"(ii) MAXIMUM RATE OF PAY.—The rate of pay of personnel employed under this paragraph may not exceed the rate payable for GS-15 of the General Schedule.

"(C) LIMITATION.—The total number of personnel employed under this paragraph may not exceed 14.

"(2) TEMPORARY AND INTERMITTENT SERVICES.—The Rural Advocate may procure temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code, for purposes of the activities of the Office under this section.

"(3) CONSULTATION WITH EXPERTS.—The Rural Advocate may consult with individuals and entities possessing such expertise as the Rural Advocate considers appropriate for purposes of the activities of the Office under this section.

"(4) HEARING.—The Rural Advocate may hold hearings and sit and act as such times and places as the Rural Advocate considers appropriate for purposes of the activities of the Office under this section.

"(e) ASSISTANCE OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.—

"(1) IN GENERAL.—Any department or agency of the Federal Government may, upon the request of the Rural Advocate, provide the Office with such information or other assistance as the Rural Advocate considers appropriate for purposes of the activities of the Office under this section.

"(2) REIMBURSEMENT.—Assistance may be provided the Office under this subsection on a reimbursable basis.

"(f) REPORTS.—

"(1) ANNUAL REPORT.—The Rural Advocate shall submit to Congress, the President, and the Commission on an annual basis a report on the activities of the Office under this section during the preceding year. The report may include any recommendations for legislative or other action that the Rural Advocate considers appropriate.

"(2) OTHER REPORTS.—The Rural Advocate may submit to Congress, the President, the Commission, or any other department or agency of the Federal Government at any time a report containing comments on a matter within the responsibilities of the Office under this section.

"(3) DIRECT SUBMITTAL.—The Rural Advocate may not be required to submit any report under this subsection to any department or agency of the Federal Government (including the Office of Management and Budget or the Commission) before its submittal under a provision of this subsection."

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Rural Advocate, Federal Communications Commission."

(c) REPORT ON INITIAL ACTIVITIES.—Not later than 180 days after the date of the appointment of the Rural Advocate of the Federal Communications Commission, the Rural Advocate shall submit to Congress a report on the actions taken by the Rural Advocate to commence carrying out the responsibilities of the Office of Rural Advocacy of the Federal Communications Commission under section 12 of the Communications Act of 1934, as added by subsection (a).

By Mr. VOINOVICH (for himself,  
Mr. GRAHAM, Mr. BAYH, and Mr.  
COCHRAN):

S. 1154. A bill to enable States to use Federal funds more effectively on behalf of young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PRENATAL, INFANT AND CHILD DEVELOPMENT  
ACT OF 1999

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation with several of my Senate colleagues that will address the physical, cognitive and social development of an often-overlooked segment of our nation's population—children from prenatal to three years old.

Our bill, the "Prenatal, Infant and Child Development Act of 1999," will give states the necessary tools to help children cultivate the basic learning patterns and abilities that they will use throughout their lives. We need to do all that we can to create healthy, early childhood development systems across the country, and Senator GRAHAM and I believe it is within the most important years of a child's life—prenatal to three—that the most beneficial influence can be provided by parents, grandparents and caregivers.

Every field of endeavor has peak moments of discovery, when past knowledge converges with new information, new insights and new technologies to produce startling opportunities for advancement. For the healthy development of young children—we are faced with one such moment. Today, thanks to decades of research on brain chemistry and sophisticated new technologies, neuroscientists have the data that tells us the experiences that fill a baby's first days, months, and years have a decisive impact on the architecture of the brain and on the nature and extent of one's adult capabilities. It is the education, the love and the nurturing that our children receive during the years prenatal to three that will help determine who they become 10, 20 and 30 years down the road.

Consequently, a tremendous opportunity exists to assist those individuals and families most at risk in the area of prenatal care through age three. We must work to create systems that support and educate families expecting a baby and those already with young children. We must present a message that is perfectly clear—education does not and cannot begin in kindergarten, or even in a quality preschool.

Mr. President, in 1997, I served as Chairman of the National Governors' Association (NGA). My focus during my tenure as Chairman, was the National Education Goal One, that by the year 2000, all children in America will start school ready to learn.

We developed goals, model indicators, and measures of performance of child and family well-being in order to impact school readiness. The results-oriented goals focused states on the improved conditions of young children and their families. We encouraged state and local governments to look across a variety of delivery systems—health care, child care, family support, and education—to make sure these systems would work together effectively for young children and their families. Based on that effort, between 1997 and 1998, 42 governors made early childhood development a keynote issue as they outlined their state agendas.

Improving education is really about the process of "lifelong learning," which includes efforts based on what doctors and researchers have said about the importance of positive early childhood learning experiences. The traditional primary and secondary education community needs to recognize that investments in early childhood aid their ultimate goal—that is, a classroom that can continue to move the learning process forward. To achieve that goal, a significant tenet of our education agenda must be to ensure that our children enter school ready to learn. Thus, we must support parents and caregivers, to help them understand that day-to-day interaction with young children helps children develop cognitively, socially and emotionally.

To ensure that children have the best possible start in life, supports must exist to help parents and other adults who care for young children. Supports that are critical for young children from prenatal through age three include health care, nutrition programs, childcare, early development services adoption assistance, education programs, and other support services.

There are three ways we can enhance these supports and create new ones. The first is to build on existing programs well underway in the states and the local communities by protecting and increasing federal commitments to worthwhile programs such as WIC (Women, Infants, and Children), CCDBG (Child Care and Development Block Grant), and S-CHIP (State-Children's Health Insurance Program).

The second is to improve coordination among federal agencies in the administration of early childhood programs. As Chairman of the Senate Government Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, I am taking steps to ensure, for example, that the Department of Education and the Department of Health and Human Services communicate with each other about the early childhood programs for which they are responsible in order to determine which are duplicative and which are most successful.

The Results Act contemplates that agencies should be using their Performance Plans to demonstrate how daily activities, including coordination, contribute to the achievement of strategic goals. GAO evaluated the



Departments of Education and Health and Human Services 5-year Strategic Plans, and FY 1999 and FY 2000 Annual Performance Plans with regard to their coordination efforts. GAO found that both departments' plans are not living up to their full potential. While they address the issue of coordination, the plans provide little detail about their intentions to implement such coordination efforts. I met with both departments and asked that they submit an amended Performance Plan that provided a more detailed compilation of coordination activities and examples. We should emerge from this exercise with a consensus on the most promising programs for our children.

The third way to improve support services is to encourage states to make prenatal to three development a priority. Our bill gives state and local governments additional resources to provide these necessary support services. At the same time, it recognizes that tight spending restraints limit available resources. Consequently, it is a modest, incremental bill that encourages collaboration and integration among existing programs and services and provides additional flexibility to states and local governments if they implement programs to provide coordinated services dedicated to meeting the needs of young children.

Most child advocacy groups rank collaboration on the local level as fundamental and essential to successful programs for healthy childhood development. Under the bill, funds will be provided through the CCDBG program and will reward states that initiate such collaboration in creating state and local councils. It will also encourage states with existing collaboratives to help them expand their focus to social, emotional and cognitive development so that children have the best possible start in life. Funds could be used for a variety of coordinated services, such as child care, child development, pediatric literacy, parent education, home visits, or health services. States will lay out plans that identify ways to further promote the importance of early childhood care and education. Plans should also identify existing supports available for these children and ways that state and local councils can work with already established early development programs.

In addition, the bill focuses on three particular areas to increase public awareness and enhance training opportunities for parents and other adults caring for young children.

The first would provide funding to expand a satellite television network nationally. In order to help parents and caregivers do a better job of creating an environment where kids can learn, the legislation provides funds to support satellite television network services directly connected to child care centers, preschools, colleges, Early Head Start sites and the Internet. These services include high quality training, news, jobs and medical information dedicated to the specific needs of the Head Start staff and others in

the early childhood community. In my state of Ohio, we already have networks in place at 1,500 sites.

The bill provides for a partnership between at least one non-profit organization and other public or private entities specializing in broadcast programs for parents and professionals in the early childhood field. The goal is to blend the latest in satellite technology with sound "prenatal to three" information and training principles, potentially reaching more than 140,000 caregivers and parents each month.

The second would provide financial incentives for child-care workers to pursue credentialing or accreditation in early childhood education. Although many states do not have formal credentialing standards, there are several national organizations with accreditation curricula. The legislation encourages caregivers to pursue skills-based training (including via satellite or on the Internet) that leads to credentialing or accreditation by the state or national organization. Whatever qualified incentive program is initiated, employers would be required to match each dollar of the Federal contribution.

The third would reauthorize and expand the multimedia parenting resources through video, print and interactive resources in the PBS "Ready to Learn" initiative. These resources include:

Expanded Internet offerings that enable parents to reinforce PBS' "Ready to Learn" curriculum at home. "Ready to Learn" material would be directly accessible from the web for parents to utilize in reinforcing their child's appreciation of public television programs prior to and after program viewing.

Expanded national programming, such as Mr. Rogers and Sesame Street.

Formalized and expanded "Ready to Learn Teachers" training and certificate programs using "The Whole Child" video courseware, collateral print materials and the development of new video and print courseware.

Expanded caregiver/parent training which would include workshops, distribution of material, and broadcasting of educational video vignettes regarding developmentally appropriate activities for young children.

Deployment of a 24-hour channel of Ready to Learn-based children's programming and parenting training through digital technology.

Our bill would also allow the Temporary Assistance for Needy Families (TANF) program to serve young children in a more effective manner by allowing states the ability to transfer up to 10 percent of a state's TANF grant to the Social Services Block Grant (SSBG). Originally, the 1996 welfare reform bill allowed states this flexibility. However, this was restricted in 1998 to allow states to transfer just 4.25 percent of their TANF grant as an offset to help pay for new highway investments in TEA-21. Social Services Block Grants (Title XX of the Social Security Act) are a flexible source of

funds that states may use to support a wide variety of social services for children and families, including child day care, protective services for children, foster care, and home-based services.

The bill would also allow an additional 15 percent transfer of TANF money to the Child Care and Development Block Grant (CCDBG) for expenditures under a state early childhood collaboration program. Currently, states are permitted to transfer up to 30 percent of TANF to a combination of the CCDBG and SSBG. The Welfare Reform Act restructured federal childcare programs, repealed three welfare-related childcare programs and amended the Child Care Development Block Grant (CCDBG). Under current law, states receive a combination of mandatory and discretionary grants, part of which is subject to a state match. These funds would allow states to create or expand local early childhood development coordination councils (10 percent of the transfer authority), or to enhance child care quality in existing programs (5 percent of the transfer authority).

Using these new resources, states can implement coordinated programs at the local level, such as "one-stop shopping" for parents with young children. Under this particular program, parents could have a well-baby care visit, meet with a counselor to discuss questions and concerns about the baby's development or receive referrals for help in enrollment in child-care.

Further, the legislation would alter the high performance bonus fund within TANF to include criteria related to child welfare. The current criteria are based upon the recommendations of the National Governors' Association (NGA) high performance bonus fund work group. The bonus fund currently provides \$200 million annually to states for meeting certain work-related performance targets, such as improvement of long-term self-sufficiency rates by current and former TANF recipients. The performance targets should be expanded to include family- and child-related criteria, such as increases in immunization rates, literacy and preschool participation.

Finally, our bill encourages States to use their Maternal and Child Health Services Block Grant to target activities that address the needs of children from prenatal to three. The Maternal and Child Health Services Block Grant funds a broad range of health services to mothers and children, particularly those with low income or limited access to health services. Its goals are to reduce infant mortality, prevent disease and handicapping conditions among children and increase the availability of prenatal, delivery and postpartum care to mothers.

States are required to use 30 percent of their block grant for preventive and primary care services for children, 30 percent for services to children with special health care needs, and 40 percent at the states' discretion for either of these groups or for other appropriate maternal and child health activities.

Using this existing funding, this legislation encourages states to design programs to address the social and emotional development needs of children under the age of five. It encourages states to provide coordinated early development services, parent education, and strategies to meet the needs of state and local populations. It does not mandate any specific model, nor does it require that states set-aside a specific amount of money from this block grant. Rather, it is intended to give states flexibility in finding money to devote more resources to existing or new healthy early childhood development systems.

Mr. President, the pace at which children grow and learn during the first three years of life makes that period the most critical in their overall development. Children who lack proper nutrition, health care and nurturing during their early years tend to also lack adequate social, motor and language skills needed to perform well in school.

I believe that all children, parents, and caregivers should have access to coordinated information and support services appropriate for healthy early childhood development in the first three years of life. The changing structure of the family requires that states streamline and coordinate healthy early childhood development systems of care to meet the needs of parents and children in the 21st century.

The Federal Government's role in the development of these systems of care is minimal; it must give states the flexibility to implement programs that respond to local needs and conditions. Although it's just a modest step, that's exactly what our bill does.

Our children are our most precious natural resource. They are our hope and they are our future. Therefore, I encourage my colleagues to co-sponsor our legislation, and I urge the Senate during the 106th Congress to make prenatal to three a priority for the sake of our children.

Thank you, Mr. President, and 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. 1154

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Prenatal, Infant, and Child Development Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

#### TITLE I—FUNDS PROVIDED UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM

Sec. 101. Authority to transfer funds for other purposes.

Sec. 102. Bonus to reward high performance States.

#### TITLE II—EXPANSION OF THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT

Sec. 201. Authority to provide State programs for the development of children under age 5.

#### TITLE III—SATELLITE TRAINING

Sec. 301. Short title.

Sec. 302. Revision of part C of title III of the Elementary and Secondary Education Act of 1965.

Sec. 303. Satellite television network.

#### TITLE IV—HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE

Sec. 401. Block grants to States for healthy early childhood development systems of care.

#### TITLE V—CREDENTIALING AND ACCREDITATION

Sec. 501. Definitions.

Sec. 502. Authorization of appropriation.

Sec. 503. State allotments.

Sec. 504. Application.

Sec. 505. State child care credentialing and accreditation incentive program.

Sec. 506. Administration.

Sec. 507. Credentialing, accreditation, and retention of qualified child care workers.

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Babies are born with all of the 100,000,000,000 brain cells, or neurons, that the babies will need as adults.

(2) By age 3, children have nearly all of the necessary connections, or synapses, between brain cells that cause the brain to function properly.

(3) The pace at which children grow and learn during the first years of life makes that period the most critical in their overall development.

(4) Children who lack proper nutrition, health care, and nurturing during their first years tend to also lack adequate social, motor, and language skills needed to perform well in school.

(5) All young children, and parents and caregivers of these children, should have access to information and support services appropriate for promoting healthy early childhood development in the first years of life, including health care, early intervention services, child care, parenting education, and other child development services.

(6) The changing structure of the family requires that States streamline and coordinate healthy early childhood development systems of care to meet the needs of parents and children in the 21st century.

(7) The Federal Government's role in the development of these systems of care should be minimal. The Federal Government must give States the flexibility to implement systems involving programs that respond to local needs and conditions.

#### TITLE I—FUNDS PROVIDED UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM

##### SEC. 101. AUTHORITY TO TRANSFER FUNDS FOR OTHER PURPOSES.

(a) TRANSFER OF FUNDS FOR BLOCK GRANTS FOR SOCIAL SERVICES.—

(1) ELIMINATION OF REDUCTION IN AMOUNT TRANSFERABLE FOR FISCAL YEAR 2001 AND THEREAFTER.—Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

"(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—A State may use not more than 10 percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on October 1, 1999.

(b) TRANSFER OF FUNDS FOR EARLY CHILDHOOD COLLABORATIVE EFFORTS UNDER THE CCDBG.—

(1) IN GENERAL.—Section 404(d) of the Social Security Act (42 U.S.C. 604(d)) is amended—

(A) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2), the following:

"(3) ADDITIONAL AMOUNTS TRANSFERABLE TO EARLY CHILDHOOD COLLABORATIVE COUNCILS.—The percentage described in paragraph (1) may be increased by up to 10 percentage points if the additional funds resulting from that increase are provided to local early childhood development coordinating councils described in section 659H of the Child Care and Development Block Grant Act of 1990 to carry out activities described in section 659J of that Act."

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 1999.

(c) TRANSFER OF FUNDS TO ENHANCE CHILD CARE QUALITY UNDER THE CCDBG.—

(1) IN GENERAL.—Section 404(d) of the Social Security Act (42 U.S.C. 604(d)), as amended by subsection (b), is amended—

(A) in paragraph (1), by striking "and (3)" and inserting "(3), and (4)";

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3), the following:

"(4) ADDITIONAL AMOUNTS TRANSFERABLE FOR THE ENHANCEMENT OF CHILD CARE QUALITY.—The percentage described in paragraph (1) (determined without regard to any increase in that percentage as a result of the application of paragraph (3)) may be increased by up to 5 percentage points if the additional funds resulting from that increase are used to enhance child care quality under a State program pursuant to the Child Care and Development Block Grant Act of 1990."

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 1999.

##### SEC. 102. BONUS TO REWARD HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking "Not later" and inserting the following:

"(i) IN GENERAL.—Not later";

(2) by inserting "The formula shall provide for the awarding of grants under this paragraph based on core national and State-selected measures in accordance with clauses (ii) and (iii)." after the period; and

(3) by adding at the end the following:

"(ii) CORE NATIONAL MEASURES.—The majority of grants awarded under this paragraph shall be based on employment-related national measures using data that are consistently available in all States.

"(iii) STATE-SELECTED MEASURES.—Not less than \$20,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on optional, State-selected measures that are related to the status of families and children. States may choose to compete from among such measures according to the policy priorities of the State and the ability of the State to provide data. Such State-selected measures may include—

“(I) successful diversion of applicants from a need for cash assistance under the State program under this title;

“(II) school attendance records of children in families receiving assistance under the State program under this title;

“(III) the degree of participation in the State in the head start program established under the Head Start Act (42 U.S.C. 9831 et seq.) or public preschool programs;

“(IV) improvement of child and adult literacy rates;

“(V) improvement of long-term self-sufficiency rates by current and former recipients of assistance under the State program funded under this title;

“(VI) child support collection rates under the child support and paternity establishment program established under part D;

“(VII) increases in household income of current and former recipients of assistance under the State program funded under this title; and

“(VIII) improvement of child immunization rates.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) apply to each of fiscal years 2000 through 2003.

## **TITLE II—EXPANSION OF THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT**

### **SEC. 201. AUTHORITY TO PROVIDE STATE PROGRAMS FOR THE DEVELOPMENT OF CHILDREN UNDER AGE 5.**

(a) **IN GENERAL.**—Section 501(a)(1) of the Social Security Act (42 U.S.C. 701(a)(1)) is amended—

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(2) by inserting after subparagraph (A), the following:

“(B) to design programs to address the physical, cognitive, and social developmental needs of infants and children under age 5 by providing early child development services, parent education, and other tailored strategies to meet the needs of State and local populations;”.

(b) **CONFORMING AMENDMENTS.**—Paragraphs (1)(C) and (3)(B) of section 505(a) of the Social Security Act (42 U.S.C. 705(a)) are each amended by striking “501(a)(1)(D)” and inserting “501(a)(1)(E)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section take effect on October 1, 1999.

## **TITLE III—SATELLITE TRAINING**

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

This title may be cited as the “Digital Education Act of 1999”.

### **SEC. 302. REVISION OF PART C OF TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.**

Part C of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6921 et seq.) is amended to read as follows:

#### **“PART C—READY-TO-LEARN DIGITAL TELEVISION**

##### **“SEC. 3301. FINDINGS.**

“Congress makes the following findings:

“(1) In 1994, Congress and the Department collaborated to make a long-term, meaningful and public investment in the principle that high-quality preschool television programming will help children be ready to learn by the time the children entered first grade.

“(2) The Ready to Learn Television Program through the Public Broadcasting Service (PBS) and local public television stations has proven to be an extremely cost-effective national response to improving early childhood development and helping parents, caregivers, and professional child care providers learn how to use television as a means to

help children learn, develop, and play creatively.

“(3) Independent research shows that parents who participate in Ready to Learn workshops are more critical consumers of television and their children are more active viewers. A University of Alabama study showed that parents who had attended a Ready to Learn workshop read more books and stories to their children and read more minutes each time than nonattendees. The parents did more hands-on activities related to reading with their children. The parents engaged in more word activities and for more minutes each time. The parents read less for entertainment and more for education. The parents took their children to libraries and bookstores more than nonattendees. For parents, participating in a Ready to Learn workshop increases their awareness of and interest in educational dimensions of television programming and is instrumental in having their children gain exposure to more educational programming. Moreover, 6 months after participating in Ready to Learn workshops, parents who attended generally had set rules for television viewing by their children. These rules related to the amount of time the children were allowed to watch television daily, the hours the children were allowed to watch television, and the tasks or chores the children must have accomplished before the children were allowed to watch television.

“(4) The Ready to Learn (RTL) Television Program is supporting and creating commercial-free broadcast programs for young children that are of the highest possible educational quality. Program funding has also been used to create hundreds of valuable interstitial program elements that appear between national and local public television programs to provide developmentally appropriate messages to children and caregiving advice to parents.

“(5) Through the Nation's 350 local public television stations, these programs and programming elements reach tens of millions of children, their parents, and caregivers without regard to their economic circumstances, location, or access to cable. In this way, public television is a partner with Federal policy to make television an instrument, not an enemy, of preschool children's education and early development.

“(6) The Ready to Learn Television Program extends beyond the television screen. Funds from the Ready to Learn Television Program have funded thousands of local workshops organized and run by local public television stations, almost always in association with local child care training agencies or early childhood development professionals, to help child care professionals and parents learn more about how to use television effectively as a developmental tool. These workshops have trained more than 320,000 parents and professionals who, in turn, serve and support over 4,000,000 children across the Nation.

“(7)(A) The Ready to Learn Television Program has published and distributed millions of copies of a quarterly magazine entitled ‘PBS Families’ that contains—

“(i) developmentally appropriate games and activities based on Ready to Learn Television programming;

“(ii) parenting advice;

“(iii) news about regional and national activities related to early childhood development; and

“(iv) information about upcoming Ready to Learn Television activities and programs.

“(B) The magazine described in subparagraph (A) is published 4 times a year and distributed free of charge by local public television stations in English and in Spanish (PBS para la familia).

“(8) Because reading and literacy are central to the ready to learn principle Ready to Learn Television stations also have received and distributed millions of free age-appropriate books in their communities as part of the Ready to Learn Television Program. Each station receives a minimum of 200 books each month for free local distribution. Some stations are now distributing more than 1,000 books per month. Nationwide, more than 300,000 books are distributed each year in low-income and disadvantaged neighborhoods free of charge.

“(9) In 1998, the Public Broadcasting Service, in association with local colleges and local public television stations, as well as the Annenberg Corporation for Public Broadcasting Project housed at the Corporation for Public Broadcasting, began a pilot program to test the formal awarding of a Certificate in Early Childhood Development through distance learning. The pilot is based on the local distribution of a 13-part video courseware series developed by Annenberg Corporation for Public Broadcasting and WTVS Detroit entitled ‘The Whole Child’. Louisiana Public Broadcasting, Kentucky Educational Television, Maine Public Broadcasting, and WLJT Martin, Tennessee, working with local and State regulatory agencies in the child care field, have participated in the pilot program with a high level of success. The certificate program is ready for nationwide application using the Public Broadcasting Service's Adult Learning Service.

“(10) Demand for Ready to Learn Television Program outreach and training has increased dramatically, with the base of participating Public Broadcasting Service member stations growing from a pilot of 10 stations to nearly 130 stations in 5 years.

“(11) Federal policy played a crucial role in the evolution of analog television by funding the television program entitled ‘Sesame Street’ in the 1960's. Federal policy should continue to play an equally crucial role for children in the digital television age.

### **“SEC. 3302. READY-TO-LEARN.**

“(a) **IN GENERAL.**—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in section 3303(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

“(b) **AVAILABILITY.**—In making such grants, contracts, or cooperative agreements, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

### **“SEC. 3303. EDUCATIONAL PROGRAMMING.**

“(a) **AWARDS.**—The Secretary shall award grants, contracts, or cooperative agreements under section 3302 to eligible entities to—

“(1) facilitate the development directly, or through contracts with producers of children and family educational television programming, of—

“(A) educational programming for preschool and elementary school children; and

“(B) accompanying support materials and services that promote the effective use of such programming;

“(2) facilitate the development of programming and digital content especially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers; and

“(3) enable eligible entities to contract with entities (such as public telecommunications entities and those funded under the Star Schools Act) so that programs developed under this section are disseminated and distributed—

“(A) to the widest possible audience appropriate to be served by the programming; and

“(B) by the most appropriate distribution technologies.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

“(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality for preschool and elementary school children and their parents and caregivers; and

“(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children and their parents and caregivers.

“(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

#### **“SEC. 3304. DUTIES OF SECRETARY.**

“The Secretary is authorized—

“(1) to award grants, contracts, or cooperative agreements to eligible entities described in section 3303(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

“(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

“(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

“(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

“(D) developing and disseminating training materials, including—

“(i) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

“(ii) support materials to promote the effective use of materials developed under subparagraph (B) among parents, Head Start providers, in-home and center-based day care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children;

“(2) to establish within the Department a clearinghouse to compile and provide information, referrals, and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

“(3) to coordinate activities assisted under this part with the Secretary of Health and Human Services in order to—

“(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

“(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including programs under the Head Start Act and Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990, regarding the availability and utilization of materials developed under paragraph (1)(D) to enhance parent and child care provider skills in early childhood development and education.

#### **“SEC. 3305. APPLICATIONS.**

“Each entity desiring a grant, contract, or cooperative agreement under section 3302 or 3304 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

#### **“SEC. 3306. REPORTS AND EVALUATION.**

“(a) ANNUAL REPORT TO SECRETARY.—An eligible entity receiving funds under section 3302 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under section 3302, including—

“(1) the programming that has been developed directly or indirectly by the eligible entity, and the target population of the programs developed;

“(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

“(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

“(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.

“(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

“(1) a summary of activities assisted under section 3303(a); and

“(2) a description of the training materials made available under section 3304(1)(D), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

#### **“SEC. 3307. ADMINISTRATIVE COSTS.**

“With respect to the implementation of section 3303, eligible entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

#### **“SEC. 3308. DEFINITION.**

“For the purposes of this part, the term ‘distance learning’ means the transmission of educational or instructional programming to geographically dispersed individuals and

groups via telecommunications (including through the Internet).

#### **“SEC. 3309. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, \$50,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(b) FUNDING RULE.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 3303.”.

#### **SEC. 3303. SATELLITE TELEVISION NETWORK.**

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

#### **“PART G—SATELLITE TELEVISION NETWORK**

##### **“SEC. 3701. NETWORK.**

“(a) IN GENERAL.—The Secretary of Education and the Secretary of Health and Human Services shall award a grant to or enter into a contract with an eligible organization to establish and operate a satellite television network to provide training for personnel of Head Start programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.) and other child care providers, who serve children under age 5.

“(b) ELIGIBLE ORGANIZATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall—

“(1) administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, within the meaning of section 648(e) of the Head Start Act (42 U.S.C. 9843(e)); and

“(2) demonstrate that the organization has entered into a partnership, to establish and operate the training network, that includes—

“(A) a nonprofit organization; and

“(B) a public or private entity that specializes in providing broadcast programs for parents and professionals in fields relating to early childhood.

“(c) APPLICATION.—To be eligible to receive a grant or contract under subsection (a), an organization shall submit an application to the Secretary of Education and the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretaries may require.

“(d) COOPERATIVE AGREEMENT.—The Secretary of Education and the Secretary of Health and Human Services shall enter into a cooperative agreement to carry out this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this part \$20,000,000 for fiscal year 2000 and such sums as may be necessary for each subsequent fiscal year.”.

#### **TITLE IV—HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE**

##### **SEC. 401. BLOCK GRANTS TO STATES FOR HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE.**

(a) BLOCK GRANT.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(1) by inserting after the subchapter heading the following:

##### **“PART 1—CHILD CARE ACTIVITIES;**

and

(2) by adding at the end the following:

##### **“PART 2—HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE**

##### **“SEC. 659. PURPOSE.**

“The purposes of this part are—

"(1) to help families seeking government assistance for their children, in a manner that does not usurp the role of parents, but streamlines and coordinates government services for the families;

"(2) to establish a framework of support for local early childhood development coordinating councils that—

"(A) develop comprehensive, long-range strategic plans for early childhood education, development, and support services; and

"(B) provide, through public and private means, high-quality early childhood education, development, and support services for children and families; and

"(3)(A) to support family environments conducive to the growth and healthy development of children; and

"(B) to ensure that children under age 5 have proper medical care and early intervention services when necessary.

#### **"SEC. 659A. DEFINITIONS.**

"In this part:

"(1) **CHILD IN POVERTY.**—The term 'child in poverty' means a young child who is an eligible child described in section 658P(4)(B).

"(2) **HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEM OF CARE.**—The term 'healthy early childhood development system of care' means a system of programs that provides coordinated early childhood development services.

"(3) **EARLY CHILDHOOD DEVELOPMENT SERVICES.**—The term 'early childhood development services' means education, development, and support services, such as all-day kindergarten, parenting education and home visits, child care and other child development services, and health services (including prenatal care), for young children.

"(4) **ELIGIBLE STATE.**—The term 'eligible State' means a State that has submitted a State plan described in section 659E to the Secretary and obtained the certification of the Secretary for the plan.

"(5) **GOVERNOR.**—The term 'Governor' means the chief executive officer of a State.

"(6) **INDIAN TRIBE; TRIBAL ORGANIZATION.**—The terms 'Indian tribe' and 'tribal organization' have the meanings given the terms in section 658P.

"(7) **LOCAL COUNCIL.**—The term 'local council' means a local early childhood development coordinating council established or designated under section 659H.

"(8) **SECRETARY.**—The term 'Secretary' means the Secretary of Health and Human Services.

"(9) **STATE.**—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(10) **STATE COUNCIL.**—The term 'State council' means a State early childhood development coordinating council established or designated under section 659D.

"(11) **YOUNG CHILD.**—The term 'young child' mean an individual under age 5.

#### **"SEC. 659B. AUTHORIZATION OF APPROPRIATIONS.**

"(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this part \$200,000,000 for each of fiscal years 2000 through 2004.

"(b) **AVAILABILITY OF FUNDS.**—Funds appropriated for a fiscal year under subsection (a) shall remain available for the succeeding 2 fiscal years.

#### **"SEC. 659C. ALLOTMENT TO STATES.**

"(a) **RESERVATION.**—The Secretary shall reserve not less than 1 percent, and not more than 2 percent, of the funds appropriated under section 659B for each fiscal year for payments to Indian tribes and tribal organi-

zations to assist the tribes and organizations in supporting healthy early childhood development systems of care under this part. The Secretary shall by regulation issue requirements concerning the eligibility of Indian tribes and tribal organizations to receive funds under this subsection, and the use of funds made available under this subsection.

"(b) **ALLOTMENT.**—From the funds appropriated under section 659B for a fiscal year, the Secretary shall allot to each eligible State, to pay for the Federal share of the cost of supporting healthy early childhood development systems of care under this part, the sum of—

"(1) an amount that bears the same ratio to 50 percent of such funds as the number of young children in the State bears to the number of such children in all eligible States; and

"(2) an amount that bears the same ratio to 50 percent of such funds as the number of children in poverty in the State bears to the number of such children in all eligible States.

"(c) **FEDERAL SHARE.**—The Federal share of the cost described in subsection (b) shall be 75 percent. The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment or services (provided from State or local public sources or through donations from private entities).

#### **"SEC. 659D. STATE COUNCIL.**

"(a) **IN GENERAL.**—The Governor of a State seeking an allotment under section 659C may, at the election of the Governor—

"(1) establish and appoint the members of a State early childhood development coordinating council, as described in subsection (b); or

"(2) designate an entity to serve as such a council, as described in subsection (c).

"(b) **APPOINTED STATE COUNCIL.**—The Governor may establish and appoint the members of a State council that—

"(1) may include—

"(A) the State superintendent of schools, or the designee of the superintendent;

"(B) the chief State budget officer or the designee of the officer;

"(C) the head of the State health department or the designee of the head;

"(D) the heads of the State agencies with primary responsibility for child welfare, child care, and the medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or the designees of the heads;

"(E) the heads of other State agencies with primary responsibility for services for young children or pregnant women, which may be agencies with primary responsibility for alcohol and drug addiction services, mental health services, mental retardation services, food assistance services, and juvenile justice services, or the designees of the heads;

"(F) a representative of parents or consumers;

"(G) representatives of early childhood development agencies; and

"(H) the Governor; and

"(2) may, in the discretion of the Governor, include other members, including representatives of providers.

"(c) **DESIGNATED STATE COUNCIL.**—The Governor may designate an entity to serve as the State council if the entity—

"(1) includes members that are substantially similar to the members described in subsection (b); and

"(2) provides integrated and coordinated early childhood development services.

"(d) **CHAIRPERSON.**—The Governor shall serve as the chairperson of the State council.

"(e) **DUTIES.**—In a State with a State council, the State council—

"(1) shall submit the State plan described in section 659E;

"(2) shall make the allocation described in section 659F(b);

"(3) may carry out activities described in section 659F(c); and

"(4) shall prepare and submit the report described in section 659F(e).

#### **"SEC. 659E. STATE PLAN.**

"(a) **IN GENERAL.**—To be eligible to receive an allotment under section 659C, a State shall submit a State plan to the Secretary at such time, and in such manner, as the Secretary may require, including—

"(1) in the case of a State in which the Governor elects to establish or designate a State council, sufficient information about the entity established or designated under section 659D to enable the Secretary to determine whether the entity complies with the requirements of such section;

"(2) a description of the political subdivisions designated by the State to receive funds under section 659G and carry out activities under section 659J;

"(3)(A) comprehensive information describing how the State will carry out activities described in section 659F and how political subdivisions in the State will carry out activities described in section 659J; and

"(B) State goals for the activities described in subparagraph (A);

"(4) such information as the Secretary shall by regulation require on the amount and source of State and local public funds, and donations, expended in the State to provide the non-Federal share of the cost of supporting healthy early childhood development systems of care under this part; and

"(5) an assurance that the State shall annually submit the report described in section 659F(e).

"(b) **SUBMISSION.**—At the election of the State, the State may submit the State plan as a portion of the State plan submitted under section 658E. With respect to that State, references to a State plan—

"(1) in this part shall be considered to refer to the portions of the plan described in this section; and

"(2) in part 1 shall be considered to refer to the portions of the plan described in section 658E.

"(c) **CERTIFICATION.**—The Secretary shall certify any State plan that meets the broad goals of this part.

#### **"SEC. 659F. STATE ACTIVITIES.**

"(a) **IN GENERAL.**—A State that receives an allotment under section 659C shall use the funds made available through the allotment to support healthy early childhood development systems of care, by—

"(1) making allocations to political subdivisions under section 659G; and

"(2) carrying out State activities described in subsection (c).

"(b) **MANDATORY RESERVATION FOR LOCAL ALLOCATIONS.**—The State shall reserve 85 percent of the funds made available through the allotment to make allocations to political subdivisions under section 659G.

"(c) **PERMISSIBLE STATE ACTIVITIES.**—The State may use the remainder of the funds made available through the allotment to support healthy early childhood development systems of care by—

"(1) entering into interagency agreements with appropriate entities to encourage coordinated efforts at the State and local levels to improve the State delivery system for early childhood development services;

"(2) advising local councils on the coordination of delivery of early childhood development services to children;

"(3) developing programs and projects, including pilot projects, to encourage coordinated efforts at the State and local levels to

improve the State delivery system for early childhood development services;

"(4) providing technical support for local councils and development of educational materials;

"(5) providing education and training for child care providers; and

"(6) supporting research and development of best practices for healthy early childhood development systems of care, establishing standards for such systems, and carrying out program evaluations for such systems.

"(d) ADMINISTRATION.—A State that receives an allotment under section 659C may use not more than 5 percent of the funds made available through the allotment to pay for the costs of administering the activities carried out under this part.

"(e) REPORT.—The State shall annually prepare and submit to the Secretary a report on the activities carried out under this part in the State, which shall include details of the use of Federal funds to carry out the activities and the extent to which the States and political subdivisions are making progress on State or local goals in carrying out the activities. In preparing the report, a State may require political subdivisions in the State to submit information to the State, and may compile the information.

**"SEC. 659G. ALLOCATION TO POLITICAL SUBDIVISIONS.**

From the funds reserved by a State under section 659F(b) for a fiscal year, the State shall allot to each eligible political subdivision in the State the sum of—

"(1) an amount that bears the same ratio to 50 percent of such funds as the number of young children in the political subdivision bears to the number of such children in all eligible political subdivisions in the State; and

"(2) an amount that bears the same ratio to 50 percent of such funds as the number of children in poverty in the political subdivision bears to the number of such children in all eligible political subdivisions in the State.

**"SEC. 659H. LOCAL COUNCILS.**

"(a) IN GENERAL.—The chief executive officer of a political subdivision that is located in a State with a State council and that seeks an allocation under section 659G may, at the election of the officer—

"(1) establish and appoint the members of a local early childhood development coordinating council, as described in subsection (b); or

"(2) designate an entity to serve as such a council, as described in subsection (c).

"(b) APPOINTED LOCAL COUNCIL.—The officer may establish and appoint the members of a local council that may include—

"(1) representatives of any public or private agency that funds, advocates the provision of, or provides services to children and families;

"(2) representatives of schools;

"(3) members of families that have received services from an agency represented on the council;

"(4) representatives of courts; and

"(5) private providers of social services for families and children.

"(c) DESIGNATED LOCAL COUNCIL.—The officer may designate an entity to serve as the local council if the entity—

"(1) includes members that are substantially similar to the members described in subsection (b); and

"(2) provides integrated and coordinated early childhood development services.

"(d) DUTIES.—In a political subdivision with a local council, the local council—

"(1) shall submit the local plan described in section 659I;

"(2) shall carry out activities described in section 659J(a);

"(3) may carry out activities described in section 659J(b); and

"(4) shall submit such information as a State council may require under section 659F(e).

**"SEC. 659I. LOCAL PLAN.**

"To be eligible to receive an allocation under section 659G, a political subdivision shall submit a local plan to the State at such time, in such manner, and containing such information as the State may require.

**"SEC. 659J. LOCAL ACTIVITIES.**

"(a) MANDATORY ACTIVITIES.—A political subdivision that receives an allocation under section 659G shall use the funds made available through the allocation—

"(1) to provide assistance to entities carrying out early childhood development services through a healthy early childhood development system of care, in order to meet assessed needs for the services, expand the number of children receiving the services, and improve the quality of the services, both for young children who remain in the home and young children that require services in addition to services offered in child care settings; and

"(2)(A) to establish and maintain an accountability system to monitor the progress of the political subdivision in achieving results for families and children through services provided through the healthy early childhood development system of care for the political subdivision; and

"(B) to establish and maintain a mechanism to ensure ongoing input from a broad and representative set of families who are receiving services through the healthy early childhood development system of care for the political subdivision.

"(b) PERMISSIBLE ACTIVITIES.—A political subdivision that receives an allocation under section 659G may use the funds made available through the allocation—

"(1) to improve the healthy early childhood development system of care by enhancing efforts and building new opportunities for—

"(A) innovation in early childhood development services; and

"(B) formation of partnerships with businesses, associations, churches or other religious institutions, and charitable or philanthropic organizations to provide early childhood development services on behalf of young children; and

"(2) to develop and implement a process that annually evaluates and prioritizes services provided through the healthy early childhood development system of care, fills service gaps in that system where possible, and invests in new approaches to achieve better results for families and children through that system."

(b) CONFORMING AMENDMENTS.—Part 1 of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(1) in section 658A(a) (42 U.S.C. 9801 note), by striking "This subchapter" and inserting "This part";

(2) except as provided in the last sentence of section 658E(c)(2)(F) (42 U.S.C. 9858c(c)(2)(F)) and in section 658N(a)(3)(C) (42 U.S.C. 9858l(a)(3)(C)), by striking "this subchapter" and inserting "this part"; and

(3) in section 658N(a)(3)(C), by striking "under this subchapter" and inserting "under this part".

**TITLE V—CREDENTIALING AND ACCREDITATION**

**SEC. 501. DEFINITIONS.**

In this title:

(1) ACCREDITED CHILD CARE FACILITY.—The term "accredited child care facility" means—

(A) a facility that is accredited, by a child care credentialing or accreditation entity

recognized by a State or national organization described in paragraph (2)(A), to provide child care (except children who a tribal organization elects to serve through a facility described in subparagraph (B));

(B) a facility that is accredited, by a child care credentialing or accreditation entity recognized by a tribal organization, to provide child care for children served by the tribal organization;

(C) a facility that is used as a Head Start center under the Head Start Act (42 U.S.C. 9831 et seq.) and is in compliance with applicable performance standards established by regulation under such Act for Head Start programs; or

(D) a military child development center (as defined in section 1798(1) of title 10, United States Code) that is in a facility owned or leased by the Department of Defense or the Coast Guard.

(2) CHILD CARE CREDENTIALING OR ACCREDITATION ENTITY.—The term "child care credentialing or accreditation entity" means a nonprofit private organization or public agency that—

(A) is recognized by a State agency, a tribal organization, or a national organization that serves as a peer review panel on the standards and procedures of public and private child care or school accrediting bodies; and

(B) accredits a facility or credentials an individual to provide child care on the basis of—

(i) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State and local licensing requirements, or standards described in section 658E(c)(2)(E)(ii) of the Child Care and Development Block Grant Act (42 U.S.C. 9858c(c)(2)(E)(ii)), as appropriate, for the facility or individual;

(iii) outside monitoring of the facility or individual; and

(iv) criteria that provide assurances of—

(I) compliance with age-appropriate health and safety standards at the facility or by the individual;

(II) use of age-appropriate developmental and educational activities, as an integral part of the child care program carried out at the facility or by the individual; and

(III) use of ongoing staff development or training activities for the staff of the facility or the individual, including related skills-based testing.

(3) CREDENTIALLED CHILD CARE PROFESSIONAL.—The term "credentialled child care professional" means—

(A) an individual who—

(i) is credentialled, by a child care credentialing or accreditation entity recognized by a State or a national organization described in paragraph (2)(A), to provide child care (except children who a tribal organization elects to serve through an individual described in subparagraph (B)); or

(ii) successfully completes a 4-year or graduate degree in a relevant academic field (such as early childhood education, education, or recreation services);

(B) an individual who is credentialled, by a child care credentialing or accreditation entity recognized by a tribal organization, to provide child care for children served by the tribal organization; or

(C) an individual certified by the Armed Forces of the United States to provide child care as a family child care provider (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n)) in military family housing.

(4) CHILD IN POVERTY.—The term "child in poverty" means a child that is a member of a family with an income that does not exceed 200 percent of the poverty line.

(5) **POVERTY LINE.**—The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(7) **STATE; TRIBAL ORGANIZATION.**—The terms “State” and “tribal organization” have the meaning given the term in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858n).

#### **SEC. 502. AUTHORIZATION OF APPROPRIATION.**

There is authorized to be appropriated to carry out this title, \$20,000,000 for each of fiscal years 2000 through 2004.

#### **SEC. 503. STATE ALLOTMENTS.**

From the funds appropriated under section 502 for a fiscal year, the Secretary shall allot to each eligible State, to pay for the cost of establishing and carrying out State child care credentialing and accreditation incentive programs, an amount that bears the same ratio to such funds as the number of children in poverty under age 5 in the State bears to the number of such children in all States.

#### **SEC. 504. APPLICATION.**

To be eligible to receive an allotment under section 503, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

#### **SEC. 505. STATE CHILD CARE CREDENTIALING AND ACCREDITATION INCENTIVE PROGRAM.**

(a) **IN GENERAL.**—A State that receives an allotment under section 503 shall use funds made available through the allotment to establish and carry out a State child care credentialing and accreditation incentive program. In carrying out the program, the State shall make payments to child care providers who serve children under age 5 to assist the providers in making financial assistance available for employees of the providers who are pursuing skills-based training to—

(1) enable the employees to obtain credentialing as credentialed child care professionals; or

(2) enable the facility involved to obtain accreditation as an accredited child care facility.

(b) **APPLICATION.**—To be eligible to receive a payment under subsection (a), a child care provider shall submit an application to the State at such time, in such manner, and containing such information as the State may require including, at a minimum—

(1) information demonstrating that an employee of the provider is pursuing skills-based training that will enable the employee or the facility involved to obtain credentialing or accreditation as described in subsection (a); and

(2) an assurance that the provider will make available contributions toward the costs of providing the financial assistance described in subsection (a), in an amount that is not less than \$1 for every \$1 of Federal funds provided through the payment.

#### **SEC. 506. ADMINISTRATION.**

A State that receives an allotment under section 503 may use not more than 5 percent of the funds made available through the allotment to pay for the costs of administering the program described in section 505.

#### **SEC. 507. CREDENTIALING, ACCREDITATION, AND RETENTION OF QUALIFIED CHILD CARE WORKERS.**

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended—

(1) by inserting “and payments to encourage child care providers who serve children

under age 5 to obtain credentialing as credentialed child care providers or accreditation for their facilities as accredited child care facilities or to encourage retention of child care providers who serve those children and have obtained that credentialing or accreditation, in areas that the State determines are underserved” after “referral services”; and

(2) by adding at the end the following: “In this section, the terms ‘credentialed child care provider’ and ‘accredited child care facility’ have the meanings given the terms in section 501 of the Prenatal, Infant, and Child Development Act of 1999.”.

• **Mr. BAYH.** Mr. President, today I rise as an original co-sponsor of the Prenatal Child and Infant Development Act, a bipartisan bill to provide states with the flexibility they need to address the needs of children during their formative years.

Children are born into this world with all the potential they need to make their dreams come true. The ages of birth to 3 are the most critical for a child's development both mentally and socially. They have all the 100 billion brains cells they will need as adults. By age three, children have nearly all the necessary connections between the brain cells needed for the brain to function fully and properly. It is up to us, families, teachers, childcare providers, and communities to help our children live up to their potential. It is important that our children are ready to learn and we allow them the opportunity to maximize their potential. What income bracket a child is born into should not determine that child's future. If a child is not provided with proper health care, nutritional food, and a nurturing environment to grow up in, we are leading down a very dark path.

Sadly, it has been confirmed that children who lack proper nutrition, health care, and nurturing during their first years also lack the adequate social, motor, and language skills needed to perform well in school and in life. That is why I have joined efforts with Senator VOINOVICH and Senator GRAHAM and support the Prenatal Child and Infant Development Act. This initiative has bipartisan support because it is important legislation that addresses something we should all have in common, helping our children prepare for the future. A child birth to 3 years old that is in need of assistance can not do it on her own.

Specifically, this bill will allow States to transfer up to 45% of the money they receive for Temporary Assistance for Needy Families to the Child Care Development Block Grant or the Social Services Block Grant. The 15% increase in transferability will go towards increasing local early childhood development coordination councils and to enhance child care quality under the existing Child Care Development Block Grant. This new flexibility will allow states to spend the money needed to ensure our children are not sentenced to unfulfillment of their dreams just because they were denied

child care services during their most vital development stages.

In Indiana, there are over 488,000 children under the age of six. 70% of those children are in child care. Indiana is one of those states that has transferred the entire amount currently allowed from Temporary Assistance for Needy Families funds to the Child Care Development Block Grant for child care services and quality initiatives. Even after the State was able to provide services for 65,185 children, there still remains a need to help at least an additional 267,500 children. There is a need in my State to have the flexibility to transfer and utilize funds that otherwise are not being spent so these children can be served.

One of the programs this new flexibility will allow to expand in Indiana is the Building Bright Beginnings Coalition. This coalition is focused on assisting children that are prenatal to four years old. They have reached over 150,000 parents of newborns through their publication “A Parent's Guide to Raising Health, Happy Babies”. The coalition has implemented the “See and Demand Quality Child Care” campaign consisting of public service announcements, billboards, pamphlets, and a toll-free telephone line for parent information in cooperation with local resources and referral agencies. It also makes loans available to child care providers who are considered non-traditional borrowers, and it has formed an institute that creates a public private partnership with higher education as well as the health, education, and early childhood communities. In the short time this program has been in place, it has helped over 100,000 parents of newborns be better informed, over 10,000 new public private partnerships have been formed, and it has directly impacted the lives of over 15,000 children. We need more programs like this and in order for them to exist States need more flexibility with their funding streams.

These quality initiatives are administered by Indiana's Step Ahead Councils. Step Ahead Councils are the types of councils this bill hopes to promote. Indiana has had a council in each of its 92 counties since 1991. These councils allow for locally focused solutions and initiatives to locally based challenges with child care, parent information, early intervention, child nutrition and health screening. Local responses to local problems can create better solutions. This bill encourages such local involvement.

In addition, there are several other important goals this bill helps to accomplish. It will allow more programs to address the needs of prenatal to three year olds, it will increase satellite training for Head Start and other childhood program staff, it will increase direct child care and health services, and will encourage States to implement training programs for childcare providers.

As a Senator and a father of two 3½ year old boys, I am proud to support



this bill and publically voice the need to invest in all children. There is no better way to utilize a dollar than to invest it in our future. Thank you Senator VOINOVICH and Senator GRAHAM for initiating this legislation, I urge my colleagues, when the time comes, to support this bill and the message behind it.●

By Mr. BOND (for himself and Mr. KERRY):

S. 1156. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS ADVOCACY REVIEW PANEL  
TECHNICAL AMENDMENTS ACT OF 1999

Mr. BOND. Mr. President, I rise today to introduce "The Small Business Advocacy Review Panel Technical Amendments Act of 1999." I am pleased to be joined by Senator KERRY, the Ranking Member on the Small Business Committee, which I chair. Our bill is simple and straightforward. It clarifies and amends certain provisions of law enacted as part of my "Red Tape Reduction Act," the Small Business Regulatory Enforcement Fairness Act of 1996. In 1996, this body led the way toward enactment of this important law. With a unanimous vote, we took a major step to ensure that small businesses are treated fairly by federal agencies.

Like the Regulatory Flexibility Act, which it amended, the Red Tape Reduction Act is a remedial statute, designed to redress the fact that uniform federal regulations impose disproportionate impacts on small entities, including small business, small not-for-profits and small governments. A recent study conducted for the Office of Advocacy of the Small Business Administration documented, yet again, that small businesses continue to face higher regulatory compliance costs than their big-business counterparts. With the vast majority of businesses in this nation being small enterprises, it only makes sense for the rulemaking process to ensure that the concerns of such small entities get a fair airing early in the development of a federal regulation.

The bill Senator KERRY and I are introducing focuses on Section 244 of the Small Business Regulatory Enforcement Fairness Act of 1996, which amended chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act). As a result, each "covered agency" is required to convene a Small Business Advocacy Review Panel (Panel) to receive advice and comments from small entities. Specifically, under section 609(b), each covered agency is to convene a Panel of federal employees, representing the Office of Information and Regulatory Affairs within the Office of Management and Budget, the Chief Counsel of Advoca-

cacy of the Small Business Administration, and the covered agency promulgating the regulation, to receive input from small entities prior to publishing an initial Regulatory Flexibility analysis for a proposed rule with a significant economic impact on a substantial number of small entities. The Panel, which convenes for 60 days, produces a report containing comments from the small entities and the Panel's own recommendations. The report is provided to the head of the agency, who reviews the report and, where appropriate, modifies the proposed rule, initial regulatory analysis or the decision on whether the rule significantly impacts small entities. The Panel report becomes a part of the rulemaking record.

Consistent with the overall purpose of the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act, the objective of the Panel process is to minimize the adverse impacts and increase the benefits to small entities affected by the agency's actions. Consequently, the true proof of each Panel's effectiveness in reducing the regulatory burden on small entities is not known until the agency issues the proposed and final rules. So far, the results are encouraging.

Under current law, the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) are the only agencies currently covered by the Panel process. Our bill adds the Internal Revenue Service (IRS) as a covered agency. In 1996, the Red Tape Reduction Act expressly included the IRS under the Regulatory Flexibility Act; however, the Treasury Department has interpreted the language in the law in a manner that essentially writes them out of the law. The Small Business Advocacy Review Panel Technical Amendments Act of 1999 clarifies which interpretative rules involving the internal revenue code are to be subject to compliance with the Regulatory Flexibility Act, for those rules with a significant economic impact on a substantial number of small entities, the IRS would be required to convene a Small Business Advocacy Review Panel.

If the Treasury Department and the IRS had implemented the Red Tape Reduction Act as Congress originally intended, the regulatory burdens on small businesses could have been reduced, and small businesses could have been saved considerable trouble in fighting unwarranted rulemaking actions. For instance, with input from the small business community early in the process, the IRS' 1997 temporary regulations on the uniform capitalization rules could have had taken into consideration the adverse effects that inventory accounting would have on farming businesses, and especially nursery growers. Similarly, if the IRS had conducted an initial Regulatory Flexibility, it would have learned of the enormous problems surrounding its limited partner regulations prior to

issuing the proposal in January 1997. These regulations, which became known as the "stealth tax regulations," would have raised self-employment taxes on countless small businesses operated as limited partnerships or limited liability companies, and also would have imposed burdensome new recordkeeping and collection of information requirements.

Specifically, the bill strikes the language in section 603 of title 5 that included IRS interpretative rules under the Regulatory Flexibility Act, "but only to the extent that such interpretative rules impose on small entities a collection of information requirement." The Treasury Department has misconstrued this language in two ways. First, unless the IRS imposes a requirement on small businesses to complete a new OMB-approved form, the Treasury says Reg Flex does not apply. Second, in the limited circumstances where the IRS has acknowledged imposing a new reporting requirement, the Treasury has limited its analysis of the impact on small businesses to the burden imposed by the form. As a result, the Treasury Department and the IRS have turned Reg Flex compliance into an unnecessary, second Paperwork Reduction Act.

To address this problem, our bill revises the critical sentence in Section 603 to read as follows:

In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules (including proposed, temporary and final regulations) published in the Federal Register for codification in the Code of Federal Regulations.

Coverage of the IRS under the Panel process and the technical changes I have just described are strongly supported by the Small Business Legislative Council, the National Association for the Self-Employed, and many other organizations representing small businesses. Even more significantly, these changes have the support of the Chief Counsel for Advocacy. I ask unanimous consent to include in the RECORD following this statement copies of letters and statements from these small business advocates.

The remaining provisions of our bill address the mechanics of convening a Panel and the selection of the small entity representatives invited to submit advice and recommendations to the Panel. While these provisions are very similar to the legislation introduced in the other body (H.R. 1882) by our colleagues Representatives TALENT, VELAZQUEZ, KELLY, BARTLETT, and EWING, Senator KERRY has expressed some specific concerns regarding the potential for certain provisions to be misconstrued. I have agreed to work with him to address his concerns in report language and, if necessary, with minor revisions to the bill text.

Our mutual goal is to ensure that the views of small entities are brought forth through the Panel process and taken to heart by the "covered agency" and other federal agencies represented on the Panel—in short, to

continue the success that EPA and OSHA have shown this process has for small businesses. I thank the Senator from Massachusetts for his support, and ask unanimous consent that the Small Business Advocacy Review Panel Technical Amendments Act of 1999 be printed, following this statement.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

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

S. 1156

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Advocacy Review Panel Technical Amendments Act of 1999".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy.

(2) Small businesses bear a disproportionate share of regulatory costs and burdens.

(3) Federal agencies must consider the impact of their regulations on small businesses early in the rulemaking process.

(4) The Small Business Advocacy Review Panel process that was established by the Small Business Regulatory Enforcement Fairness Act of 1996 has been effective in allowing small businesses to participate in rules that are being developed by the Environmental Protection Agency and the Occupational Safety and Health Administration.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To provide a forum for the effective participation of small businesses in the Federal regulatory process.

(2) To clarify and strengthen the Small Business Advocacy Review Panel process.

(3) To expand the number of Federal agencies that are required to convene Small Business Advocacy Review Panels.

#### SEC. 3. ENSURING FULL ANALYSIS OF POTENTIAL IMPACTS ON SMALL ENTITIES OF RULES PROPOSED BY CERTAIN AGENCIES.

Section 609(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) Before the publication of an initial regulatory flexibility analysis that a covered agency is required to conduct under this chapter, the head of the covered agency shall—

"(A) notify the Chief Counsel for Advocacy of the Small Business Administration (in this subsection referred to as the 'Chief Counsel') in writing;

"(B) provide the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected; and

"(C) not later than 30 days after complying with subparagraphs (A) and (B)—

"(i) with the concurrence of the Chief Counsel, identify affected small entity representatives; and

"(ii) transmit to the identified small entity representatives a detailed summary of the information referred to in subparagraph (B) or the information in full, if so requested by the small entity representative, for the purposes of obtaining advice and recommendations about the potential impacts of the draft proposed rule.

"(2)(A) Not earlier than 30 days after the covered agency transmits information pursu-

ant to paragraph (1)(C)(ii), the head of the covered agency shall convene a review panel for the draft proposed rule. The panel shall consist solely of full-time Federal employees of the office within the covered agency that will be responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs of the Office of Management and Budget, and the Chief Counsel.

"(B) The review panel shall—

"(i) review any material the covered agency has prepared in connection with this chapter, including any draft proposed rule;

"(ii) collect advice and recommendations from the small entity representatives identified under paragraph (1)(C)(i) on issues related to paragraphs (3), (4), and (5) of section 603(b) and section 603(c); and

"(iii) allow any small entity representative identified under paragraph (1)(C)(i) to make an oral presentation to the panel, if requested.

"(C) Not later than 60 days after the date a covered agency convenes a review panel pursuant to this paragraph, the review panel shall report to the head of the covered agency on—

"(i) the comments received from the small entity representatives identified under paragraph (1)(C)(i); and

"(ii) its findings regarding issues related to paragraphs (3), (4), and (5) of section 603(b) and section 603(c).

"(3)(A) Except as provided in subparagraph (B), the head of the covered agency shall print in the Federal Register the report of the review panel under paragraph (2)(C), including any written comments submitted by the small entity representatives and any appendices cited in the report, as soon as practicable, but not later than—

"(i) 180 days after the date the head of the covered agency receives the report; or

"(ii) the date of the publication of the notice of proposed rulemaking for the proposed rule.

"(B) The report of the review panel printed in the Federal Register shall not include any confidential business information submitted by any small entity representative.

"(4) Where appropriate, the covered agency shall modify the draft proposed rule, the initial regulatory flexibility analysis for the draft proposed rule, or the decision on whether an initial regulatory flexibility analysis is required for the draft proposed rule."

#### SEC. 4. DEFINITIONS.

Section 609(d) of title 5, United States Code, is amended to read as follows:

"(d) For the purposes of this section—

"(1) the term 'covered agency' means the Environmental Protection Agency, the Occupational Safety and Health Administration of the Department of Labor, and the Internal Revenue Service of the Department of the Treasury; and

"(2) the term 'small entity representative' means a small entity, or an individual or organization that represents the interests of 1 or more small entities."

#### SEC. 5. COLLECTION OF INFORMATION REQUIREMENT.

(a) DEFINITION.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (5) by inserting "and" after the semicolon;

(2) in paragraph (6) by striking "and" and inserting a period; and

(3) by striking paragraphs (7) and (8).

(b) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—The fourth sentence of section 603 of title 5, United States Code, is amended to read as follows: "In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules (including proposed,

temporary, and final regulations) published in the Federal Register for codification in the Code of Federal Regulations."

#### SEC. 6. EFFECTIVE DATE.

This Act shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

SMALL BUSINESS LEGISLATIVE COUNCIL,  
Washington, DC, May 24, 1999.

Hon. KIT BOND,

Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Small Business Legislative Council (SBLC), I would like to offer our strong support for your legislation to expand the Small Business Regulatory Enforcement Fairness Act (SBREFA) to encompass more of the activities of the Internal Revenue Service (IRS).

As you know, there is nothing more annoying to the small business community than when the IRS issues a proposed rule and it is obvious the authors have little or no understanding of the business practices of the small businesses to be covered by the rule.

OSHA and the EPA have also been identified in the past as agencies guilty of acting without a solid understanding of an industry. Thanks to your leadership, the 104th Congress fixed the problem in the case of EPA and OSHA by enacting SBREFA. Those two agencies must go out and collect information on small business before they finish development of a proposed rule. The law requires the OSHA and EPA to increase small business participation in agency rulemaking activities by convening a Small Business Advocacy Review Panel for a proposed rule with a significant economic impact on small entities. For such rules, the agencies must notify SBA's Chief Counsel of Advocacy that the rule is under development and provide sufficient information so that the Chief Counsel can identify affected small entities and gather advice and comments on the effects of the proposed rule. A Small Business Advocacy Review Panel, comprising Federal government employees from the agency, the Office of Advocacy, and OMB, must be convened to review the proposed rule and to collect comments from small businesses. Within 60 days, the panel must issue a report of the comments received from small entities and the panel's findings, which become part of the public record.

As we have said many times before, we believe your "red tape cutting" law, SBREFA, is one of the most significant small business laws of all time. As you know first hand, for a variety of reasons, the IRS was not included. This omission should be corrected. If there is one agency with ongoing rulemaking responsibilities that have an impact on small business, it is the IRS.

In addition, the other provisions of SBREFA apply only to the IRS when the interpretative rule of the IRS will "impose on small entities a collection of information requirement." We already know the IRS has embraced an extraordinarily narrow interpretation of that phrase. We should take this opportunity to amend SBREFA to ensure the IRS complies with SBREFA any time it issues an interpretative regulation.

As you know, the SBLC is a permanent, independent coalition of eighty trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, tourism and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their

own views. For your information, a list of our members is enclosed.

As always, we appreciate your outstanding leadership on behalf of small business.

Sincerely,

DAVID GORIN,  
Chairman.

MEMBERS OF THE SMALL BUSINESS  
LEGISLATIVE COUNCIL

ACIL  
Air Conditioning Contractors of America  
Alliance for Affordable Services  
Alliance for American Innovation  
Alliance of Independent Store Owners and Professionals  
American Animal Hospital Association  
American Association of Equine Practitioners  
American Bus Association  
American Consulting Engineers Council  
American Machine Tool Distributors Association  
American Nursery and Landscape Association  
American Road & Transportation Builders Association  
American Society of Interior Designers  
American Society of Travel Agents, Inc.  
American Subcontractors Association  
American Textile Machinery Association  
American Trucking Associations, Inc.  
Architectural Precast Association  
Associated Equipment Distributors  
Associated Landscape Contractors of America  
Association of Small Business Development Centers  
Association of Sales and Marketing Companies  
Automotive Recyclers Association  
Automotive Service Association  
Bowling Proprietors Association of America  
Building Service Contractors Association International  
Business Advertising Council  
CBA  
Council of Fleet Specialists  
Council of Growing Companies  
Direct Selling Association  
Electronics Representatives Association  
Florists' Transworld Delivery Association  
Health Industry Representatives Association  
Helicopter Association International  
Independent Bankers Association of America  
Independent Medical Distributors Association  
International Association of Refrigerated Warehouses  
International Formalwear Association  
International Franchise Association  
Machinery Dealers National Association  
Mail Advertising Service Association  
Manufacturers Agents for the Food Service Industry  
Manufacturers Agents National Association  
Manufacturers Representatives of America, Inc.  
National Association for the Self-Employed  
National Association of Home Builders  
National Association of Plumbing-Heating-Cooling Contractors  
National Association of Realtors  
National Association of RV Parks and Campgrounds  
National Association of Small Business Investment Companies  
National Association of the Remodeling Industry  
National Chimney Sweep Guild  
National Community Pharmacists Association

National Electrical Contractors Association  
National Electrical Manufacturers Representatives Association  
National Funeral Directors Association, Inc.  
National Lumber & Building Material Dealers Association  
National Moving and Storage Association  
National Ornamental & Miscellaneous Metals Association  
National Paperbox Association  
National Society of Accountants  
National Tooling and Machining Association  
National Tour Association  
National Wood Flooring Association  
Organization for the Promotion and Advancement of Small Telephone Companies  
Petroleum Marketers Association of America  
Printing Industries of America, Inc.  
Professional Lawn Care Association of America  
Promotional Products Association International  
The Retailer's Bakery Association  
Saturation Mailers Coalition  
Small Business Council of America, Inc.  
Small Business Exporters Association  
Small Business Technology Coalition  
SMC Business Councils  
Society of American Florists  
Turfgrass Producers International  
Tire Association of North America  
United Motorcoach Association

OFFICE OF ADVOCACY,  
U.S. SMALL BUSINESS ADMINISTRATION,  
Washington, DC, May 26, 1999.

Hon. KIT BOND,  
Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BOND: This is in response to your request for my views as to whether the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) should be amended to include more activities of the Internal Revenue Service (IRS).

The proposed amendments to SBREFA are constructive. In particular, applying the requirement that IRS convene Small Business Advocacy Review Panels to consider the impact of proposed rules involving the internal revenue laws is a goal that certainly would give small businesses a stronger voice in a process that affects them so dramatically.

The panel process has been applied since 1996 to the Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA). A panel, comprising the administrator of EPA or OSHA, the Chief Counsel for Advocacy of the Small Business Administration, and the director of the Office of Information and Regulatory Affairs, collects comments from representatives of small entities. Then the panel issues a report on the comments and the panel's findings within 60 days. This process has been extremely helpful in identifying the likely impact of major rules on small entities, yet its tight timetable has assured that needed rules are not delayed unduly.

Tax regulations impose the most widespread burdens on small business. Therefore, it is important to have small business input at the earliest possible stage of rulemaking. This amendment builds on an existing panel process that is working well. The panel process would bring a new level of scrutiny to tax regulations, some of which have added immensely to small entity burdens in the past.

At the same time, I am mindful that this expansion will add significantly to the workload of both the Office of Advocacy and the IRS, and I hope suitable staffing adjustments to accommodate this important added work will be made.

Thank you for soliciting my views.

Sincerely,

JERE W. GLOVER,  
Chief Counsel for Advocacy.

Mr. KERRY. Mr. President, as Ranking Democrat on the Committee on Small Business, I join Committee Chairman BOND in introducing the Small Business Advocacy Review Panel Technical Amendments Act of 1999. While there are a few minor points that Chairman BOND and I have agreed to work out before the Committee considers the bill, we both agree that this is an important piece of legislation which should be enacted promptly to facilitate the Small Business Enforcement Fairness Act process. This process enables small entity representatives to participate in rulemakings by the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), and, under this bill, the Internal Revenue Service (IRS) of the Department of Treasury.

This bill improves and enhances the Small Business Regulatory Enforcement Fairness Act of 1996, which has not only reduced regulatory burdens that otherwise would have been placed on small businesses, but also has begun to institute a fundamental change in the way Federal agencies promulgate rules that could have "a substantial economic impact on a substantial number of small businesses." Federal agencies are required under existing law to form so-called SBREFA panels in conjunction with the Office of Information and Regulatory Affairs in the Office of Management and Budget, and with small entities, or their representatives. These SBREFA panels are charged with creating flexible regulatory options that would allow small businesses to continue to operate without sacrificing the environmental, or health and safety goals of the proposed rule.

These panels have been highly effective in saving small businesses regulatory compliance costs. To date, seventeen (17) Small Business Regulatory Enforcement Fairness Act panels have been convened by the EPA, and three (3) by the OSHA. According to SBA's Office of Advocacy, since the law's enactment in 1996, the EPA SBREFA panels have saved small businesses almost \$1 billion, and the OSHA SBREFA panels have saved small businesses about \$2 billion.

While the process has obviously worked well to date, there are a few technical changes that we are proposing to help the process work even better. These changes were recommended by selected small entity representatives who have experience with the SBREFA panel process, and who testified at a joint hearing held by the House Small Business Committee's Subcommittees on Regulatory Reform and Paperwork Reduction, and Government Programs and Oversight on March 11, 1999.

Let me take a minute to describe the provisions of the bill.

This bill would lengthen by thirty (30) days the time that small entity representatives have to review the usually technical and voluminous materials to be considered during panel deliberations. For those small businessmen and women who would like to participate but do not have a great deal of time to review technical data, the bill requires OSHA, EPA and IRS to prepare detailed summaries of background data and information.

The bill would also allow a small entity representative, if he or she so chooses to, make an oral presentation to the panel.

Many small entities have expressed their interest in reviewing the panel report before the rule is proposed, and this bill would require the panel report to be printed in the Federal Register either as soon as practicable or with the proposed rule, but in no case, later than six (6) months after the rule is proposed.

Moreover, the bill would add certain rules issued by Internal Revenue Service to the panel requirements of SBREFA. Many small businesses complain that they are overwhelmed with the large burdens that the IRS places on them. It is the goal of this bill to hold the IRS accountable for the interpretative rules they issue that have a major impact on small business concerns, and to open up the rulemaking process so small entities can participate.

This new authority would significantly increase the workload of SBA's Office of Advocacy, the Federal office charged with monitoring agency compliance with the Regulatory Flexibility Act, including SBREFA. Chairman BOND and I agree that it is important that the Office of Advocacy have adequate resources to fulfill the new responsibilities mandated by this bill. Therefore, we plan to send a letter jointly to Appropriations Subcommittee on Commerce, Justice and State Chairman and Ranking Member Senators GREGG and HOLLINGS requesting them to approve additional funding for the Office of Advocacy to handle these additional responsibilities under the law.

I am proud to support this legislation. I believe it will result in significant savings for small businesses and will improve the mechanism for their voices to be heard.

Finally, I would like to thank Chairman BOND and his staff for their efforts working with me and my staff to produce this important bill.

By Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. THURMOND, Mr. NICKLES, Mr. HELMS, and Mr. COCHRAN):

S. 1157. A bill to repeal the Davis-Bacon Act and the Copeland Act; to the Committee on Health, Education, Labor, and Pensions.

DAVIS-BACON REPEAL ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce the

Davis-Bacon Repeal Act of 1999. This legislation would repeal the Davis-Bacon Act of 1931, which guarantees high wages for workers on Federal construction projects, and the Copeland Act, which imposes weekly payroll reporting requirements.

Davis-Bacon requires contractors on Federal construction projects costing over \$2,000 to pay their workers no less than the "prevailing wage" for comparable work in their local area. The U.S. Department of Labor has the final say on what the term "prevailing wage" means, but the prevailing wage usually is based on union-negotiated wages.

My bill would allow free market forces, rather than bureaucrats at the Labor Department in Washington, DC., to determine the amount of construction wages. There is simply no need to have the Labor Department dictating wage rates for workers on Federal construction projects in every locality in the United States.

The Department of Labor's Office of the Inspector General recently issues a devastating report showing that inaccurate information had been used in Davis-Bacon wage determinations in several states. The errors caused wages or fringe benefits to be overstated by as much as \$1.00 per hour, in some cases. If Davis-Bacon were repealed, American taxpayers would save more than \$3 billion over a 5-year period, according to the Congressional Budget Office.

Davis-Bacon also stifles competition in Federal bidding for construction projects, especially with respect to small businesses. Small construction companies are not knowledgeable about Federal contracting procedures; and they simply cannot afford to hire the staff needed to comply with Davis-Bacon's complex work rules and reporting requirements.

Congress passed Davis-Bacon during the Great Depression, a period in which work was scarce. In those days, construction workers were willing to take what jobs they could find, regardless of the wage rate; most construction was publicly financed; and there were no other Federal worker protections on the books.

Conditions in the construction industry have changed a lot since then, however. Today, unemployment rates are low, and public works construction makes up only about 20 percent of the construction industry's activity. Also, we now have many Federal laws on the books to protect workers. Such laws include the Fair Labor Standards Act of 1938, which imposes a general minimum wage, the Occupational Safety and Health Act of 1970, the Miller Act of 1935, the Contract Work House and Safety Standards Act of 1962, and the Social Security Act.

Yet the construction industry still has to operate under Davis-Bacon's inflexible 1930s work requirements and play by its payroll reporting rules. Under the law's craft-by-craft require-

ments, for example, contractors must pay Davis-Bacon wages for individuals who perform a given craft's work. In many cases, that means a contractor either must pay a high wage to an unskilled worker for performing menial tasks, or he must pay a high wage to an experienced worker for these menial tasks. These requirements reduce productivity.

A related problem with Davis-Bacon is that it reduces entry-level jobs and training opportunities for the disadvantaged. Because the law makes it costly for contractors to hire lower-skilled workers on construction projects, the statute creates a disincentive to hire entry-level workers and provide on-the-job training.

The Congressional Budget Office raised this issue in its analysis, "Modifying the Davis-Bacon Act: Implications for the Labor Market and the Federal Budget." As stated in that 1983 study:

Although the effect of Davis-Bacon on wages receives the most attention, the Act's largest potential cost impact may derive from its effect on the use of labor. For one thing, DOL wage determinations require that, if an employee does the work of a particular craft, the wage paid should be for the craft.

For example, carpentry work must be paid for at carpenters' wages, even if performed by a general laborer, helper or member of another craft.

Moreover, the General Accounting Office has maintained that the Davis-Bacon Act is no longer needed. GAO began to openly question Davis-Bacon in the 1960s; and in 1979, it issued a report calling for the Act's repeal. Titled "The Davis-Bacon Act Should Be Repealed," the report states: "[o]ther wage legislation and changes in economic conditions and in the construction industry since the law was passed make the law obsolete; and the law is inflationary."

To those who remain unconvinced that Davis-Bacon is bad public policy, I urge a review of the Act's legislative history. Some early supporters of Davis-Bacon advocated its passage as a means to discriminate against minorities. For instance, Clayton Allgood, a member of the 71st Congress, argued on the House floor that Davis-Bacon would keep contractors from employing "cheap colored labor" on construction projects. As stated by Congressman Allgood on February 28, 1931, "it is labor of that sort that is in competition with white labor throughout the country." Unfortunately, Davis-Bacon still has the effect of keeping minority-owned construction firms from competing for Federal construction contract, because many such firms are small businesses.

Early supporters of Davis-Bacon also believed that the law would prevent outside contractors from undermining local firms in the Federal bidding process. In practice, however, Davis-Bacon wages hurt local businesses and make it more likely that outside contractors will win bids for Federal projects.

Mr. President, for all of the above reasons, I believe that the Davis-Bacon Act should be repealed. I urge my colleagues to support the Davis-Bacon Repeal Act of 1999.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1157

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

#### SECTION 1. DAVIS-BACON ACT.

(a) REPEAL.—The Act of March 3, 1931 (40 U.S.C. 276a et seq.) (commonly referred to as the Davis-Bacon Act) is repealed.

(b) REFERENCES.—Any reference in any law to a wage requirement of the Act of March 3, 1931, shall after the date of the enactment of this Act be null and void.

#### SEC. 2. COPELAND ACT.

Section 2 of the Act of June 13, 1934 (40 U.S.C. 276c) (commonly referred to as the "Copeland Act") is repealed.

#### SEC. 3. EFFECTIVE DATE.

The amendments made by sections 1 and 2 shall take effect 30 days after the date of the enactment of this Act but shall not affect any contract in existence on such date of enactment or made pursuant to invitation for bids outstanding on such date of enactment.

Mr. NICKLES. Mr. President, I am happy to join Senator BOB SMITH as a cosponsor of the Davis-Bacon Repeal Act of 1999.

I believe Davis-Bacon repeal is long overdue. This 68-year-old legislation requires contractors to pay workers on federally-subsidized projects what the Labor Department determines is the local prevailing wage. What Davis-Bacon actually does is cost the Federal Government billions of dollars, divert funds out of vitally important projects, and limit opportunities for employment.

In my own State of Oklahoma, it has been proven that many "prevailing wages" have been calculated using fictitious projects, ghost workers, and companies established to pay artificially high wages. Oklahoma officials have reported that many of the wage survey forms submitted to the U.S. Department of Labor to calculate Federal wage rates in Oklahoma were wrong or fraudulent.

Records showed that an underground storage tank was built using 20 plumbers and pipefitters paid \$21.05 an hour but no such tank was ever built. In another case, several asphalt machine operators were reported to have been employed at \$15 an hour to build a parking lot but the lot was made of concrete, there were no asphalt operators, and the actual Davis-Bacon wage should have been \$8 an hour. Ultimately, the Oklahoma Secretary of Labor established that at least two of the inflated Oklahoma reports were filled out by union officials.

The Davis-Bacon Act also diverts urgently needed Federal funds. After the 1995 bombing of the Murrah Federal building in Oklahoma City, Mayor Ron

Norick of Oklahoma City estimated that the city could have saved \$15 million in construction costs had the President waived the Davis-Bacon Act.

This money could have been used to provided additional assistance to those impacted by the bombing and to further rebuild the area around the Murrah site. The Federal role in disaster situations should be to empower communities and foster flexibility so that rebuilding efforts can proceed in the best manner possible.

The Congress should repeal a law that discourages, rather than encourages, the employment of lower skilled or non-skilled workers.

Davis-Bacon began as a way to keep small and minority businesses out of the government pie, and today it still does, reaching even further. Repeal of the act will take wage setting out of the hands of bureaucrats and return the determination of labor costs on construction projects to the efficiencies of the competitive marketplace. This would result in a more sound fiscal policy through payment of actual market-based local wage rates; more entry-level jobs in construction industry for youth, minorities, and women; and more small businesses bidding on Federal contracts.

The Davis-Bacon Repeal Act will provide increased job opportunities for those who might not ordinarily have the chance to enter the workforce, the opportunity to learn a trade, and the opportunity to climb the economic ladder.

I applaud Senator SMITH for his efforts and appreciate the chance to cosponsor this bill.

By Mr. HUTCHINSON:

S. 1158. A bill to allow the recovery of attorney's fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration; to the Committee on Health, Education, Labor, and Pensions.

#### FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT ACT

• Mr. HUTCHINSON. Mr. President, it is my honor today to introduce the "Fair Access to Indemnity and Reimbursement Act" (the "FAIR Act"), which will amend the National Labor Relations Act and the Occupational Safety and Health Act to provide that a small employer prevailing against either agency will be automatically entitled to recover the attorney's fees and expenses it incurred to defend itself.

The FAIR Act is necessary because the National Labor Relations Board ("NLRB") and Occupational Safety and Health Agency ("OSHA") are two aggressive, well-funded agencies which share a "find and fine" philosophy. The destructive consequences that small businesses suffer as a result of these agencies' "find and fine" approach are magnified by the abuse of "salting" or the placement of paid union organizers

and their agents in non-union workplaces for the sole purpose of disrupting the workforce. "Salting abuse" occurs when "salts" create labor law violations or workplace hazards and then file frivolous claims with the NLRB or OSHA. Businesses are then often forced to spend thousands and sometimes hundreds of thousands of dollars to defend themselves against NLRB or OSHA as these agencies vigorously prosecute these frivolous claims. Accordingly, many businesses, when faced with the cost of a successful defense, make a bottom-line decision to settle these frivolous claims rather than going out of business or laying off employees in order to finance costly litigation.

The "FAIR Act" will allow these employers to defend themselves rather than settling, and, more importantly, it will force the NLRB or OSHA to ensure that the claims they pursue are worthy of their efforts. The FAIR Act will accomplish this by allowing employers with up to 100 employees and a net worth of up to \$7,000,000 to recover their attorneys fees and litigation expense directly from the NLRB or OSHA, regardless of whether those agencies' decision to pursue the case was "substantially justified" or "special circumstances" make an award of attorneys fees unjust. Thus, the Congressional intent behind the broadly supported, bi-partisan "Equal Access to Justice Act" ("EAJA") to "level the playing field" for small businesses will finally be realized.

The "FAIR Act" is solid legislation; it is a common sense attempt to give small businesses the means to defend themselves against unfair actions. Accordingly, I ask my colleagues for their cooperation and assistance as I work to ensure that the "FAIR Act" is enacted into law.●

By Mr. STEVENS (for himself, Mr. COCHRAN, Mr. INOUE, Mr. HAGEL, Mr. BINGAMAN, Mr. SHELBY, Mr. LEVIN, Mr. DODD, and Mr. THURMOND):

S. 1159. A bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students; to the Committee on Health, Education, Labor, and Pensions.

#### PHYSICAL EDUCATION FOR PROGRESS ACT

Mr. STEVENS. Mr. President, today I send to the desk and introduce the Physical Education for Progress—or "PEP"—Act. My bill would provide incentive grants for local school districts to develop minimum weekly requirements for physical education, and daily physical education if possible.

Every student in our Nation's schools, from kindergarten through grade 12, should have the opportunity to participate in quality physical education. Children need to know that physical activity can help them feel good, be successful in school and work, and stay healthy.

Engaging in sports activities provides lessons about teamwork and dealing with defeat. In my judgment, physical activity and sports are an important educational tool, and the lessons of sports may help resolve some of the problems that lead to violence in schools.

Regular physical activity produces short-term health benefits and reduces long-term risks for chronic disease, disability and premature death. Despite the proven benefits of being physically active, more than 60 percent of American adults do not engage in levels of physical activity necessary to provide health benefits.

More than a third of young people in our country aged 12 to 21 years do not regularly engage in vigorous physical activity, and the percentage of overweight young Americans has more than doubled in the past 30 years. Daily participation in high school physical education classes dropped from 42 percent in 1991 to 27 percent in 1997. Right now, only one state in our union—Illinois—currently requires daily physical education for grades K through 12. I think that is a staggering statistic. Only one State requires daily physical education for our children.

The impact of our poor health habits is staggering: obesity-related diseases now cost the Nation more than \$100 billion per year, and inactivity and poor diet cause more than 300,000 deaths per year in the United States.

We know from the Centers for Disease Control and others that lifelong health-related habits, including physical activity and eating patterns, are often established in childhood. Because ingrained behaviors are difficult to change as people grow older, we need to reach out to young people early, before health-damaging behaviors are adopted.

To me, schools provide an ideal opportunity to make an enormous, positive impact on the health of our Nation. The PEP Act, to me, is an important step toward improving the health of our Nation. The PEP Act would help schools get regular physical activity back into their programs. We can, and should, help our youth establish solid health habits at an early age.

The incentive grants provided for by my bill could be used to provide physical education equipment and support to students, to enhance physical education curricula, and to train and educate physical education teachers.

The future cost savings in health care for emphasizing the importance of physical activity to a long and healthy life, to me, are immense.

By Mr. GRASSLEY (for himself and Mrs. FEINSTEIN):

S. 1160. A bill to amend the Internal Revenue Service Code of 1986 to provide marriage penalty relief, incentives to encourage health coverage, and increased child care assistance, to extend certain expiring tax provisions, and for other purposes; to the Committee on Finance.

#### TAX RELIEF FOR WORKING AMERICANS ACT OF 1999

Mr. GRASSLEY. Mr. President, today I am being joined by Senator FEINSTEIN in introducing the "Tax Relief for Working Americans Act of 1999". Congresswoman NANCY JOHNSON is introducing companion legislation in the House. We're here today to declare victory in the debate over whether or not we should have significant tax relief for the American people. The President and most congressional Democrats have now joined Republicans in support of cutting taxes. The question now is not whether there should be tax cuts, but what kind, and how much. I can't think of a better problem to have.

With our core tax cut plan, we're proposing a major first step in sending hard-earned dollars out of Washington and back to the taxpayer. I support an across the board tax cut. But, I'm afraid that if we do that first, we won't have any money left over to pay for tax cuts that people are telling me they really want, like addressing the marriage penalty, providing health care tax relief, and more help for education. They want these problems in the tax code fixed first. An across the board cut won't fix these problems, it'll only compound them. That isn't fair. And we're saying fairness should come first.

The President only offered modest tax cuts, along with a new retirement savings proposal that nobody understands, and many question whether it will work. And then, he wants to raise other taxes to pay for it. The President wants it both ways. He wants to be able to take credit for a tax cut on the one hand, while he's raising taxes on the other. We deserve what we get, if we let him get away with the double talk we all know so well.

We have two alternatives. One is to push for an across the board tax cut first, and let the President and some in Congress play the class warfare card they play so well. And in the end, we probably end up with no tax relief. Senator FEINSTEIN and I are saying that we should take the initiative and push for major tax relief that people really want and both Republicans and Democrats support. Our package will provide close to \$300 billion in tax relief over ten years. I, for one, view this as a very strong starting point in determining how the coming on-budget surplus will be used.

Among other things, our bill will provide tax relief for senior citizens, those who are married, those who need to buy their own health insurance, and those who purchase long-term care insurance. Moreover, it will include provisions to ensure that parents who make use of education or child care tax credits are not hurt by the Alternative Minimum Tax. We also hope to improve the living standards of Americans through tax relief for urban revitalization, rural preservation, rental housing, and economic growth. We also provide needed tax assistance to farm-

ers by shielding them from the Alternative Minimum Tax, and allowing them to set up special tax-deferred savings accounts to help them weather the ups and downs of farming. And, we help improve the environment by extending the production tax credit for wind energy and expanding the credit for biomass. I've strongly supported both of these alternative energies since taking the lead on them back in 1992.

We think this package is a good start in the process of delivering tax relief to the American people, and I urge my colleagues to join us in this effort.

Mrs. FEINSTEIN. Mr. President, I rise, along with my colleague from Iowa, to introduce the Tax Relief for Working Americans Act—what I consider to be a "fair share" tax plan. This bill, while protecting our Social Security and Medicare needs, will also allow all Americans to benefit from our economic prosperity.

The American people are responsible for the more than \$4 trillion in budget surpluses over the next 15 years, so it makes sense to give them some needed and deserved tax relief.

The Tax Relief for Working Americans Act is a sensible and moderate bill that provides needed tax relief for working families. It does so, moreover, in a fiscally responsible manner which protects Social Security and Medicare. This tax plan is estimated to provide tax relief of \$271 billion over ten years, fitting within the budget framework set out by the President to protect Social Security and Medicare.

The legislation will provide relief to 21 million working couples who incur the marriage penalty by increasing the standard deduction to put them on equal footing with unmarried couples. A married couple in the 28% bracket, for example, will save \$392.

It includes tax incentives for the over 30 million Americans who purchase their own health insurance or who pay more than 50% of their employer provided health care insurance. This means a family that earns \$60,000 and pays \$4,000 a year for health insurance will receive a tax credit of \$2,400.

And it will raise the Social Security Earnings test to \$30,000, so that the 1.1 million seniors between the ages of 65 and 69 who earn more than \$15,500 would be able to keep more of their hard earned dollars. For a 67 year old secretary who earns \$30,000 a year this would mean she will save nearly \$5,000.

Under this legislation, millions of Americans who struggle to afford decent child care, will receive increased benefits from the Dependent Care Tax Credit. The credit will increase from 30% to 50% by 2004 and millions more will qualify for the maximum credit. When fully in effect, a family which earns \$30,000 and spends \$5,000 a year on child care for their two children will receive a \$2,400 tax credit which should eliminate any federal tax liability.

This legislation will also help to expand our economy by making permanent the Research and Development tax credit. Research and development

is the backbone of our new technology driven economy. It is creating millions of high wage, high skilled jobs. The R&D credit has been extended 9 times since 1981, but it has been allowed to expire 4 times during that period. Now is the time to make it permanent.

There are also other important provisions in this legislation to promote long-term care, create more affordable housing, make education more affordable, and to help our farmers.

I believe that this tax plan is one which can, and will, receive broad bipartisan support. It is a tax plan which Congress can pass and the President can sign. I urge my colleagues to work with the Senator from Iowa and myself, and to pass the Tax Relief for Working Americans Act.

By Mr. BENNETT (for himself, Mrs. MURRAY, Mr. SCHUMER, and Mr. TORRICELLI):

S. 1163. A bill to amend the Public Health Service Act to provide for research and services with respect to lupus; to the Committee on Health, Education, Labor, and Pensions.

LUPUS RESEARCH AND CARE AMENDMENTS OF 1999

• Mr. BENNETT. Mr. President, I rise today to introduce the Lupus Research and Care Amendments of 1999. This legislation would authorize additional funds for lupus research and grants for state and local governments to support the delivery of essential services to low-income individuals with lupus and their families. The National Institute of Health (NIH) spent about \$42 million less than one half of one percent of its budget on lupus research last year. I believe that we need to increase the funds that are available for research of this debilitating disease.

Lupus is not a well-known disease, nor is it well understood. Yet, at least 1,400,000 Americans have been diagnosed with lupus and many more are either misdiagnosed or not diagnosed at all. More Americans have lupus than AIDS, cerebral palsy, multiple sclerosis, sickle-cell anemia or cystic fibrosis. Lupus is a disease that attacks and weakens the immune system and is often life-threatening. Lupus is nine times more likely to affect women than men. African-American women are diagnosed with lupus two to three times more often than Caucasian women. Lupus is also more prevalent among certain minority groups including Latinos, Native Americans and Asians.

Because lupus is not well understood, it is difficult to diagnose, leading to uncertainty on the actual number of patients suffering from lupus. The symptoms of lupus make diagnosis difficult because they are sporadic and imitate the symptoms of many other illnesses. If diagnosed early and with proper treatment, the majority of lupus cases can be controlled. Unfortunately, because of the difficulties in diagnosing lupus and inadequate research, many lupus patients suffer de-

bilitating pain and fatigue. The resulting effects make it difficult, if not impossible, for individuals suffering from lupus to carry on normal everyday activities including the demands of a job. Thousands of these debilitating cases needlessly end in death each year.

Title I of the Lupus Research and Care Amendments of 1999 authorizes \$75 million in grants starting in fiscal year 2000 to be earmarked for lupus research at NIH. This new authorization would amount to less than one half of one percent of NIH's total budget but would greatly enhance NIH's research.

Title II of the Lupus Research and Care Amendments of 1999 authorizes \$40 million in grants to state and local governments as well as to nonprofit organizations starting in fiscal year 2000. These funds would support the delivery of essential services to low-income individuals with lupus and their families. I would urge all my colleagues, Mr. President, to join Senator MURRAY, Senator TORRICELLI, Senator SCHUMER, and myself in sponsoring this legislation to increase funding to fight lupus. •

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. MACK)

S. 1164. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

INTERNATIONAL TAX SIMPLIFICATION FOR AMERICAN COMPETITIVENESS ACT OF 1999

Mr. HATCH. Mr. President, I rise today with my friend and colleagues Senators BAUCUS and MACK to introduce the International Tax Simplification for American Competitiveness Act of 1999. This bill will provide much-needed tax relief from complex and inconsistent tax laws that burden our American-owned companies attempting to compete in the world marketplace.

Our foreign tax code is in desperate need of reform and simplification. The rules in this arena are way too complex and, often, their results are perverse.

Mr. President, the American economy has experienced significant growth and prosperity. That success, however, is becoming more and more intertwined with the success of our business in the global marketplace. This has become even more obvious during the recent financial distress in Asia and Latin America. Yet, most people still do not realize the important contributions to our economy from U.S. companies with global operations. We have seen the share of U.S. corporate profits attributed to foreign operations rise from 7.5 percent in the 1960's to 17.7 percent in the 1990's.

As technology blurs traditional boundaries, and as competition continues to increase from previously lesser-developed nations, it is imperative that American-owned businesses be able to compete effectively.

It seems to me that any rule, regulation, requirement, or tax that we can

alleviate to enhance competitiveness will inure to the benefit of American companies, their employees, and shareholders.

There are many barriers that the U.S. economy must overcome in order to remain competitive that Congress cannot hurdle by itself. For example, we have international trade negotiators working hard to remove the barriers to foreign markets that discourage and hamper U.S. trade. It is ironic, therefore, that one of the largest trade barriers is imposed by our own tax code on American companies operating abroad. Make no mistake: the complexities and inconsistencies in this section of the Tax Code have an appreciable adverse effect on our domestic economy.

The failure to deal with the barriers in our own backyard will serve only to drive more American companies to other countries with simple, more favorable tax treatment. We just saw this occur with the merger of Daimler Benz and Chrysler. The new corporation will be headquartered in Germany due to the complex international laws of the United States.

The business world is changing at an increasingly rapid pace. Tax laws have failed to keep pace with the rapid changes in the world technology and economy. Too many of the international provisions in the Internal Revenue Code have not been substantially debated and revised in over a decade. Since that time, existing international markets have changed significantly, and we have seen new markets created. The U.S. Tax Code needs to adapt to the changing times as well. Our current confusing and archaic tax code is woefully out of step with commercial realities as we approach the 21st century.

U.S. businesses frequently find themselves at a competitive disadvantage to their foreign competitors due to the high taxes and stiff regulations they often face. A U.S. company selling products abroad is often charged a higher tax rate by our own government, than a foreign company is. For example, when Kodak sells film in the U.K. or Germany, they pay higher taxes than their foreign competitor Fuji does for those same sales.

If we close American companies out of the international arena due to complex and burdensome tax rules on exports and foreign production, then we are denying them the ability to compete. Dooming them, and ourselves, to anemic economic growth and all its adverse subsidiary effects.

The bill we are introducing today is not a comprehensive solution, neither is it a set of bold new initiatives. Instead, this bill contains a set of important intermediate steps which will take us a long way toward simplifying the rules and making some sense of the international tax regime. The bill contains provisions to simplify and update the tax treatment of controlled foreign corporations, fix some of the rules relating to the foreign tax credit, and



make other changes to international tax law.

Some of these changes are in areas that are in dire need of repair, and others are changes that take into consideration the changes we have seen in international business practices and environments during the last decade.

One example of the need for updating our laws is the financial services industry. This industry has seen rapid technological and global changes that have transformed the very nature of the way these corporations do business both here and abroad. This bill contains several provisions to help adapt the foreign tax regime to keep up with these changes.

In the debate about the globalization of our economy, we absolutely cannot forget the taxation of foreign companies with U.S. operations and subsidiaries. These companies are an important part of our growing economy. They employ 4.9 million American workers. In my home state of Utah, employees at U.S. subsidiaries constitute 3.6 percent of the work force. We must ensure that U.S. tax law is written and fairly enforced for all companies in the United States.

This bill is not the end of the international tax debate. If we were to pass every provision it contains, we would still not have a simple Tax Code. We would need to make more reforms yet. We cannot limit this debate to only the intermediate changes such as those in this bill. We must not lose sight of the long term. I intend to urge broader debate about other areas in need of reform such as interest allocation, issues raised by the European Union, and subpart F itself. I believe that we must address these concerns in the next five years if we are to put U.S. corporations and the U.S. economy in a position to maintain economic position in the global economy of tomorrow.

This bill is important to the future of every American citizen. Without these changes, American businesses will see their ability to compete diminished, and the United States will have an uphill battle to remain the preeminent economic force in a changing world. This modest, but important package of international tax reforms will help to keep our businesses and our economy competitive and a driving force in the world economic picture. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent to print the text of the bill in the RECORD.

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

S. 1164

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

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "International Tax Simplification for American Competitiveness Act of 1999".

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in

this Act an amendment or repeal is expressed in terms of an amendment 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.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

**TITLE I—TREATMENT OF CONTROLLED FOREIGN CORPORATIONS**

Sec. 101. Permanent subpart F exemption for active financing income.

Sec. 102. Study of proper treatment of European Union under same country exceptions.

Sec. 103. Expansion of de minimis rule under subpart F.

Sec. 104. Subpart F earnings and profits determined under generally accepted accounting principles.

Sec. 105. Clarification of treatment of pipeline transportation income.

Sec. 106. Subpart F treatment of income from transmission of high voltage electricity.

Sec. 107. Look-through treatment for sales of partnership interests.

Sec. 108. Effective date.

**TITLE II—PROVISIONS RELATING TO FOREIGN TAX CREDIT**

Sec. 201. Extension of period to which excess foreign taxes may be carried.

Sec. 202. Recaracterization of overall domestic loss.

Sec. 203. Special rules relating to financial services income.

Sec. 204. Look-thru rules to apply to dividends from noncontrolled section 902 corporations.

Sec. 205. Application of look-thru rules to foreign tax credit.

Sec. 206. Ordering rules for foreign tax credit carryovers.

Sec. 207. Repeal of limitation of foreign tax credit under alternative minimum tax.

Sec. 208. Repeal of special rules for applying foreign tax credit in case of foreign oil and gas income.

**TITLE III—OTHER PROVISIONS**

Sec. 301. Deduction for dividends received from certain foreign corporations.

Sec. 302. Application of uniform capitalization rules to foreign persons.

Sec. 303. Treatment of military property of foreign sales corporations.

Sec. 304. United States property not to include certain assets acquired by dealers in ordinary course of trade or business.

Sec. 305. Treatment of certain dividends of regulated investment companies.

Sec. 306. Regulatory authority to exclude certain preliminary agreements from definition of intangible property.

Sec. 307. Airline mileage awards to certain foreign persons.

Sec. 308. Repeal of reduction of subpart F income of export trade corporations.

Sec. 309. Study of interest allocation.

Sec. 310. Interest payments deductible where disqualified guarantee has economic effect.

Sec. 311. Modifications of reporting requirements for certain foreign owned corporations.

**TITLE I—TREATMENT OF CONTROLLED FOREIGN CORPORATIONS**

**SEC. 101. PERMANENT SUBPART F EXEMPTION FOR ACTIVE FINANCING INCOME.**

(a) **BANKING, FINANCING, OR SIMILAR BUSINESSES.**—Section 954(h) (relating to special

rule for income derived in the active conduct of banking, financing, or similar businesses) is amended by striking paragraph (9).

(b) **INSURANCE BUSINESSES.**—Section 953(e) (defining exempt insurance income) is amended by striking paragraph (10) and by redesignating paragraph (11) as paragraph (10).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years of a foreign corporation beginning after December 31, 1999, and to taxable years of United States shareholders with or within which such taxable years of such foreign corporation end.

**SEC. 102. STUDY OF PROPER TREATMENT OF EUROPEAN UNION UNDER SAME COUNTRY EXCEPTIONS.**

(a) **STUDY.**—The Secretary of the Treasury or the Secretary's delegate shall conduct a study on the feasibility of treating all countries included in the European Union as 1 country for purposes of applying the same country exceptions under subpart F of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986. Such study shall include consideration of methods of ensuring that taxpayers are subject to a substantial effective rate of foreign tax in such countries if such treatment is adopted.

(b) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under subsection (a), including recommendations (if any) for legislation.

**SEC. 103. EXPANSION OF DE MINIMIS RULE UNDER SUBPART F.**

(a) **IN GENERAL.**—Subparagraph (A) of section 954(b)(3) (relating to de minimis, etc., rules) is amended—

(1) by striking "5 percent" in clause (i) and inserting "10 percent", and

(2) by striking "\$1,000,000" in clause (ii) and inserting "\$2,000,000".

(b) **TECHNICAL AMENDMENTS.**—

(1) Clause (ii) of section 864(d)(5)(A) is amended by striking "5 percent or \$1,000,000" and inserting "10 percent or \$2,000,000".

(2) Clause (i) of section 881(c)(5)(A) is amended by striking "5 percent or \$1,000,000" and inserting "10 percent or \$2,000,000".

**SEC. 104. SUBPART F EARNINGS AND PROFITS DETERMINED UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.**

(a) **IN GENERAL.**—Section 964(a) (relating to earnings and profits) is amended by striking "rules substantially similar to those applicable to domestic corporations, under regulations prescribed by the Secretary" and inserting "generally accepted accounting principles in the United States".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to distributions during, and the determination of the inclusion under section 951 of the Internal Revenue Code of 1986 with respect to, taxable years of foreign corporations beginning after December 31, 1999.

**SEC. 105. CLARIFICATION OF TREATMENT OF PIPELINE TRANSPORTATION INCOME.**

Section 954(g)(1) (defining foreign base company oil related income) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) the pipeline transportation of oil or gas within such foreign country."

**SEC. 106. SUBPART F TREATMENT OF INCOME FROM TRANSMISSION OF HIGH VOLTAGE ELECTRICITY.**

Section 954(e) (relating to foreign base company services income) is amended by

adding at the end the following new paragraph:

"(3) EXCEPTION FOR INCOME FROM TRANSMISSION OF HIGH VOLTAGE ELECTRICITY.—The term 'foreign base company services income' does not include income derived in connection with the performance of services which are related to the transmission of high voltage electricity."

**SEC. 107. LOOK-THROUGH TREATMENT FOR SALES OF PARTNERSHIP INTERESTS.**

(a) IN GENERAL.—Section 954(c) (defining foreign personal holding company income) is amended by adding at the end the following new paragraph:

"(4) LOOK-THROUGH RULE FOR CERTAIN PARTNERSHIP SALES.—

"(A) IN GENERAL.—In the case of any sale by a controlled foreign corporation of an interest in a partnership with respect to which such corporation is a 10-percent owner, such corporation shall be treated for purposes of this subsection as selling the proportionate share of the assets of the partnership attributable to such interest.

"(B) 10-PERCENT OWNER.—For purposes of this paragraph, the term '10-percent owner' means a controlled foreign corporation which owns 10 percent or more of the capital or profits interest in the partnership. The constructive ownership rules of section 958(b) shall apply for purposes of the preceding sentence."

(b) CONFORMING AMENDMENT.—Section 954(c)(1)(B)(ii) is amended by inserting "except as provided in paragraph (4)," before "which".

**SEC. 108. EFFECTIVE DATE.**

Except as otherwise provided in this title, the amendments made by this title shall apply to taxable years of controlled foreign corporations beginning after December 31, 1999, and taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

**TITLE II—PROVISIONS RELATING TO FOREIGN TAX CREDIT**

**SEC. 201. EXTENSION OF PERIOD TO WHICH EXCESS FOREIGN TAXES MAY BE CARRIED.**

(a) GENERAL RULE.—Section 904(c) (relating to carryback and carryover of excess tax paid) is amended by striking "in the first, second, third, fourth, or fifth" and inserting "in any of the first 10".

(b) EXCESS EXTRACTION TAXES.—Paragraph (1) of section 907(f) is amended by striking "in the first, second, third, fourth, or fifth" and inserting "in any of the first 10".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to excess foreign taxes arising in taxable years beginning after December 31, 1999.

**SEC. 202. RECHARACTERIZATION OF OVERALL DOMESTIC LOSS.**

(a) GENERAL RULE.—Section 904 is amended by redesignating subsections (g), (h), (i), (j), and (k) as subsections (h), (i), (j), (k), and (l) respectively, and by inserting after subsection (f) the following new subsection:

"(g) RECHARACTERIZATION OF OVERALL DOMESTIC LOSS.—

"(i) GENERAL RULE.—For purposes of this subpart, in the case of any taxpayer who sustains an overall domestic loss for any taxable year beginning after December 31, 1999, that portion of the taxpayer's taxable income from sources within the United States for each succeeding taxable year which is equal to the lesser of—

"(A) the amount of such loss (to the extent not used under this paragraph in prior taxable years), or

"(B) 50 percent of the taxpayer's taxable income from sources within the United States for such succeeding taxable year,

shall be treated as income from sources without the United States (and not as income from sources within the United States).

"(2) OVERALL DOMESTIC LOSS DEFINED.—For purposes of this subsection and section 936—

"(A) IN GENERAL.—The term 'overall domestic loss' means any domestic loss to the extent such loss offsets taxable income from sources without the United States for the taxable year or for any preceding taxable year by reason of a carryback. For purposes of the preceding sentence, the term 'domestic loss' means the amount by which the gross income for the taxable year from sources within the United States is exceeded by the sum of the deductions properly apportioned or allocated thereto (determined without regard to any carryback from a subsequent taxable year).

"(B) TAXPAYER MUST HAVE ELECTED FOREIGN TAX CREDIT FOR YEAR OF LOSS.—The term 'overall domestic loss' shall not include any loss for any taxable year unless the taxpayer chose the benefits of this subpart for such taxable year.

"(3) CHARACTERIZATION OF SUBSEQUENT INCOME.—

"(A) IN GENERAL.—Any income from sources within the United States that is treated as income from sources without the United States under paragraph (1) shall be allocated among and increase the income categories in proportion to the loss from sources within the United States previously allocated to those income categories.

"(B) INCOME CATEGORY.—For purposes of this paragraph, the term 'income category' has the meaning given such term by subsection (f)(5)(E)(i).

"(4) COORDINATION WITH SUBSECTION (f).—The Secretary shall prescribe such regulations as may be necessary to coordinate the provisions of this subsection with the provisions of subsection (f)."

(b) CONFORMING AMENDMENTS.—

(1) Section 535(d)(2) is amended by striking "section 904(g)(6)" and inserting "section 904(h)(6)".

(2) Subparagraph (A) of section 936(a)(2) is amended by striking "section 904(f)" and inserting "subsections (f) and (g) of section 904".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to losses for taxable years beginning after December 31, 1999.

**SEC. 203. SPECIAL RULES RELATING TO FINANCIAL SERVICES INCOME.**

(a) EXCEPTION FOR INTEREST ON CERTAIN SECURITIES.—Section 904(d)(2)(B) (relating to high withholding tax interest) is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

"(iii) EXCEPTION FOR INTEREST ON DEALER PROPERTY.—The term 'high withholding tax interest' shall not include any interest on a security (within the meaning of section 475(c)(2)) which is received or accrued by a person that holds the security in connection with the holder's activities as a dealer in securities (within the meaning of section 475(c)(1))."

(b) FINANCIAL SERVICES INCOME IN EXCESS OF 80 PERCENT OF GROSS INCOME.—Section 904(d)(2)(C) (relating to financial services income) is amended by adding at the end the following new clause:

"(iv) INCOME EXCEEDING 80 PERCENT OF GROSS INCOME.—If the financial services income (as defined in clause (i)) of any person exceeds 80 percent of gross income, the entire gross income for the taxable year shall be treated as financial services income."

(c) EXCEPTION FOR INCOME ON DEALER PROPERTY.—Subsection 904(g) (relating to source rules in case of United States-owned foreign

corporations) is amended by redesignating paragraph (11) as paragraph (12) and by adding after paragraph (10) the following new paragraph:

"(11) EXCEPTION FOR INCOME ON DEALER PROPERTY.—Paragraph (1) shall not apply to any amount derived from a United States-owned foreign corporation that is derived from income on a security (within the meaning of section 475(c)(2)) which is received or accrued by a person that holds the security in connection with the holder's activities as a dealer in securities (within the meaning of section 475(c)(1))."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

(2) DEEMED PAID CREDITS.—In the case of any credit under section 901 of the Internal Revenue Code of 1986 by reason of section 902 or 960 of such Code, the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 1999, and to taxable years of United States shareholders in such corporations with or within which such taxable years of foreign corporations end.

**SEC. 204. LOOK-THRU RULES TO APPLY TO DIVIDENDS FROM NONCONTROLLED SECTION 902 CORPORATIONS.**

(a) IN GENERAL.—Section 904(d)(4) (relating to look-thru rules apply to dividends from noncontrolled section 902 corporations) is amended to read as follows:

"(4) LOOK-THRU APPLIES TO DIVIDENDS FROM CONTROLLED SECTION 902 CORPORATIONS.—

"(A) IN GENERAL.—For purposes of this subsection, any dividend from a noncontrolled section 902 corporation with respect to the taxpayer shall be treated as income in a separate category in proportion to the ratio of—

"(i) the portion of earnings and profits attributable to income in such category, to

"(ii) the total amount of earnings and profits.

"(B) SPECIAL RULES.—For purposes of this paragraph—

"(i) IN GENERAL.—Rules similar to the rules of paragraph (3)(F) shall apply.

"(ii) EARNINGS AND PROFITS.—

"(I) IN GENERAL.—The rules of section 316 shall apply.

"(II) REGULATIONS.—The Secretary may prescribe regulations regarding the treatment of distributions out of earnings and profits for periods before the taxpayer's acquisition of the stock to which the distributions relate."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (E) of section 904(d)(1), as in effect both before and after the amendments made by section 1105 of the Taxpayer Relief Act of 1997, is hereby repealed.

(2) Section 904(d)(2)(C)(iii), as so in effect, is amended by striking subclause (II) and by redesignating subclause (III) as subclause (II).

(3) The last sentence of section 904(d)(2)(D), as so in effect, is amended to read as follows: "Such term does not include any financial services income."

(4) Section 904(d)(2)(E) is amended by striking clauses (ii) and (iv) and by redesignating clause (iii) as clause (ii).

(5) Section 904(d)(3)(F) is amended by striking "(D), or (E)" and inserting "or (D)".

(6) Section 864(d)(5)(A)(i) is amended by striking "(C)(iii)(III)" and inserting "(C)(iii)(II)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

**SEC. 205. APPLICATION OF LOOK-THRU RULES TO FOREIGN TAX CREDIT.**

(a) INTEREST, RENTS, AND ROYALTIES.—

(1) NONCONTROLLED SECTION 902 CORPORATION.—Section 904(d)(4)(A), as amended by section 204, is amended to read as follows:

“(A) IN GENERAL.—For purposes of this subsection—

“(i) any applicable dividend shall be treated as income in a separate category in proportion to the ratio of—

“(I) the portion of the earnings and profits attributable to income in such category, to

“(II) the total amount of earnings and profits, and

“(ii) any interest, rent, or royalty which is received or accrued from a noncontrolled section 902 corporation with respect to the taxpayer shall be treated as income in a separate category to the extent it is properly allocable (under regulations prescribed by the Secretary) to income of such corporation in such category.”

(2) PARTNERSHIPS.—Section 904(d)(6)(C) (relating to regulations) is amended—

(A) by inserting “or (4)(A)(ii)” after “paragraph (3)(C)”, and

(B) by inserting “or noncontrolled section 902 corporations, whichever is applicable” after “controlled foreign corporations”.

(3) CONFORMING AMENDMENT.—The heading for section 904(d)(4), as amended by section 204, is amended by inserting “, INTEREST, RENTS, OR ROYALTIES” after “DIVIDENDS”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

#### SEC. 206. ORDERING RULES FOR FOREIGN TAX CREDIT CARRYOVERS.

(a) IN GENERAL.—Section 904(c) (relating to carryback and carryover of excess tax paid), as amended by section 201, is amended to read as follows:

“(c) CARRYBACK AND CARRYOVER OF EXCESS TAX PAID.—

“(1) IN GENERAL.—If the sum of—

“(A) the foreign tax credit carryovers under this subsection to a taxable year, plus

“(B) the amount of all taxes paid to foreign countries or possessions of the United States for the taxable year and for which the taxpayer elects to have the benefits of this subpart apply,

exceeds the limitation under subsection (a), such excess (to the extent attributable to the taxes described in subparagraph (B)) shall be a foreign tax credit carryback to each of the 2 preceding taxable years and a foreign tax credit carryforward to each of the 10 following taxable years.

“(2) ORDERING RULES.—For purposes of any provision of the title where it is necessary to ascertain the extent to which the credits to which this subpart applies are used in a taxable year or as a carryback or carryforward, such taxes shall be treated as used—

“(A) first from carryovers to such taxable year,

“(B) then from credits arising in such taxable year, and

“(C) finally from carrybacks to such taxable year.

“(3) LIMITATIONS ON CARRYOVERS.—

“(A) CREDIT ONLY.—A credit may be carried to a taxable year under this subsection only if the taxpayer chooses for such taxable year to have the benefits of this subpart apply to taxes paid or accrued to foreign countries or any possessions of the United States. Any amount so carried may be availed of only as a credit and not a deduction.

“(B) LIMITATION TO APPLY.—The amount of the credit carryforward or carryback to a taxable year (the ‘carryover year’) from a taxable year under this subsection shall not exceed the excess (if any) of—

“(i) the limitation under subsection (a) for the carryover year, over

“(ii) the sum of—

“(I) the credits arising in the carryover year, plus

“(II) carryforwards and carrybacks to the carryover year from taxable years earlier than the taxable year from which the credit is being carried (whether or not the taxpayer chooses to have the benefits of this subpart apply with respect to such earlier taxable year).”

(b) EFFECTIVE DATE.—The amendment made by this section applies to taxable years beginning after December 31, 1999.

#### SEC. 207. REPEAL OF LIMITATION OF FOREIGN TAX CREDIT UNDER ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 59(a) (relating to alternative minimum tax foreign tax credit) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENT.—Section 53(d)(1)(B)(i)(II) is amended by striking “and if section 59(a)(2) did not apply”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

#### SEC. 208. REPEAL OF SPECIAL RULES FOR APPLYING FOREIGN TAX CREDIT IN CASE OF FOREIGN OIL AND GAS INCOME.

(a) IN GENERAL.—Section 907 (relating to special rules in case of foreign oil and gas income) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Each of the following provisions are amended by striking “907.”:

(A) Section 245(a)(10).

(B) Section 865(h)(1)(B).

(C) Section 904(d)(1).

(D) Section 904(g)(10)(A).

(2) Section 904(f)(5)(E)(iii) is amended by inserting “, as in effect before its repeal by the International Tax Simplification for American Competitiveness Act of 1999” after “section 907(c)(4)(B)”.

(3) Section 954(g)(1) is amended by inserting “, as in effect before its repeal by the International Tax Simplification for American Competitiveness Act of 1999” after “907(c)”.

(4) Section 6501(i) is amended—

(A) by striking “, or under section 907(f) (relating to carryback and carryover of disallowed oil and gas extraction taxes)”, and

(B) by striking “or 907(f)”.

(5) The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by striking the item relating to section 907.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

#### TITLE III—OTHER PROVISIONS

#### SEC. 301. DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS.

(a) CONSTRUCTIVE OWNERSHIP RULES TO APPLY IN DETERMINING 80-PERCENT OWNERSHIP.—Section 245 (a)(5) (relating to post-1986 undistributed U.S. earnings) is amended by adding at the end the following flush sentence:

“Section 318(a) shall apply for purposes of subparagraph (B).”

(b) DIVIDENDS TO INCLUDE SUBPART F DISTRIBUTIONS.—Section 245(a) (relating to dividends from 10-percent owned foreign corporations) is amended by adding at the end the following new paragraph:

“(12) SUBPART F INCLUSIONS TREATED AS DIVIDENDS.—For purposes of this subsection, the term ‘dividend’ shall include any amount the taxpayer is required to include in gross income for the taxable year under section 951(a).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

#### SEC. 302. APPLICATION OF UNIFORM CAPITALIZATION RULES TO FOREIGN PERSONS.

(a) IN GENERAL.—Section 263A(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

“(7) FOREIGN PERSONS.—This section shall apply to any taxpayer who is not a United States person only for purposes of applying sections 871(b)(1) and 882(a)(1).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1999. Section 481 of the Internal Revenue Code of 1986 shall not apply to any change in a method of accounting by reason of such amendment.

#### SEC. 303. TREATMENT OF MILITARY PROPERTY OF FOREIGN SALES CORPORATIONS.

(a) IN GENERAL.—Section 923(a) (defining exempt foreign trade income) is amended by striking paragraph (5) and by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

#### SEC. 304. UNITED STATES PROPERTY NOT TO INCLUDE CERTAIN ASSETS ACQUIRED BY DEALERS IN ORDINARY COURSE OF TRADE OR BUSINESS.

(a) IN GENERAL.—Section 956(c)(2) (relating to exceptions from property treated as United States property) is amended by striking “and” at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting “; and”, and by adding at the end the following new subparagraph:

“(L) securities acquired and held by a controlled foreign corporation in the ordinary course of its business as a dealer in securities if (i) the dealer accounts for the securities as securities held primarily for sale to customers in the ordinary course of business, and (ii) the dealer disposes of the securities (or such securities mature while held by the dealer) within a period consistent with the holding of securities for sale to customers in the ordinary course of business.”

(b) CONFORMING AMENDMENT.—Section 956(c)(2) is amended by striking “and (K)” in the last sentence and inserting “, (K), and (L)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 1999, and to taxable years of United States shareholders or with or within which such taxable years of foreign corporations end.

#### SEC. 305. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) TREATMENT OF CERTAIN DIVIDENDS.—

(1) NONRESIDENT ALIEN INDIVIDUALS.—Section 871 (relating to tax on nonresident alien individuals) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

“(k) EXEMPTION FOR CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.—

“(1) INTEREST-RELATED DIVIDENDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no tax shall be imposed under paragraph (1)(A) of subsection (a) on any interest-related dividend received from a regulated investment company.

“(B) EXCEPTIONS.—Subparagraph (A) shall not apply—

“(i) to any interest-related dividend received from a regulated investment company by a person to the extent such dividend is attributable to interest (other than interest described in subparagraph (E) (i) or (iii)) received by such company on indebtedness issued by such person or by any corporation or partnership with respect to which such person is a 10-percent shareholder,

"(ii) to any interest-related dividend with respect to stock of a regulated investment company unless the person who would otherwise be required to deduct and withhold tax from such dividend under chapter 3 receives a statement (which meets requirements similar to the requirements of subsection (h)(5)) that the beneficial owner of such stock is not a United States person, and

"(iii) to any interest-related dividend paid to any person within a foreign country (or any interest-related dividend payment addressed to, or for the account of, persons within such foreign country) during any period described in subsection (h)(6) with respect to such country.

Clause (iii) shall not apply to any dividend with respect to any stock which was acquired on or before the date of the publication of the Secretary's determination under subsection (h)(6).

"(C) INTEREST-RELATED DIVIDEND.—For purposes of this paragraph, an interest-related dividend is any dividend (or part thereof) which is designated by the regulated investment company as an interest-related dividend in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including amounts so designated with respect to dividends paid after the close of the taxable year described in section 855) is greater than the qualified net interest income of the company for such taxable year, the portion of each distribution which shall be an interest-related dividend shall be only that portion of the amounts so designated which such qualified net interest income bears to the aggregate amount so designated.

"(D) QUALIFIED NET INTEREST INCOME.—For purposes of subparagraph (C), the term 'qualified net interest income' means the qualified interest income of the regulated investment company reduced by the deductions properly allocable to such income.

"(E) QUALIFIED INTEREST INCOME.—For purposes of subparagraph (D), the term 'qualified interest income' means the sum of the following amounts derived by the regulated investment company from sources within the United States:

"(i) Any amount includible in gross income as original issue discount (within the meaning of section 1273) on an obligation payable 183 days or less from the date of original issue (without regard to the period held by the company).

"(ii) Any interest includible in gross income (including amounts recognized as ordinary income in respect of original issue discount or market discount or acquisition discount under part V of subchapter P and such other amounts as regulations may provide) on an obligation which is in registered form; except that this clause shall not apply to—

"(I) any interest on an obligation issued by a corporation or partnership if the regulated investment company is a 10-percent shareholder in such corporation or partnership, and

"(II) any interest which is treated as not being portfolio interest under the rules of subsection (h)(4).

"(iii) Any interest referred to in subsection (i)(2)(A) (without regard to the trade or business of the regulated investment company).

"(iv) Any interest-related dividend includible in gross income with respect to stock of another regulated investment company.

"(F) 10-PERCENT SHAREHOLDER.—For purposes of this paragraph, the term '10-percent shareholder' has the meaning given such term by subsection (h)(3)(B).

"(2) SHORT-TERM CAPITAL GAIN DIVIDENDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no tax shall be imposed

under paragraph (1)(A) of subsection (a) on any short-term capital gain dividend received from a regulated investment company.

"(B) EXCEPTION FOR ALIENS TAXABLE UNDER SUBSECTION (a)(2).—Subparagraph (A) shall not apply in the case of any nonresident alien individual subject to tax under subsection (a)(2).

"(C) SHORT-TERM CAPITAL GAIN DIVIDEND.—For purposes of this paragraph, a short-term capital gain dividend is any dividend (or part thereof) which is designated by the regulated investment company as a short-term capital gain dividend in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including amounts so designated with respect to dividends paid after the close of the taxable year described in section 855) is greater than the qualified short-term gain of the company for such taxable year, the portion of each distribution which shall be a short-term capital gain dividend shall be only that portion of the amounts so designated which such qualified short-term gain bears to the aggregate amount so designated.

"(D) QUALIFIED SHORT-TERM GAIN.—For purposes of subparagraph (C), the term 'qualified short-term gain' means the excess of the net short-term capital gain of the regulated investment company for the taxable year over the net long-term capital loss (if any) of such company for such taxable year. For purposes of this subparagraph—

"(i) the net short-term capital gain of the regulated investment company shall be computed by treating any short-term capital gain dividend includible in gross income with respect to stock of another regulated investment company as a short-term capital gain, and

"(ii) the excess of the net short-term capital gain for a taxable year over the net long-term capital loss for a taxable year (to which an election under section 4982(e)(4) does not apply) shall be determined without regard to any net capital loss or net short-term capital loss attributable to transactions after October 31 of such year, and any such net capital loss or net short-term capital loss shall be treated as arising on the 1st day of the next taxable year.

To the extent provided in regulations, clause (ii) shall apply also for purposes of computing the taxable income of the regulated investment company."

(2) FOREIGN CORPORATIONS.—Section 881 (relating to tax on income of foreign corporations not connected with United States business) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) TAX NOT TO APPLY TO CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.—

"(1) INTEREST-RELATED DIVIDENDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no tax shall be imposed under paragraph (1) of subsection (a) on any interest-related dividend (as defined in section 871(k)(1)) received from a regulated investment company.

"(B) EXCEPTION.—Subparagraph (A) shall not apply—

"(i) to any dividend referred to in section 871(k)(1)(B), and

"(ii) to any interest-related dividend received by a controlled foreign corporation (within the meaning of section 957(a)) to the extent such dividend is attributable to interest received by the regulated investment company from a person who is a related person (within the meaning of section 864(d)(4))

with respect to such controlled foreign corporation.

"(C) TREATMENT OF DIVIDENDS RECEIVED BY CONTROLLED FOREIGN CORPORATIONS.—The rules of subsection (c)(5)(A) shall apply to any interest-related dividend received by a controlled foreign corporation (within the meaning of section 957(a)) to the extent such dividend is attributable to interest received by the regulated investment company which is described in clause (ii) of section 871(k)(1)(E) (and not described in clause (i) or (iii) of such section).

"(2) SHORT-TERM CAPITAL GAIN DIVIDENDS.—No tax shall be imposed under paragraph (1) of subsection (a) on any short-term capital gain dividend (as defined in section 871(k)(2)) received from a regulated investment company."

(3) WITHHOLDING TAXES.—

(A) Section 1441(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

"(12) CERTAIN DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES.—

"(A) IN GENERAL.—No tax shall be required to be deducted and withheld under subsection (a) from any amount exempt from the tax imposed by section 871(a)(1)(A) by reason of section 871(k).

"(B) SPECIAL RULE.—For purposes of subparagraph (A), clause (i) of section 871(k)(1)(B) shall not apply to any dividend unless the regulated investment company knows that such dividend is a dividend referred to in such clause. A similar rule shall apply with respect to the exception contained in section 871(k)(2)(B)."

(B) Section 1442(a) (relating to withholding of tax on foreign corporations) is amended—

(i) by striking "and the reference in section 1441(c)(10)" and inserting "the reference in section 1441(c)(10)", and

(ii) by inserting before the period at the end the following: ", and the references in section 1441(c)(12) to sections 871(a) and 871(k) shall be treated as referring to sections 881(a) and 881(e) (except that for purposes of applying subparagraph (A) of section 1441(c)(12), as so modified, clause (ii) of section 881(e)(1)(B) shall not apply to any dividend unless the regulated investment company knows that such dividend is a dividend referred to in such clause)".

(b) ESTATE TAX TREATMENT OF INTEREST IN CERTAIN REGULATED INVESTMENT COMPANIES.—Section 2105 (relating to property without the United States for estate tax purposes) is amended by adding at the end the following new subsection:

"(d) STOCK IN A RIC.—

"(1) IN GENERAL.—For purposes of this subchapter, stock in a regulated investment company (as defined in section 851) owned by a nonresident not a citizen of the United States shall not be deemed property within the United States in the proportion that, at the end of the quarter of such investment company's taxable year immediately preceding a decedent's date of death (or at such other time as the Secretary may designate in regulations), the assets of the investment company that were qualifying assets with respect to the decedent bore to the total assets of the investment company.

"(2) QUALIFYING ASSETS.—For purposes of this subsection, qualifying assets with respect to a decedent are assets that, if owned directly by the decedent, would have been—

"(A) amounts, deposits, or debt obligations described in subsection (b) of this section,

"(B) debt obligations described in the last sentence of section 2104(c), or

"(C) other property not within the United States."

(c) TREATMENT OF REGULATED INVESTMENT COMPANIES UNDER SECTION 897.—

(1) Paragraph (1) of section 897(h) is amended by striking "REIT" each place it appears and inserting "qualified investment entity".

(2) Paragraphs (2) and (3) of section 897(h) are amended to read as follows:

"(2) SALE OF STOCK IN DOMESTICALLY CONTROLLED ENTITY NOT TAXED.—The term 'United States real property interest' does not include any interest in a domestically controlled qualified investment entity.

"(3) DISTRIBUTIONS BY DOMESTICALLY CONTROLLED QUALIFIED INVESTMENT ENTITIES.—In the case of a domestically controlled qualified investment entity, rules similar to the rules of subsection (d) shall apply to the foreign ownership percentage of any gain."

(3) Subparagraphs (A) and (B) of section 897(h)(4) are amended to read as follows:

"(A) QUALIFIED INVESTMENT ENTITY.—The term 'qualified investment entity' means any real estate investment trust and any regulated investment company.

"(B) DOMESTICALLY CONTROLLED.—The term 'domestically controlled qualified investment entity' means any qualified investment entity in which at all times during the testing period less than 50 percent in value of the stock was held directly or indirectly by foreign persons."

(4) Subparagraphs (C) and (D) of section 897(h)(4) are each amended by striking "REIT" and inserting "qualified investment entity".

(5) The subsection heading for subsection (h) of section 897 is amended by striking "REITS" and inserting "CERTAIN INVESTMENT ENTITIES".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after the date of the enactment of this Act.

(2) ESTATE TAX TREATMENT.—The amendment made by subsection (b) shall apply to estates of decedents dying after the date of the enactment of this Act.

(3) CERTAIN OTHER PROVISIONS.—The amendments made by subsection (c) (other than paragraph (1) thereof) shall take effect on the date of the enactment of this Act.

#### **SEC. 306. REGULATORY AUTHORITY TO EXCLUDE CERTAIN PRELIMINARY AGREEMENTS FROM DEFINITION OF INTANGIBLE PROPERTY.**

(a) IN GENERAL.—Section 936(h)(3)(B) (defining intangible property) is amended by adding at the end the following new sentence: "The Secretary shall by regulation provide that such term shall not include any preliminary agreement which is not legally enforceable."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to agreements entered into after the date of the enactment of this Act.

#### **SEC. 307. AIRLINE MILEAGE AWARDS TO CERTAIN FOREIGN PERSONS.**

(a) IN GENERAL.—The last sentence of section 4261(e)(3)(C) (relating to regulations) is amended by inserting "and mileage awards which are issued to individuals whose mailing addresses on record with the person providing the right to air transportation are outside the United States" before the period at the end thereof.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid, and benefits provided, after December 31, 1997.

#### **SEC. 308. REPEAL OF REDUCTION OF SUBPART F INCOME OF EXPORT TRADE CORPORATIONS.**

(a) IN GENERAL.—Subpart G of part III of subchapter N of chapter 1 (relating to export trade corporations) is repealed.

(b) TREATMENT OF CERTAIN ACTUAL DISTRIBUTIONS.—

(1) IN GENERAL.—For purposes of applying sections 959 and 960(b) of the Internal Revenue Code of 1986, in the case of any actual distribution of export trade income made after December 31, 1986, by an export trade corporation (or former export trade corporation that was an export trade corporation on December 31, 1986), notwithstanding any other provision of chapter 1 of such Code, the earnings and profits attributable to amounts which have been included in the gross income of a United States shareholder under section 951(a) of such Code shall be treated as including an amount equal to the amount of export trade income that was included in gross income as a dividend. If a distribution is excluded from gross income by application of this subsection, the amount of such distribution shall be treated as an amount described in section 951(a)(2)(B) of such Code that reduces the amount described in section 951(a)(2)(A) of such Code for the taxable year.

(2) DEFINITIONS.—For purposes of this subsection—

(A) EXPORT TRADE CORPORATION.—The term "export trade corporation" has the meaning given such term by section 971(a) of the Internal Revenue Code of 1986 (as in effect before the amendment made by subsection (a)).

(B) EXPORT TRADE INCOME.—The term "export trade income" has the meaning given such term by section 971(b) of the Internal Revenue Code of 1986 (as so in effect).

(c) CONFORMING AMENDMENTS.—

(1) Section 865(e)(2)(A) is amended by striking the last sentence.

(2) Section 1297(b)(2)(D) is amended by striking "or export trade income of an export trade corporation (as defined in section 971)".

(3) The table of parts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart G.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

#### **SEC. 309. STUDY OF INTEREST ALLOCATION.**

(a) STUDY.—The Secretary of the Treasury or the Secretary's delegate shall conduct a study of the rules under section 864(e) of the Internal Revenue Code of 1986 for allocating interest expense of members of an affiliated group. Such study shall include an analysis of the effect of such rules, including the effects such rules have on different industries.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under subsection (a), including recommendations (if any) for legislation.

#### **SEC. 310. INTEREST PAYMENTS DEDUCTIBLE WHERE DISQUALIFIED GUARANTEE HAS ECONOMIC EFFECT.**

(a) IN GENERAL.—Section 163(j)(6)(D)(ii) (relating to exceptions to disqualified guarantee) is amended by striking "or" at the end of subclause (I), by striking the period at the end of subclause (II) and inserting ", or", and by inserting after subclause (II) the following new subclause:

"(III) if, in the case of a guarantee by a foreign person, the taxpayer establishes to the satisfaction of the Secretary that the loan giving rise to the indebtedness would have been made by the unrelated person without regard to the guarantee and that the guarantee resulted in a reduction in the interest payable on the loan."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued on and after the date of the enactment of this Act.

#### **SEC. 311. MODIFICATIONS OF REPORTING REQUIREMENTS FOR CERTAIN FOREIGN OWNED CORPORATIONS.**

(a) DE MINIMIS EXCEPTION.—Section 6038A(b) (relating to required information) is amended by adding at the end the following new flush sentence:

"The Secretary shall not require the reporting corporation to report any information with respect to any foreign person which is a related person if the aggregate value of the transactions between the corporation and the related person (and any person related to such person) during the taxable year does not exceed \$5,000,000."

(b) TIME FOR PROVIDING TRANSLATIONS OF SPECIFIC DOCUMENTS.—Notwithstanding Internal Revenue Service Regulation §1.6038A-3(f)(2), a taxpayer shall have at least 60 days to provide translations of specific documents it is requested to translate. Nothing in this subsection shall limit the right of a taxpayer to file a written request for an extension of time to comply with the request.

(c) EFFECTIVE DATES.—

(1) EXCEPTION.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1999.

(2) TRANSLATIONS.—Subsection (b) shall apply to requests made by the Internal Revenue Service after December 31, 1999.

By Mr. MACK (for himself, Mrs. FEINSTEIN, Mr. MURKOWSKI, Mr. BREAUX, Mr. GRAMM, Mr. ROBB, Mr. CHAFEE, Mr. GRAHAM, Mr. BRYAN, Mr. TORRICELLI, Mr. WARNER, Mr. THURMOND, Mr. GRAMS, Mr. KYL, Mr. HELMS, Mr. HUTCHINSON, Mr. LUGAR, and Mr. COCHRAN):

S. 1165. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income; to the Committee on Finance.

DEFENSE JOBS AND TRADE PROMOTION ACT OF 1999

Mr. MACK. Mr. President, I rise to introduce the Defense Jobs and Trade Promotion Act of 1999. This bill, co-sponsored by Senator Feinstein and 16 of our colleagues, will eliminate a provision of tax law which discriminates against United States exporters of defense products.

Other nations have systems of taxation which rely less on corporate income taxes and more on value-added taxes. By rebating the value-added taxes for products that are exported, these nations lower the costs of their exports and provide their companies a competitive advantage that is not based on quality, ingenuity, or resources but rather on tax policy.

In an attempt to level the playing field, our tax code allows U.S. companies to establish Foreign Sales Corporations (FSCs) through which U.S.-manufactured products may be exported. A portion of the profits from FSC sales are exempted from corporate income taxes, to mitigate the advantage that other countries give their exporters through value-added tax rebates.

But the tax benefits of a FSC are cut in half for defense exporters. This 50% limitation is the result of a compromise enacted 23 years ago as part of

the predecessor to the FSC provisions. This compromise was not based on policy considerations, but instead merely split the difference between members who believed that the U.S. defense industry was so dominant in world markets that the foreign tax advantages were inconsequential, and members who believed that all U.S. exporters should be treated equally.

Today, U.S. defense manufacturers face intense competition from foreign businesses. With the sharp decline in the defense budget over the past decade, exports of defense products play a prominent role in maintaining a viable U.S. defense industrial base. It makes no sense to allow differences in international tax systems to stand as an obstacle to exports of U.S. defense products. We must level the international playing field for U.S. defense product manufacturers.

The fifty percent exclusion for sales of defense products makes even less sense when one considers that the sale of every defense product to a foreign government requires the determination of both the President and the Congress that the sale will strengthen the security of the United States and promote world peace. This is more than a matter of fair treatment for all U.S. exporters. National security is enhanced when our allies use U.S.-manufactured military equipment, because of its compatibility with equipment used by our armed forces.

The Department of Defense supports repeal of this provision. In an August 26, 1998 letter, Deputy Secretary of Defense John Hamre wrote Treasury Secretary Rubin about the FSC. Hamre wrote, "The Department of Defense (DoD) supports extending the full benefits of the FSC exemption to defense exporters \* \* \* [P]utting defense and non-defense companies on the same footing would encourage defense exports that would promote standardization and interoperability of equipment among our allies. It also could result in a decrease in the cost of defense products to the Department of Defense."

The bill we are introducing today supports the DoD recommendation. It repeals the provision of the Foreign Sales Corporation laws that discriminates against U.S. defense product manufacturers, enhancing both the competitiveness of U.S. companies in world markets and our national security.

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. 1165

*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 "Defense Jobs and Trade Promotion Act of 1999".

#### SEC. 2. REPEAL OF LIMITATION ON RECEIPTS ATTRIBUTABLE TO MILITARY PROPERTY WHICH MAY BE TREATED AS EXEMPT FOREIGN TRADE INCOME.

(a) IN GENERAL.—Subsection (a) of section 923 of the Internal Revenue Code of 1986 (defining exempt foreign trade income) is amended by striking paragraph (5) and by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. NICKLES:

S. 1166. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Finance.

#### NATURAL GAS CLASSIFICATION LEGISLATION

Mr. NICKLES. Mr. President, today I have introduced legislation to clarify the proper depreciation of natural gas gathering lines. While depreciation is an arcane and technical area of the tax laws, continued uncertainty regarding the proper depreciation of these assets is having real and adverse impacts on members of the natural gas industry.

The purpose of this bill is quite simple—to clarify that natural gas gathering lines are assets that are properly depreciated over seven years. The legislation would codify the seven-year treatment of these assets as well as providing a sufficient definition for the term "natural gas gathering line" to distinguish these lines from transmission pipelines for depreciation purposes.

I believe that these assets should currently be depreciated over seven years under existing law, and that this is the long standing practice of members of the industry. However, it has come to my attention that the Internal Revenue Service has been asserting both on audits and in litigation that seven-year depreciation is available only for gathering assets owned by producers. The IRS has asserted that all other gathering equipment is to be depreciated as transmission pipelines over a fifteen-year period. This confounding position ignores not only the plain language of the asset class guidelines governing depreciation, but would result in disparate treatment of the same assets based upon ownership for no discernible policy reason. Moreover, this position ignores the fundamental distinction between gathering and transmission of natural gas long enshrined in energy regulation and recognized by the Federal Energy Regulatory Commission as well as other state and federal regulatory bodies.

Nonetheless, the IRS' position on this issue has resulted in the past in a division of authority among the lower courts. Although the United States Court of Appeals for the Tenth Circuit recently held that the seven-year cost recovery period was properly applied to natural gas gathering systems under existing law, this legislation is needed to provide certainty and uniformity regarding the proper depreciation of these assets throughout the country.

With extensive gathering systems totaling many thousands of miles, we cannot afford to allow the proper depreciation of these substantial investments to remain subjects of dispute. I urge my fellow Senators to join me in securing the adoption of this important legislation.

By Mr. MCCAIN:

S. 1168. A bill to eliminate the social security earnings test for individuals who have attained retirement age, to protect and preserve the social security trust funds, and for other purposes; to the Committee on Finance.

#### PROTECT SOCIAL SECURITY NOW LEGISLATION

Mr. MCCAIN. Mr. President, today I rise to introduce legislation which will give older Americans the freedom to work and protect the Social Security system by taking it off budget, putting it in the black, and keeping it out of the hands of politicians. Our seniors and all working Americans deserve nothing less.

The promise of Social Security is sacred and must not be broken. Millions of Americans count on Social Security to provide the bulk of their retirement income, because that is what the system has promised them. Allowing the federal government to continue spending the tax dollars in the Social Security Trust Fund on more government threatens the financial security of our nation's retirement system.

The legislation I am introducing today will finally stop the government from stealing money from Social Security. It will lock up the Trust Fund and shore it up with the excess taxes collected by the federal government. It will guarantee that today's seniors who have worked and invested in the Social Security system will receive the benefits they were promised, without placing an unfair burden on today's workers.

The legislation does three simple, but very important things.

First, it repeals the burdensome and unfair Social Security earnings test that penalizes Americans between the ages of 65 and 70 for working and remaining productive after retirement. Under the current law, a senior citizen loses \$1 of Social Security benefits for every \$3 earned over the established limit, which is \$15,500 in 1999.

Because of this cap on earnings, our senior citizens are burdened with a 33.3 percent tax on their Social Security benefits. When this is combined with Federal, State, local and other Social Security taxes on earned income, it amounts to an outrageous 55 to 65 percent tax bite on their total income, and sometimes it can be even higher. An individual who is struggling to make ends meet by holding a job where they earn just \$15,500 a year should not be faced with an effective marginal tax rate which exceeds 55 percent.

What is most disturbing about the earnings test is the tremendous burden it places upon low-income senior citizens. Many older Americans need to



work in order to cover their basic expenses: food, housing and health care. These lower-income seniors are hit hardest by the earnings test, while most wealthy seniors escape unscathed. This is because supplemental "unearned" income from stocks, investments and savings is not affected by the earnings test.

For too long, many have given lip service to eliminating the earnings test, but to no avail. It is time that we finally eliminate this ridiculous policy. In his State of the Union speech, President Clinton indicated that he may finally be ready to repeal the unfair Social Security earnings test, as originally promised during his 1992 campaign. However, the President did not include repeal of the earnings test in his budget proposal for 2000.

Hard-working senior citizens who need to work to help pay for their food, rent, prescription drugs, and daily living expenses are tired of empty promises. They are tired of being penalized for working. Repealing the unfair earnings test, as proposed in this legislation, is the right thing to do.

Second, the bill protects the money in the Social Security Trust Funds by taking Social Security "off budget" and keeping this money out of the hands of politicians. This provision is similar to other "lock box" proposals, except that it eliminates all the loopholes and exceptions, and truly locks up the money.

I support and applaud the efforts of my Republican colleagues to move forward on the Social Security Lock Box legislation that has been delayed by members of the other party. However, I am concerned that it contains loopholes which would allow Social Security funds to be spent on items other than retirement benefits for seniors. It includes exceptions for emergencies, including economic recession, and allows the surpluses to be used to reduce the public debt. While I understand the intent of these provisions, I believe that we must stop making exceptions and lock up Social Security funds for Social Security purposes only.

For too long, Social Security funds have been used to pay for existing federal programs, create new government programs, and to mask our nation's deficit. We must stop using Social Security to fund general government activities. We must save Social Security to pay retirement benefits to hard-working Americans, as promised in the law.

The legislation I am introducing puts the Social Security trust fund surpluses safely away in a "lock box" without holes, so that neither we nor our successors can spend the people's retirement money on anything other than their retirement.

Finally, the legislation requires that 62 percent of the non-Social Security budget surpluses from fiscal year 2001 through 2009 be transferred into the Social Security Trust Funds to strengthen and extend the solvency of the sys-

tem. This amounts to \$514 billion, based on current estimates of the non-Social Security surplus, which would shore up the system and ensure the availability of benefits for today's seniors and those working and paying into the system today.

Locking up the Social Security Trust Fund and shoring up the fund with \$514 billion in new money will extend the solvency of the system until about 2057, more than 20 years beyond the date when the system is currently expected to be bankrupt. This bill will provide senior citizens with the peace of mind that their Social Security checks will continue arriving each and every month. It will provide time for the Administration, the Congress, and the American people to develop and agree upon a structural reform plan which will save Social Security for future generations.

Mr. President, I would like to note that the National Committee to Preserve Social Security and Medicare has reviewed this legislation and has provided a letter in support of it that I would like to insert in the RECORD at this point.

Mr. President, this is legislation that will truly preserve and protect Social Security for the future, and it will remove the unfair tax on working seniors. I urge my colleagues to support the bill and I intend to work for its passage this Congress.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

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

S. 1168

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

#### **TITLE I—ELIMINATION OF SOCIAL SECURITY EARNINGS TEST**

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

This title may be cited as the "Older Americans Freedom to Work Act".

##### **SEC. 102. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.**

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" each place it appears and inserting "retirement age (as defined in section 216(l))";

(3) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(4) in subsection (f)(3)—

(A) by striking "33½ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and

(B) by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(5) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(6) in subsection (j)—

(A) in the heading, by striking "Age Seventy" and inserting "Retirement Age"; and

(B) by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

(b) CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.—

(1) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(2) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of the Social Security Act (42 U.S.C. 403(f)(8)(B)) is amended—

(A) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(B) in clauses (i) and (ii), by striking "corresponding" each place it appears; and

(C) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(3) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. (f)(8)(D)) is repealed.

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(A) in subsection (c), in the last sentence, by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(B) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60.".

(2) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(A) by striking "either"; and

(B) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(3) PROVISIONS RELATING TO EARNINGS TAKEN INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY OF BLIND INDIVIDUALS.—The second sentence of section 223(d)(4)(A) of the Social Security Act (42 U.S.C. 423(d)(4)(A)) is amended by striking "if section 102 of the Senior Citizens' Right to Work Act of 1996 had not been enacted" and inserting the following: "if the amendments to section 203 made by section 102 of the Senior Citizens' Right to Work Act of 1996 and by the Senior Citizens' Freedom to Work Act of 1999 had not been enacted".

(d) EFFECTIVE DATE.—The amendments and repeals made by this section shall apply with respect to taxable years ending after December 31, 1998.

#### **TITLE II—PROTECTING AND PRESERVING THE SOCIAL SECURITY TRUST FUNDS**

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

This title may be cited as the "Protecting and Preserving the Social Security Trust Funds Act".



**SEC. 202. FINDINGS.**

Congress finds that—

(1) the \$69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should not use the social security trust funds surpluses to balance the budget or fund existing or new non-social security programs;

(3) all surpluses generated by the social security trust funds must go towards saving and strengthening the social security system; and

(4) at least 62 percent of the on-budget (non-social security) surplus should be reserved and applied to the social security trust funds.

**SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.**

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—Balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used solely for paying social security benefit payments as promised to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

“(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

“(k) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that would cause or increase an on-budget deficit for any fiscal year.

“(l) SUBSEQUENT LEGISLATION.—

“(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

“(A) the enactment of the bill or resolution as reported;

“(B) the adoption and enactment of that amendment; or

“(C) the enactment of the bill or resolution in the form recommended in the conference report; would cause or increase an on-budget deficit for any fiscal year.

“(2) EXCEPTION TO POINT OF ORDER.—This subsection shall not apply to social security reform legislation that would protect the social security system from insolvency and preserve benefits as promised to beneficiaries.”.

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking “305(b)(2),” and inserting “301(j), 301(k), 301(l), 305(b)(2)”.

**SEC. 204. SEPARATE BUDGET FOR SOCIAL SECURITY.**

(a) EXCLUSION.—The outlays and receipts of the social security program under title II of the Social Security Act, including the Federal Old-Age and Survivors Insurance

Trust Fund and the Federal Disability Insurance Trust Fund and the related provisions of the Internal Revenue Code of 1986, shall be excluded from—

(1) any official documents by Federal agencies regarding the surplus or deficit totals of the budget of the Federal Government as submitted by the President or of the surplus or deficit totals of the congressional budget; and

(2) any description or reference in any official publication or material issued by any other agency or instrumentality of the Federal Government.

(b) SEPARATE BUDGET.—The outlays and receipts of the social security program under title II of the Social Security Act, including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund and the related provisions of the Internal Revenue Code of 1986, shall be submitted as a separate budget.

**SEC. 205. PRESIDENT'S BUDGET.**

Section 1105(f) of title 31, United States Code, is amended by striking “in a manner consistent” and inserting “in compliance”.

**TITLE III—SAVING SOCIAL SECURITY FIRST****SEC. 301. DESIGNATION OF ON-BUDGET SURPLUS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, not less than the amount referred to in subsection (b) for a fiscal year shall be reserved for and applied to the social security trust funds for that fiscal year in addition to the Social Security Trust Fund surpluses.

(b) AMOUNT RESERVED.—The amount referred to in this subsection is—

- (1) for fiscal year 2001, \$6,820,000,000;
- (2) for fiscal year 2002, \$36,580,000,000;
- (3) for fiscal year 2003, \$31,620,000,000;
- (4) for fiscal year 2004, \$42,160,000,000;
- (5) for fiscal year 2005, \$48,980,000,000;
- (6) for fiscal year 2006, \$71,920,000,000;
- (7) for fiscal year 2007, \$83,080,000,000;
- (8) for fiscal year 2008, \$90,520,000,000; and
- (9) for fiscal year 2009, \$102,300,000,000.

**SEC. 302. SENSE OF THE SENATE ON DEDICATING ADDITIONAL SURPLUS AMOUNTS.**

It is the sense of the Senate if the budget surplus in future years is greater than the currently projected surplus, serious consideration should be given to directing more of the surplus to strengthening the social security trust funds.

NATIONAL COMMITTEE TO PRESERVE  
SOCIAL SECURITY AND MEDICARE,  
Washington, DC, May 26, 1999.

Hon. JOHN MCCAIN,  
Russell Building, U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the approximately five million members and supporters of the National Committee, I commend your leadership on the issue of protecting the Social Security trust funds and eliminating the Social Security earnings test.

The National Committee's members earnestly believe in the future of the Social Security system and its critical importance to America's hard working families.

Your legislation would not only safe-guard the Social Security surpluses and reaffirm Social Security's off-budget status, but would also strengthen the program's solvency by committing 62 percent of projected off-budget surpluses to Social Security. Using the off-budget surpluses to fortify Social Security is fiscally responsible and will help our nation better meet the challenge of the baby-boom generation's retirement.

We also commend you for your long commitment to eliminating the earnings test for individuals who have reached normal retirement age. Encouraging seniors to remain in

the work force as long as they are willing and able to work strengthens their ability to remain financially independent throughout their retirement years.

Sincerely,

MAX RICHTMAN,  
Executive Vice President.

By Mr. MCCAIN (for himself, Mr. COCHRAN, and Mr. BURNS):

S. 1169. A bill to require that certain multilateral development banks and other lending institutions implement independent third party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

COMPETITION IN FOREIGN COMMERCE ACT OF 1999

Mr. MCCAIN. Mr. President, I along with Senators COCHRAN and BURNS are proud to introduce the Fair Competition in Foreign Commerce Act of 1999, to address the serious problem of waste, fraud and abuse resulting from bribery and corruption in international development projects. This legislation will set conditions for U.S. funding through multilateral development banks. These conditions will require the country receiving aid to adopt substantive procurement reforms and independent third-party procurement monitoring of their international development projects.

During the cold war, banks and governments often looked the other way as pro-western leaders in developing countries treated national treasuries as their personal treasury troves. Today, we cannot afford to look the other way when we see bribery and corruption running rampant in other countries because these practices undermine our goals of promoting democracy and accountability, fostering economic development and trade liberalization, and achieving a level playing field throughout the world for American businesses.

The United States is increasingly called upon to lead multilateral efforts to provide much-needed economic assistance to developing nations. The American taxpayers make substantial contributions to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, and the African Development Fund.

However, it is critical that we take steps to ensure that Americans' hard-earned tax dollars are being used appropriately. The Fair Competition in Foreign Commerce Act of 1999 is designed to decrease the stifling effects of bribery and corruption in international development contracts. By doing so, we will (1) enable U.S. businesses to become more competitive when bidding against foreign firms which secure government contracts through bribery and corruption; (2) encourage additional direct investment to developing nations, thus increasing

their economic growth, and (3) increase opportunities for U.S. businesses to export to these nations as their economies expand and mature.

Multilateral lending efforts are only effective in spurring economic development if the funds are used to further the intended development projects, not to line the pockets of foreign bureaucrats and their well-connected political allies.

When used for its intended purpose, foreign aid yields both short- and long-term benefits to U.S. businesses. Direct foreign aid assists developing nations to develop their infrastructure. A developed infrastructure is vital to creating and sustaining a modern dynamic economy. Robust new economies create new markets to which U.S. businesses can export their goods and services. Exports are key to the U.S. role in the constantly expanding and increasingly competitive global economy.

The current laws and procedures designed to detect and deter corruption after the fact are inadequate and meaningless. This bill seeks to ensure that U.S. taxpayers' hard-earned dollars contributed to international projects are used appropriately, by detecting and eliminating bribery and corruption before they can taint the integrity of international projects. Past experience illustrates that it is ineffective to attempt to reverse waste, fraud, and abuse in large-scale foreign infrastructure projects, once the abuse has already begun. Therefore, it is vital to detect the abuses before they occur.

The Fair Competition in Foreign Commerce Act of 1999 requires the United States Government, through its participation in multilateral lending institutions and in its disbursement of non-humanitarian foreign assistance funds, to: (1) require the recipient international financial institution to adopt an anti-corruption plan that requires the aid recipient to use independent third-party procurement monitoring services, at each stage of the procurement process to ensure openness and transparency in government procurements, and (2) require the recipient nation to institute specific strategies for minimizing corruption and maximizing transparency in procurements at each stage of the procurement process. The legislation directs the Secretary of the Treasury to instruct the United States Executive Directors of the various international institutions to use the voice and vote of the United States to prevent the lending institution from providing funds to nations which do not satisfy the procurement reforms criteria.

This Act has two important exceptions. First, it does not apply to assistance to meet urgent humanitarian needs such as providing food, medicine, disaster, and refugee relief. Second, it also permits the President to waive the funding restrictions with respect to a particular country, if making such funds available is important to the national security interest of the United States.

Independent third-party procurement monitoring is a system where an uninvolved entity conducts a program to eliminate bias, to promote transparency and open competition, and to minimize fraud and corruption, waste and inefficiency and other misuse of funds in international procurements. The system does this through an independent evaluation of the technical, financial, economic and legal aspects of each stage of a procurement, from the development and issuance of technical specifications, bidding documents, evaluation reports and contract preparation, to the delivery of goods and services. This monitoring takes place throughout the entire term of the international development project.

Mr. President, this system has worked for other governments. Procurement reforms and third-party procurement monitoring resulted in the governments of Kenya, Uganda, Colombia, and Guatemala experiencing significant cost savings in recent procurements. For instance, the Government of Guatemala experienced an overall savings of 48% when it adopted a third-party procurement monitoring system and other procurement reform measures in a recent contract for pharmaceuticals.

Mr. President, bribery and corruption have many victims. Bribery and corruption hamper vital U.S. interests. Both harm consumers, taxpayers, and honest traders who lose contracts, production, and profits because they refuse to offer bribes to secure foreign contracts.

Bribery and corruption have become a serious problem. A World Bank survey of 3,600 firms in 69 countries showed 40% of businesses paying bribes. More startling is that Germany still permits its companies to take a tax deduction for bribes. Commerce Secretary Daley summed up the serious impact of bribery and corruption upon American businesses ability to compete for foreign contracts in 1997:

Since mid-1994, foreign firms have used bribery to win approximately 180 commercial contracts valued at nearly \$80 billion. We estimate that over the past year, American companies have lost at least 50 of these contracts, valued at \$15 billion. And since many of these contracts were for groundbreaking projects—the kind that produce exports for years to come—the ultimate cost could be much higher.

Since then American companies have continued to lose international development contracts because of unfair competition from businesses paying bribes. This terrible trend must be brought to a halt.

Exports will continue to play an increasing role in our economic expansion. We can ill afford to allow any artificial impediments to our ability to export. Bribery and corruption significantly hinder American businesses' ability to compete for lucrative overseas government contracts. American businesses are simply not competitive when bidding against foreign firms that have bribed government officials

to secure overseas government contracts. Openness and fairness in government contracts will greatly enhance opportunities to compete in the rapidly expanding global economy. Exports equate to jobs. Jobs equate to more money in hard-working Americans' pockets. More money in Americans' pockets means more money for Americans to save and invest in their futures.

Bribery and corruption also harm the country receiving the aid because bribery and corruption often inflate the cost of international development projects. For example, state sponsorship of massive infrastructure projects that are deliberately beyond the required specification needed to meet the objective is a common example of the waste, fraud, and abuse inherent in corrupt procurement practices. Here, the cost of corruption is not the amount of the bribe itself, but the inefficient use of resources that the bribes encourage.

Bribery and corruption drive up costs. Companies are forced to increase prices to cover the cost of bribes they are forced to pay. A 2% bribe on a contract can raise costs by 15%. Over time, tax revenues will have to be raised or diverted from other more deserving projects to fund these excesses. Higher taxes and the inefficient use of resources both hinder growth.

The World Bank and the IMF both recognize the link between bribery and corruption, and decreased economic growth. Recent studies also indicate that high levels of corruption are associated with low levels of investment and growth. Furthermore, corruption lessens the effectiveness of industrial policies and encourages businesses to operate in the unofficial sector in violation of tax and regulatory laws. More important, corruption breeds corruption and discourages legitimate investment. In short, bribery and corruption create a "lose-lose" situation for the U.S. and developing nations.

The U.S. recognizes the damaging effects bribery and corruption have at home and abroad. The U.S. continues to combat foreign corruption, waste, and abuse on many fronts—from prohibiting U.S. firms from bribing foreign officials, to leading the anti-corruption efforts in the United Nations, the Organization of American States, and the Organization for Economic Cooperation and Development ("OECD"). The U.S. was the first country to enact legislation (the Foreign Corrupt Practices Act) to prohibit its nationals and corporations from bribing foreign public officials in international and business transactions.

However, we must do more. The Foreign Corrupt Practices Act prevents U.S. nationals and corporations from bribing foreign officials, but does nothing to prevent foreign nationals and corporations from bribing foreign officials to obtain foreign contracts. Valuable resources are often diverted or squandered because of corrupt officials or the use of non-transparent specifications, contract requirements and the

like in international procurements for goods and services. Such corrupt practices also minimize competition and prevent the recipient nation or agency from receiving the full value of the goods and services for which it bargained. In addition, despite the importance of international markets to U.S. goods and service providers, many U.S. companies refuse to participate in international procurements that may be corrupt.

This legislation is designed to provide a mechanism to ensure, to the extent possible, the integrity of U.S. contributions to multilateral lending institutions and other non-humanitarian U.S. foreign aid. Corrupt international procurements, often funded by these multilateral banks, weaken democratic institutions and undermine the very opportunities that multilateral lending institutions were founded to promote. This will encourage and support the development of transparent government procurement systems, which are vital for emerging democracies constructing the infrastructure that can sustain market economies.

Mr. President, on behalf of the millions of Americans who will benefit from increased opportunities for U.S. businesses to participate in the global economy, and the billions of people in developing nations throughout the world who are desperate for economic assistance, I urge my colleagues to support this legislation and demonstrate their continued commitment to the orderly evolution of the global economy and the efficient use of American economic assistance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1169

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Competition in Foreign Commerce Act of 1999".

#### SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) The United States makes substantial contributions and provides significant funding for major international development projects through the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the African Development Fund, and other multilateral lending institutions.

(2) These international development projects are often plagued with fraud, corruption, waste, inefficiency, and misuse of funding.

(3) Fraud, corruption, waste, inefficiency, misuse, and abuse are major impediments to competition in foreign commerce throughout the world.

(4) Identifying these impediments after they occur is inadequate and meaningless.

(5) Detection of impediments before they occur helps to ensure that valuable United States resources contributed to important international development projects are used appropriately.

(6) Independent third-party procurement monitoring is an important tool for detecting and preventing such impediments.

(7) Third-party procurement monitoring includes evaluations of each stage of the procurement process and assures the openness and transparency of the process.

(8) Improving transparency and openness in the procurement process helps to minimize fraud, corruption, waste, inefficiency, and other misuse of funding, and promotes competition, thereby strengthening international trade and foreign commerce.

(b) PURPOSE.—The purpose of this Act is to build on the excellent progress associated with the Organization on Economic Development and Cooperation Agreement on Bribery and Corruption, by requiring the use of independent third-party procurement monitoring as part of the United States participation in multilateral development banks and other lending institutions and in the disbursement of nonhumanitarian foreign assistance funds.

#### SEC. 3. DEFINITIONS.

(a) DEFINITIONS.—In this Act:

(1) APPROPRIATE COMMITTEES.—The term "appropriate committees" means the Committee on Commerce, Science, and Technology of the Senate and the Committee on Commerce of the House of Representatives.

(2) INDEPENDENT THIRD-PARTY PROCUREMENT MONITORING.—The term "independent third-party procurement monitoring" means a program to—

(A) eliminate bias,

(B) promote transparency and open competition, and

(C) minimize fraud, corruption, waste, inefficiency, and other misuse of funds,

in international procurement through independent evaluation of the technical, financial, economic, and legal aspects of the procurement process.

(3) INDEPENDENT.—The term "independent" means that the person monitoring the procurement process does not render any paid services to private industry and is neither owned nor controlled by any government or government agency.

(4) EACH STAGE OF PROCUREMENT.—The term "each stage of procurement" means the development and issuance of technical specifications, bidding documents, evaluation reports, contract preparation, and the delivery of goods and services.

(5) MULTILATERAL DEVELOPMENT BANKS AND OTHER LENDING INSTITUTIONS.—The term "multilateral development banks and other lending institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, and the African Development Fund.

#### SEC. 4. REQUIREMENTS FOR FAIR COMPETITION IN FOREIGN COMMERCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall transmit to the President and to appropriate committees of Congress a strategic plan for requiring the use of independent third-party procurement monitoring and other international procurement reforms relating to the United States participation in multilateral development banks and other lending institutions.

(b) STRATEGIC PLAN.—The strategic plan shall include an instruction by the Secretary

of the Treasury to the United States Executive Director of each multilateral development bank and lending institution to use the voice and vote of the United States to oppose the use of funds appropriated or made available by the United States for any non-humanitarian assistance, until—

(1) the recipient international financial institution has adopted an anticorruption plan that requires the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement; and

(2) the recipient country institutes specific strategies for minimizing corruption and maximizing transparency in each stage of the procurement process.

(c) ANNUAL REPORTS.—Not later than June 29 of each year, the Secretary of the Treasury shall report to Congress on the progress in implementing procurement reforms made by each multilateral development bank and lending institution and each country that received assistance from a multilateral development bank or lending institution during the preceding year.

(d) RESTRICTIONS ON ASSISTANCE.—Notwithstanding any other provision of law, no funds appropriated or made available for non-humanitarian foreign assistance programs, including the activities of the Agency for International Development, may be expended for those programs unless the recipient country, multilateral development bank or lending institution has demonstrated that—

(1) procurement practices are open, transparent, and free of corruption, fraud, inefficiency, and other misuse, and

(2) independent third-party procurement monitoring has been adopted and is being used by the recipient.

#### SEC. 5. EXCEPTIONS.

(a) NATIONAL SECURITY INTEREST.—Section 4 shall not apply with respect to a country if the President determines with such respect to such country that making funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that its continuation is important to the national security interest of the United States.

(b) OTHER EXCEPTIONS.—Section 4 shall not apply with respect to assistance to—

(1) meet urgent humanitarian needs (including providing food, medicine, disaster, and refugee relief);

(2) facilitate democratic political reform and rule of law activities;

(3) create private sector and nongovernmental organizations that are independent of government control; and

(4) facilitate development of a free market economic system.

By Mr. TORRICELLI:

S. 1170. A bill to provide demonstration grants to local educational agencies to enable the agencies to extend the length of the school year; to the Committee on Health, Education, Labor, and Pensions.

#### LEGISLATION TO PROVIDE DEMONSTRATION GRANTS TO LOCAL AGENCIES

• Mr. TORRICELLI. Mr. President, I rise today to introduce legislation authorizing funding for extended school day and extended school year programs across the country. The continuing gap between American students and those in other countries, combined with the growing needs of working and the growing popularity of extending both

the school day and the school year, have made this educational option a valuable one for many school districts.

Students in the United States currently attend school an average of only 180 days per year, compared to 220 days in Japan, and 222 days in both Korea and Taiwan. American students also receive fewer hours of formal instruction per year compared to their counterparts in Taiwan, France, and Germany. We cannot expect our students to remain competitive with those in other industrialized countries if they must learn the same amount of information in less time.

Our school calendar is based on a no longer relevant agricultural cycle that existed when most American families lived in rural areas and depended on their farms for survival. The long summer vacation allowed children to help their parents work in the fields. Today, summer is a time for vacations, summer camps, and part-time jobs. Young people can certainly learn a great deal at summer camp, and a job gives them maturity and confidence. However, more time in school would provide the same opportunities while helping students remain competitive with those in other countries. As we debate the need to bring in skilled workers from other countries, the need to improve our system of education has become increasingly important.

In 1994, the Commission on Time and Learning recommended keeping schools open longer in order to meet the needs of both children and communities, and the growing popularity of extended-day programs is significant. Between 1987 and 1993, the availability of extended-day programs in public elementary schools has almost doubled. While school systems have begun to respond to the demand for lengthening the school day, the need for more widespread implementation still exists. Extended-day programs are much more common in private schools than public schools, and only 18 percent of rural schools have reported an extended-day program.

This bill would authorize \$25 million per year over the next five years for the Department of Education to administer a demonstration grant program. Local education agencies would then be able to conduct a variety of longer school day and school year programs, such as extending the school year, studying the feasibility of extending the school day, and implementing strategies to maximize the quality of extended core learning time.

The constant changes in technology, and greater international competition, have increased the pressure on American students to meet these challenges. Providing the funding for programs to lengthen the school day and school year would leave American students better prepared to meet the challenges facing them in the next century.●

By Mr. COVERDELL (for himself,  
Mrs. FEINSTEIN, Mr. DEWINE,

Mr. HELMS, Mr. LOTT, Mr.  
TORRICELLI, Mr. CRAIG, Mr.  
GRAHAM, and Mr. REID):

S. 1171. A bill to block assets of narcotics traffickers who pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States; to the Committee on Banking, Housing, and Urban Affairs.

#### LEGISLATION TO BLOCK ASSETS OF NARCOTICS TRAFFICKERS

● Mr. COVERDELL. Mr. President, I am pleased to join my colleague from California, Senator FEINSTEIN, in introducing legislation that will intensify our fight against the terrible scourge of drugs. A version of this bill was originally introduced on March 2. Since then, we have conferred with various agencies, including the Department of the Treasury's Office of Foreign Assets Control, the Department of Justice, and the Office of National Drug Control Policy. All are supportive of this concept. The current bill includes some of their comments and suggestions.

Simply put, Mr. President, this legislation decertifies the drug kingpins by preventing them, and any of their associates or associated companies, from conducting business with the United States. The bill codifies and expands a 1995 Executive Order created under the International Emergency Economic Powers Act (IEEPA), which targeted Colombia drug traffickers. The bill expands the existing Executive Order to include other foreign drug traffickers considered a threat to our national security. The bill freezes the assets of the identified drug traffickers and their associates and prohibits these individuals and organizations from conducting any financial or commercial dealings with the United States.

In the case of the Cali cartel in Colombia, this tool was remarkably effective in weakening the drug kingpins. The United States targeted over 150 companies and nearly 300 individuals involved in the ownership and management of the Colombian drug cartels' non-narcotics business empire, everything from drugstores to poultry farms. Once labeled as drug-linked businesses, these companies found themselves financially isolated. Banks and legitimate companies chose not to do business with the blacklisted firms, cutting off key revenue flows to the cartels.

The goal is to isolate the leaders of the drug cartels and prevent them from doing business with the United States. Taking legitimate U.S. dollars out of drug dealers' pockets is a vital step in destroying their ability to traffic narcotics across our borders. This is a bold but necessary new tool to wage war against illegal drugs and to curb the increasing power of the drug cartels.●

By Mr. TORRICELLI:

S. 1173. A bill to provide for a teacher quality enhancement and incentive program; to the Committee on Health, Education, Labor, and Pensions.

#### TEACHER QUALITY ENHANCEMENT INCENTIVE ACT

● Mr. TORRICELLI. Mr. President, today I am introducing the Teacher Quality Enhancement and Incentive Act. I rise to focus the nation's attention on the potentially critical shortage of school teachers we will be facing in upcoming years. While K-12 enrollments are steadily increasing the teacher population is aging. There is a need, now more than ever, to attract competent, capable, and bright college graduates or mid-career professionals to the teaching profession.

The Department of Education projects that 2 million new teachers will have to be hired in the next decade. Shortage, if they occur, will most likely be felt in urban or rural regions of the country where working conditions may be difficult or compensation low. We cannot create a high quality learning environment for our students if they are forced into over-crowded classrooms with under-qualified instructors. If our students are to receive a high quality education and remain competitive in the global market we must attract talented and motivated people to the teaching profession in large numbers.

Law firms, technology firms, and many other industries typically offer signing bonuses in order to attract the best possible candidates to their organizations. Part of making the teaching profession competitive with the private sector is to match these institutional perks.

This bill would authorize \$15 million per year over the next five years for the Department of Education to award grants to local educational agencies (LEAs) for the purpose of attracting highly qualified individuals to teaching. These grants will enable LEAs in high poverty and rural areas to award new teachers a \$15,000 tax free salary bonus, spread over their first two years of employment, over and above their regular starting salary. These bonuses will attract teachers to districts where they are most needed.

On an annual basis, LEAs will use competitive criteria to select the best and brightest teaching candidates based on objective measures, including test scores, grade point average or class rank and such other criteria as each LEA may determine. The number of bonuses awarded depends upon the number of students enrolled in the LEA.

Teachers who receive the bonus will be required to teach in low income or rural areas for a minimum of four years. If they fail to work the four year minimum they will be required to repay the bonus they received.

By making this funding available, America's schools will better be able to compete with businesses for the best and brightest college graduates. These new teachers will, in turn, produce better students and lower the risk of a possible teacher shortage. With arguably the most successful economy of

any nation in history, we should be doing more to make teaching an attractive career alternative for qualified and motivated individuals. The Teacher Quality Enhancement and Incentive Act will be an excellent first step.●

By Ms. COLLINS:

S. 1175. A bill to amend title 49, United States Code, to require that fuel economy labels for new automobiles include air pollution information that consumers can use to help communities meet Federal air quality standards; to the Committee on Commerce, Science, and Transportation.

AUTOMOBILE EMISSIONS CONSUMER INFORMATION ACT OF 1999

Ms. COLLINS. Mr. President, I rise today to introduce a bill that will give consumers important information many will want to factor into their decisions when they shop for a new vehicle. My legislation will ensure that consumers have the information they need to compare the pollution emissions of new vehicles. The Automobile Emissions Consumer Information Act of 1999 simply takes data already collected by the Environmental Protection Agency and requires that this information be presented to consumers in an understandable format as they purchase cars. This proposal, if enacted into law, will benefit both the consumer and the environment.

This measure is modeled after existing requirements for gas mileage information. It ensures that emissions information will be on the window stickers of new cars just as fuel efficiency information is currently displayed. Ad-

ditionally, emissions information for all new vehicles will be published by the EPA in an easy-to-understand booklet for consumers.

This information is already collected by the EPA, but is disseminated in an extremely burdensome way. First, consumers must pro-actively request emissions information. Then, after securing the relevant EPA documents, the consumer is presented with an overload of complicated data in spreadsheet form. Furthermore, the EPA organizes emissions data by engine type and not by the more commonly compared model and make categories.

Let me refer to a page from the EPA's 1999 Annual Certification Test Results of emission standards. As my colleagues can see, it is an extraordinarily difficult document to read and interpret. The complicated nature of this document becomes increasingly apparent when this table is compared with the simplified information currently provided to consumers about fuel mileage. The federal government should be aiding consumers who want to consider emissions in choosing which vehicle to purchase. This bill will do just that.

Mr. President, this is not a new idea. The Clean Air Act Amendments of 1970 mandated that the EPA make available to the public the data collected from manufacturers on emissions. The 1970 Amendments further required, "Such results shall be described in such non-technical manner as will responsibly disclose to prospective ultimate purchasers of new motor vehicles and new motor vehicle engines the comparative

performance of the vehicles and engines tested." Mr. President, clearly, the EPA is not abiding by the letter and spirit of the 1970 law.

It is important to note that the Automobile Emissions Consumer Information Act of 1999 does not require either motor vehicle manufacturers or the EPA to conduct new tests. Manufacturers must already test emissions of all new vehicles and submit the test results to the EPA. Unfortunately, the gathering of this information does not translate into useful information for consumers.

While all vehicles must meet the Federal standards, some vehicles exceed the standards. Consumers who are concerned about vehicle emissions deserve to be able to exercise their right to buy from manufacturers who take extra steps in reducing emissions, if they so chose.

Representative BRIAN BILBRAY of California is introducing this bill in the House of Representatives today. I greatly appreciate his leadership on this issue and his bringing this common-sense proposal to my attention. He is clearly committed to protecting both consumers and the environment.

Mr. President, I urge my colleagues to join me in enacting the Automobile Emissions Consumer Information Act, and I ask unanimous consent that one page from the EPA's 1999 Annual Certification Test Results of emissions standards be printed in the RECORD.

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

CERTIFICATION AND FUEL ECONOMY INFORMATION SYSTEM (CFEIS), 1999 ANNUAL CERTIFICATION TEST RESULTS, ALL SALES AREA—LIGHT DUTY VEHICLES AND LIGHT DUTY TRUCKS

[Manufacturer: 20: DaimlerChrysler; Engine Family/Test Group: XCRXA0318H11; Engine System: 1; Evaporative/Refueling Family: RXE0174G4H; Evap System: 1]

Division	Car line tested	Emission control	Eng. disp	Trn	ETW	HP	Axle Rat	Tst Prc	FI Ty	SA Cd	UL	Emission	Cert level	Std	Tier	DF
Dodge .....	Ram 1500, Pickup 4WD .....	20/99///	5.2	L4	5500	14.8	3.55	34	6	CA	12	HC-TEV-3D	.7	2.5	T1	.05+
Do .....	Ram 1500, Pickup 2WD .....	20/99///	5.2	L4	5500	13.9	3.55	35	23	CA	50	CO	2.0	4.4	T1	1.156*
								35	23	CA	50	HC-NM	.15	0.32	T1	1.055*
								35	23	CA	50	NOX	.4	0.7	T1	1.28*
								35	23	CA	120	CO	2.4	6.4	T1	1.393*
								35	23	CA	120	HC-NM	.16	0.46	T1	1.139*
								35	23	CA	120	NOX	.6	0.98	T1	1.706*
Do .....	Ram 1500, Pickup 4WD .....	20/99///	5.2	L4	5500	16.2	3.55	35	23	CA	50	CO	1.9	4.4	T1	1.156*
								35	23	CA	50	HC-NM	.17	0.32	T1	1.055*
								35	23	CA	50	NOX	.2	0.7	T1	1.28*
								35	23	CA	120	CO	2.3	6.4	T1	1.393*
								35	23	CA	120	HC-NM	.18	0.46	T1	1.139*
								35	23	CA	120	NOX	.3	0.98	T1	1.706*
Do .....	..... do .....	20/99///	5.2	L4	5500	.....	3.55	11	24	CA	50	CO-COLD	5.6	12.5	N/A	1.156*

By Mr. ROBB (for himself, Mr. WARNER, and Mr. SARBANES):

S. 1176. A bill to provide for greater access to child care services for Federal employees; to the Committee on Governmental Affairs.

CHILD CARE SERVICES FOR FEDERAL EMPLOYEES

Mr. ROBB. Mr. President, today I'm introducing legislation to assist federal workers seeking affordable care for their young children.

Many federal facilities provide child care centers for their employees' use. But for many lower and middle income employees, these services are simply unaffordable—their costs put them beyond the reach of these families. The bill I am introducing today, along with Senators WARNER and SARBANES, will

make this option affordable for these employees.

This legislation authorizes federal agencies to use appropriated funds to help lower and middle income federal workers better afford the child care services they need. Let me emphasize that these funds have already been appropriated, meaning no new government spending is involved. This is a modest, cost-effective solution that will certainly ease the minds of parents who are understandably concerned about their child care needs.

Our federal employees should not have to choose between their desire for public service and their need for child care services.

By Mr. DASCHLE:

S. 1178. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project, South Dakota, to the Commission of Schools and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

THE BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE ACT OF 1999

Mr. DASCHLE. Mr. President, I am today introducing the Blunt Reservoir and Pierre Canal Land Conveyance Act

of 1999. This proposal is the culmination of more than 2 years of discussion with local landowners, the South Dakota Water Congress, the U.S. Bureau of Reclamation, local legislators, representatives of South Dakota sportsmen groups and affected citizens. It lays out a plan to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project in South Dakota to the Commission of School and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, and provides the option to preferential leaseholders to purchase their original parcels from the Commission.

In order to more fully understand the issues addressed by the legislation, it is necessary to review some of the history related to the Oahe Unit of the Missouri River Basin project in South Dakota.

The Oahe Unit was originally approved as part of the overall plan for water development in the Missouri River Basin that was incorporated in the Flood Control Act of 1944. Subsequently, Public Law 90-453 authorized construction and operation of the initial stage. The purposes of the Oahe Unit as authorized were to provide for the irrigation of 190,000 acres of farmland, conserve and enhance fish and wildlife habitat, promote recreation and meet other important goals.

The project came to be known as the Oahe Irrigation Project, and the principal features of the initial stage of the project contained the Oahe pumping plant located near Oahe Dam to pump water from the Oahe Reservoir, a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir, and the establishment of regulating reservoirs, including the Blunt Dam and Reservoir located approximately 35 miles east of Pierre, South Dakota.

Under the authorizing legislation, 42,155 acres were to be acquired by the Federal government in order to construct and operate the Blunt Reservoir feature of the Oahe Irrigation Project. Land acquisition for the proposed Blunt Reservoir feature began in 1972 and continued through 1977. A total of 17,878 acres actually were acquired from willing sellers.

The first land for the Pierre Canal feature was purchased in July 1975 and included the 1.3 miles of Reach 1B. An additional 21-mile reach was acquired from 1976 through 1977, also from willing sellers.

Organized opposition to the Oahe Irrigation Project surfaced in 1973 and continued to build until a series of public meetings were held in 1977 to determine if the project should continue. In late 1977, the Oahe project was made a part of President Carter's Federal Water Project review process.

The Oahe project construction was then halted on September 30, 1977, when Congress did not include funding in the FY1978 appropriations.

Thus, all major construction contract activities ceased and land acquisition was halted. The Oahe Project remained an authorized water project with a bleak future and minimal chances of being completed as authorized. Consequently, the Department of Interior, through the Bureau of Reclamation, gave to those persons who willingly had sold their lands to the project the right for them and their descendants to lease those lands and use them as they had in the past until needed by the Federal government for project purposes.

During the period from 1978 until the present, the Bureau of Reclamation has administered these lands on a preference lease basis for those original landowners or their descendants and on a non-preferential basis for lands under lease to persons who were not preferential leaseholders. Currently, the Bureau of Reclamation administers 12,978 acres as preferential leases and 4,304 acres as non-preferential leases in the Blunt Reservoir.

As I noted previously, the Oahe Irrigation Project is related directly to the overall project purposes of the Pick-Sloan Missouri Basin program authorized under the Flood Control Act of 1944. Under this program, the U.S. Army Corps of Engineers constructed four major dams across the Missouri River in South Dakota. The two largest reservoirs formed by these dams, Oahe Reservoir and Sharpe Reservoir, caused the loss of approximately 221,000 acres of fertile, wooded bottomland which constituted some of the most productive, unique and irreplaceable wildlife habitat in the State of South Dakota. This included habitat for both game and non-game species, including several species which are now listed as threatened or endangered. Merriweather Lewis, while traveling up the Missouri River in 1804 on his famous expedition, wrote in his diary, "Song birds, game species and furbearing animals abound here in numbers like none of the party has ever seen. The bottomlands and cottonwood trees provide a shelter and food for a great variety of species, all laying their claim to the river bottom."

Under the provisions of the Wildlife Coordination Act of 1958, the State of South Dakota has developed a plan to mitigate a part of this lost wildlife habitat as authorized by Section 602 of Title VI of Public Law 105-277, October 21, 1998, known as the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

The State's habitat mitigation plan has received the necessary approval and interim funding authorizations under Sections 602 and 609 of Title VI.

The State's habitat mitigation plan requires the development of approximately 27,000 acres of wildlife habitat in South Dakota. Transferring the 4,304 acres of non-preferential lease lands in the Blunt Reservoir feature to the South Dakota Department of Game,

Fish and Parks would constitute a significant step toward satisfying the habitat mitigation obligation owed to the state by the Federal government and as agreed upon by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the South Dakota Department of Game, Fish and Parks.

As we developed this legislation, many meetings occurred among the local landowners, South Dakota Department of Game, Fish and Parks, business owners, local legislators, the Bureau of Reclamation, as well as representatives of sportsmen groups. It became apparent that the best solution for the local economy, tax base and wildlife mitigation issues would be to allow the preferential leaseholders (original landowner or descendant or operator of the land at the time of purchase) to have an option to purchase the land from the Commission of School and Public Lands after the preferential lease parcels are conveyed to the Commission. This option will be available for a period of 10 years after the date of conveyance to the Commission. During the interim period, the preferential leaseholders shall be entitled to continue to lease from the Commissioner under the same terms and conditions they have enjoyed with the Bureau of Reclamation. If the preferential leaseholder fails to purchase a parcel within the 10-year period, that parcel will be conveyed to the South Dakota Department of Game, Fish and Parks to be used to implement the 27,000-acre habitat mitigation plan.

The proceeds from these sales will be used to finance the administration of this bill, support public education in the state of South Dakota, and will be added to the South Dakota Wildlife Habitat Mitigation Trust Fund to assist in the payment of local property taxes on lands transferred from the Federal government to the state of South Dakota.

In summary, Mr. President, the State of South Dakota, the Federal government, the original landowners, the sportsmen and wildlife will benefit from this bill. It provides for a fair and just resolution to the private property and environmental problems caused by the Oahe Irrigation Project some 25 years ago. We have waited long enough to right some of the wrongs suffered by our landowners and South Dakota's wildlife resources.

I am hopeful that the Senate will act quickly on this legislation. Our goal is to enact a bill that will allow meaningful wildlife habitat mitigation to begin, give certainty to local landowners who sacrificed their lands for a defunct federal project they once supported, ensure the viability of the local land base and tax base, and provide well maintained and managed recreation areas for sportsmen. I ask unanimous consent that the bill appear in the RECORD.

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

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 1999".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) under the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), Congress approved the Pick-Sloan Missouri River Basin program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the purpose of the Oahe Irrigation Project was to meet the requirements of that Act by providing irrigation above Sioux City, Iowa;

(3) the principle features of the Oahe Irrigation Project included—

(A) a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir; and

(B) the establishment of regulating reservoirs, including the Blunt Dam and Reservoir, located approximately 35 miles east of Pierre, South Dakota;

(4) land to establish the Pierre Canal and Blunt Reservoir was purchased from willing sellers between 1972 and 1977, when construction on the Oahe Irrigation Project was halted;

(5) since 1978, the Commissioner of Reclamation has administered the land—

(A) on a preferential lease basis to original landowners or their descendants; and

(B) on a nonpreferential lease basis to other persons;

(6) the 2 largest reservoirs created by the Pick-Sloan Missouri River Basin Program, Lake Oahe and Lake Sharpe, caused the loss of approximately 221,000 acres of fertile, wooded bottomland in South Dakota that constituted some of the most productive, unique, and irreplaceable wildlife habitat in the State;

(7) the State of South Dakota has developed a plan to meet the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) to mitigate the loss of wildlife habitat, the implementation of which is authorized by section 602 of title VI of Public Law 105-277 (112 Stat. 2681-660); and

(8) it is in the interests of the United States and the State of South Dakota to—

(A) provide original landowners or their descendants with an opportunity to purchase back their land; and

(B) transfer the remaining land to the State of South Dakota to allow implementation of its habitat mitigation plan.

#### SEC. 3. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Irrigation Project authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665), as part of the Pick-Sloan Missouri River Basin Program.

(2) COMMISSION.—The term "Commission" means the Commission of Schools and Public Lands of the State of South Dakota.

(3) NONPREFERENTIAL LEASE PARCEL.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is under lease to a person other than a preferential leaseholder as of the date of enactment of this Act.

(4) PIERRE CANAL FEATURE.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Irrigation Project authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665), as part of the Pick-Sloan Missouri River Basin Program.

(5) PREFERENTIAL LEASEHOLDER.—The term "preferential leaseholder" means a leaseholder of a parcel of land who is—

(A) the person from whom the Secretary purchased the parcel for use in connection with the Blunt Reservoir feature or the Pierre Canal feature;

(B) the original operator of the parcel at the time of acquisition; or

(C) a descendant of a person described in subparagraph (A) or (B).

(6) PREFERENTIAL LEASE PARCEL.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is under lease to a preferential leaseholder as of the date of enactment of this Act.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) CONVEYANCE.—The Secretary shall convey all of the preferential lease parcels to the Commission, without consideration, on the condition that the Commission honor the purchase option provided to preferential leaseholders under subsection (d).

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on 1 of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) 10 percent of that value.

(ii) Installment purchase, with 20 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER \$10,000.—If the value of the parcel is under \$10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 10 years after the date of the conveyance under subsection (c) to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Commission the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of conveyance.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be determined to be, at the election of the preferential leaseholder—

(i) the amount that is equal to—

(I) the number of acres of the preferential lease parcel; multiplied by

(II) the amount of the per-acre assessment of adjacent parcels made by the Director of Equalization of the county in which the preferential lease parcel is situated; or

(ii) the amount of a valuation of the preferential lease parcel for agricultural use made by an independent appraiser.

(B) COST OF APPRAISAL.—If a preferential leaseholder elects to use the method of valuation described in subparagraph (A)(ii), the cost of the valuation shall be paid by the preferential leaseholder.

(5) CONVEYANCE TO THE STATE OF SOUTH DAKOTA.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Commission shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Of the proceeds of sales of land under this subsection—

(A) not more than \$500,000 shall be used to reimburse the Secretary for expenses incurred in implementing this Act;

(B) an amount not exceeding 10 percent of the cost of each transaction conducted under this Act shall be used to reimburse the Commission for expenses incurred implementing this Act;

(C) \$3,095,000 shall be deposited in the South Dakota Wildlife Habitat Mitigation Trust Fund established by section 603 of division C of Public Law 105-277 (112 Stat. 2681-663) for the purpose of paying property taxes on land transferred to the State of South Dakota;

(D) \$100,000 shall be provided to Hughes County, South Dakota, for the purpose of supporting public education;

(E) \$100,000 shall be provided to Sully County, South Dakota, for the purpose of supporting public education; and

(F) the remainder shall be used by the Commission to support public schools in the State of South Dakota.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) IN GENERAL.—The Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(2) WILDLIFE HABITAT MITIGATION.—Land conveyed under paragraph (1) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(f) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State of South Dakota for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(2) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels



shall be granted in the following order of priority:

(A) Exchanges with current lessees for non-preferential lease parcels.

(B) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(g) EASEMENT FOR IRRIGATION PIPE.—A preferential leaseholder that purchases land at Pierre Canal or exchanges land for land at Pierre Canal shall to allow the State of South Dakota to retain an easement on the land for an irrigation pipe.

(h) FUNDING OF THE SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603(b) of title VI of Public Law 105-277 (112 Stat. 2681-663) is amended by striking "\$108,000,000" and inserting "\$111,095,000".

By Mrs. BOXER.

S. 1179. A bill to amend title 18, United States Code, to prohibit the sale, delivery, or other transfer of any type of firearm to a juvenile, with certain exceptions.

YOUTH ACCESS TO FIREARMS ACT OF 1999

• Mrs. BOXER. Mr. President, last week during consideration of the juvenile justice bill, the Senate passed some reasonable, common-sense proposals to control the proliferation of guns in this country. I believe the Senate's action was an important first step. But there is more to be done. And, today, I am introducing legislation to prohibit the sale and transfer of any gun to a juvenile, unless it comes from a parent, grandparent, or legal guardian.

Let me start, Mr. President, with a review of current law. A federally licensed firearms dealer—that is, someone who runs a gun store—cannot sell a handgun to someone under the age of 21 and cannot sell any other type of gun to someone under the age of 18.

The law is different, however, for private transactions. Those are sales or transfers by unlicensed individuals at gun shows, at flea markets, or in a private home. Since 1994, it has been illegal for anyone under the age of 18 to buy a handgun in these cases. But it is not illegal for a juvenile to buy a long-gun—that is, a rifle, a shotgun, or a semiautomatic assault weapon—in a private transaction. And, it is not illegal for a long-gun to be transferred—given—to a juvenile.

This is not right. An 18-year-old cannot buy a can of beer. An 19-year-old cannot buy a bottle of liquor or a bottle of wine. Anyone under 18 cannot buy a pack of cigarettes. And, as I mentioned, since 1994, if you are under 18, you cannot buy a handgun.

There is a reason for this. There is a reason we keep certain things away from juveniles. And, it does not make sense to me to say that it is illegal to sell cigarettes, alcohol, and handguns to a kid, but it is okay to sell them a rifle or a shotgun or a semiautomatic assault weapon.

So, my bill—the Youth Access to Firearms Act—simply says that it would be illegal to sell, deliver, or transfer any firearm to anyone under the age of 18.

Now, in recognition of the culture and circumstances in many areas of this country, my bill does contain some exceptions to this prohibition.

First, the bill would not make possession of a long-gun by a juvenile a crime. It would only make the sale or transfer illegal.

Second, the bill would not apply to a rifle or shotgun given to a juvenile by that person's parent, grandparent, or legal guardian.

Third, it would not apply to another family member giving a juvenile a rifle or shotgun with the permission of the juvenile's parent, grandparent, or legal guardian.

Fourth, it would not apply to a temporary transfer—a loan—of a rifle or shotgun for hunting purposes.

And, fifth, it would not apply to the temporary transfer of a gun to a juvenile for employment, target shooting, or a course of instruction in the safe and lawful use of a firearm, if the juvenile has parental permission.

I have put these exceptions into the bill to make it clear what I am trying to do here. I am not trying to stop teenagers from having or responsibly using a rifle or a shotgun. I am not trying to stop teenagers from going hunting. I am not trying to prevent a parent or grandparent from giving a rifle or shotgun as a birthday present. But, what I am saying is that juveniles should not be able to buy a gun on their own—or be given one without the knowledge of their parents.

This is precisely what happened in Littleton, Colorado. The two teenage boys who shot up Columbine High School used four guns. Three of those four guns—two shotguns and a rifle—were given to them by an 18-year-old female friend. Under federal law, that was perfectly legal.

I should not be. You should not be able to sell a gun to a juvenile. And you should not be able to give a gun to a juvenile, unless you are the parent or grandparent.

As I said earlier, there are certain things that are legally off-limits to juveniles. Selling and giving them guns, if you are not their parent, should be one of those things.

I urge my colleagues to support this bill. •

By Mr. KENNEDY:

S. 1180. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EDUCATIONAL EXCELLENCE FOR ALL CHILDREN  
ACT OF 1999

Mr. KENNEDY. Mr. President, it is a privilege to introduce President Clinton's proposal for reauthorizing the Elementary and Secondary Education Act, the "Educational Excellence for All Children Act of 1999," along with Senators DODD, DASCHLE, MURRAY, SCHUMER, LEVIN, and DORGAN. This is another strong step by the President to

ensure that all children have the benefit of the best possible education.

Since 1993, President Clinton has consistently led the way on improving schools and making sure that all children meet high standards.

Today, as a result, almost every state has established high standards for its students. "High standards" is no longer just a term for academics experts and policy makers—it is becoming a reality for the nation's schools and students.

The recently released National Assessment of Title I shows that student achievement is improving—and that the federal government is an effective partner in that success. This result is good news for schools, good news for parents, and good news for students—and it should be a wake up call to Congress. We need to do more to build on these emerging successes to ensure that every child has the opportunity for an excellent education.

At dinner tables and boardrooms across America, the topic of discussion is education. As a result of the progress we have made the past few years, we can look at the education glass on the table and say it's "half full"—not "half empty" as critics of public schools would have the country believe.

Since the reauthorization of Title I in 1994, a non-partisan Independent Review Panel of twenty-two experts from across the country has been overseeing the evaluation of the program. As the largest federal investment in improving elementary and secondary schools, Title I is improving education for 11 million children in 45,000 schools with high concentrations of poverty. It helps schools provide professional development for teachers, improve curriculums, and extend learning time, so that students meet high state standards of achievement.

Under the 1994 amendments to Title I, states were no longer allowed to set lower standards for children in the poorest communities than for students in more affluent communities. The results are clear. Students do well when expectations are set high and they are given the support they need and deserve.

Student achievement in reading and math has increased—particularly the achievement of the poorest students. Since 1992, reading achievement for 9-year-olds in the highest poverty schools has increased by one whole grade level nationwide. Between 1990 and 1996, math scores of the poorest students also rose by a grade level.

Students are meeting higher state standards. According to state-reported results, students in the highest poverty elementary schools improved in 5 of 6 states reporting three-year data in reading and in 4 out of 5 states in math. Students in Connecticut, Maryland, North Carolina, and Texas made progress in both subjects.

Many urban school districts report that achievement also improved in their highest-poverty schools. In 10 of

13 large urban districts that report three-year trend data, more elementary students in the highest poverty schools are now meeting district or state standards of proficiency in reading or math. Six districts, including Houston, Dade County, New York, Philadelphia, San Antonio, and San Francisco, made progress in both subjects.

Federal funds are increasingly targeted to the poorest schools. The 1994 amendments to Title I shifted funds away from low-poverty schools and into high-poverty schools. Today, 95 percent of the highest-poverty schools receive Title I funds, up from 80 percent in 1993.

In addition, Title I funds help improve teaching and learning in the classroom. 99 percent of Title I funds go to the local level. 93 percent of those federal dollars are spent directly on instruction, while only 62 percent of all state and local education dollars are spent on instruction.

The best illustrations of these successes are in local districts and schools. In Baltimore County, Maryland, all but one of the 19 Title I schools increased student performance between 1993 and 1998. The success has come from Title I support for extended year programs, implementation of effective programs in reading, and intensive professional development for teachers.

At Roosevelt High School in Dallas, Texas, where 80 percent of the students are poor, Title I funds were used to increase parent involvement, train teachers to work more effectively with parents, and make other changes to bring high standards into every classroom. Student reading scores have nearly doubled, from the 40th percentile in 1992 to the 77th percentile in 1996. During the same period, math scores soared from the 16th to the 73rd percentile, and writing scores rose from the 58th to the 84th percentile.

In addition to the successes supported by Title I, other indicators demonstrate that student achievement is improving. U.S. students scored near the top on the latest international assessment of reading. American 4th graders out-performed students from all other nations except Finland.

At Baldwin Elementary School in Boston, where 80 percent of the students are poor, performance on the Stanford 9 test rose substantially from 1996 to 1998 because of increases in teacher professional development and implementation of a whole-school reform plan to raise standards and achievement for all children. In 1996, 66 percent of the 3rd grade students scored in the lowest levels in math. In 1998, 100 percent scored in the highest levels. In 1997, 75 percent of 4th graders scored in the lowest levels in reading. In 1998, no 4th graders scored at the lowest level, and 56 percent scored in the highest levels.

The combined verbal and math scores on the SAT increased 19 points from

1982 to 1997, with the largest gain of 15 points occurring between 1992 and 1997. The average math score is at its highest level in 26 years.

Students are taking more rigorous subjects than ever—and doing better in them. The proportion of high school graduates taking the core courses recommended in the 1983 report, *A Nation At Risk*, had increased to 52 percent by 1994, up from 14 percent in 1982 and 40 percent in 1990. Since 1982, the percentage of graduates taking biology, chemistry, and physics has doubled, rising from 10 percent in 1982 to 21 percent in 1994. With increased participation in advanced placement courses, the number of students that scored at 3 or above on the AP exams has risen nearly five-fold since 1982, from 131,871 in that year to 635,922 in 1998.

Clearly, the work is not done. These improvements are gratifying, but there is no cause for complacency. We must do more to ensure that all children have a good education. We must do more to increase support for programs like Title I to build on these successes and make them available to all children.

President Clinton's "Educational Excellence for All Children Act of 1999" builds on the success of the 1994 reauthorization of ESEA, which ensured that all children are held to the same high academic standards. This bill makes high standards the core of classroom activities in every school across the country—and holds schools and school districts responsible for making sure all children meet those standards. The bill focuses on three fundamental ways to accomplish this goal: improving teacher quality, increasing accountability for results, and creating safe, healthy, and disciplined learning environments for children.

This year, the nation set a new record for elementary and secondary student enrollment. The figure will reach an all-time high of 53 million students—500,000 more students than last year. Communities, the states, and Congress must work together to see that these students receive a good education.

Serious teacher shortages are being caused by the rising student enrollments, and also by the growing number of teacher retirements. The nation's schools need to hire 2.2 million public school teachers over the next ten years, just to hold their own. If we don't act now, the need for more teachers will put even greater pressure in the future on school districts to lower their standards and hire more unqualified teachers. Too many teachers leave within the first three years of teaching—including 30-50% of teachers in urban areas—because they don't get the support and mentoring they need. Veteran teachers need on-going professional development opportunities to enhance their knowledge and skills, to integrate technology into the curriculum, and to help children meet high state standards.

Many communities are working hard to attract, keep, and support good teachers—and often they're succeeding. The North Carolina Teaching Fellows Program has recruited 3,600 high-ability high school graduates to go into teaching. The students agree to teach for four years in the state's public schools, in exchange for a four-year college scholarship. School principals in the state report that the performance of the fellows far exceeds that of other new teachers.

In Chicago, a program called the "Golden Apple Scholars of Illinois" recruits promising young men and women into teaching by selecting them during their junior year of high school, then mentoring them through the rest of high school, college, and five years of actual teaching. 60 Golden Apple scholars enter the teaching field each year, and 90 percent of them stay in the classroom.

Colorado State University's "Project Promise" recruits prospective teachers from fields such as law, geology, chemistry, stock trading and medicine. Current teachers mentor graduates in their first two years of teaching. More than 90 percent of the recruits go into teaching, and 80 percent stay for at least five years.

New York City's Mentor Teacher Internship Program has increased the retention of new teachers. In Montana, only 4 percent of new teachers in mentoring programs left after their first year of teaching, compared with 28 percent of teachers without the benefit of mentoring.

New York City's District 2 has made professional development the central component for improving schools. The idea is that student learning will increase as the knowledge of educators grows—and it's working. In 1996, student math scores were second in the city.

Massachusetts has invested \$60 million in the Teacher Quality Endowment Fund to launch the 12-to-62 Plan for Strengthening Massachusetts Future Teaching Force. The program is a comprehensive effort to improve recruitment, retention, and professional development of teachers throughout their careers.

Congress should build on and support these successful efforts across the country to ensure that the nation's teaching force is strong and successful in the years ahead.

The Administration's proposal makes a major investment in ensuring quality teachers in every classroom, especially in areas where the needs are greatest. It authorizes funds to help states and communities improve the recruitment, retention, and on-going professional development of teachers. It will provide states and local school districts with the support they need to recruit excellent teacher candidates, to retain and support promising beginning teachers through mentoring programs, and to provide veteran teachers with the on-going professional development

they need to help all children meet high standards of achievement. It will also support a national effort to recruit and train school principals.

In recognition of the national need to recruit 2.2 million teachers over the next decade, the Administration's proposal will fund projects to recruit and retain high-quality teachers and school principals in high-need areas. The Transition to Teaching proposal will continue and expand the successful "Troops to Teachers" initiative by recruiting and supporting mid-career professionals in the armed forces as teachers, particularly in high-poverty school districts and high-need subjects.

The proposal holds states accountable for having qualified teachers in the classroom. It requires that within four years, 95 percent of all teachers must be certified, working toward full certification through an alternative route that will lead to full certification within three years, or are fully certified in another state and working toward meeting state-specific requirements. It also requires states to ensure that at least 95 percent of secondary school teachers have academic training or demonstrated competence in the subject area in which they teach.

Parents and educators across the country also say that reducing class size is at the top of their priorities for education reform. It is obvious that smaller class sizes, particularly in the early grades, improve student achievement. We must help states and communities reduce class sizes in the early grades, when individual attention is needed most. Congress made a downpayment last year on helping communities reduce class size, and we can't walk away from that commitment now.

The Educational Excellence for All Children Act authorizes the full 7 years of this program, so that communities will be able to hire 100,000 teachers across the country.

We know qualified teachers in small classes make a difference for students. There is also mounting evidence that the President and Congress took the right step in 1994 by making standards-based reform the centerpiece of the 1994 reauthorization. In schools and school districts across the country that have set high standards and required accountability for results, student performance has risen, and the numbers of failing schools has fallen.

Nevertheless, 10 to 15 percent of high school graduates today—up to 340,000 graduates each year—do not continue their education. Often, they cannot balance a checkbook or write a letter to a credit card company to explain an error on a bill. Even worse, 11 percent of high school students never make it to graduation.

We are not meeting our responsibility to these students—and it is unconscionable to continue to abdicate our responsibility. Every day, children—poor children, minority children, English language learners, children

with disabilities—face barriers to a good education, and also face the high-stakes consequences of failing in the future because the system is failing them now.

Schools and communities must do more to see that students obtain the skills and knowledge they need in order to move on to the next grade and to graduate. If students are socially promoted or forced to repeat the same grade without changing the instruction that failed the first time, they are more likely to drop out. Clearly, these practices must end.

The Administration's proposal makes public schools the centers of opportunity for all children—and holds schools accountable for providing this opportunity.

It requires schools, school districts, and states to provide parents with report cards that include information about student performance, the condition of school buildings, class sizes, quality of teachers, and safety and discipline in their schools. These report cards give parents the information they need to see that their schools are improving and their children are getting the education they deserve.

The proposal also holds schools and districts accountable for children meeting the standards. The bill requires schools and districts to end the unsound educational practices of socially promoting children or making them repeat a grade. States must collect data on social promotion and retention rates as an indicator of whether children are meeting high standards, and schools must implement responsible promotion policies. The proposal is designed to eliminate the dismal choice between social promotion and repeating a grade. It does so in several ways—by increasing support for early education programs, by improving early reading skills, by improving the quality of the teaching force, by providing extended learning time through after-school and summer-school programs, and by creating safe, disciplined learning environments for children.

Last year in Boston, School Superintendent Tom Payzant ended social promotion and traditional grade retention. With extensive community involvement, Mayor Menino, Superintendent Payzant, and the School Committee implemented a policy to clarify for everyone—schools, teachers, parents, and students—the requirements needed to advance from one grade to the next, and to graduate from a Boston public school.

The call for a new promotion and retention policy came primarily from middle and high schools, where teachers were facing students who had not mastered the skills they needed in order to go on to a higher grade. Now, all students will have to demonstrate that they have mastered the content and skills in every grade. If they fail to do so, schools and teachers must intervene with proven effective practices to help the students, such as attending

summer-school and after-school programs, providing extra help during the regular school day, and working more closely with parents to ensure better results. In ways like these, schools and teachers are held accountable for results.

The Administration's proposal gives children who have fallen behind in their school work the opportunities they need to catch up, to meet legitimate requirements for graduation, to master basic skills, and meet high standards of achievement. A high school diploma should be more than a certificate of attendance. It should be a certificate of achievement.

Finally, the President's proposal helps create safe, disciplined, and healthy environments for children. Last year, President Clinton led a successful effort to increase funding for after-school programs in the current year. But far more needs to be done.

Effective programs are urgently needed for children of all ages during the many hours they are not in school each week and during the summer. The "Home Alone" problem is serious, and deserves urgent attention. Every day, 5 million children, many as young as 8 or 9 years old, are left alone after school. Juvenile crime peaks in the hours between 3 p.m. and 8 p.m. A recent study of gang crimes by juveniles in Orange County, California, shows that 60 percent of all juvenile gang crimes occur on schools days and peak immediately after school dismissal. Children left unsupervised are more likely to be involved in illegal activities and destructive behavior. We need constructive alternatives to keep children off the streets, away from drugs, and out of trouble.

We need to do all we can to encourage communities to develop after-school activities that will engage children. The proposal will triple our investment in after-school programs, so that one million children will have access to worthwhile activities.

The Act also requires school districts and schools to have sound discipline policies that are consistent with the Individual with Disabilities Education Act, are fair, and are developed with the participation of the school community. In addition, the Safe and Drug-Free Schools and Communities Act is strengthened to support research-based prevention programs to address violence and drug-use by youth.

In order to develop a healthy environment for children, local school districts will be able to use 5 percent of their funds to support coordinated services, so that children and their families will have better access to social, health, and educational services necessary for students to do well in school.

In all of these ways and more ways, President Clinton's proposal will help schools and communities bring high standards into every classroom and ensure that all children meet them. Major new investments are needed to

improve teacher quality—hold schools, school districts, and states accountable for results—increase parent involvement—expand after-school programs—reduce class size in the early grades—and ensure that schools meet strict discipline standards. With investments like these, we are doing all we can to ensure that the nation's public schools are the best in the world.

Education must continue to be a top priority in this Congress. We must address the needs of public schools, families, and children so that we ensure that all children have an opportunity to attend an excellent public school now and throughout the 21st Century.

President Clinton's proposal is an excellent series of needed initiatives, and it deserves broad bipartisan support. I look forward to working with my colleagues to make it the heart of this year's ESEA Reauthorization Bill.

Mr. President, I 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:

THE EDUCATIONAL EXCELLENCE FOR ALL CHILDREN ACT OF 1999—SECTION-BY-SECTION ANALYSIS

**Section 2. Table of Contents.** Section 2 of the bill would set out the table of contents for the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 *et seq.*, hereinafter in the section-by-section analysis referred to as "the ESEA") as it would be amended by the bill.

**Section 3. America's Education Goals.** Section 3 of the bill would rename the National Education Goals (currently in Title I of the Goals 2000: Educate America Act, P.L. 103-227), as "America's Education Goals" and update the Goals to reflect our Nation's continuing need for the Goals. Even though all the Goals will not have been reached by the year 2000 as originally hoped, nor accomplished to equal degrees, the Goals were purposely designed to set high expectations for educational performance at every stage of an individual's life, and there is a continued need to reaffirm these Goals as a benchmark to which all students can strive and attain. With policymakers, educators, and the public united in an effort to achieve America's Education Goals, the Nation will be able to raise its overall level of educational achievement.

Section 3(a) of the bill would contain findings concerning America's Education Goals, as well as descriptions of areas in which the Nation as a whole, as well as individual States, have been successful (or unsuccessful) at making progress toward achieving the various Goals during the last decade.

In order to reflect the overarching importance to America's Education Goals, section 3(b) of the bill would amend the ESEA to place the Goals in a proposed new section 3 of the ESEA. Proposed new section 3(a) of the ESEA would state the purpose of America's Education Goals as: setting forth a common set of national goals for the education of our Nation's students that the Federal Government and all States and local communities will work to achieve; identifying the Nation's highest education priorities related to preparing students for responsible citizenship, further learning, and the technological, scientific, economic, challenges of the 21st century; and establishing a framework for educational excellence at the national, State, and local levels. Proposed

new section 3(b) of the ESEA would state the Goals.

Title I of the Goals 2000: Educate America Act, the current authority for the National Education Goals, would be repealed by section 1211 of the bill.

**Section 4. Transition.** Section 4 of the bill would specify the actions that the Secretary must, and a recipient of ESEA funds may, take as part of the transition between the requirements of the ESEA as in effect the day before the date of enactment of the Educational Excellence for All Children Act of 1999, and the requirements of the ESEA as amended by the bill.

Under section 4(a) of the bill, the Secretary would be required to take such steps as the Secretary determines to be appropriate to provide for the orderly transition to programs and activities under the ESEA, as amended by the bill, from programs and activities under the ESEA, as it was in effect the date before the date of enactment of the bill.

Under section 4(b) of the bill, a recipient of funds under the ESEA, as it was in effect the date before the date of enactment of the bill, may use such funds to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs and activities under the ESEA, as amended by the bill.

**Section 5. Effective Dates.** Section 5 of the bill would set out the effective dates for the bill. The bill would take effect July 1, 2000, except for those amendments made by the bill that pertain to programs administered by the Secretary on a competitive basis, and the amendments made by Title VIII of the bill (Impact Aid), which would take effect with respect to appropriations for fiscal year 2001 and subsequent fiscal years, and amendments made by section 4 of the bill (transition requirements), which would take effect upon enactment.

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

**Section 101, declaration of policy and statement of purpose [ESEA, §1001].** Section 101(a) of the bill would amend the statement of policy in section 1001(a) of the ESEA by deleting paragraph (2), which called for an annual increase in appropriations of at least \$750 million from fiscal year 1996 through 1999.

Section 101(b) would amend the statement of need in section 1001(b) of the ESEA to reflect the bill's proposal to move the text of the National Education Goals from the Goals 2000: Educate America Act to section 3 of the ESEA, and to add a paragraph (6) noting the benefits of holding local educational agencies (LEAs) and schools accountable for results.

Section 101(c) would update the statement, in section 1001(c), of what has been learned, to reflect experience and research since that statement was enacted in 1994, including the addition of six new findings.

Section 101(d) would add, to the list of activities through which Title I's purpose is to be achieved, promoting comprehensive schoolwide reforms that are based on reliable research and effective practices.

**Section 102, authorization of appropriations [ESEA, §1002].** Section 102 of the bill would restate, in its entirety, section 1002 of the ESEA, which authorizes the appropriation of funds to carry out the various Title I programs. As revised, section 1002 would authorize the appropriations of "such sums as may be necessary" for fiscal years 2001 through 2005 for grants to LEAs under Part A, the Even Start program under Part B, the education of migratory children under Part C, State agency programs for neglected or delinquent children under Part D, the Reading Excellence program (to be transferred to

Part E from Title II), and certain Federal activities under section 1502 (to be redesignated as section 1602). Funds would no longer be authorized for capital expenses relating to the provision of Title I services to children in private schools. In addition, certain school-improvement activities would be funded by requiring States to dedicate a portion of their Title I grants to those activities, rather than through a separate authorization as in current law.

**Section 103, reservations for accountability and evaluation [ESEA, §1003].** Section 103 of the ESEA, to require each SEA to reserve 2.5 percent of its annual Basic Grant under Part A of Title I to carry out the LEA and school improvement activities described in sections 1116 and 1117 in fiscal years 2001 and 2002, and 3.5 percent of that amount for that purpose in subsequent fiscal years. This requirement, which is an important component of the bill's overall emphasis on accountability for results, will ensure that each participating State devotes a sufficient portion of its Part A funds to the critical activities described in those sections. In addition, the SEA would have to allocate at least 70 percent of the reserved amount directly to LEAs in accordance with certain specified priorities or use at least that portion of the reserved amount to carry out an alternative system of school and LEA improvement and corrective action described in the State plan and approved by the Secretary.

Section 1003(b) of the ESEA would permit the Secretary to reserve up to 0.30 percent of each year's Title I appropriation to conduct evaluations and studies, collect data, and carry out other activities under section 1501.

PART A—basic grants

**Section 111, State plans [ESEA, §1111].** Section 111(l)(A) of the bill would amend section 1111(a)(l) of the ESEA, which requires a State that wishes to receive a Basic Grant under Part A of Title I to submit a State plan to the Secretary of Education (the Secretary). Section 111(l)(A)(i) would add language emphasizing that the purpose of a State's plan is to help all children achieve to high State standards and to improve teaching and learning in the State.

Section 111(l)(A)(ii) would add, to the list of other programs with which the plan must be coordinated, a specific reference to the Individuals with Disabilities Education Act (IDEA) and the Carl D. Perkins Vocational and Technical Education Act of 1998. This section would also delete a reference to the Goals 2000: Educate America Act, which another provision of the bill would repeal, and delete a cross-reference to a section in Title XIV that another provision of the bill would repeal.

Section 111(l)(B) would improve the readability of section 111(a)(2), which permits a State to submit its Part A plan as part of a consolidated plan under section 14302 (to be redesignated as §11502).

Section 111(2)(A) would add a reference to accountability to the heading of section 111(b), to reflect the proposed addition of language on that topic as section 111(b)(3).

Section 111(2)(B)(i) would streamline section 111(b)(1)(B), which requires that the challenging content and student-performance standards each State must use in carrying out Part A be the same standards that the State uses for all schools and children in the State, to reflect the progress that States are expected to have made under current law by the effective date of the bill.

Section 111(2)(B)(ii) would delete outdated language from section 111(b)(1)(C), which provides that, if a State has not adopted content and student-performance standards for all students, it must have those standards for children served under Part A in subjects

determined by the State, which must include at least mathematics and reading or language arts.

Section 111(2)(C) would delete current section 1111(b)(2), which requires States to describe, in their plans, what constitutes adequate yearly progress by LEAs and schools participating in the Part A program. This requirement would be replaced by the new provisions on accountability in section 1111(b)(3), described below. Section 111(2)(C) would also redesignate paragraph (3) of section 1111(b), relating to assessments, as paragraph (2).

Section 111(2)(D)(i) would clarify that States must start using the yearly assessments described in current paragraph (3) of section 1111(b) (which the bill would redesignate as paragraph (2)) no later than the 2000-2001 school year.

Section 111(2)(D)(ii) would amend subparagraph (F) of current section 1111(b)(3), relating to the assessments of limited English proficient (LEP) children. Clauses (iv) and (v) would be added to require, respectively, that: (1) LEP students who speak Spanish be assessed with tests written in Spanish, if Spanish-language tests are more likely than English-language tests to yield accurate and reliable information on what those students know and can do in content areas other than English; and (2) tests written in English be used to assess the reading and language arts proficiency of any student who has attended school in the United States for three or more consecutive years.

Section 111(2)(E) would add a new provision on accountability as section 1111(b)(3). It would replace the current requirement that States establish criteria for "adequate yearly progress" in LEAs and schools with a requirement that they submit an accountability plan as part of their State applications, reflecting the critical role that accountability plays as a component of overall systems. In particular, each State would have to have an accountability system that is based on challenging standards, includes all students, promotes continuous improvement, and includes rigorous criteria for identifying and intervening in schools and districts in need of improvement. This proposal addresses concerns that many current accountability systems focus only on overall school performance and divert attention away from the students who need the greatest help.

Section 111(2)(F) would make a conforming amendment to section 1111(b)(4).

Section 111(2)(G) would delete paragraphs (5), (6), and (7) from section 1111(b). Paragraph (5) requires States to identify languages other than English that are present in the participating school population, to indicate the languages for which assessments are not available, and to make every effort to develop those assessments. This provision is burdensome and unnecessary. Paragraph (6) describes the schedule, established in 1994, for States to develop the necessary standards and assessments, while paragraph (7) governs the transition period during which States were not required to have "final" standards and assessments in place. These provisions would be obsolete by the time the bill takes effect. Instead, section 112(2)(G) would enact a new paragraph (5), providing that while a State may revise its assessments at any time, it must comply with the statutory timelines for identifying, assisting, and taking corrective action with respect to, LEAs and schools that need to improve.

Section 111(2)(H) and (I) would redesignate paragraph (8) of section 1111(b) as paragraph (6) and make conforming amendments to cross-references in that paragraph.

Section 111(3) of the bill would amend section 1111(c) of the ESEA, to significantly

shorten the list of assurances that each State must include in its plan.

Section 111(4)(A) would delete section 1111(d)(2), relating to withholding of funds from States whose plans don't meet section 1111's requirements. That provision duplicates Part D of the General Education Provisions Act, which establishes uniform procedures and rules for withholding and other enforcement actions across a broad range of programs, including the ESEA programs, administered by the Department of Education.

Section 111(4)(B) would make technical amendments to section 1111(d)(1).

Section 111(4)(C) would amend current section 1111(d)(1)(B) to require the Secretary to include experts on educational standards, assessments, accountability, and the diverse educational needs of students in the peer-review process used to review State plans.

Section 111(5) would amend section 1111(e) to require each State to submit its plan to the Secretary for the first year for which Part A is in effect following the bill's enactment.

Section 111(6) would replace subsection (g) of section 1111, which is obsolete by its terms, with language permitting the Secretary to take any of the actions described in proposed section 11209 if the Secretary determines that a State is not carrying out its responsibilities under the new accountability provisions in section 1111(b)(3). These actions, which apply under section 11209 in the case of a State that fails to carry out its responsibilities under proposed Part B of Title XI (relating to teacher quality, social promotion, LEA and school report cards, and school discipline) would afford the Secretary a broad range of actions, ranging from providing technical assistance to withholding funds.

*Section 112, local educational agency plans [ESEA, §1112]* Section 112(1) of the bill would amend section 1112(a)(1) of the ESEA, which requires an LEA that wishes to receive subgrants under Part A of Title I to have a plan on file with, and approved by, the State educational agency. The bill would add, to the list of other programs with which the plan must be coordinated, a specific reference to the IDEA and the Carl D. Perkins Vocational and Technical Education Act of 1998. The bill would also delete a reference to the Goals 2000: Educate America Act, which another provision of the bill would repeal, and delete an inappropriate cross-reference.

Section 112(2)(A) would add language to section 1112(b) to emphasize that the purpose of an LEA's plan is to help all children achieve to high standards.

Section 112(2)(B) would amend section 1112(b)(1), relating to any student assessments that the LEA uses (other than those described in the State plan under section 1111), to require the LEA's plan to describe any such assessments that it will use to determine the literacy levels of first graders and their need for interventions and how it will ensure that those assessments are developmentally appropriate, use multiple measures to provide information about the variety of relevant skills, and are administered to students in the language most likely to yield valid results.

Section 112(2)(C) would amend section 1112(b)(3) to require an LEA's professional development strategy under Part A to also be a component of its professional development plan under the new Title II, if it receives Title II funds.

Section 112(2)(D) would amend section 1112(b)(4)(B) to remove an obsolete reference; conform that provision to the proposed repeal of Subpart 2 of Part 2 of Title I, relating to local programs for neglected or delinquent children; and include Indian children served under Title IX of the ESEA in the categories

of children for whom an LEA's plan must describe the coordination of Title I services with other educational services those children receive.

Section 112(2)(F) would amend section 1112(b)(9), relating to preschool programs, to replace language in that provision with a cross-reference to new language that the bill would add to section 1120B.

Section 112(2)(G) would amend section 1112(b) to require LEAs to include two additional items in their plans: (1) a description of the actions it will take to assist its low-performing schools, if any, in making the changes needed to educate all children to the State standards; and (2) a description of how the LEA will promote the use of extended learning time, such as an extended school year, before- and after-school programs, and summer programs.

Section 112(3) would amend section 112(c), which describes the assurances that an LEA must include in its application, to conform to other provisions in the bill and to delete obsolete provisions relating to the Head Start program. Instead, the new Head Start standards would be incorporated into proposed section 1120B. Section 112(3) would also require that an LEA include new assurances that it will: (1) annually assess the English proficiency of all LEP children participating in Part A programs, use the results of those assessments to help guide and modify instruction in the content areas, and provide those results to the parents of those children; and (2) comply with the requirements of section 119 regarding teacher qualifications and the use of paraprofessionals.

Section 112(4) would amend section 1112(d), relating to the development and duration of an LEA's plan, to require the LEA to submit the plan for the first year for which Part A, as amended by the bill, is in effect, and to require an LEA to submit subsequent revisions to its plan to the LEA for its approval.

Section 112(5) would amend section 1112(e), relating to State review and approval of LEA plans, to require that States use a peer-review process in reviewing those plans, and to remove some obsolete language.

*Section 113, eligible school attendance areas [ESEA, §1113]* Section 113(1) of the bill would amend section 1113, relating to eligible school attendance areas, to clarify language relating to waivers of the normal requirements for school attendance areas covered by State-ordered or court-ordered desegregation plans approved by the Secretary.

Section 113(2)(C) would restore to section 1112 the authority for an LEA to continue serving an attendance area for one year after it loses its eligibility. This language, which was removed from the Act in 1994, would give LEAs flexibility to prevent the abrupt loss of services to children who can clearly benefit from them, as individual attendance areas move in and out of eligibility from year to year.

Section 113(3)(A) would add, as section 1113(c)(2)(C), language to clarify that an LEA may allocate greater per-child amounts of Title I funds to higher-poverty areas and schools than it provides to lower-poverty areas and schools.

Section 113(3)(B) would amend section 1113(c)(3) to require an LEA to reserve sufficient funds to serve homeless children who do not attend participating schools, not just when the LEA finds it "appropriate". Some LEAs have invoked the current language as a justification for failing to provide services that they should provide.

*Section 114, schoolwide programs [ESEA, §1114]* Section 114(a)(1) and (2) of the bill would amend section 1114(a) of the ESEA, which describes the purposes of, and eligibility for, schoolwide programs under section 1114, by revising the subsection heading to

more accurately reflect subsection (a)'s contents, and to delete current paragraph (2), which is obsolete.

Section 114(a)(3)(A) would make a conforming amendment to section 1114(a)(4)(A) to reflect the bill's redesignation of section 1114(b)(2) as section 1114(c).

Section 114(a)(3)(B) would amend the prohibition on using IDEA funds to support a schoolwide program to reflect the fact that section 613(a)(2)(D) of the IDEA, as enacted by the IDEA Amendments of 1997, now permits funds received under Part B of that Act to be used to support schoolwide programs, subject to certain conditions.

Section 114(a)(4) would delete paragraph (5) of section 1114(a), relating to professional development in schoolwide programs. That topic is addressed by other applicable provisions, including the revised statement of the required elements of schoolwide programs. See, especially, proposed sections 1114(b)(2)(C) and 1119.

Section 114(b)(1) would delete section 1114(c), which duplicates other provisions relating to school improvement, and section 114(b)(2) would redesignate current subsection (b)(2) as subsection (c). Under this revised structure, subsection (b) would list the required components of a schoolwide program, and subsection (c) would describe the contents of a plan for a schoolwide program.

Section 114(c) would revise the statement of the elements of a schoolwide program in section 1114(b) in its entirety. The revised statement would strengthen current law, to reflect experience and research over the past several years, including significant aspects of the Comprehensive School Reform Demonstration program.

Section 114(d)(1)–(4) would amend the requirements of section 1114 relating to plans for schoolwide programs (current subsection (b)(2), which the bill would redesignate as subsection (c)), to delete an obsolete reference and make technical and conforming amendments.

Section 114(d)(5) would add, as section 1114(c)(3), language requiring peer review and LEA approval of a schoolwide plan before the school implements it.

Section 115, *targeted assistance schools* [ESEA, §1115]. Section 115(1)(A)(i)(I) would make a technical amendment to section 1115(b)(1)(A) of the ESEA.

Section 115(1)(A)(ii) would delete the requirement that children be at an age at which they can benefit from an organized instructional program provided at a school or other educational setting in order to be eligible for services under section 1115. This change would make clear that preschool children of any age may be served under Part A as long as they can benefit from an organized instructional program.

Section 115(1)(B)(i) would amend section 1115(b)(2), which addresses the eligibility of certain groups of children, by deleting references to children who are economically disadvantaged. The current reference to that category of children is confusing, because it erroneously assumes that there are specific eligibility requirements for them.

Section 115(1)(B)(ii) would clarify that children who, within the prior two years, had received Title I preschool services are eligible for services under Part A, as are children who participated in a Head Start or Even Start program in that period.

Section 115(1)(B)(iii) and (iv) would amend section 1115(b)(2)(C) and (D) to clarify that certain other groups of children are eligible for services under section 1115.

Section 115(2)(C) would streamline section 1115(c)(1)(E), relating to coordination with, and support of, the regular education program.

Section 115(2)(D) would amend section 1115(c)(1)(F) to emphasize that instructional

staff must meet the standards set out in revised section 1119.

Section 115(2)(E) would make a technical amendment to section 1115(c)(1)(G).

Section 115(2)(F) would correct an error in section 1115(c)(1)(H).

Section 115(3) would delete section 1115(e)(3), relating to professional development, because other provisions of Part A would address that topic.

Section 115A, *school choice* [ESEA, §1115A]. Section 115A of the bill would make a conforming change to section 1115A(b)(4) of the ESEA.

Section 116, *assessment and local educational agency and school improvement* [ESEA, §1116]. Section 116(a) of the bill would revise subsections (a) through (d) of section 1116 of the HSEA, in their entirety, as follows:

Section 116(a), relating to LEA reviews of schools served under Part A, would be revised to conform to amendments that the bill would make section 1111 (State plans).

Section 116(b) would provide examples of the criteria a State could use in designating Distinguished Schools, and would delete the cross-reference to section 1117, to reflect the bill's streamlining of that section.

Section 116(c)(1)–(3), relating to an LEA's obligation to identify participating schools that need improvement, and to take various actions to bring about that improvement, would be strengthened, consistent with the bill's overall emphasis on greater accountability. In particular, section 116(c)(3)(A) would require each school so identified by an LEA, within three months of being identified, to develop or revise a school plan, in consultation with parents, school staff, the LEA, and a State school support team or other outside experts. The plan would have to have the greatest likelihood of improving the performance of participating children in meeting the State student performance standards, address the fundamental teaching and learning needs in the school, identify and address the need to improve the skills of the school's staff through effective professional development, identify student performance targets and goals for the next three years, and specify the responsibilities of the LEA and the school under the plan. The LEA would have to submit the plan to a peer-review process, work with the school to revise the plan as necessary, and approve it before it is implemented.

Section 116(c)(5)(C) would be revised to make clear that, with limited exceptions, an LEA would have to take at least one of a list of specified corrective actions in the case of a school that fails to make progress within three years of its identification as being in need of improvement. The list would be limited to four possible actions, each of which is intended to have serious consequences for the school, to ensure that the LEA takes action that is likely to have a positive effect.

Section 116(d), relating to SEA review of LEA programs, would similarly be revised to conform to other provisions of the bill relating to accountability for achievement; to remove obsolete provisions; and to require an LEA that has been identified by the SEA as needing improvement to submit a revised Part A plan to the SEA for peer review and approval. In addition, the bill would strengthen and clarify language relating to the corrective actions that SEAs must take in the case of an LEA that fails to make sufficient progress within three years of being identified by the SEA as in need of improvement.

Section 117, *State assistance for school support and improvement* [ESEA, §1117]. Section 117 of the bill would substantially streamline section 1117 of the ESEA, relating to State support for LEA and school support and improvement. Much of current section 1117 is

needlessly prescriptive and otherwise unnecessary, particularly in light of the strengthened provisions on LEA and school improvement and corrective actions in revised sections 1003(a)(2) and 1116.

Section 117(a) would retain the requirement of current law that each SEA establish a statewide system of intensive and sustained support and improvement for LEAs and schools, in order to increase the opportunity for all students in those LEAs and schools to meet State standards.

Section 117(b) would replace the statement of priorities in current section 1117(1) with a 3-step statement of priorities. The SEA would first provide support and assistance to LEAs that it has identified for corrective action under section 1116 and to individual schools for which an LEA has failed to carry out its responsibilities under that section. The SEA would then support and assist other LEAs that it has identified as in need of improvement under section 1116, but that it has not identified as in need of corrective action. Finally, the SEA would support and assist other LEAs and schools that need those services in order to achieve Title I's purpose.

Section 117(c) would provide examples of approaches the SEA could use in providing support and assistance to LEAs and schools.

Section 117(d) would direct each SEA to use the funds available to it for technical assistance and support under section 1003(a)(1) (other than the 70 percent or more that it reserves under section 1003(a)(2)) to carry out section 1117, and would permit the SEA to also use the funds it reserves for State administration under redesignated section 1701(c) (current section 1603(c)) for that purpose.

Section 118, *parental involvement* [ESEA, §1118]. Section 118 (1), (2), and (3) would make conforming amendments to section 1118, relating to parental involvement in Part A programs.

Section 118(4) would amend section 1118(f) so that the requirement to provide full opportunities for participation by parents with limited English proficiency and parents with disabilities, to the extent practicable, applies to all Part A activities, not just to the specific provisions relating to parental involvement.

Section 118(5) would repeal subsection (g) of section 1118, to reflect the bill's proposed repeal of the Goals 2000: Educate America Act.

Section 119, *teacher qualification and professional development* [ESEA, §1119]. Section 119(1) would change the heading of section 1119 to "High-Quality Instruction" to reflect amendments made to this section that are designed to ensure that participating children receive high-quality instruction.

Section 119(2) of the bill would delete subsection (f) of section 1119, which is not needed, and redesignate subsections (b) through (e) and (g) of that section as subsections (d) through (h).

Section 119(3) would insert a new subsection (a) in section 1119 to require that each participating LEA hire qualified instructional staff, provide high-quality professional development to staff members, and use at least five percent of its Part A grant for fiscal years 2001 and 2002, and 10 percent of its grant for each year thereafter, for that professional development.

Section 119(4) would insert new subsections (b) and (c) in section 1119 to specify the minimum qualifications for teachers and for paraprofessionals in programs supported with Part A funds. These requirements are designed to ensure that participating children receive high-quality instruction and assistance, so that they can meet challenging State standards.



Section 119(5)(A) would revise the list of required professional development activities in current section 1119(b), which would be redesignated as section 1119(c), to reflect experience and research on the most effective approaches to professional development.

Section 119(5)(B)(iii) would add child-care providers to those with whom an LEA could choose to conduct joint professional development activities under redesignated section 1119(d)(2)(H) (current section 1119(b)(2)(H)).

Section 119(6) would make a conforming amendment to section 1119(g), which would be redesignated as section 1119(h), relating to the combined use of funds from multiple sources to provide professional development.

*Section 120, participation of children enrolled in private schools [ESEA, §1120].* Section 120(1)(A) of the bill would add, to section 1120(a)'s statement of an LEA's responsibility to provide for the equitable participation of students from private schools, language to make clear that the services provided those children are to address their needs, and that the teachers and parents of these students participate on an equitable basis in services and activities under sections 1118 and 1119 (parental involvement and professional development).

Section 120(1)(B) would amend section 1120(a)(4) to give each LEA the option of determining the number of poor children in private schools every year, as under current law, or every two years.

Section 120(2)(A) (ii) and (iii) would amend section 1120(b)(1), relating to the topics on which an LEA consults with private school officials about services to children in those schools, to include: (1) how the results of the assessments of the services the LEA provides will be used to improve those services; (2) the amounts of funds generated by poor children in each participating attendance area; (3) the method or sources of data that the LEA uses to determine the number of those children; and (4) how and when the LEA will make decisions about the delivery of services to those children.

Section 120(2)(B)(i) would amend section 1120(b)(2) to require that an LEA's consultation with private school officials include meetings. Consultations through telephone conversations and similar methods, while still permissible, would not, by themselves, be sufficient.

Section 120(2)(B)(ii) would amend section 1120(b)(2) to clarify that LEA-private school consultations are to continue throughout the implementation and assessment of the LEA's Part A program.

Section 120(3) would revise cross-references in section 1120(d)(2) to reflect the redesignation of sections by other provisions of the bill.

Section 120(4) would delete subsection (e) of section 1120(b), which authorizes the award of separate grants to States to help them pay for capital expenses that States and LEAs incur in providing services to children who attend private schools. In light of the Supreme Court's 1997 decision in *Agostini v. Felton*, which allows LEAs to provide Title I services on the premises of parochial schools, this authority is no longer needed.

*Section 120A, fiscal requirements [ESEA, §1120A].* Section 120A(1) of the bill would make a conforming amendment to a cross-reference in section 1120A(a) of the ESEA, which requires an LEA to maintain fiscal effort as a condition of receiving Part A funds.

Section 120a(2) would amend section 1120A(c) of the ESEA, which requires a participating LEA to ensure that it provides services in Title I schools, from State and local sources, that are at least comparable to the services it provides in its other schools.

Section 120a(2)(A) would amend section 1120A(c)(2) to replace the current criteria for

determining comparability with three criteria that would capture the concept of comparability more fairly and thoroughly. LEAs would be given until July 1, 2002, to comply with these new criteria.

Section 120A(2)(B) would amend section 1120A(c)(3)(B) to require LEAs to update their records documenting compliance with the comparability requirement annually, rather than every two years.

*Section 120B, preschool services and coordination requirements [ESEA, §1120B].* Section 120B(1) of the bill would amend the heading of section 1120B of the ESEA to read "Preschool Services; Coordination Requirements" to more accurately reflect its content.

Section 120B(2) would make a technical amendment to section 1120B(c), relating to coordination of Title I regulations with Head Start regulations issued by the Department of Health and Human Services, to reflect enactment of the Head Start Amendments of 1998.

Section 120B(3) would add a subsection (d) to section 1120B to provide additional direction to preschool programs carried out with Part A funds, and to ensure that those programs are of high quality. This language replaces, and builds on, current section 1112(c)(1)(H).

*Section 120C, allocations [ESEA, §§1121-1127].* Section 120C(a) of the bill would amend section 1121(b) of the ESEA, which authorizes assistance to the outlying areas, to correct an internal cross-reference in paragraph (1) and to make the \$5 million total for assistance to the Freely Associated States (FAS) a maximum rather than a fixed annual amount. The Secretary should have the flexibility to determine that an amount less than the full \$5 million may be warranted for the FAS in any given year, particularly in light of possible revisions to their respective compacts of free association.

Section 120C(b) would amend section 1122 of the ESEA, which governs the allocation of Part A funds to the States, by: (1) removing provisions that have expired; (2) describing the amount to be available for targeted assistance grants under section 1125; (3) providing for proportionate reductions in State allocations in case of insufficient appropriations; and (4) retaining the provisions on "hold-harmless" amounts that apply to fiscal year 1999. Most of the substance of law that is currently applicable would be retained, but the section as a whole would be significantly shortened.

Section 120C(c)(1)(A) would clarify (without substantive change) section 1124(a)(1), relating to the allocation of basic grants to LEAs.

Section 120C(c)(1)(B) would redesignate paragraphs (3) and (4) of section 1124(a) as paragraphs (4) and (5).

Section 120C(c)(1)(C) would revise, in their entirety, the statutory provisions governing the calculation of LEA basic grants in section 1124(a)(2) and move some of those provisions to section 1124(a)(3) to improve the section's structure and readability. As amended, section 1124(a)(2)(A) would direct the Secretary to make allocations on an LEA-by-LEA basis, unless the Secretary and the Secretary of Commerce (who is responsible for the decennial census and other activities of the Bureau of the Census) determine the LEA-level data on poor children is unreliable or that its use would otherwise be inappropriate. In that case, the two Secretaries would announce the reasons for their determination, and the Secretary would make allocations on the basis of county data, rather than LEA data, in accordance with new paragraph (3).

For any fiscal year for which the Secretary allocates funds to LEAs, rather than to

counties, section 1124(a)(2)(B) would clarify that the amount of a grant to any LEA with a population of 20,000 or more is the amount determined by the Secretary. For LEAs with fewer people, the SEA could either allocate the amount determined by the Secretary or use an alternative method, approved by the Secretary, that best reflects the distribution of poor families among the State's small LEAs.

For any fiscal year for which the Secretary allocates funds to counties, rather than to LEAs, section 1124(a)(3) would direct the States to suballocate those funds to LEAs, in accordance with the Secretary's regulations. A State could propose to allocate funds directly to LEAs without regard to the county allocations calculated by the Secretary if a large number of its LEAs overlap county boundaries, or if it believes it has data that would better target funds than allocating them initially by counties.

In general, paragraphs (2) and (3) of section 1124(a) would retain current law, while eliminating extraneous or obsolete provisions, and making this portion of the statute much easier to read and understand than current law.

Section 120C(c)(1)(D) would revise language relating to Puerto Rico's Part A allocation (current section 1124(a)(3), which the bill would redesignate as section 1124(a)(4)) so that, over a 5-year phase-in period, its allocation would be determined on the same basis as the allocations to the 50 States and the District of Columbia.

Section 120C(c)(2) would amend section 1124(b), relating to the minimum number of poor children needed to qualify for a basic grant, to improve its readability and to delete obsolete language.

Section 120C(c)(3)(A)(ii) would amend section 1124(c)(1), which describes the children to be counted in determining an LEA's eligibility for, and the amount of, a basic grant, to delete subparagraph (B), which permits the inclusion of certain children whose families have income above the poverty level. The number of these children is now quite small, and collection of reliable data on them is burdensome.

Section 120C(c)(3)(A)(iii) would amend section 1124(c)(1)(C), relating to counts of certain children who are neglected or delinquent, to give the Secretary the flexibility to use the number of those children for either the preceding year (required by current law) or for the second preceding year.

Section 120C(c)(3)(B)(ii) would delete the 3rd and 4th sentences of section 1124(c)(2), which provide a special, and unwarranted, benefit to a single LEA.

Section 120C(c)(3)(C) would update section 1124(c)(3), relating to census updates.

Section 120C(c)(3)(D) would repeal section 1124(c)(4), relating to a study by the National Academy of Sciences, which has been completed, and redesignate paragraphs (5) and (6) of section 1124(c) as paragraphs (4) and (5).

Section 120C(c)(3)(E)(i) would delete the first sentence of current section 1124(c)(5), which the bill would redesignate as section 1124(c)(4). This language, relating to counts of certain children from families with incomes above the poverty level, would no longer be needed in light of the deletion of these children from the count of children under section 1124(c)(1), described above.

Section 120C(c)(3)(E)(iii) and (F) would move, from current section 1124(c)(6) to current section 1124(c)(5) (to be redesignated as section 1124(c)(4)) a sentence about the counting of children in correctional institutions. This provides a more logical location for this provision.

Section 120C(c)(4)(B) would make a conforming amendment to section 1124(d).

Section 120C(d)(1)(A)(i) would remove obsolete language from section 1124A(a)(1)(A) of



the ESEA, which sets eligibility criteria for LEAs to receive concentration grants under section 1124A. The current eligibility criteria would be retained.

Section 120C(d)(1)(A)(ii) would make conforming amendments to section 1124A(a)(1)(B), relating to minimum allocations to States.

Section 120C(d)(1)(B) would replace the lengthy and complicated language in section 1124A(a)(4), relating to calculation of LEA concentration grant amounts, with a simple cross-reference to the streamlined allocation provisions in section 1124(a)(3) and (4). Since the applicable rules are the same, there is no need to repeat them. In addition, the revised section 1124A(a)(4)(B) would retain the authority, unique to the allocation of concentration grants, under which a State may use up to two percent of its allocation for subgrants to LEAs that meet the numerical eligibility thresholds but are located in ineligible counties.

Section 120C(d)(2) would delete subsections (b) and (c) from section 1124A and redesignate subsection (d) as subsection (b). Subsection (b), relating to the total amount available for concentration grants, would be replaced by section 1122(a)(2). Subsection (c), providing for ratably reduced allocations in the case of insufficient funds, duplicates proposed section 1122(c).

Section 120C(e)(1) would make conforming amendments to section 1125(b) of the ESEA, relating to the calculation of targeted assistance grants under section 1125.

Section 120C(e)(2) would amend section 1125(c), which establishes weighted child counts used to calculate targeted assistance grants for both counties and LEAs, by deleting obsolete provisions and making technical and conforming amendments.

Section 120C(e)(3) would replace the lengthy and complicated language in section 1125(d), relating to calculation of targeted assistance grant amounts, with a simple cross-reference to the streamlined allocation provisions in section 1124(a)(3) and (4). Since the applicable rules are the same, there is no need to repeat them.

Section 120C(e)(4) would make a conforming amendment to section 1125(e).

Section 120C(f) would repeal section 1125A(e) of the ESEA, which authorizes appropriations for education finance incentive programs under section 1125A, and make conforming amendments to that section. Appropriations for this provision would be covered by the general authorization of appropriations for Part A of Title I in section 1002(a).

Section 120C(g) would make a conforming amendment to section 1126(a)(1), relating to allocations for neglected children.

*Section 120D, program indicators [ESEA, §1131].* Section 120D of the bill would add a new Subpart 3, Program Indicators, to Part A of Title I of the ESEA. Subpart 3 would contain only one section, §1131, which would identify 7 program indicators relating to schools participating in the Part A program, on which States would report annually to the Secretary.

#### Part B—Even Start

Part B of Title I of the bill would amend Part B of Title I of the ESEA, which authorizes the Even Start program.

*Section 121, statement of purpose [ESEA, §1201].* Section 121 of the bill would amend the Even Start statement of purposes in section 1201 of the ESEA by requiring that the existing community resources on which Even Start programs are built be of high quality, and by adding a requirement that Even Start programs be based on the best available research on language development, reading instruction, and prevention of reading difficulties. These amendments would reflect

amendments made to other provisions of the Even Start statute in 1998 and enactment of the Reading Excellence Act (Title II, Part C of the ESEA) in that same year.

*Section 122, program authorized [ESEA, §1201].* Section 122(1) of the bill would amend section 1202(a) of the ESEA, which directs the Secretary to reserve 5 percent of each year's Even Start appropriation for certain populations and areas. As revised, section 1202(a) would emphasize that programs funded under the 5-percent reservation are meant to serve as national models; retain the current requirement to support projects for the children of migratory workers, Indian tribes and tribal organizations, and the outlying areas; specify that the amount reserved each year for the outlying areas is one-half of one percent of the available funds; and permit the Secretary to fund projects that serve additional populations (such as homeless families, families that include children with severe disabilities, and families that include incarcerated mothers of young children). The latter provision would replace the current requirement to award a grant for a program in a woman's prison when appropriations reach a certain level.

Section 122(2) of the bill would amend section 1202(b) of the ESEA, which authorizes the Secretary to reserve up to 3 percent of each year's appropriation for evaluation and technical assistance. Because other provisions of the bill would provide a new authority to fund evaluations across the entire range of ESEA programs, the specific reference to evaluations would be deleted here, and the maximum set-aside for technical assistance (the remaining activity under this provision) would be one percent. In addition, section 1202(b) would permit the Secretary to provide technical assistance directly, as well as through grants and contracts.

Section 122(3) of the bill would amend section 1202(c) of the ESEA, which directs the Secretary to spend \$10 million each year on competitive grants for interagency coordination of statewide family literacy initiatives, to make these awards permissive rather than mandatory, and to remove the specific dollar amount that must be devoted to these awards each year. The Secretary should have the flexibility to determine the ongoing need for these awards, as well as the amount devoted to them, and whether program funds should be devoted instead to services to children and families.

Section 122(4) and (5) would make technical and conforming amendments to section 1202(d) and (e).

Section 122(5)(A) would amend the definition of "eligible organization" in section 1202(e)(2) to permit for-profit, as well as non-profit, organizations to qualify as providers of technical assistance under section 1202(b). The current limitation unnecessarily limits the pool of providers, excluding some who are highly qualified.

*Section 123, State programs [ESEA, §1203].* Section 123(1) of the bill would redesignate subsections (a) and (b) of section 1203 of the ESEA as subsections (b) and (c) and insert a new subsection (a) relating to State plans. New subsection (a)(1) would require a State that wants an Even Start grant to submit a State plan to the Secretary, including certain key information specified in the bill, including the State's indicators of program quality, which the 1998 amendments require each State to develop. Subsection (a)(2) would parallel language relating to State plans under Part A of Title I by providing that each State's plan would cover the duration of its participation in the program and requiring the State to periodically review it and revise it as necessary.

Section 123(3) and (4) of the bill would make technical and conforming amendments to section 1203.

*Section 124, uses of funds [ESEA, §1204].* Section 124(1) of the bill would amend section 1204(a) of the ESEA, relating to the permissible uses of Even Start funds, by replacing a reference to "family-centered education programs" with "family literacy services". "Family literacy services" is the term used elsewhere in the statute and defined in section 1202(e)(3).

Section 124(2) would make a conforming amendment to section 1204(b)(1).

*Section 125, program elements [ESEA, §1205].* Section 125 of the bill would restate, in its entirety, section 1205 of the ESEA, which lists the required elements of each Even Start program. This restatement would provide helpful clarification and greater readability for some of these elements; reorder the elements in a more logical sequence; add some new elements; and move certain requirements that now apply to local applications and State award of subgrants (under sections 1207(c)(1) and 1208(a)(1)) to the list of program elements, where they more logically belong.

In particular, career counseling and job-placement services would be added to the examples of services that can be offered as a way to accommodate participants' work schedules and other responsibilities under paragraph (3). Paragraph (4) would be revised to require that instructional programs integrate all the elements of family literacy services and use instructional approaches that, according to the best available research, will be most effective. Paragraph (5) would contain new requirements relating to the qualifications of instructional staff and paraprofessionals that parallel the requirements proposed, under section 1119, for Part A and that are designed to ensure that Even Start participants receive high-quality services. Paragraph (6) (currently (5)) would add a new requirement that staff training be aimed at helping staff obtain certification in relevant instructional areas, as well as the necessary skills. Paragraph (8) (currently (9)) would add (to language incorporated from current section 1207(c)(1)(E)(iii)) a specific reference to individuals with disabilities as included among those who may be most in need of services. Paragraph (9) would clarify and consolidate, into a single element, the various statutory provisions that promote the retention of families in Even Start programs, including the requirement of current paragraph (7) to operate on a year-round basis, the requirement of current section 1208(a)(1)(C) to provide services for at least a 3-year age range, and the language in current section 1207(c)(1)(E)(iii) about encouraging participating families to remain in the program for a sufficient period of time to meet their program goals.

This updated statement of program elements reflects experience and research over the past several years. It will promote better program planning and higher quality programs, with better results for participating families.

*Section 126, eligible participants [ESEA, §1206].* Section 126 of the bill would amend section 1206(a)(1)(B) of the ESEA to restore the eligibility of teenage parents who are attending school, but who are above the State's age for compulsory school attendance. As amended in 1994, the current statute terminates a parent's eligibility when he or she is no longer within the State's age range for compulsory school attendance, excluding many teen parents and their children who could benefit from Even Start services.

*Section 127, applications [ESEA, §1207].* Section 127(a) of the bill would amend section 1207(c) of the ESEA, relating to local Even Start plans, by emphasizing the importance of continuous program improvement; requiring a local program's goals to include outcome goals for participating children and

families that are consistent with the State's program indicators; emphasize that the program must address each of the program elements in the revised section 1205; and require each program to have a plan for rigorous and objective evaluation. Current subparagraphs (E) and (F) of section 1207(c)(1) would be deleted because the substance of those provisions would be addressed in the revised statement of program elements in section 1205.

Section 127(b) of the bill would delete subsection (d) of section 1207, which purports to allow an eligible entity to submit its local Even Start plan as part of an SEA's consolidated application under Title XIV of the ESEA. This provision has had no practical effect.

*Section 128, award of subgrants [ESEA, §1208].* Section 128(a)(1) of the bill would amend section 1208(a)(1) of the ESEA, relating to a State's criteria for selecting local programs for Even Start subgrants, by deleting subparagraph (C), which refers to a three-year age range for providing services, because that provision would be converted to a program element under section 1205. Section 128(a)(1) would also make technical and clarifying amendments to section 1208(a)(1).

Section 128(a)(2) would amend section 1208(a)(3) to require a State's review panel to include an individual with expertise in family literacy programs, to enhance the quality of the panel's review and selections. Inclusion of one or more of the types of individuals described in section 1208(a)(3)(A)-(E) would be made optional, rather than mandatory.

Section 128(b) of the bill would add a new authority, as section 1208(c), for each State to continue Even Start funding, for up to two years beyond the statutory 8-year limit, for not more than two projects in the State that have been highly successful and that show substantial potential to serve as models for other projects throughout the Nation and as mentor sites for other family literacy projects in the State. This would allow States and localities to learn valuable lessons from well-tested, proven programs.

*Section 129, evaluation [ESEA, §1209].* Section 129 of the bill would delete paragraph (3) from the national evaluation provisions in section 1209 of the ESEA. That paragraph describes certain technical assistance activities that are more appropriately addressed under section 1202(b).

*Section 130, program indicators [ESEA, §1210].* Section 130 of the bill would amend section 1210 of the ESEA to set a deadline of September 30, 2000 for States to develop the indicators of program quality required by the 1998 amendments. Those amendments did not include any deadline for the development of those indicators. In addition, the bill would add, to the current indicators that States are to develop, indicators relating to the levels of intensity of services and the duration of participating children and adults needed to reach the outcomes the States specifies for the currently required indicators.

*Section 130A, repeal and redesignation [ESEA, §§1211 and 1212].* Section 131(a) of the bill would repeal section 1211 of the ESEA, relating to research. The essential elements of this section would be incorporated into the revised section on evaluations (§1209). Section 131(b) of the bill would redesignate section 1212 of the ESEA as section 1211.

#### *Part C—Education of migratory children*

Part C of Title I of the bill would amend Part C of Title I of the ESEA, which authorizes grants to State educational agencies to establish and improve programs of education for children of migratory farmworkers and fishers, to enable them to meet the same high academic standards as other children.

*Section 131, State allocations [ESEA, §1301].* Section 131(1) of the bill would amend sec-

tion 1303(a) of the ESEA, which describes how available funds are allocated to States each year. The bill would replace the current provisions relating to the count of migratory children, which are based on estimates and full-time equivalents (FTE) of these children. These provisions are ambiguous, and require either a burdensome collection of data or the continued use of increasingly dated FTE adjustment factors based on 1994 data. The bill would base a State's child count on the number of eligible children, aged 3 thru 21, residing in the State in the previous year, plus the number of those children who received services under Part C in summer or intersession programs provided by the State. This approach would be simple to understand and administer, minimize data-collection burden on States, and encourage the identification and recruitment of eligible children. The double weight given to children served in summer or intersession programs would reflect the greater cost of those programs, and would encourage States to provide them.

Section 131(1) would also add, to section 1303(a), a new paragraph (2), which would establish minimum and maximums for annual State allocations. No State would be allocated more than 120 percent, or less than 80 percent, of its allocation for the previous year, except that each State would be allocated at least \$200,000. The link to a State's prior-year allocation would ameliorate the disruptive effects of substantial increases and decreases in State child counts from year to year, which are typical among migratory children. The \$200,000 minimum would ensure that each participating State receives enough funds to carry out an effective program, including the costs of finding eligible children and encouraging them to participate in the program.

Section 131(2) would revise subsection (b), which describes the computation of Puerto Rico's allocation, so that, over a 5-year phase-in period, its allocation would be determined on the same basis as are the allocations of the 50 States.

Section 131(3) would delete subsections (d) and (e) of section 1303, relating to certain consortia formed by LEAs and the methods the Secretary must follow to determine the estimated number of migratory children in each State, respectively. Subsection (d) is unduly burdensome for States and the Department to administer, and consortia can be addressed more effectively through incentive grants under section 1308(d). Subsection (e) would have no further relevance under the revised child-count provisions of section 1303(a)(1).

*Section 132, State applications [ESEA, §1304].* Section 132 of the bill would amend section 1304 of the ESEA, which requires States to submit applications for grants under the Migrant Education program, describes the children who are to be given priority for services, and authorizes the provision of services to certain categories of children who are no longer migratory.

Section 131(1)(A) would amend section 1304(b)(1) to require the State's application to include certain material that is now required to be in its comprehensive plan (but not in its application) under section 1306(a). This reflects the proposed repeal of the requirement for a comprehensive service-delivery plan that is separate from the State's application for funds, in order to streamline program requirements and reduce paperwork burden on States.

Section 132(1)(B) would amend section 1304(b)(5) to clarify the factors that States are to consider when making subgrants to local operating agencies.

Section 132(1)(C) would redesignate paragraphs (5) and (6) of section 1304(b) as paragraphs (6) and (7), respectively.

Section 132(1)(D) would insert a new paragraph (5) in section 1304(b) to require a State's application to describe how the State will encourage migratory children to participate in State assessments required under Part A of Title I.

Section 132(2)(A) and (B) would make technical and conforming amendments to section 1304(c)(1) and (2).

Section 132(2)(C) would strengthen the requirements of section 1304(c)(3) relating to the involvement of parents and parent advisory councils.

Section 132(2)(D) would make a conforming amendment to section 1304(c)(7) to reflect the bill's amendments relating to child counts.

*Section 133, authorized activities [ESEA, §1306].* Section 133 of the bill would restate, in its entirety, section 1306 of the ESEA, to delete the requirement that a participating State develop a comprehensive service-delivery plan that is separate from its application for funds under section 1304. The important elements of this plan would be incorporated into section 1304, as amended by section 132 of the bill. In addition, section 1306(a) would clarify current provisions regarding priority in the use of program funds; the use of those funds to provide services described in Part A to children who are eligible for services under both the Migrant Education program and Part A; and the prohibition on using program funds to provide services that are available from other sources.

*Section 134, coordination of migrant education activities [ESEA, §1308].* Section 134 of the bill would amend section 1308 of the ESEA, which authorizes various activities to support the interstate and intrastate coordination of migrant-education activities.

Section 134(1)(A) would make for-profit entities eligible for awards under section 1308(a). The current restriction to nonprofit entities has made it difficult to find organizations with the necessary technical expertise and experience to carry out certain important activities, such as the 1-800 help line and the program support center.

Section 134(1)(B) would make a technical amendment to section 1308(a)(2).

Section 134(2) would amend section 1308(b) to remove obsolete provisions relating to the records of migratory children and to conform to the proposed deletion of references in section 1303 to the "full-time equivalent" numbers of those students in determining child counts.

Section 134(3) would increase, from \$6,000,000 to \$10,000,000, the maximum amount that the Secretary could reserve each year from the appropriation for the Migrant Education program to support coordination activities under section 1308. This increase would be consistent with the Department's appropriations Acts for the two most recent fiscal years, increase the amount available for State incentive grants under section 1308(d), and make funds available to assist States and LEAs in transferring the school records of migratory students.

Section 134(4) would amend section 1308(d), which authorizes incentive grants to States that form consortia to improve the delivery of services to migratory children whose education is interrupted. These grants would be permitted, rather than required as under current law, so that the Secretary would have the flexibility to determine, from year to year, whether funds ought to be devoted to other activities under section 1308. The maximum amount that could be reserved for these grants would be increased from \$1.5 million to \$3 million so that, in years when these grants are warranted, they can be made to more than a token number of States. The requirement to make these awards on a competitive basis would be deleted because it is needlessly restrictive and

results in an unduly complicated process of determining the merits of applications in relation to each other in years when all applications warrant approval and sufficient funds are available. Deleting this requirement would provide the Secretary with flexibility to, for example, award equal amounts to each consortium with an approvable application, or to provide larger awards to consortia including States that receive relatively small allocations under section 1303.

**Section 135, definitions [ESEA, §1309].** Section 135 of the bill would delete two references to a child's guardian in the definition of "migratory child" in section 1309(2) of the ESEA, because the term "parent", which is also used in that section, is defined in section 14101(22) of the ESEA (which the bill would redesignate as section 11101(22)) to include "a legal guardian or other person standing in loco parentis".

#### **Part D—Neglected and delinquent**

Part D of Title I of the bill would amend Part D of Title I of the ESEA, which authorizes assistance to States and, through the States, to local agencies, to provide educational services to children and youth who are neglected or delinquent.

**Section 141, program name.** Section 141 of the bill would amend the heading of Part D of Title I of the ESEA to read, "State Agency Programs for Children and Youth Who Are Neglected or Delinquent". This name would more accurately reflect the bill's proposed deletion of the authority for local programs in Subpart 2 of Part D.

**Section 142 findings; purpose; program authorized [ESEA, §1401].** Section 142(a) of the bill would update the findings in section 1401(a) of the ESEA, and shorten them to reflect the proposed deletion of Subpart 2.

Section 142(b) would amend the statement of purpose in section 1401(b) to reflect the proposed deletion of Subpart 2.

Section 142(c) would amend the statement of the program's authorization in section 1401(b) to reflect the proposed deletion of Subpart 2.

**Section 143, payments for programs under Part D [ESEA, §1402].** Section 143 of the bill would delete section 1402(b) of the ESEA, which requires that States retain funds generated throughout the State under Part A of Title I (Basic Grants) on the basis of youth residing in local correctional facilities or attending community day programs for delinquent children and youth, and use those Part A funds for local programs under subpart 2 of Part D. This conforms to the bill's proposal to delete Subpart 2. Section 142 would also make other conforming amendments to section 1402.

**Section 144, allocation of funds [ESEA, §1412].** Section 144 of the bill would amend section 1412(b) of the ESEA, which describes the computation of Puerto Rico's allocation under Part D, so that, over a 5-year phase-in period, its allocation would be determined on the same basis as are the allocations of the 50 States. Section 144 would also make conforming and technical amendments to section 1412(a).

**Section 145, State plan and State agency applications [ESEA, §1414].** Section 145(2)(A) of the bill would amend section 1414(a)(2) of the Act, relating to the contents of a State's plan, to require the plan to provide that participating children will be held to the same challenging academic standards, as well as given the same opportunity to learn, as they would if they were attending local public schools. Section 145 would also correct erroneous citations in section 1414.

**Section 146, use of funds [ESEA, §1415].** Section 146 of the bill would correct an erroneous citation in section 1415 of the ESEA, relating to the permissible use of Part D funds.

**Section 147, local agency programs [ESEA, §§1412–1426].** Section 147 of the bill would repeal Subpart 2 (Local Agency Programs) of Part D and redesignate Subpart 3 (General Provisions) as Subpart 2. The local agency program is unduly complicated for States to administer and does not promote effective services for children who are, or have been, neglected or delinquent. Those services are better provided through other local, State, and Federal programs, including other ESEA programs, such as Basic Grants under Part A.

**Section 148, program evaluations [ESEA, §1431].** Section 148(1) of the bill would amend section 1431(a) of the ESEA, relating to the scope of evaluations under Part D, to conform to the proposed repeal of Subpart 2.

Section 148(2) would amend section 1431(b) to require that the multiple measures of student progress that a State agency must use in conducting program evaluations, while consistent with section 1414's requirement to provide participating children the same opportunities to learn and to hold them to the same standards that would apply if they were attending local public schools, must be appropriate for the students and feasible for the agency. This modification would recognize that, for a variety of reasons, it may not be appropriate to administer the same tests to students who are, or have been, neglected or delinquent, as are given to children of the same age who are in traditional public schools.

Section 148(3) of the bill would amend section 1431(c), relating to the results of evaluations, to reflect the proposed repeal of Subpart 2.

**Section 149, definitions [ESEA, §1432].** Section 149 of the bill would delete the definition of "at-risk youth" in paragraph (2) of section 1432, and renumber the remaining paragraphs. The deleted term is used only in Subpart 2, which would be repealed.

#### **Part E—Federal evaluations, demonstrations, and transition projects**

**Section 151, evaluations, management information, and other Federal activities [ESEA, §1501].** Section 151 of the bill would amend, in its entirety, section 1501 of the ESEA, which authorizes the Secretary to conduct evaluations and assessments, collect data, and carry out other activities that support the Title I programs and provide information useful to those who authorize and administer that title. As revised, section 1501 would support the activities that are essential for the Secretary to carry out over the next several years: evaluating Title I programs; helping States, LEAs, and schools develop management-information systems; carrying out applied research, technical assistance, dissemination, and recognition activities; and obtaining updated census information so that funds are allocated using the most up-to-date information about low-income families. Section 1501 would also provide for the continued conduct of the national assessment of Title I and the national longitudinal study of Title I schools.

**Section 1502, demonstrations of innovative practices.** Section 152 of the bill would make conforming amendments to section 1502 of the ESEA.

#### **Part F—General provisions**

**Section 161, general provisions [ESEA, §§1601–1604].** Section 161(1) of the bill would repeal sections 1601 and 1602 of the ESEA. Section 1601 sets out highly prescriptive requirements relating to regulations under Title I that should not be retained. Instead, Title I, like other ESEA programs, should remain subject to the rulemaking requirements of the Administrative Procedure Act and of section 437 of the General Education Provisions Act. Section 1602 requires the Secretary to

issue a program assistance manual and to respond to certain inquiries within 90 days. These are similarly inappropriate and unwarranted restrictions on the Secretary's discretion in administering the Title I program.

Section 161(2) would redesignate sections 1603 and 1604 as sections 1601 and 1602.

#### **Part G—Reading excellence**

**Section 171, reading and literacy grants to State educational agencies [ESEA, §2253].** Section 171 of the bill would amend section 2253 of the ESEA (which directs the Secretary to award grants to SEAs to carry out the reading and literacy activities described in Part C of Title II of the ESEA), which section 178(B)(1) of the bill would transfer to Part E of Title I, as follows:

Paragraph (1) would amend the current limit of one grant per State, in section 2252(a)(2)(A), to permit a State to receive sequential, but not simultaneous, grants. Thus, a State could receive a second grant after its first grant period is over.

Paragraph (2) would add, to the State application requirements in section 2253(b)(2)(B), a clause (ix) to require an SEA's application to include the process and criteria it will use to review and approve LEA applications for the two types of subgrants available under this part: local reading improvement subgrants under section 2255 and tutorial assistance subgrants under section 2256, including a peer-review process that includes individuals with relevant expertise.

Paragraph (3) would clarify the unclear language in section 2253(c)(2)(C), which requires the Federal peer-review panel, in making funding recommendations to the Secretary, to give priority to States that have modified, are modifying, or will modify their teacher certification requirements to require effective training of prospective teachers in methods of reading instruction that reflect scientifically based reading research.

Paragraph (4) would make a technical amendment to section 2253(d)(3), which permits States to use certain consortia or similar entities that it formed before enactment of the Reading Excellence Act on October 21, 1998, in lieu of a partnership that meets that Act's requirements.

**Section 172, use of amounts by State educational agencies [ESEA, §2254].** Section 172 of the bill would amend section 2254 of the ESEA so that the State's cost of administering the program of tutorial assistance subgrants under section 2256 would be subject to the overall five percent limit on State administrative costs. That amount should be sufficient for all the State's costs of administering the Reading Excellence program. Any amounts set aside under the 15 percent limit in section 2254(2) would have to be used for the actual subgrants to LEAs and not for State administrative expenses.

**Section 173, local reading improvement subgrants [ESEA, §2255].** Section 173(a) of the bill would amend section 2255(a) of the ESEA, which describes the LEAs that are eligible to apply for a local reading improvement subgrant under section 2255, to limit eligibility to LEAs that operate schools for grades 1 through 3. LEAs that serve only middle and/or high school students should not be eligible for this program, which is intended to help children read well and independently by the third grade.

Section 173(b) would amend section 2255(d)(i), which describes the activities that an LEA may carry out with its subgrant, to require that the schools in which reading instruction is provided serve children in the first through third grades. As with the provision described above relating to LEA eligibility, this amendment will ensure that the

program's objective of helping children to read by the 3rd grade is met.

**Section 174, tutorial assistance subgrants [ESEA, §2256].** Section 174(a) and (b) of the bill would make amendments to section 2256 of the ESEA, which authorizes subgrants to LEAs for tutorial assistance, that correspond to the amendments to section 2255 (local reading improvement subgrants) that ensure that the program focuses on its intended age range, children from pre-kindergarten through 3rd grade.

Section 174(a) would also make the following amendments to section 2256:

Paragraph (1)(B) would delete subsection (a)(1)(A), which makes an LEA eligible for a tutorial assistance subgrant if any school in its jurisdiction is located in an empowerment zone or enterprise community, because LEAs are not eligible through this route for local reading improvement subgrants under section 2255. Making the eligibility criteria the same for the two types of subgrants, as provided by this amendment, will increase the likelihood that tutorial activities are carried out in the same LEAs that receive local reading improvement subgrants, promoting the coordination of the activities supported by the two types of subgrants.

Paragraph (5) would delete, from current section 2256(a)(2)(B), which the bill would redesignate as section 2256(a)(3)(B), language conditioning the receipt of all Title I funds by each LEA that is currently eligible under section 2256 on its providing public notice of the tutorial assistance program to parents and possible providers of tutoring services. This provision is grossly disproportionate in its severity and is not logically related to the large amounts of funds it affects under the other Title I programs. Any failure to provide the notice described in this section should be subject to the same range of consequences that attach to possible noncompliance with any other requirement of the statute.

Paragraph (6) would make conforming amendments to current section 2256(a)(3), which the bill would redesignate as section 2256(a)(4), to reflect the proposed deletion of eligibility of LEAs on the basis of having a school located in an empowerment zone or enterprise community under section 2256(a)(1)(A).

Paragraph (7) would make technical and conforming amendments to current subsection (a)(4), which the bill would redesignate as subsection (a)(5).

**Section 175, national evaluation [ESEA, §2257].** Section 175 of the bill would amend section 2257 of the ESEA, which provides for a national evaluation of the program under this part, to remove a cross-reference to a current provision that earmarks funds for the evaluation. Other provisions of the bill would provide the Secretary with authority to pay for evaluations of all ESEA programs, removing the need for individual evaluation earmarks.

**Section 176 information dissemination [ESEA, §2258].** Section 176(1) of the bill would amend section 2258 of the ESEA, which provides for the dissemination of program information, to reflect the transfer of the program's authorization of appropriations to section 1002(e) of the ESEA. It would also add authority for the National Institute for Literacy, which administers section 2258, to use up to five percent of the amount available each year to pay for the costs of administering that section.

Section 176(2) would add, as subsection (c) of section 2258, authority for the Secretary to reserve up to one percent of each fiscal year's appropriation for the Reading Excellence program for technical assistance, program improvement, and replication activities.

**Section 177, authorization of appropriations [ESEA, §2260].** Section 177 of the bill would repeal section 2260 of the ESEA, which authorizes appropriations for the program, to reflect the transfer of the program's authorization of appropriations to section 1002(e) of the ESEA.

**Section 178, transfer and redesignations.** Section 178 of the bill would transfer the authority for the Reading Excellence program, currently in Part C of Title II of the ESEA, to Part E of Title I, redesignate current Parts E and F of Title I as Parts F and G, and make other technical and conforming amendments.

#### TITLE II—HIGH STANDARDS IN THE CLASSROOM

Section 201 of the bill would amend Title II of the ESEA in its entirety, as follows:

##### *Part A—Teaching to high standards*

Part A of Title II would authorize a new program in the ESEA by consolidation of the existing Eisenhower State Grants (Title II) and Innovative Education Program Strategies (Title VI) programs in the ESEA and Title III of the Goals 2000: Educate America Act.

##### *Subpart 1—Findings, purpose and Authorization of appropriations*

**Section 2111, findings.** Section 2111 would set out findings for Part A.

**Section 2112, purpose.** Section 2112 would state that the purpose of Part A is to: (1) Support States and LEAs in continuing the task of developing challenging content and student performance standards and aligned assessments, revising curricula and teacher certification requirements, and using challenging content and student performance standards to improve teaching and learning; (2) ensure that teachers and administrators have access to professional development that is aligned with challenging State content and student performance standards in the core academic subjects; (3) provide assistance to new teachers during their first three years in the classroom; and (4) support the development and acquisition of curricular materials and other instructional aids that are not normally provided as part of the regular instructional program and that will advance local standards-based school reform efforts.

**Section 2113, authorizations of appropriations.** Section 2113 would authorize the appropriation of such sums as may be necessary for each of the two operational subparts of Part A for fiscal years 2001, through 2005.

##### *Subpart 2—State and local activities.*

**Section 2121, allocations to States.** Section 2121 would provide for allocations to the States, including the District of Columbia and Puerto Rico; the outlying areas; and schools operated or funded by the Bureau of Indian Affairs (BIA). The Secretary would reserve a total of one percent for the outlying areas and the BIA. The remaining funds would be allocated to States, based one-half on each State's share of funds under Part A of Title I for the previous fiscal year and one-half on each state's relative share of the population aged 5 to 17. No State may receive a grant that is less than one-half of one percent of the amount available for State grants.

**Section 2122, priority for professional development in mathematics and science.** Section 2122(a) would establish rules for the use of Part A funds for professional development in mathematics and science at various appropriations levels. A key priority of the Teaching to High Standards proposal is directing Federal sources to support professional development that strengthens instruction in the core academic content areas, instead of professional development that uses general strategies for improving classroom instruc-

tion that are not based on academic content. Toward that end, the bill would require States and LEAs to use funds for professional development only in the academic content areas and would increase the current Eisenhower program's \$250 million set-aside for professional development in mathematics and science to \$300 million. This "trigger" means that if the annual appropriation for Part A is \$300 million or less, each State would be required to devote its entire allocation to supporting professional development in mathematics and science (including all funds retained at the State level and those distributed by the SEA and the State agency for higher education (SAHE) as grants to LEAs). For years in which the appropriation is higher than \$300 million, each State would be required to allocate a percentage of its funding toward mathematics and science professional development that is at least as much as the State would have received had the appropriation been \$300 million. The SEA and the SAHE would jointly determine how the State would structure the use of State-level funding and grants to LEAs to meet this requirement.

Section 2122(b) would provide that, for purposes of meeting the priority requirements of subsection (a), professional development in mathematics and science may include interdisciplinary activities, as long as these activities include a strong focus on mathematics and science. Subsection (c) would require that funds in excess of the \$300 million appropriation be used in one or more of the core academic subjects, including mathematics and science.

**Section 2123, State application.** Section 2123 would require each State to submit an application that is developed by the SEA in consultation with the SAHE, community-based and other nonprofit organizations with experience in providing professional development, and institutions of higher education (IHEs). This section would also describe what States must include in their applications. The Secretary would have to approve a State application if a peer-review panel determines that it satisfactorily addresses the application requirements and holds reasonable promise of achieving the purposes of the program.

**Section 2124, annual State reports.** Section 2124 would require a State to submit annual reports to the Secretary that describe its activities under this program, report on the progress of subgrant recipients against program performance indicators that the Secretary identifies and any other indicators that the State requires, and contain other information that the Secretary requires.

**Section 2125, within-State allocations.** Section 2125 would allow an SEA to reserve up to 10 percent of the State allocation for State-level activities, program evaluations, and administration. Not more than one third of this reservation could be used for administration. The SEA would also have to make available to the SAHE an amount equal to what the State's allocation would be if the amount of the appropriation for this subpart were \$60 million. From the amount remaining, the SEA would make formula and competitive subgrant awards to LEAs. Of the amount that is reserved for LEAs, the SEA would allocate 50 percent to LEAs in proportion to the relative numbers of children, aged 5 to 17, from low-income families within the LEA and award 50 percent to LEAs on a competitive basis.

**Section 2126, State-level activities.** Section 2126 would provide examples of activities that SEAs could carry out with the funds they reserve for State-level activities to promote high-quality instruction.

**Section 2127, subgrants to partnerships of institutions of higher education and local educational agencies.** Section 2127 would allow

SAHEs to reserve not more than 3½ percent of their allocation for administrative activities and program evaluations and require them, in cooperation with the SEA, to award competitive subgrants to, or enter into contracts or cooperative agreements with, IHEs or nonprofit organizations to provide professional development in the core academic subjects. These awards would be for 3 years (which would be extended for 2 more years if the subgrantee is making substantial progress) and made using a peer-review process. The SAHE would give priority to projects that focus on teacher induction programs and could make awards only to projects that include an LEA, are coordinated with activities carried out under Title II of the Higher Education Act of 1965 (if the LEA or IHE is participating in that program), and involve the IHE's school or department of education and the school or departments in the specific disciplines in which the professional development will be provided.

Section 2127 would also describe the activities that award recipients must carry out and require them to submit an annual report to the SAHE, beginning with fiscal year 2002, on their progress against indicators of program performance that the Secretary may establish. The SAHE would provide the SEA with copies of these reports.

**Section 2128, competitive local awards.** Section 2128 would require SEAs to award competitive subgrants to LEAs from the funds reserved for that purpose under section 2125. The SEA would use a peer-review process that includes reviewers who are knowledgeable in the academic content areas. SEAs would award subgrants based on the quality of the applicants' proposals and their likelihood of success, and on the demonstrated need of applicants, based on specified criteria.

Section 2128 would also require SEAs to adopt strategies to ensure that LEAs with the greatest need are provided a reasonable opportunity to receive an award. Subgrants would be for a three-year period, which the SEA would extend for an additional two years if it determines that the LEA is making substantial progress toward meeting the goals in the LEA's district-wide plan for raising student achievement against State standards and against the performance indicators identified by the Secretary under section 2136.

**Section 2129, local applications.** Section 2129 would require an LEA to submit an application to the SEA in order to be eligible to receive a formula or competitive subgrant. The application would include a district-wide plan that describes how the LEA will raise student achievement against State standards by: (1) supporting the alignment of curricula assessments, and professional development to challenging State and local content standards; (2) providing professional development in the core academic content areas; (3) carrying out activities to assist new teachers during their first three years in the classroom; and (4) ensuring that teachers employed by the LEA are proficient in teaching skills and content knowledge.

In addition, the LEA application would: (1) identify specific goals for achieving the purposes of the program; (2) describe how the LEA will address the needs of high-poverty, low-performing schools; (3) describe how the LEA will address the needs of teachers of students with limited English proficiency and other students with special needs; (4) include an assurance that the LEA will collect data that measures progress toward the indicators of program performance that the Secretary identifies; (5) describe how the LEA will coordinate funds under this subpart with professional development activities funded

through other State and Federal programs; (6) describe how the LEA will use its subgrant funds awarded by formula to address the items in the district-wide plan described above; and (7) describe how it would use the additional funds from a competitive subgrant, if it is applying for one, to implement that plan.

**Section 2130, uses of funds.** Section 2130 would describe the activities an LEA may conduct with program funds in order to implement its district-wide plan.

**Section 2131, local accountability.** Section 2131 would require each LEA to submit an annual report to the SEA, beginning in fiscal year 2002, that contains: (1) information on its progress against the indicators of program performance that the Secretary identifies and against the LEA's program goals; (2) data disaggregated by school poverty level, as defined by the Secretary; and (3) a description of the methodology the subgrantee used to gather the data.

**Section 2132, local cost-sharing requirement.** Section 2132 would provide that the Federal share of activities carried out under Subpart 2 with funds received by formula may not exceed 67 percent for any fiscal year. The Federal share of activities carried out under this subpart with funds awarded on a competitive basis could not exceed 85 percent during the first year of the subgrant, 75 percent during the second year, 65 percent during the third year, 55 percent during the fourth year, and 50 percent during the fifth year.

**Section 2133, maintenance of effort.** Section 2133 would require each participating LEA to maintain its fiscal effort for professional development at the average of its expenditures over the previous three years.

**Section 2134, equipment and textbooks.** Section 2134 would provide that subgrantees may not use program funds for equipment, computer hardware, textbooks, telecommunications fees, or other items, that would otherwise be provided by the LEA or State, or by a private school whose students receive services under the program.

**Section 2135, supplement, not supplant.** Section 2135 would require an LEA to use program funds only to supplement the level of funds or resources that would otherwise be made available from non-Federal sources, and not to supplant those non-Federal funds or resources.

**Section 2136, program performance indicators.** Section 2136 would require the Secretary to identify indicators of program performance against which recipients would report their progress.

**Section 2137, definitions.** Section 2137 would define "core academic subjects", "high-poverty local educational agency", "low-performing school", and "professional development".

#### *Subpart 3—National activities for the improvement of teaching and school leadership*

**Section 2141, program authorized.** Section 2141 would authorize the Secretary to make awards to a wide variety of public and private agencies and entities to support: (1) activities of national significance that are not supported through other sources and that the Secretary determines will contribute to the improvement of teaching and school leadership in the Nation's schools; (2) activities of national significance that will contribute to the recruitment and retention of highly qualified teachers and principals in high-poverty LEAs; (3) a national evaluation of the Part A program; and (4) the National Board for Professional Teaching Standards. Section 2141(b)(5) would direct the Secretary to provide support for the Eisenhower National Clearinghouse for Mathematics and Science Education under section 2142.

**Section 2142, Eisenhower National Clearinghouse for Mathematics and Science Education.**

Section 2142 would retain, with few changes, the authority in current section 2102(b) for the Eisenhower National Clearinghouse for Mathematics and Science Education, as follows:

Subsection (a) would provide authority for the Clearinghouse.

Subsection (b) would authorize activities and establish certain requirements related to the Clearinghouse, including the application and award process, the duration of the grant or contract, the activities the award recipient must carry out, the submission of materials to the Clearinghouse, and the establishment of a steering committee.

#### *Part B—Transition to teaching; troops to teachers*

**Section 2111, findings.** Section 2111 of the ESEA would set out the Congressional findings for the new Part B. In the next decade, school districts will need to hire more than 2 million teachers, especially in the areas of math, science, foreign languages, special education, and bilingual education. The need for teachers able to teach in high-poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

Nearly 28 percent of teachers of academic subjects have neither a major nor a minor in their main assignment fields. This problem is even more acute in high-poverty areas, where the out-of-field percentage is 39.

Additionally, the Third International Math and Science Study (TIMSS) ranked U.S. high school seniors last among 16 countries in physics, and next to last in math. Based mainly on TIMSS data, it is also evident that a stronger emphasis needs to be placed on the academic preparation of our children in math and science.

Further, one-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

Many career-changing professionals with strong content-area skills are interested in making a transition to a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience. The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in high-poverty school districts.

**Section 2112, purpose.** Section 2112 of the ESEA would establish the statement of purpose for the program, which would be to address the need of high-poverty school districts for highly qualified teachers in subject areas such as mathematics, science, foreign languages, bilingual education, and special education needed by those school districts. This would be accomplished by continuing and enhancing the Transition to Teaching model for recruiting and supporting the placement of such teachers, and by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that would help them become such teachers.

**Section 2113, program authorized.** Section 2113 of the ESEA would establish the program authority and the authorization of appropriations for the Transition to Teaching program. Under section 2113(a), the Secretary would be authorized to use funds appropriated under section 2113(c) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this part.

Section 2113(b)(1)(A) would provide that, before making any awards under section

2213(a), the Secretary would be required to consult with the Secretaries of Defense and Transportation with respect to the appropriate amount of funding necessary to continue and enhance the Troops to Teachers program. Additionally, section 2213(b)(1)(B) would provide that, upon agreement, the Secretary would transfer the amount under section 2213(b)(1)(A) to the Department of Defense to carry out the Troops to Teachers program. Further, section 2213(b)(2) would allow the Secretary to enter into a written agreement with the Department of Defense and Transportation, or take such steps as the Secretary determines are appropriate to ensure effective continuation of the Troops to Teachers program.

Finally, section 2213(c) would authorize the appropriation of such sums as may be necessary to carry out Part B for fiscal years 2001 through 2005.

**Section 2214, application.** Section 2214 of the ESEA would establish the application requirements. Section 2214 would provide that an applicant that desires a grant under Part B must submit to the Secretary an application containing such information as the Secretary may require. Applicants would be required to: (1) include a description of the target group of career-changing professionals on which they would focus in carrying out their programs under this part, including a description of the characteristics of that target group that shows how the knowledge and experience of its members is relevant to meeting the purpose of this part; (2) describe how it plans to identify and recruit program participants; (3) include a description of the training program participants would receive and how that training would relate to their certification as teachers; (4) describe how it would ensure that program participants were placed and would teach in high-poverty LEAs; (5) include a description of the teacher induction services that program participants would receive throughout at least their first year of teaching; (6) include a description of how the applicant would collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this part, including evidence of the commitment of the institutions, agencies, or organizations to the applicant's program; (7) include a description of how the applicant would evaluate the progress and effectiveness of its program, including the program's goals and objectives, the performance indicators the applicant would use to measure the program's progress, and the outcome measures that would be used to determine the program's effectiveness; and (8) submit an assurance that the applicant would provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this part.

**Section 2215, uses of funds and period of service.** Section 2215 of the ESEA would describe the activities authorized under Part B. Under section 2215(a), Part B funds could be used to: (1) recruit program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them; (2) authorize training stipends and other financial incentives for program participants, not to exceed \$5,000, in the aggregate, per participant; (3) assist institutions of higher education or other providers of teacher training to meet the particular needs of professionals who are changing their careers to teaching; (4) authorize placement activities, including identifying high-poverty LEAs with needs for particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those

LEAs; and (5) authorize post-placement induction or support activities for program participants.

Section 2215(b) would establish the required period of service for program participants. Under section 2215(b), a program participant who completes his or her training would be required to teach in a high-poverty LEA for at least three years. Section 2215(c) would allow the Secretary to establish appropriate requirements to ensure that program participants who receive a training stipend or other financial incentive, but fail to complete their service obligation, repay all or a portion of such stipend or other incentive.

**Section 2216, equitable distribution.** Section 2216 of the ESEA would require the Secretary, to the extent practicable, to make awards under Part B that support programs in different geographic regions of the Nation.

**Section 2217, definitions.** Section 2217 of the ESEA would establish definitions for the program. Section 2217(1) would define the term "high-poverty local educational agency" as an LEA in which the percentage of children, ages 5 through 17, from families below the poverty line is 20 percent or greater, or the number of such children exceeds 10,000. Section 2217(2) would define the term "program participants" as career-changing professionals who hold at least a baccalaureate degree, demonstrate interest in, and commitment to, becoming a teacher, and have knowledge and experience relevant to teaching a high-need subject area in a high-poverty LEA.

#### **Part C—Early childhood educator professional development**

**Section 2301, purpose.** Section 2301 of the ESEA would establish the purpose of the new Part C program, which is to support the national effort to attain the first of America's Education Goals by enhancing school readiness and preventing reading difficulties in young children, through early childhood education programs that improve the knowledge and skills of early childhood educators working in high-poverty communities. The program would help meet the need for early childhood educators in high-poverty communities with limited access to early childhood education and to high-quality early childhood education professionals.

**Section 2302, program authorized.** Section 2302(a) of the ESEA would authorize the Secretary to make competitive grants to eligible partnerships. An eligible partnership would consist of: (1) at least one institution of higher education that provides professional development for early childhood educators who work with children from low-income families in high-need communities, or another public or private, nonprofit entity that provides that professionals development; and (2) at least one other public or private nonprofit agency or organization, such as an LEA, an SEA, a State human services agency, a State or local agency administering programs under the Child Care and Development Block Grant Act of 1990, or a Head Start agency.

Section 2302(b) would direct the Secretary to give a priority to applications from partnerships that include at least one LEA that operates early childhood programs for children from low-income families in high-need communities.

Section 2302(c) would authorize grants for up to four years, and limit each grantee to one grant under this program.

**Section 2303, applications.** Section 2303 of the ESEA would set out requirements for applications for funds. Among other information, each application would include a description of the high-need community to be served; information on the quality of the

early childhood educator professional development program currently being conducted by a member of the partnership; the results of the applicant's assessment of the professional development needs of early childhood education providers to be served by the partnership and in the broader community and how the project will address those needs; a description of how the proposed project would be carried out; descriptions of the project's specific objectives and how progress toward those objectives will be measured; how the applicant plans to institutionalize project activities once Federal funding ends; an assurance that, where applicable, the project will provide appropriate professional development to volunteer staff, as well as to paid staff; and an assurance that the applicant consulted with, and will consult with, relevant agencies and organizations that are not members of the partnership.

**Section 2304, selection of grantees.** Section 2304 of the ESEA would require the Secretary to select grantees according to both the community's need for assistance and the quality of applications, and seek to ensure that communities in urban and rural communities and in difference regions of the Nation are served.

**Section 2305, uses of funds.** Section 2305 of the ESEA would require that, in general, grant recipients use grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs serving concentrations of poor children in high-need communities. Allowable professional development activities for early childhood educators include, but would not be limited to, activities that: familiarize early childhood educators with recent research on child, language, and literacy development and on early childhood pedagogy; train them to work with parents, and with children with limited English proficiency, disabilities, and other special needs; assist educators during their first three years in the field; development and implementation of professional development programs for early childhood educators using distance learning and other technologies; and data collection, evaluation, and reporting activities necessary to meet program accountability requirements.

**Section 2306, accountability.** Section 2306(a) of the ESEA would require the Secretary to announce performance indicators, designed to measure the quality of the professional development on the early childhood education provided by the individuals trained, and such other measures of program impact as the Secretary determines. Section 2306(b) would require projects to report annually on their progress in meeting these performance indicators. The Secretary could terminate a grant if the grantee is not making satisfactory progress against the Secretary's indicators.

**Section 2307, cost-sharing.** Section 2307 of the ESEA would require each grantee to contribute at least half of the overall cost of its project, including at least 20 percent in each year, from other sources, which may include other Federal sources. The Secretary could waive or modify this requirement in the case of demonstrated financial hardship.

**Section 2308, definitions.** Section 2308 of the ESEA would define the terms "high-need community", "low-income family", and "early childhood educator".

**Section 2309, Federal coordination.** Section 2309 of the ESEA would direct the Secretaries of Education and Health and Human Services to coordinate activities of this program and other early childhood programs that they administer.

**Section 2310, authorization of appropriations.** Section 2310 of the ESEA would authorize the appropriation of such sums as may be



necessary for fiscal year 2001 and each of the four succeeding fiscal years to carry out Part C.

*Part D—Technical assistance programs*

*Section 2401, findings.* Section 2401 of the ESEA would state the Congressional findings for Part D as follows: (1) sustained, high-quality technical assistance that responds to State and local demand supported by widely disseminated, research-based information on what constitutes high-quality technical assistance and how to identify high-quality technical assistance providers, can enhance the opportunity for all children to achieve to challenging State academic content and student performance standards; (2) an integrated system for acquiring, using, and supplying technical assistance is essential to improving programs and affording all children this opportunity; (3) States, LEAs, tribes, and schools serving students with special needs, such as educationally disadvantaged students and students with limited English proficiency, have clear needs for technical assistance in order to use funds under the ESEA to provide those students with opportunities to achieve to challenging State academic content standards and student performance standards; (4) current technical assistance and dissemination efforts are insufficiently responsive to the needs of States, LEAs, schools, and tribes for help in identifying their particular needs for technical assistance and developing and implementing their own integrated systems for using the various sources of funding for technical assistance activities under the ESEA (as well as other Federal, State, and local resources) to improve teaching and learning and to implement more effectively the programs authorized by the ESEA; and (5) the Internet and other forms of advanced telecommunications technology are an important means of providing information and assistance in a cost-effective way.

*Section 2402, purpose.* Section 2402 of the ESEA would state the purpose for Part D as being to create a comprehensive and cohesive, national system of technical assistance and dissemination that is based on market principles in responding to the demand for, and expanding the supply of, high-quality technical assistance. This system would support States, LEAs, tribes, schools, and other recipients of funds under the ESEA in implementing standards-based reform and improving student performance through: (1) the provision of financial support and impartial, research-based information designed to assist States and high-need LEAs to develop and implement their own integrated systems of technical assistance and select high-quality technical assistance activities and providers for use in those systems; (2) the establishment of technical assistance centers in areas that reflect identified national needs, in order to ensure the availability of strong technical assistance in those areas; (3) the integration of all technical assistance and information dissemination activities carried out or supported by the Department of Education in order to ensure comprehensive support for school improvement; (4) the creation of a technology-based system, for disseminating information about ways to improve educational practices throughout the Nation, that reflects input from students, teachers, administrators, and other individuals who participate in, or may be affected by, the Nation's educational system; and (5) national evaluations of effective technical assistance.

*Subpart 1—Strengthening the capacity of State and local educational agencies to become effective, informed consumers of technical assistance*

*Section 2411, purpose.* Section 2411 of the ESEA would state the purposes of Subpart 1

of Part D of Title II. Section 2411(1) would state one such purpose as being to provide grants to SEAs and LEAs in order to: (1) respond to the growing demand for increased local decisionmaking in determining technical assistance needs and appropriate technical assistance services; (2) encourage SEAs and LEAs to assess their technical assistance needs and how their various sources of funding for technical assistance under the ESEA and from other sources can best be coordinated to meet those needs (including their needs to collect and analyze data); (3) build the capacity of SEAs and LEAs to use technical assistance effectively and thereby improve their ability to provide the opportunity for all children to achieve to challenging State academic content standards and student performance standards; and (4) assist SEAs and LEAs in acquiring high-quality technical assistance.

Section 2411(2) would state the other purpose of Subpart 1 as being to establish an independent source of consumer information regarding the quality of technical assistance activities and providers, in order to assist SEAs and LEAs, and other consumers of technical assistance that receive funds under the ESEA, in selecting technical assistance activities and providers for their use.

*Section 2412, allocation of funds.* Section 2412 of the ESEA would describe how funds appropriated to carry out Subpart 1 would be allocated. From those appropriations for any fiscal year, the Secretary would first allocate one percent of the funds to the Bureau of Indian Affairs and the Outlying Areas, in accordance with their respective needs for such funds (as determined by the Secretary) to carry out activities that meet the purposes of Subpart 1. The Secretary would allocate two-thirds of the remaining funds to SEAs in accordance with the formula described in section 2413 and allocate one-third of the remaining funds to the 100 LEAs with the largest number of children counted under section 1124(c) of the ESEA, in accordance with the formula described in section 2416.

*Section 2413, formula grants to State educational agencies.* Section 2413 of the ESEA would set out the formula for awarding grants to States. The Secretary would allocate funds among the States in proportion to the relative amounts each State would have received for Basic Grants under Subpart 2 of Part A of Title I of the ESEA for the most recent fiscal year, if the Secretary had disregarded the allocations under that subpart to LEAs that are eligible to receive direct grants under new section 2416. This allocation would be adjusted as necessary to ensure that, of the total amount allocated to States and to LEAs under section 2416, the percentage allocated to a State under section 2413 and to localities in the State under section 2416 is at least the percentage used for the small-State minimum under section 1124(d) for the previous fiscal year. The Secretary would also reallocate to other States any amount of any State's allocation under section 2413 of the ESEA that would not be required to carry out the activities for which such amount has been allocated for a fiscal year.

*Section 2414, State application.* Section 2414 of the ESEA would describe the application requirements for State formula grants. Each State seeking a grant under Subpart 1 would be required to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each such application would be required to describe: (1) the State's need for, and the capacity of the SEA to provide, technical assistance in implementing programs under the ESEA (including assistance on the collection and analysis of data) and in implementing the State plan or poli-

cies for comprehensive, standards-based education reform; (2) how the State will use the funds provided under this subpart to coordinate all its sources of funds for technical assistance, including all sources of such funds under the ESEA, into an integrated system of providing technical assistance to LEAs, and other local recipients of funds under the ESEA, within the State and implement that system; (3) the SEA's plan for using funds from all sources under the ESEA to build its capacity, through the acquisition of outside technical assistance and other means, to provide technical assistance to LEAs and other recipients within the State; (4) how, in carrying out technical assistance activities using funds provided from all sources under the ESEA, the State will assist LEAs and schools in providing high-quality education to all children served under the ESEA to achieve to challenging academic standards, give the highest priority to meeting the needs of high-poverty, low-performing LEAs (taking into consideration any assistance that the LEAs may be receiving under section 2416), and give special consideration to LEAs and other recipients of funds under the ESEA serving rural and isolated areas. The Secretary would be required to approve a State's application for funds if it meets these requirements and is of sufficient quality to meet the purposes of Subpart 1. In determining whether to approve a State's application, the Secretary would be required to take into consideration the advice of peer reviewers, and could not disapprove any application without giving the State notice and opportunity for a hearing.

*Section 2415, State uses of funds.* Section 2415 of the ESEA would describe the permissible uses of State formula grant funds under Subpart 1. The SEA could use these funds to: (1) build its capacity (and the capacity of other State agencies that implement ESEA programs) to use ESEA technical assistance funds effectively through the acquisition of high-quality technical assistance, and the selection of high-quality technical assistance activities and providers, that meet the technical assistance needs identified by the State; (2) develop, coordinate, and implement an integrated system that provides technical assistance to LEAs and other ESEA recipients within the State, directly, through contracts, or through subgrants to LEAs, or other ESEA recipients of funds, for activities that meet the purposes of Subpart 1, and uses all sources of funds provided for technical assistance, including all ESEA sources; and (3) acquire the technical assistance it needs to increase opportunities for all children to achieve to challenging State academic content standards and student performance standards, and to implement the State's plan or policies for comprehensive standards-based education reform.

A State's integrated system of providing technical assistance could include assistance on such activities as: (1) implementing State standards in the classroom, including aligning instruction, curriculum, assessments, and other aspects of school reform with those standards; (2) collecting, disaggregating, and using data to analyze and improve the implementation, and increase the impact, of educational programs; (3) conducting needs assessments and planning intervention strategies that are aligned with State goals and accountability systems; (4) planning and implementing effective, research-based reform strategies, including schoolwide reforms, and strategies for making schools safe, disciplined, and drug-free; (5) improving the quality of teaching and the ability of teachers to serve students with special needs (including educationally disadvantaged students and students with limited English proficiency); and (6) planning



and implementing strategies to promote opportunities for all children to achieve to challenging State academic content standards and student performance standards.

*Section 2416, Grants to large local educational agencies.* Section 2416 of the ESEA would describe the formula for providing grants under Subpart 1 to the 100 largest, high-need LEAs. Under section 2416, the Secretary would allocate funds among the LEAs described in section 2412(2)(B) in proportion to the relative amounts allocated to each such LEA for Basic Grants under Subpart 2 of Part A of Title I for the most recent fiscal year. As under the State formula in section 2413, the Secretary would be required to reallocate unused LEA allocations.

*Section 2417, local application.* Section 2417 of the ESEA would detail the application requirements that the LEAs must meet to receive direct grants under Subpart 1. Each LEA would be required to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each application would be required to describe: (1) the LEA's need for technical assistance in implementing ESEA programs (including assistance on the use and analysis of data) and in implementing the State's, or its own, plan or policies, for comprehensive standards-based education reform; (2) how the LEA will use the grant funds to coordinate all its various sources of funds for technical assistance, including all ESEA sources and other sources, into an integrated system for acquiring and using outside technical assistance and other means of building its own capacity to provide the opportunity for all children to achieve to challenging State academic content standards and student performance standards implementing programs under the ESEA, and implement that system. In determining whether to approve a State's application, the Secretary would be required to take into consideration the advice of peer reviewers, and could not disapprove any application without giving the State notice and opportunity for a hearing.

*Section 2418, local uses of funds.* Section 2418 of the ESEA would describe the ways in which an LEA could use direct grant funds awarded under Subpart 1. The LEA could use those funds to: (1) build its capacity to use ESEA technical assistance funds through the acquisition of high-quality technical assistance and the selection of high-quality technical assistance activities and providers that meet its technical assistance needs; (2) develop, coordinate, and implement an integrated system of providing technical assistance to its schools using all sources of funds provided for technical assistance, including all ESEA sources; and (3) acquire the technical assistance it needs to increase opportunities for all children to achieve to challenging State academic content standards and student performance standards and to implement the State's, or its own, plan or policies for comprehensive standards-based education reform. An LEA may use these funds for technical assistance activities such as those described in section 2415(b) of the ESEA.

*Section 2419, equitable services for private schools.* Section 2419 of the ESEA would describe how equitable services would be provided to private schools. First, if an SEA or LEA uses funds under Subpart 1 to provide professional development for teachers or school administrators, the SEA or LEA would be required to provide for professional development for teachers or school administrators in private schools located in the same geographic area on an equitable basis. Similarly, if an SEA or LEA uses funds under Subpart 1 to provide information about State educational goals, standards, or

assessments, the SEA or LEA would be required to provide that information, upon request to private schools located in the same geographic area. However, if an SEA or LEA is prohibited by law from meeting these requirements, or the Secretary determines the SEA or LEA has substantially failed or is unwilling to comply with these requirements, the Secretary shall waive these requirements and arrange for the provision of professional development services for the private school teachers or school administrators, consistent with applicable State goals and standards and section 11806 of the ESEA.

*Section 2419A, consumer information.* Section 2419A of the ESEA would require the Secretary to establish, through one or more contracts, an independent source of consumer information regarding the quality and effectiveness of technical assistance activities and providers available to States, LEAs, and other recipients of funds under the ESEA, in selecting technical assistance activities and providers for their use. Such a contract could be awarded for a period of up to five years, and the Secretary could reserve, from the funds appropriated to carry out Subpart 1 for any fiscal year, such sums as the Secretary determines necessary to carry out section 2419A.

*Section 2419B, authorization of appropriations.* Section 2419B of the ESEA would authorize the appropriation of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out Subpart 1.

#### *Subpart 2—Technical assistance centers serving special needs*

*Section 2421, general provisions.* Section 2421 of the ESEA would set out the general provisions applicable to all technical assistance providers that receive funds under Subpart 2, all consortia that receive funds under proposed Subpart 2 of Part B of Title III of the ESEA (as amended by Title III of the bill), and the educational laboratories, and clearinghouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act. Each provider, consortium, laboratory or clearinghouse would be required to: (1) participate in a technical assistance network with the Department and other federally supported technical assistance providers in order to coordinate services and resources; (2) ensure that the services they provide are high-quality, cost-effective, reflect the best information available from research and practice, and are aligned with State and local education reform efforts; (3) in collaboration with SEAs in the States served, educational service agencies (where appropriate), and representatives of high-poverty, low-performing urban and rural LEAs in each State served, develop a targeted approach to providing technical assistance that gives priority to providing intensive, ongoing services to high-poverty LEAs and schools that are most in need of raising student achievement (such as schools identified as in need of improvement under section 1116(c) of the ESEA); (4) cooperate with the Secretary in carrying out activities (including technical assistance activities authorized by other ESEA programs) such as publicly disseminating materials and information that are produced by the Department and are relevant to the purpose, expertise, and mission of the technical assistance provider; and (5) use technology, including electronic dissemination networks and Internet-based resources, in innovative ways to provide high-quality technical assistance.

*Section 2422, centers for technical assistance on the needs of special populations.* Section 2422 of the ESEA would authorize the Secretary to award grants, contracts, or cooper-

ative agreements to public or private nonprofit entities (or consortia of those entities) to operate two or new centers to provide technical assistance to SEAs, LEAs, schools, tribes, community-based organizations, and other recipients of funds under the ESEA concerning how to address the specific linguistic, cultural, or other needs of limited English proficient, migratory, Indian, and Alaska Native students, and educational strategies for enabling those students to achieve to challenging State academic content and performance standards. An entity could receive an award to operate a center only if it demonstrates, to the satisfaction of the Secretary, that it has expertise in these needs and strategies, and an award under section 2422 could be up to 5 years in duration.

Under section 2422(c), each center would be required to maintain appropriate staff expertise, and provide support, training, and assistance to SEAs, tribes, LEAs, schools, and other ESEA funding recipients in meeting the needs of the students in these special populations, including the coordination of other Federal programs and State and local programs, resources, and reforms. Each center would be required to give priority to providing services to schools, including Bureau of Indian Affairs-funded schools, that educate the students described in subsection (a)(1)(A) and have the highest percentages or numbers of children in poverty and the lowest student achievement levels.

Under section 2422(d), the Secretary would be required to: (1) develop a set of performance indicators that assesses whether the work of the centers assists in improving teaching and learning under the ESEA for students in the special populations described; (2) conduct surveys every two years of entities to be served under this section to determine if they are satisfied with the access to, and quality of, the services provided; (3) collect, as part of the Department's reviews of ESEA programs, information about the availability and quality of services provided by the centers, and share that information with the centers; and (4) take whatever steps are reasonable and necessary to ensure that each center performs its responsibilities in a satisfactory manner, which may include termination of an award under this part, the selection of a new center, and any necessary interim arrangements. All of these activities are designed to ensure the quality and effectiveness of the proposed centers.

Section 2422(e) would authorize the appropriation of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out the purposes of section 2422.

*Section 2423, parental information and resource centers.* Section 2423 of the ESEA would authorize Parental Information and Resource Centers (PIRCs), which are currently authorized under Title IV of the Goals 2000: Educate America Act.

Section 2423(a) would authorize the Secretary to award grants, contracts, or cooperative agreements to nonprofit organizations that serve parents (particularly those organizations that make substantial efforts to reach low-income, minority, or limited English proficient parents) to establish PIRCs. The PIRCs would coordinate the efforts of Federal, State, and local parent education and family involvement initiatives. In addition, the PIRCs would provide training, information, and support to SEAs, LEAs (particularly LEAs with high-poverty and low-performing schools), schools (particularly high-poverty and low-performing schools), and organizations that support family-school partnerships (such as parent teacher organizations). In making awards, the Secretary would be required, to the

greatest extent possible, to ensure that each State is served by at least one award recipient. Currently, there are PIRCs in all 50 States. The District of Columbia, Puerto Rico, and each territory.

Section 2423(b) would establish the application requirements for the PIRCs. Applicants desiring assistance under section 2423 would be required to submit an application at such time, and in such manner, as the Secretary shall determine. At a minimum, the application would include: a description of the applicant's capacity and expertise to implement a grant under section 2423; a description of how the applicant would use its award to help SEAs and LEAs, schools, and non-profit organizations in the State (particularly those organizations that make substantial efforts to reach a large number or percentage of low-income minority, or limited English proficient children) to: (1) identify barriers to parent or family involvement in schools, and strategies to overcome those barriers; and (2) implement high-quality parent education and family involvement programs that improve the capacity of parents to participate more effectively in the education of their children, support the effective implementation of research-based instructional activities that support parents and families in promoting early language and literacy development and support schools in promoting meaningful parent and family involvement; a description of the applicant's plan to disseminate information on high-quality parent education and family involvement programs to LEAs, schools, and non-profit organizations that serve parents in the State; a description of how the applicant would coordinate its activities with the activities of other Federal, State, and local parent education and family involvement programs and with national, State and local organizations that provide parents and families with training, information, and support on how to help their children prepare for success in school and achieve to high academic standards; a description of how the applicant would use technology, particularly the Worldwide Web, to disseminate information; and a description of the applicant's goals for the center, as well as baseline indicators for each of the goals, a timeline for achieving the goals, and interim measures of success toward achieving the goals.

Section 2423(c) would limit the Federal share to not more than 75 percent of the cost of a PIRC. The non-Federal share may be in cash or in kind. Under current law, a grant recipient must provide a match in each fiscal year after the first year of the grant, but does not specify the amount of the match.

Section 2423(d)(1) would establish the allowable uses for program funds. Recipients would be required to use their awards to support SEAs and LEAs, schools, and non-profit organizations in implementing programs that provide parents with training, information, and support on how to help their children achieve to high academic standards. Such activities could include: assistance in the implementation of programs that support parents and families in promoting early language and literacy development and prepare children to enter school ready to succeed in school; assistance in developing networks and other strategies to support the use of research-based, proven models of parent education and family involvement, including the "Parents as Teachers" and "Home Instruction Program for Preschool Youngsters" programs, to promote children's development and learning; assistance in preparing parents to communicate more effectively with teachers and other professional educators and support staff, and providing a means for on-going, meaningful communication between parents and schools; assistance

in developing and implementing parent education and family involvement programs that increase parental knowledge about standards-based school reform; and disseminating information on programs, resources, and services available at the national, State, and local levels that support parent and family involvement in the education of their school-age children.

Section 2423(d)(2) would require that each recipient use at least 75 percent of its award to support activities that serve areas with large numbers or concentrations of low-income families. Currently, recipients are required to use 50 percent of their funds to provide services to low-income areas.

Section 2423(e) would authorize the Secretary to reserve up to 5 percent of the funds appropriated for section 2423 to provide technical assistance to the PIRCs and to carry out evaluations of program activities.

Section 2423(f) of the ESEA would set out three definitions, taken from current law, for purposes of section 2423. The term "parent education" would be defined to include parent support activities, the provision of resource materials on child development, parent-child learning activities and child rearing issues, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home.

The term "Parents as Teachers program" would be defined as a voluntary childhood parent education program that: is designed to provide all parents of children from birth through age 5 with the information and support that such parents need to give their child a solid foundation for school success; is based on the Missouri Parents as Teachers model, with the philosophy that parents are their child's first and most influential teachers; provides regularly scheduled personal visits with families by certified parent educators; provides regularly scheduled developmental screenings; and provides linkage with other resources within the community to provide services that parents may want and need, except that such services are beyond the scope of the Parents As Teachers program.

The term "Home Instruction for Preschool Youngsters program" would be defined as a voluntary early-learning program for parents with one or more children between the ages of 3 through 5 that provides support, training, and appropriate educational materials necessary for parents to implement a school-readiness, home instruction program for their child. Such a program also includes: group meetings with other parents participating in the program; individual and group learning experiences with the parent and child; provision of resource materials on child development and parent-child learning activities; and other activities that enable the parent to improve learning in the home.

Section 2423(g) would require each PIRC to submit an annual report on its activities. The report would include at least: the number and types of activities supported by the recipient with program funds; activities supported by the recipient that served areas with high numbers or concentrations of low-income families; and the progress made by the PIRC in achieving the goals included in its application.

Section 2423(h) would prohibit any individual from being required to participate in any parent education program or developmental screening supported by program funds. In addition, PIRCs would be prohibited from infringing on the right of a parent to direct the education of their children. Finally, the requirements of section 444(c) of the General Education Provisions Act, relating to procedures protecting the rights of

privacy of students and their families in connection with surveys or data-gathering activities, would apply to PIRCs. All of these protections would be continued from current law.

Section 2423(i) would authorize the appropriation of such sums as may be necessary for fiscal years 2001 through 2005 to carry out the PIRC program.

*Section 2424, Eisenhower Regional Mathematics and Science Education Consortia.* Section 2424 of the ESEA would authorize the establishment and operation of the Eisenhower Regional Mathematics and Science Education Consortia. The Eisenhower Consortia are currently authorized under Part C of Title XIII of the ESEA. In addition to updating current law to eliminate outdated or unnecessary provisions and making structural changes, section 2424 would eliminate some of the current authorized uses of funds for the Eisenhower Consortia in order to focus the uses of funds more closely on the program's core purposes. Section 2424 would also authorize the appropriation of such sums as may be necessary for fiscal years 2001 through 2005 to carry out the Eisenhower Consortia.

#### *Subpart 3—Technology-based technical assistance information dissemination*

*Section 2431, Web-based and other information dissemination.* Section 2431 of the ESEA would authorize the Secretary to carry out, through grants, contracts, or cooperative agreements, a national system, through the Worldwide Web and other advanced telecommunications technologies, that supports interactive information sharing and dissemination about ways to improve educational practices throughout the Nation. In designing and implementing this proposed information dissemination system, the Secretary would be required to create opportunities for the continuing input of students, teachers, administrators, and other individuals who participate in, or may be affected by, the Nation's educational system.

The proposed new information dissemination would include information on: (1) stimulating instructional materials that are aligned with challenging content standards; and (2) successful and innovative practices in instruction, professional development, challenging academic content and student performance standards, assessments, effective school management, and such other areas as the Secretary determines are appropriate.

Under section 2431(a)(3)(A), the Secretary could require the technical assistance providers funded under proposed Part D of Title II of the ESEA (as amended by Title III of the bill), or the educational laboratories and clearinghouses of the Educational Resources Information Center supported under the Educational Research, Development, Dissemination, and Improvement Act, to: (1) provide information (including information on practices employed in the regions or States served by the providers) for use in the proposed information dissemination system; (2) coordinate their activities in order to ensure a unified system of technical assistance; or (3) otherwise participate in the proposed information dissemination system. Under section 2431(a)(3)(B), the Secretary would be required to ensure that these dissemination activities are integrated with, and do not duplicate, the dissemination activities of the Office of Educational Research and Improvement (OERI), and that the public has access, through this system, to the latest research, statistics, and other information supported by, or available from, OERI.

Section 2431(b) would authorize the Secretary to carry out additional activities, using advanced telecommunications technologies where appropriate, to assist LEAs,

SEAs, tribes, and other ESEA recipients in meeting the requirements of the Government Performance and Results Act of 1993. This assistance could include information on measuring and benchmarking program performance and student outcomes.

Section 2432 would authorize the appropriate of such sums as may be necessary for fiscal years 2001 through 2005 to carry out Subpart 3.

#### *Subpart 4—National evaluation activities*

**Section 2441. national evaluation activities.** Section 2441 of the ESEA would require the Secretary to conduct, directly or through grants, contracts, or cooperative agreements, such activities as the Secretary determines necessary to: (1) determine what constitutes effective technical assistance; (2) evaluate the effectiveness of the technical assistance and dissemination programs authorized by, or assisted under, Part E of Title II of the ESEA, and the educational laboratories, and clearinghouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act, (notwithstanding any other provision of such Act); and (3) increase the effectiveness of those programs.

#### TITLE III—TECHNOLOGY FOR EDUCATION

**Section 301. Short Title.** Section 301 of the bill would amend section 3101 of the ESEA to change the short title for Title III of the ESEA to the "Technology For Education Act."

**Section 302. Findings.** Section 302 of the bill would update the findings in section 3111 of the ESEA to reflect progress that has been made in achieving the four national technology goals and identify those areas in which progress still needs to be made.

**Section 303. Statement of Purpose.** Section 303 of the bill would amend section 3112 of the ESEA to better align the purposes of Title III of the ESEA to the national technology goals and the Department's goals for the use of educational technology to improve teaching and learning. The purposes for this title are to: (1) help provide all classrooms with access to educational technology through support for the acquisition of advanced multimedia computers, Internet connections, and other technologies; (2) help ensure access to, and effective use of, educational technology in all classrooms through the provision of sustained and intensive, high-quality professional development that improves teachers' capability to integrate educational technology effectively into their classrooms by actively engaging students and teachers in the use of technology; (3) help improve the capability of teachers to design and construct new learning experiences using technology, and actively engage students in that design and construction; (4) support efforts by SEAs and LEAs to create learning environments designed to prepare students to achieve to challenging State academic content and performance standards through the use of research-based teaching practices and advanced technologies; (5) support technical assistance to State educational agencies, local educational agencies, and communities to help them use technology-based resources and information systems to support school reform and meet the needs of students and teachers; (6) support the development of applications that make use of such technologies as advanced telecommunications, hand-held devices, web-based learning resources, distance learning networks, and modeling and simulation software; (7) support Federal partnerships with business and industry to realize more rapidly the potential of digital communications to expand the scope of, and opportunities for, learning; (8) support evaluation and research

on the effective use of technology in preparing all students to achieve to challenging State academic content and performance standards, and the impact of technology and performance standards, and the impact of technology on teaching and learning; (9) provide national leadership to stimulate and coordinate public and private efforts, at the national, State and local levels, that support the development and integration of advanced technologies and applications to improve school planning and classroom instruction; (10) support the development, or redesign, of teacher preparation programs to enable prospective teachers to integrate the use of technology in teaching and learning; (11) increase the capacity of State and local educational agencies to improve student achievement, particularly that of students in high-poverty, low-performing schools; (12) promote the formation of partnerships and consortia to stimulate the development of, and new uses for, technology in teaching and learning; (13) support the creation or expansion of community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and (14) help to ensure that technology is accessible to, and usable by, all students, particularly students with disabilities or limited English proficiency.

**Section 304. Prohibition Against Supplanting.** Section 304 of the bill would repeal section 3113 of the ESEA, which currently contains the definitions applicable to Title III of the ESEA. Definitions would instead be placed in the part of the title to which they apply. In its place, section 304 of the bill would add a new section 3113 to the ESEA that would require a recipient of funds awarded under this title to use that award only to supplement the amount of funds or resources that would, in the absence of such Federal funds, be made available from non-Federal sources for the purposes of the programs authorized under Title III of the ESEA, and not to supplant those non-Federal funds or resources.

#### *Part A—Federal leadership and national activities*

**Section 311. Structure of Part.** Section 311 of the bill would make technical changes to Title III of the ESEA to eliminate the current structure of Part A of Title III of the ESEA and add a new heading for Part A, Federal Leadership and National Activities. This section also would repeal the current Product Development program, which has never received funding.

**Section 312. National Long-Range Technology Plan.** Section 312 of the bill would amend section 3121 of the ESEA, which currently requires the Secretary to publish a national long-range technology plan within one year of the enactment of the Improving America's School Act of 1994. Instead, section 312(1) of the bill would amend section 3121(a) of the ESEA to require the Secretary to update the national long-range technology plan within one year of the enactment of the bill and to broadly disseminate the updated plan.

Section 312(2) of the bill would amend section 3121(c) of the ESEA, which establishes the requirements for the national long-range technology plan, by adding the requirements that the plan describe how the Secretary will: promote the full integration of technology into learning, including the creation of new instructional opportunities through access to challenging courses and information that would otherwise not have been available, and independent learning opportunities for students through technology; encourage the creation of opportunities for teachers to develop, through the use of technology, their own networks and resources for

sustained and intensive, high-quality professional development; and encourage the commercial development of effective, high-quality, cost-competitive educational technology and software.

**Section 313. Federal Leadership.** Section 313 of the bill would amend section 3122 of the ESEA, which authorizes a program of Federal leadership in promoting the use of technology in education. Section 313(1) of the bill would amend 3122(a) of the ESEA by eliminating a reference to the United States National Commission on Libraries and Information Systems, and replacing it with the White House Office of Science and Technology Policy, on the list of agencies with which the Secretary consults under this program.

Section 313(2) of the bill would amend section 3122(b)(1) of the ESEA by removing the reference to the Goals 2000: Educate America Act, which would be repealed by another section of this bill. The National Education Goals would be renamed America's Education Goals and added to the ESEA by section 2 of the bill.

Section 313(3) of the bill would amend current 3122(c) of the ESEA by eliminating the authority for the Secretary to undertake activities designed to facilitate maximum interoperability of educational technologies. Instead, the Secretary would be authorized to develop a national repository of information on the effective uses of educational technology, including its use of sustained and intensive, high-quality professional development, and the dissemination of that information nationwide.

**Section 314. Repeals; Redesignations; Authorization of Appropriations.** Section 314 of the bill would repeal sections 3114 (Authorization of Appropriations), 3115 (Limitation on Costs), and 3123 (Study, Evaluation, and Report of Funding Alternatives) of the ESEA. As amended by the bill, an authorization of appropriations section would be included in the part of Title III of the ESEA to which it applies. These changes would also eliminate the current statutory provision that requires that funds be used for a discretionary grant program when appropriations for current Part A of Title III of the ESEA are less than \$75 million, and for a State formula grant program when the appropriation exceeds that amount. This provision must currently be overridden in appropriation language each year in order to operate both the Technology Literacy Challenge Fund and the Technology Innovation Challenge Grants program.

Section 314(b) of the bill would redesignate several sections of the ESEA, and would add new sections 3101 and 3104 of the ESEA. Proposed new section 3101 of the ESEA ("National Evaluation of Education Technology") would require the Secretary to develop and carry out a strategy for an ongoing evaluation of existing and anticipated future uses of educational technology. This national evaluation strategy would be designed to better inform the Federal role in supporting the use of educational technology, in stimulating reform and innovation in teaching and learning with technology, and in advancing the development of more advanced and new types and applications of such technology. As part of this evaluation strategy, the Secretary would be authorized to: conduct long-term controlled studies on the effectiveness of the uses of educational technology; convene panels of experts to identify uses of educational technology that hold the greatest promise for improving teaching and learning, assist the Secretary with the review and assessment of the progress and effectiveness of projects that are funded under this title, and identify barriers to the commercial development of effective, high-quality, cost-competitive educational technology

and software; conduct evaluations and applied research studies that examine how students learn using educational technology, whether singly or in groups, and across age groups, student populations (including students with special needs, such as students with limited English proficiency and students with disabilities) and settings, and the characteristics of classrooms and other educational settings that use educational technology effectively; collaborate with other Federal agencies that support research on, and evaluation of, the use of network technology in educational settings; and carry out such other activities as the Secretary determines appropriate. The Secretary would be authorized to use up to 4 percent of the funds appropriated to carry out Title III of the ESEA for any fiscal year to carry out national evaluation strategy in that year.

Proposed new section 3104 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out the national evaluation strategy, national plan, and Federal Leadership activities for fiscal years 2001 through 2005.

#### *PART B—Special projects*

*Section 321. Repeals; Redesignations; New Part.* Section 321 of the bill would make several structural and conforming changes to Title III of the ESEA. Section 321(a) of the bill would repeal Part B, the Star Schools Program, and Part E, the Elementary Mathematics and Science Equipment Program. Section 321(b) of the bill would redesignate current Part C of Title III of the ESEA, Ready-To-Learn Television, as Subpart 2 of Part B of Title III of the ESEA, and redesignate current Part D of Title III of the ESEA, Telecommunications Demonstration Project for Mathematics as Subpart 3 of Part B of Title III of the ESEA.

Section 321(d) of the bill would add a new Subpart 1, Next-Generation Technology Innovation Awards, to Part B of Title III of the ESEA.

Proposed new section 3211 of the ESEA ("Purpose; Program Authority") would state, in subsection (a), that it is the purpose of the program to: (1) expand the knowledge base about the use of the next generation of advanced computers and telecommunications in delivering new applications for teaching and learning; (2) address questions of national significance about the next generation of technology and its use to improve teaching and learning; and (3) develop, for wide-scale adoption by SEAs and LEAs, models of innovative and effective applications in teaching and learning of technology, such as high-quality video, voice recognition devices, modeling and simulation software (particularly web-based software and intelligent tutoring), hand-held devices, and virtual reality and wireless technologies, that are aligned with challenging State academic content and performance standards. These purposes would focus the projects funded under this proposed new subpart on developing "cutting edge" applications of educational technology.

Proposed new section 3211(b) of the ESEA would authorize the Secretary, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants. Proposed new section 3211(c) of the bill would state that those awards could be made for a period of not more than five years.

Proposed new section 3212 of the ESEA ("Eligibility") would specify the eligibility and application requirements for the proposed new program. Under proposed new section 3212(a) of the ESEA, in order to be eligible to receive an award an applicant would have to be a consortium that includes: (1) at

least one SEA or LEA; and (2) at least one institution of higher education, for-profit business, museum, library, other public or private entity with a particular expertise that would assist in carrying out the purposes of the proposed new subpart.

Under proposed new section 3212(b) of the ESEA, applicants would be required to provide a description of the proposed project and how it would carry out the purposes of the program, and a detailed plan for the independent evaluation of the program, which must include benchmarks to monitor progress toward the specific project objectives.

Proposed new section 3212(c) of the ESEA would allow the Secretary, when making awards, to set one or more priorities. Priorities could be provided for: (1) applications from consortia that consist of particular types of the members described in proposed new section 3212(a) of the ESEA; (2) projects that develop innovative models of effective use of educational technology, including the development of distance learning networks, software (including software deliverable through the Internet), and online-learning resources; (3) projects serving more than one State and involving large-scale innovations in the use of technology in education; (4) projects that develop innovative models that serve traditionally underserved populations, including low-income students, students with disabilities, and students with limited English proficiency; (5) projects in which applicants provide substantial financial and other resources to achieve the goals of the project; and (6) projects that develop innovative models for using electronic networks to provide challenging courses, such as Advanced Placement courses.

Proposed new section 3213 of the ESEA ("Uses of Funds") would require award recipients to use their program funds to develop new applications of educational technologies and telecommunications to support school reform efforts, such as wireless and web-based telecommunications, hand-held devices, web-based learning resources, distributed learning environments (including distance learning networks), and the development of educational software and other applications. In addition, recipients would also be required to use program funds to carry out activities consistent with the purposes of the proposed new subpart, such as: (1) developing innovative models for improving teachers' ability to integrate technology effectively into course curriculum, through sustained and intensive, high-quality professional development; (2) developing high-quality, standards-based, digital content, including multimedia software, digital video, and web-based resources; (3) using telecommunications, and other technologies, to make programs accessible to students with special needs (such as low-income students, students with disabilities, students in remote areas, and students with limited English proficiency) through such activities as using technology to support mentoring; (4) providing classroom and extracurricular opportunities for female students to explore the different uses of technology; (5) promoting school-family partnerships, which may include services for adults and families, particularly parent education programs that provide parents with training, information, and support on how to help their children achieve to high academic standards; (6) acquiring connectivity linkages, resources, distance learning networks, and services, including hardware and software, as needed to accomplish the goals of the project; and (7) collaborating with other Department of Education and Federal information technology research and development programs.

Proposed new section 3214 of the ESEA ("Evaluation") would authorize the Sec-

retary to: (1) develop tools and provide resources for recipients of funds under the proposed new subpart to evaluate their activities; (2) provide technical assistance to assist recipients in evaluating their projects; (3) conduct independent evaluations of the activities assisted under the proposed new subpart; and (4) disseminate findings and methodologies from evaluations assisted under the proposed new subpart, or other information obtained from such projects that would promote the design and implementation of effective models for evaluating the impact of educational technology on teaching and learning. This evaluation authority would enable the Department to provide projects with tools for evaluation and disseminate the findings from the individual project evaluations.

Proposed new section 3215 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out this part of fiscal years 2001 through 2005.

*Section 322. Ready To Learn Digital Television.* Section 322 of the bill would amend the subpart heading for Subpart 2 of Part B of Title III of the ESEA (as redesignated by section 321(b) of the bill) to reflect advances in technology by replacing the reference to "television" with a reference to "digital television."

In addition, section 322 of the bill would amend the provisions of this subpart to reflect the redesignations made by section 321(c) of the bill, and to authorize the appropriation of such sums as may be necessary to carry out this subpart for fiscal years 2001 through 2005.

*Section 323. Telecommunications Program for Professional Development in the Core Content Areas.* Section 323(a) of the bill would amend the heading for Subpart 3 of Part B of Title III (as redesignated by section 321(b) of the bill) from the current "Telecommunications Demonstration Project for Mathematics" to "Telecommunications Program for Professional Development in the Core Content Areas."

Section 323(b) of the bill would amend section 3231 of the ESEA (as redesignated by section 321(c) of the bill), which currently states the purpose of this part as carrying out a national telecommunications-based demonstration project to improve the teaching of mathematics and to assist elementary and secondary school teachers in preparing all students for achieving State content standards. As amended by section 323(b) of the bill, this program would no longer be only a demonstration project, and its purposes would be expanded to assist elementary and secondary school teachers in preparing all students to achieve to challenging State academic content and performance standards through a national telecommunications-based program to improve teaching in all core content areas, not just mathematics.

Section 323(c) of the bill would amend the application requirements in section 3232 of the ESEA (as redesignated by section 321(c) of the bill) to eliminate references to the program as a demonstration project, update the references to technology, expand the types of entities with which recipients would be required to coordinate their efforts, and make conforming changes.

Section 323(d) of the bill would amend section 3233 of the ESEA (as redesignated by section 321(c) of the bill) to authorize the appropriation of such sums as may be necessary to carry out this subpart for fiscal years 2001 through 2005.

*Section 324. Community Technology Centers.* Section 324 of the bill would add a new Subpart 4, Community Technology Centers, to Part B of Title III of the ESEA.

Proposed new section 3241 of the ESEA ("Purpose; Program Authority") would state, in subsection (a), that the purpose of this proposed new subpart is to assist eligible applicants to create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training and provide technical assistance and support to community technology centers.

Proposed new section 3241(b) of the ESEA would authorize the Secretary, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants to carry out the purposes of the proposed new subpart. The Secretary could make these awards for a period of not more than three years.

Proposed new section 3242 of the ESEA ("Eligibility and Application Requirements") would set out the eligibility and application requirements for the proposed new subpart. Under proposed new section 3242(a) of the ESEA, to be eligible an applicant must: (1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and (2) be an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organizations, community-based organization, an institution of higher education, an SEA, and LEA, or a consortium of these entities.

Under the application requirements in proposed new section 3242(b) of the ESEA, an applicant would be required to submit an application to the Secretary at such time, and containing such information, as the Secretary may require, and that application must include: (1) a description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community; (2) a demonstration of the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project, and the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community; (3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and (4) a plan for the evaluation of the program, including benchmarks to monitor progress toward specific project objectives.

Under proposed new section 3242(c) of the ESEA, the Federal share of the cost of any project funded under the proposed new subpart could not exceed 50 percent, and the non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

Proposed new section 3243 of the ESEA ("Uses of Funds") would describe the required and permissible uses of funds awarded under the proposed new subpart. Under proposed new section 3243(a) of the ESEA, a recipient would be required to use these funds for creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities, and evaluating the effectiveness of the project.

Under proposed new section 3243(b) of the ESEA, a recipient could use funds awarded

under the proposed new subpart for activities that it described in its application that carry out the purposes of this subpart such as: (1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships; (2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and (3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development job preparation activities.

Proposed new section 3244 of the Act ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out the proposed new subpart for each of the fiscal years 2001 through 2005.

#### *Part C—Preparing tomorrow's teachers to use technology*

**Section 331. New Part.** Section 331 of the bill would amend Title III of the ESEA by adding a new Part C, Preparing Tomorrow's Teachers To Use Technology.

Proposed new section 3301 of the ESEA ("Purpose; Program Authority") would state, in subsection (a), that the purpose of the proposed new part is to assist consortia of public and private entities in carrying out programs that prepare prospective teachers to use advanced technology to foster learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards.

Proposed new section 3301(b) of the ESEA would authorize the Secretary, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist them in developing or redesigning teacher preparation programs to enable prospective teachers to use technology effectively in their classrooms. The Secretary could make these awards for a period of not more than five years.

Proposed new section 3302 of the ESEA ("Eligibility") would detail the eligibility, application, and matching requirements for the proposed new part. To be eligible under proposed new section 3302(a), an applicant must be a consortium that includes at least one institution of higher education that offers a baccalaureate degree and prepares teachers for their initial entry into teaching, and at least one SEA or LEA. In addition, each consortium must include at least one of the following entities: an institution of higher education (other than the institution described above); a school or department of education at an institution of higher education; a school or college of arts and sciences at an institution of higher education; a private elementary or secondary school; or a professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity with the capacity to contribute to the technology-related reform of teacher preparation programs.

The application requirements in proposed new section 3302(b) of the ESEA would require an applicant to submit an application to the Secretary at such time, and containing such information, as the Secretary may require, and that application would be required to include: a description of the proposed project, including how the project would ensure that individuals participating in the project would be prepared to use technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and

student performance standards; a demonstration of the commitment, including the financial commitment, of each of the members of the consortium to the proposed project; a demonstration of the active support of the leadership of each member of the consortium for the proposed project; a description of how each member of the consortium would be included in project activities; a description of how the proposed project would be sustained once the Federal funds awarded under this part end; and a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

Proposed new section 3302(c)(1) of the ESEA would limit the Federal share of any project funded under this part to no more than 50 percent of the cost of the project. The non-Federal share may be in cash or in kind, except as required under proposed new section 3302(c)(2) of the ESEA, which would limit, to not more than 10 percent of the funds awarded for a project under this part, the amount that may be used to acquire equipment, networking capabilities or infrastructure, and would require that the non-Federal share of the cost of any such acquisition be in cash.

Proposed new section 3303 of the ESEA ("Uses of Funds") would establish the required and permissible uses of funds awarded under the proposed new part. Under proposed new section 3303(a) of the ESEA, recipients would be required to: create programs that enable prospective teachers to use advanced technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards; and evaluate the effectiveness of the project.

Under proposed new section 3303(b), recipients would be permitted to use funds for activities such as: developing and implementing high-quality teacher preparation programs that enable educators to learn the full range of resources that can be accessed through the use of technology, integrate a variety of technologies into the classroom in order to expand students' knowledge, evaluate educational technologies and their potential for use in instruction, and help students develop their own digital learning environments; developing alternative teacher development paths that provide elementary and secondary schools with well-prepared, technology-proficient educators; developing performance-based standards and aligned assessments to measure the capacity of prospective teachers to use technology effectively in their classrooms; providing technical assistance to other teacher preparation programs; developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms; and acquiring equipment, networking capabilities, and infrastructure to carry out the project.

Proposed new section 3304 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out the proposed new part for each of the fiscal years 2001 through 2005.

#### *Part D—Regional, State, and local educational technology resources*

**Section 341. Repeal; New Part.** Section 341 of the bill would add a new Part D, Regional, State, and Local Educational Technology Resources, to Title III of the ESEA that would consist of two subparts: Subpart 1, the Technology Literacy Challenge Fund (TLCF), and Subpart 2, Regional Technology in Education Consortia (RTECs).

Proposed new section 3411 of the ESEA ("Purpose") would state that it is the purpose of the TLCF to increase the capacity of

SEAs and LEAs to improve student achievement, particularly that of students in high-poverty, low-performing schools, by supporting State and local efforts to: (1) make effective use of new technologies and technology applications, networks, and electronic resources; (2) utilize research-based teaching practices that are linked to advanced technologies; and (3) promote sustained and intensive, high-quality professional development that increases teacher capacity to create improved learning environments through the integration of educational technology into instruction. These purposes would focus program efforts on activities that have been proven to improve teaching and learning.

**Section 342. Allotment and Reallotment.** Section 342 of the bill would amend section 3131(a)(2) of the ESEA, which pertains to the allotment and reallotment of TLECF funds. First, for purposes of section 3131 of the ESEA, "State educational agency" would be defined to include the Bureau of Indian Affairs (BIA). This change is necessary because the current definition is in section 3113 of the ESEA, which is proposed for repeal in section 3004 of the bill.

Next, section 342 of the bill would amend section 3131(a)(2) of the ESEA by modifying the minimum TLECF State grant amount in two ways. First, the minimum amount would be the lesser of one-half of one percent of the appropriations for TLECF for a fiscal year, or \$2,250,000. Second, the new minimum amount would apply in the aggregate to the amount received by the Outlying Areas. Currently, this aggregate minimum amount for the Outlying Areas is accomplished through appropriations language each year.

**Section 343. Technology Literacy Challenge Fund.** Section 343 of the bill would amend current 3132(a)(2) of the ESEA to require an SEA to award not less than 95 percent of its allocation to eligible local applicants (from which up to 2 percent of its total allocation could be used for planning subgrants to LEAs that need assistance in developing local technology plans). An SEA could use the remainder of its allocation for administrative costs and technical assistance. This change is necessary because section 314 of the bill would repeal current 3115 of the ESEA, which limited the amount of any grant that could be used for administrative expenses.

Section 343 of the bill would also require an SEA to provide a priority for eligible local applicants that are partnerships. ("Eligible local applicant" is defined in proposed new section 3417 of the ESEA, as added by section 348 of the bill.)

Section 343(3) of the bill would amend 3132(b)(2) of the ESEA, which currently requires SEAs to provide technical assistance in developing applications for program funds to LEAs with high concentrations of poor children and a demonstrated need for such assistance. In addition to this requirement, the amended section 3132(b)(2) of the ESEA would also require that an SEA provide an eligible local applicant with assistance in forming partnerships to apply for program funds and developing performance indicators.

**Section 344. State Application.** Section 344 of the bill would completely revise the application requirements for the State formula grant program in section 3133 of the ESEA. As revised, section 3133 of the ESEA would require an SEA to: (1) provide a new or updated State technology plan that is aligned with the State plan or policies for comprehensive standards-based education reform; (2) describe how it will meet the national technology goals; (3) describe its long-term strategies for financing educational technology, including how it would use other

Federal and non-Federal funds, including E-Rate funds; (4) describe and explain its criteria for identifying an LEA as high-poverty and having a substantial need for technology; (5) describe its goals for using educational technology to improve student achievement; (6) establish performance indicators for each of its goals described in the plan, baseline performance data for the indicators, a timeline for achieving the goals, and interim measures of success toward achieving the goals; (7) describe how it would ensure that grants awarded under this subpart are of sufficient size, scope, and quality to meet the purposes of this subpart effectively; (8) describe how it would provide technical assistance to eligible local applicants and its capacity for providing that assistance; (9) how it would ensure that educational technology is accessible to, and usable by, all students, including students with special needs, such as students who have disabilities or limited English proficiency; and (10) how it would evaluate its activities under the plan. The application requirements would better align the information required from States with the purposes for the program.

**Section 345. Local Uses of Funds.** Section 345 of the bill would amend section 3134 of the ESEA, which describes the local uses of funds under the TLECF. These local uses of funds would be: adapting or expanding existing and new applications of technology; providing sustained and intensive, high-quality professional development in the integration of advanced technologies into curriculum; enabling teachers to use the Internet to communicate with other teachers and to retrieve web-based learning resources; using technology to collect, manage, and analyze data for school improvement; acquiring advanced technologies with classroom applications; acquiring wiring and access to advanced telecommunications; using web-based learning resources, including those that provide access to challenging courses such as Advanced Placement courses; and assisting schools to use technology to promote parent and family involvement, and support communications between family and school.

**Section 346. Local Applications.** Section 346 of the bill would amend section 3135 of the ESEA to make an "eligible local applicant," rather than an LEA, the entity eligible to apply for TLECF subgrants. This change is aligned with the proposed change to target program funds to LEAs with large numbers or percentages of poor children and a demonstrated need for technology, or a consortium that includes such an LEA. Eligible local applicants that are partnerships would also be required to describe the membership of the partnership, their respective roles, and their respective contributions to improving the capacity of the LEA.

In addition to making several updating and conforming changes, section 346 of the bill would also amend section 3135 of the ESEA regarding what must be included in the subgrant application. An applicant would be required to describe how the applicant would use its funds to improve student achievement by making effective use of new technologies, networks, and electronic learning resources, using research-based teaching practices that are linked to advanced technologies, and promoting sustained and intensive, high-quality professional development. This requirement would focus local efforts on activities that have demonstrated the greatest potential for improving teaching and learning.

In addition, an applicant would also be required to describe: its goals for educational technology, as well as timelines, benchmarks, and indicators of success for achieving the goals; its plan for ensuring that all

teachers are prepared to use technology to create improved classroom learning environments; the administrative and technical support it would provide to schools; its plan for financing its local technology plan; how it would use technology to promote communication between teachers; how it would use technology to meet the needs of students with special needs, such as students with disabilities or limited English proficiency; how it will involve parents, public libraries, and business and community leaders in the development of the local technology plan; and if the applicant is a partnership, the members of the partnership and their respective roles and contributions.

Finally, an applicant would be required to provide an assurance that, before using any funds received under this subpart for acquiring wiring or advanced telecommunications, it would use all the resources available to it through the E-Rate. This would ensure that districts were using their E-Rate funds, which have more limited uses than TLECF funds, for wiring and telecommunications fees before using TLECF funds for those purposes.

**Section 347. Repeals; Conforming Changes; Redesignations.** Section 347 of the bill would repeal current sections 3136 and 3137 of the ESEA. Section 3136 of the ESEA currently authorizes the National Challenge Grants for Technology in Education, and its purposes would be accomplished under the Next-Generation Technology Innovation Awards program proposed as the new Subpart 1 of Part C of Title III of the ESEA. Section 3137 of the ESEA contains now outdated evaluation requirements. Section 347 of the bill would also make several conforming changes to, and redesignations of, provisions in Title III of the ESEA.

**Section 348. Definitions; Authorization of Appropriations.** Section 348 of the bill would add two new sections to Title III of the ESEA. Proposed new section 3417 of the ESEA ("Definitions") would define "eligible local applicant" and "low-performing school." The definitions would be included to better target funds on high-poverty schools with the greatest need for educational technology.

An "eligible local applicant" would be defined as: (1) an LEA with high numbers or percentages of children from households living in poverty, that includes one or more low-performing schools, and has a substantial need for educational technology; or (2) a partnership that includes at least one LEA that meets those requirements and at least one LEA that can demonstrate that teachers in schools served by that agency are using technology effectively in their classrooms; institution of higher education; for-profit organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology; or public or private non-profit organization with demonstrated experience in the application of educational technology.

A "low-performing school" would be defined as a school identified for school improvement under section 1116(c) of the ESEA, or in which a substantial majority of students fail to meet State performance standards.

Proposed new section 3418 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out this subpart for fiscal years 2001 through 2005.

**Section 349. Regional Technology in Education Consortia.** Section 349(a) of the bill would add a new subpart heading and designation, Subpart 2, Regional Technology in Education Consortia (RTECs), to Part B of Title III of the ESEA. This proposed new subpart is based on current section 3141 of



the ESEA, as amended by this section of the bill.

Section 349(b) of the bill would amend section 3141 of the bill in several ways. First, section 349(b)(1) of the bill would amend section 3141(a) of the ESEA to authorize the Secretary to enter into contracts and cooperative agreements, in addition to the Secretary's current authority to award grants, to carry out the purposes of the proposed new subpart. In addition, the priority for various regional entities would be eliminated, although the Secretary would still be required to ensure, to the extent possible, that each geographic region of the United States is served by a project funded under this program.

Section 349(b)(1)(C) of the bill would add a new section 3141(a)(2)(B) of the ESEA that would require the RTECs to meet the generous provisions relating to technical assistance providers contained in proposed new section 2421 of the ESEA. Section 349(b) of the bill would also make several conforming changes and update the references in section 3141 of the ESEA, including updating provisions to reflect recent advances in technology.

Section 349(b)(2)(B)(ii) of the bill would amend section 3141(b)(2)(A) of the ESEA, which currently requires RTECs, to the extent possible, to develop and implement technology-specific, ongoing professional development. Section 349(b)(2)(B)(ii) of the bill would revise that requirement to require the consortia to develop and implement sustained and intensive, high-quality professional development that prepares educators to be effective developers, users, and evaluators of educational technology. As amended, this section of the ESEA also would require that the professional development is to be provided to teachers, administrators, school librarians, and other education personnel.

Section 349(b)(2)(B)(iv) of the bill would amend section 3141(b)(2)(F) of the ESEA, which currently requires the RTECs to assist colleges and universities to develop and implement preservice training programs for students enrolled in teacher education programs. As amended, this provision would require the RTECs to coordinate their activities in this area with other programs supported under Title III of the ESEA. This coordination is particularly important with respect to the Preparing Tomorrow's Teachers To Use Technology program (proposed new part C of Title III of the ESEA, as added by section 331 of the bill).

Section 349(b)(2)(B)(v)(I) of the bill would amend 3141(b)(2)(G) of the ESEA, which currently requires the RTECs to work with local districts and schools to develop support from parents and community members for educational technology programs. The amendments made by section 349(b)(2)(B)(v) of the bill would require the RTECs to work with districts and schools to increase the involvement and support of parents and community members for educational technology programs.

Section 349(b)(2)(C)(iv) of the bill would amend section 3141(b)(3) of the ESEA by eliminating the requirement that the RTECs coordinate their activities with organizations and institutions of higher education that represent the interests of the region served as such interests pertain to the application of technology in teaching, learning, and other activities.

Section 349(b)(2)(C)(vi) of the bill would amend section 3141(b)(3) of the ESEA by adding a new requirement that each RTEC maintain, or contribute to, a national repository of information on the effective uses of educational technology, including for professional development, and to disseminate the information nationwide.

Section 349(b)(2)(D) would revise section 3141(b)(4) of the ESEA, which requires the RTECs to coordinate their activities with appropriate entities. As revised, section 3141(b)(4) of the ESEA would require each consortium to: (1) collaborate, and coordinate the services that it provides, with appropriate regional and other entities assisted in whole or in part by the Department; (2) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region regarding the application of technology to teaching, learning, instructional management, dissemination, the collection and distribution of educational statistics, and the transfer of student information; and (3) collaborate with the Department and recipients of funding under other technology programs of the Department, particularly the Technology Literacy Challenge Fund and the Next-Generation Technology Innovation Grant Program (as added by sections 343 and 341(d) of the bill, respectively), to assist the Department and those recipients as requested by the Secretary.

Finally, section 349(c) of the bill would redesignate section 3141 of the ESEA as section 3421 of the ESEA, and section 349(d) of the bill would amend Title III of the ESEA by inserting proposed new section 3422 of the ESEA ("Authorization of Appropriations"), which would authorize the appropriation of such sums as may be necessary for this subpart for fiscal years 2001 through 2005.

#### TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT

*Section 401. Safe and Drug Free Schools and Communities.* Section 401 of the bill would amend and restate Title IV of the ESEA, which authorizes assistance to States, LEAs, and other public entities and nonprofit organizations for programs to create and maintain drug-free, safe, and orderly schools, as described below.

Proposed new section 4001 ("Short Title") of the ESEA would rename Title IV of the ESEA as the "Safe and Drug-Free Schools and Communities Act" to update the short title of "Safe and Drug-Free Schools and Communities Act of 1994" in the current law. Proposed new section 4002 ("Findings") of the ESEA would update the findings in section 4002 of the current law to focus on the need for program quality and accountability.

Proposed new section 4003 ("Purpose") of the ESEA would revise the statement of purpose in section 4003 of the current law to reflect the following overarching changes proposed in Title IV of the bill: (1) a more focused program emphasis on supporting activities for creating and maintaining drug-free, safe, and orderly environments for learning in and around schools, as compared to the more current, general emphasis on supporting activities to prevent youth from using drugs and engaging in violent behavior any time, anywhere; (2) improved targeting of resources, through the requirement that SEAs award funds competitively to LEAs with a demonstrated need for funds and the highest quality proposed programming, as compared to the current noncompetitive awarding of funds to all LEAs in the State, based on student enrollment; and (3) stronger coordination between programs funded by the Governors and the SEAs, by requiring that programs funded by the Governors directly complement and support LEA programs, and by requiring Governors and SEAs to reserve funds at the State level for joint capacity-building and technical assistance, and accountability services, to improve the effectiveness of, and institutionalize, State and local Safe and Drug-Free Schools and Communities (SDFSC) programs.

Proposed new section 4004 ("Authorization of Appropriations") of the ESEA would au-

thorize the appropriation of such sums as may be necessary for each of the fiscal years 2001 through 2005 to carry out proposed new Title IV of the ESEA.

#### Part A—State grants for drug and violence prevention programs

Proposed new section 4111 ("Reservations and Allotments") of the ESEA would describe the way in which funds would be distributed under this title. Proposed new section 4111(a) would retain the requirements in the current law for the Secretary to reserve, from each fiscal year's appropriation for SDFSC (Safe and Drug-Free Schools and Communities) State grant funds, 1 percent for the Outlying Areas, 1 percent for programs for Indian youth, and 0.2 percent for programs for Native Hawaiians, and would increase the amount of SDFSC State Grant funds the Secretary may reserve each fiscal year for evaluation to \$2 million (up from \$1 million under the current law) to support more intensive evaluations that are needed to demonstrate program outcomes and effectiveness.

Proposed new section 4111(a)(2)(A)(i) of the ESEA would prohibit the Outlying Areas from consolidating their SDFSC funds with other Department of Education program funds, as would otherwise be permitted under Insular Areas Consolidated Grant Authority in Title V of P.L. 95-134. This language would ensure that the ESEA and Governor of each Outlying Area can coordinate their SDFSC programs as required elsewhere in this part. Without this prohibition, a Governor or SEA may choose to spend its SDFSC funds on other eligible program(s), making it impossible for the Governor and SEA to meet these SDFSC program coordination requirements. This section would, however, permit the Governor of an Outlying Area to consolidate its SDFSC funds with the Area's SDFSC SEA funds, and allow the Outlying Area to administer both SDFSC funding streams under the statutory requirements applicable to SDFSC SEA programs. This provision would address the reduced program flexibility and increased administrative burden the Outlying Areas may experience from the prohibition in proposed new section 4111(a)(2)(i) of the ESEA.

Proposed new section 4111(a)(2) would also: (1) explicitly make applicable to the Outlying Areas the same SDFSC requirements concerning authorized programs and activities, applications for funding, and coordination between the Governor and the SEA that are applicable to the States; (2) explicitly make applicable to the Secretary of the Interior the same SDFSC requirements concerning authorized programs and activities for SDFSC programs for Indian youth that are applicable to the States; and (3) authorize SDFSC programs for Native Hawaiians (which are currently authorized under section 4118 of the ESEA) and explicitly make applicable to these programs the same SDFSC requirements concerning authorized programs and activities that are applicable to the States. This section would also delete the language in section 4118 of the ESEA requiring the Governor of the State of Hawaii to recognize organizations eligible for funding under the SDFSC Native Hawaiian set-aside, and add language requiring that programs funded under this set-aside by coordinated with the Hawaii SEA.

Proposed new section 4111(b) of the ESEA would retain the provisions in current law: (1) requiring the Secretary to allocate State grant funds half on the basis of school-aged population, and half on the basis of State shares of ESEA Title I funding for the preceding year; (2) that no State receive less than one-half of one percent of all State grant funding; (3) permitting the Secretary



to redistribute to other States, on the basis of the formula in section 4111(b)(1), any amount of State grant funds the Secretary determines a State will be unable to use within two year of the initial award; and (4) defining "State" and "local educational agency."

Proposed new section 4112 ("State Applications") of the ESEA would set forth the State grant application procedure for this title. Proposed new section 4112(a) of the ESEA would change the current State grant application requirements to require that the Governor and SEA apply jointly for funds, to ensure increased coordination between the Governor and SEA, consistent with the new program requirements in proposed new sections 4113(b)(4) and 4115(b)(3) of the ESEA.

This jointly submitted application would contain: (1) a description of how SDFSC State grant funds will be coordinated with other Federal education and drug prevention programs; (2) a list of the State's outcome-based performance indicators for drug and violence prevention that are selected from a core set of indicators to be developed by the Secretary in consultation with State and local officials; and (3) a description of the procedures the State will use to inform its LEAs of the State's performance indicators under this program and for assessing and publicly reporting progress toward meeting those indicators (or revising them as needed), and how the procedures the State will use to select LEAs and other entities for SDFSC State grant funding will support the attainment of the State's results-based performance indicators. These changes would address the program that, under current law, many States have weak goals and objectives for their SDFSC programs that are entirely process-oriented and do not tie strategically to the State's needs in this area.

The proposed new State grant application would also contain a description of the procedures the SEA will use for reviewing applications and awarding funds to LEAs competitively, based on need and quality as required by proposed new section 4113(c)(2) of the ESEA, as well as a description of the procedures the SEA will use for reviewing applications and awarding funds to LEAs non-competitively, based on need and quality as permitted by section 4113(c)(3) of the ESEA. These changes constitute a significant departure from current law, under which SEAs award funds to LEAs on the basis of student enrollment and on State-determined "greatest need" criteria.

Under proposed new section 4112(a) of the ESEA, the Governor must include in its SDFSC State grant applications a description of the procedures the Governor will use for reviewing applications and awarding funds to eligible applicants competitively, based on need and quality, as required by section 4115(c) of the ESEA. These changes would significantly strengthen the current law, which does not specify any criteria for how Governors must award their funds under this program.

States would also be required to include in their applications a description of how the SEA and Governor will use the funds reserved under proposed new sections 4113(b) and 4115(b) of the ESEA for coordinated capacity-building, technical assistance, and program accountability services and activities at the State and local levels, including how they will coordinate their activities with law enforcement, health, mental health, and education programs and officials at the State and local levels.

The proposed new State grant application would add a new requirement for States to describe in their applications how the SEA will provide technical assistance to LEAs not receiving SDFSC State grant funds to

improve their programs, consistent with the requirement in proposed new section 4113(b)(4)(B)(ii) that, to the extent practicable SEAs and Governors use a portion of the funds they reserve for State-level activities to provide capacity building and technical assistance and accountability services to all LEAs in the State, including those that do not receive SDFSC State grant funds. Finally, this proposed new section would retain the assurances in current law that: (1) States develop their applications in consultation and coordination with appropriate State officials and representatives of parents, students, and community-based organizations; and (2) States will cooperate with, and assist the Secretary in conducting national impact evaluations of programs required by proposed new section 4117(a).

Proposed new section 4112(b) of the ESEA would retain the language in the current law under section 4112(d) requiring the Secretary to use a peer review process in reviewing SDFSC State grant applications.

Proposed new section ("State and Local Educational Agency Programs") of the ESEA would describe the SEA and LEA programs to be carried out under this part. Proposed new section 4113(a) of the ESEA would retain the requirement in current law that 80 percent of the funds allocated to each State under section 4111(b) of the ESEA be awarded to SEAs for use by the SEAs and LEAs, with minor changes in language conforming with the revised statement of purpose in proposed new section 4003 of the ESEA that the funds be used to carry out programs and activities that are designed to create and maintain drug-free, safe, and orderly learning environments for learning in and around schools.

Proposed new section 4113(b) of the ESEA would depart from the current statute by establishing a new authority requiring SEAs to reserve between 10 percent and 20 percent of their allocations under proposed new section 4113(a) for State-level activities. Under this new authority, SEAs may use the reserved funds to plan, develop, and implement, jointly with the Governor, capacity building and technical assistance and accountability services to support the effective implementation of local drug and violence prevention activities throughout the State and promote program accountability and improvement. Within this 20 percent cap, but in addition to the 10 percent minimum for State-level activities, SEAs may also use up to 5 percent of their funding (i.e., up to 25 percent of the amount they reserve for State-level activities) for program administration. This increased allowance for SEA State administrative costs is provided to accommodate the increased administrative responsibilities of running a State grant competition under proposed new section 4113(c) of the ESEA, and would provide greater assistance to LEAs for program improvement than under the current law.

Proposed new section 4113(b)(4)(A) of the ESEA would require SEAs and Governors to jointly use the amount reserved under sections 4113(b)(3) and 4114(b)(3) to plan, develop, and implement capacity building and technical assistance and accountability services designed to support the effective implementation of local drug and violence prevention activities throughout the State, as well as promote program accountability and prevention.

Proposed new section 4113(b)(4)(B)(i) of the ESEA would add new language to the statute clarifying that the SEA and Governor may carry out the services and activities required under proposed new section 4113(b)(4)(A) directly, or through subgrants or contracts with public and private organizations, as well as individuals.

Proposed new section 4113(b)(4)(B)(ii) of the ESEA would add new language to the statute

requiring that, to the extent practicable, SEAs and Governors use funds under proposed new section 4113(b)(4)(A) to provide capacity building and technical assistance and accountability services and activities to all LEAs in the State, not just those that receive SDFSC State grants, in order to ensure that: (1) LEAs receiving SDFSC funds receive adequate help to implement and institutionalize high-quality programs; and (2) States can provide at least some program assistance to LEAs that will no longer receive SDFSC awards once funding is limited to 50 percent of LEAs in each State under the targeting provisions proposed in new section 4113(c)(2)(D) of the ESEA.

Proposed new section 4113(b)(4)(B)(iii) of the ESEA would permit the SEA and Governor to provide emergency intervention services to schools and communities following a traumatic crisis, such as a shooting or major accident that has disrupted the learning environment.

Proposed new section 4113(b)(4)(C) of the ESEA would add definitions of "capacity building" and "technical assistance and accountability services" to clarify the meaning of these terms in the statute.

Proposed new section 4113(c)(1) of the ESEA would specify that SEAs must use at least 80 percent of their funding for local-level activities, as described in proposed new sections 4113(c)(2) and (3), rather than awarding at least 91 percent of their funding to LEAs as is required under current law.

Proposed new section 4113(c)(2)(A) of the ESEA would require SEAs to use at least 70 percent of their total SDFSC State grant funding for competitive awards to LEAs that the SEA determines have need for assistance, rather than the current law approach of awarding at least 91 percent of their funding to LEAs in the State by formula, based on enrollment (70 percent) and "greatest need" (30 percent).

Proposed new section 4113(c)(2)(B) of the ESEA would make minor wording changes to the nine "need" factors in the current statute, and add three additional factors relating to local fiscal capacity to fund drug and violence prevention programs without Federal assistance; the incidence of drug paraphernalia in schools; and the high rates of drug-related emergencies or deaths.

Proposed new section 4113(c)(2)(C) of the ESEA would depart from the current statute to require SEAs to base their competition under proposed new section 4113(c)(2)(A) on the quality of an LEA's proposed program and how closely it is aligned with the following principles of effectiveness: (1) the LEA's program is based on a thorough assessment of objective data about the drug and violence problems in the schools and communities to be served; (2) the LEA has established a set of measurable goals and objectives aimed at ensuring that all schools served by the LEA have a drug-free, safe, and orderly learning environment, and has designed its program to meet those goals and objectives; (3) the LEA has designed and will implement its programs for youth based on research or evaluation that provides evidence that the program to be used will prevent or reduce drug use, violence, delinquency, or disruptive behavior among youth; and (4) the LEA will evaluate its program periodically to assess its progress toward achieving its goals and objectives, and will use evaluation results to refine, improve, and strengthen its program, and refine its goals and objectives, as needed.

Proposed new section 4113(c)(2)(D) of the ESEA would require SEAs to make competitive awards under proposed new section 4113(c)(2)(A) to no more than 50 percent of the LEAs in the State, unless the State demonstrates in its application that the SEA can

make subgrants to more than 50 percent of the LEAs in the State and still comply with proposed new subparagraph (E) of this section.

Proposed new section 4113(c)(2)(E) of the ESEA would require SEAs to make their competitive awards to LEAs under proposed new section 4113(c)(2) of sufficient size to support high-quality, effective programs and activities that are designed to create safe, disciplined, and drug-free learning environments in schools and that are consistent with the needs, goals, and objectives identified in the State's plan under proposed new section 4112.

Proposed new section 4113(c)(3)(A) of the ESEA would depart from the current statute to permit SEAs to use up to 10 percent of their total SDFSC State grant funding for non-competitive awards to LEAs with the greatest need for assistance, as described in proposed new section 4113(c)(2)(B), that did not receive a competitive award under section 4113(c)(2)(A). LEAs would be eligible to receive only one subgrant under this paragraph.

Proposed new section 4113(c)(3)(B) of the ESEA would require, for accountability purposes, that in order for an SEA to make a non-competitive award to an LEA under proposed new section 4113(c)(3)(A), the SEA must assist the LEA in meeting the information requirements under proposed new section 4116(a) of the ESEA pertaining to LEA needs assessment, results-based performance measures, comprehensive safe and drug-free schools plan, evaluation plan, and assurances, and provide continuing technical assistance to the LEA to build its capacity to develop and implement high-quality, effective programs consistent with the principles of effectiveness in proposed new section 4113(c)(2)(C)(ii) of the ESEA.

Proposed new section 4113(d) of the ESEA would provide that LEA awards under section 4113(c) be for a project period not to exceed three years, and require that, in order to receive funds for the second or third year of a project, the LEA demonstrate to the satisfaction of the SEA that the LEA's project is making reasonable progress toward its performance indicators under proposed new section 4116(a)(3)(C) of the ESEA. This proposed new section would also make technical changes to the local allocation formula in current law.

Proposed new section 4114 ("Local Drug and Violence Prevention Programs") of the ESEA would describe the local drug and violence prevention services and activities that may be carried out under this title. Proposed new section 4114(a) of the ESEA would require that each LEA that receives SDFSC funding use those funds to support research-based drug and violence prevention services and activities that are consistent with the principles of effectiveness in proposed new section 4113(c)(2)(C)(ii) of the ESEA.

Proposed new section 4114(b) ("Other Authorized Activities") of the ESEA would permit an LEA that receives an SDFSC subgrant to use those funds for activities other than research-based programming, so long as the LEA meets the requirements in proposed new section 4114(a), and those additional activities are carried out in a manner that is consistent with the most recent relevant research and with the purposes of this title. Proposed new section 4114(b)(1) of the ESEA would also include an illustrative list of 13 such activities.

Proposed new section 4114(b)(2) of the ESEA would retain the 20 percent cap on SDFSC subgrant funds that LEAs may spend for the acquisition or use of metal detectors and security personnel, but would permit SEAs to waive this cap for an LEA that demonstrates, to the satisfaction of its SEA, in

its application for funding under proposed new section 4116 of the ESEA, that it has a compelling need to do so.

Proposed new section 4115 ("Governor's Program") of the ESEA would establish the Governor's Program. Proposed new section 4115(a) would retain the requirement in the current law that 20 percent of the funds allocated to each State under proposed new section 4111(b) be awarded to the Governor, but require the Governor to use these funds to support community efforts that directly complement the efforts of LEAs to foster drug-free, safe, and orderly learning environments for learning in and around schools.

Proposed new section 4115(b) of the ESEA would establish a new authority requiring Governors to reserve between 10 percent and 20 percent of their allocations under proposed new section 4115(a) for State-level activities to plan, develop, and implement, jointly with the SEA, capacity building, technical assistance, and accountability services to support the effective implementation of local drug and violence prevention activities throughout the State and promote program accountability and improvement, as described in proposed new section 4113(b)(4) of the ESEA. Within this 20 percent cap, but in addition to the 10 percent minimum for State-level activities, the Governors could use up to 5 percent of their total funding (i.e., up to 25 percent of the amount they reserve for State-level activities) for direct or in direct administrative costs.

Proposed new section 4115(c) of the ESEA would specify that a Governor must use at least 80 percent of SDFSC State grant funding under proposed new section 4111(b) to make competitive subgrants to community-based organizations, LEAs, and other public entities and private non-profit organizations to support community efforts that directly complement the efforts of LEAs to foster drug-free, safe, and orderly learning environments in and around schools. Proposed new section 4115(c)(1)(B) of the ESEA would require that, to be eligible for a subgrant, an applicant (other than a LEA applying on its own behalf) must include in its application its written agreement with one or more LEAs, or one or more schools within an LEA, to provide services and activities in support of these LEAs or schools, as well as an explanation of how those services and activities will complement or support the LEAs' or schools' efforts to provide a drug-free, safe, and orderly school environment. Proposed new section 4115(c)(1)(C) of the ESEA would require a Governor to base the competition for these subgrants on: (1) the quality of the applicant's proposed program and how closely it is aligned with the principles of effectiveness described in section 4113(c)(2)(C)(ii); and (2) on objective criteria, determined by the Governor, on the needs of the schools for LEAs to be served.

Subgrants made by Governors under proposed new section 4115(c) of the ESEA may support community efforts on a Statewide, regional, or local basis and may support the efforts of LEAs and schools that do not receive subgrants. Recipients of these subgrants would use these funds generally to support research-based drug and violence prevention services and activities that are consistent with the principles of effectiveness, and may use subgrant funds for activities other than research-based programming, provided that these additional activities are carried out in a manner that is consistent with the most recent relevant research and with the purposes of this title. Proposed new section 4115(c)(2)(B) of the ESEA also includes an illustrative list of 5 such activities.

Proposed new section 4116 ("Local Applications") of the ESEA would: (1) retain language in the current statute, with minor

technical changes, requiring applicants for subgrants from the SEA to submit an application to the SEA at such time, and include such other information, as the SEA may require; and (2) add a corresponding requirement not in the current statute, requiring applicants for subgrants from the Governor to submit an application to the Governor at such time, and includes such other information, as the Governor may require.

Proposed new section 4116(a)(2)(A) of the ESEA would retain the current law requirement that LEAs applying for SEA subgrants under proposed new section 4113(c)(2), 4113(c)(3), or 4115(c) of the ESEA develop their applications in consultation with a local or regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, public school personnel, mental health service providers, appropriate State agencies, private schools, law enforcement, community-based organizations, and other groups interested in, and knowledgeable about, drug and violence prevention. Proposed new section 4116(a)(2)(B) of the ESEA would add similar consultation requirements for the development of applications by entities other than LEAs seeking subgrants, under the Governor's program authorized by proposed new section 4115(c) of the ESEA.

Proposed new section 4116(a)(3) of the ESEA would: (1) make technical changes to strengthen the current LEA application requirements for the SEA formula grant program by increasing the emphasis on the applicant's need for assistance and the quality of its proposed programming; and (2) make these strengthened requirements applicable to LEAs seeking subgrants under the proposed new competitive subgrant authority in proposed new section 4113(c)(2) of the ESEA, or the non-competitive subgrant authority in proposed new section 4113(c)(3) of the ESEA, as well as to LEAs that apply to Governors under the subgrant authority in proposed new section 4115(c) of the ESEA.

Proposed new section 4116(a)(4) of the ESEA would add a requirement that each LEA (or consortium of LEAs, if applying jointly) that applies to its SEA under the competitive subgrant authority in proposed new section 4113(c)(2) of the ESEA, or the non-competitive subgrant authority in proposed new section 4113(c)(3) of the ESEA, include in its application assurances that it: (1) has a policy, consistent with State law, that requires the expulsion of students who possess a firearm at school consistent with the Gun-Free Schools Act; (2) has, or will have, a full- or part-time program coordination whose primary responsibility is planning, designing, implementing, and evaluating the applicant's programs (unless the applicant demonstrates in its application, to the satisfaction of the SEA, that such a program coordinator is not needed); (3) will evaluate its program every two years to assess its progress toward meeting its goals and objectives, and will use the results of its evaluation to improve its program and refine its goals and objectives, as needed; and (4) has, or the schools to be served have, a comprehensive Safe and Drug-Free Schools plan that includes: (a) appropriate and effective discipline policies that prohibit disorderly conduct, the possession of firearms and other weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students, and that mandates predetermined consequences, sanctions, or interventions for specific offenses; (b) school security procedures at school and while students are on the way to and from school which may include the use of metal detectors and the development and implementation of formal agreements with law enforcement officials; (c) early intervention and

prevention activities of demonstrated effectiveness designed to create and maintain safe, disciplined, and drug-free environments; (d) school readiness and family involvement activities; (e) improvements to classroom management and school environment, such as efforts to reduce class size or improve classroom discipline; (f) procedures to identify and intervene with troubled students, including establishing linkages with, and referring students to, juvenile justice, community mental health, and other service providers; (g) activities that connect students to responsible adults in the community, including activities such as after-school or mentoring programs; and (h) a crisis management plan for responding to violent or traumatic incidents on school grounds which provides for addressing the needs of victims, and communicating with parents, the media, law enforcement officials, and mental health service providers.

Proposed new section 4116(a)(5) of the ESEA would add a requirement that any eligible entity that applies to the Governor for a subgrant under proposed new section 4115(c) include in its application: (1) a description of how the services and activities to be supported will be coordinated with relevant SDFSC State grant programs that are supported by SEAs, including how recipients will share resources, services, and data; (2) a description of how the applicant will coordinate its activities under this part with those implemented under the Drug-Free Communities Act, if any; and (3) an assurance that it will evaluate its program every two years to assess its progress toward meeting its goals and objectives, and will use the results of its evaluation to improve its program and refine its goals and objectives as needed (if the applicant is not an LEA), or the assurances under proposed new section 4116(a)(4) of the ESEA (if the applicant is an LEA.)

Proposed new section 4116(b) of the ESEA would modify the current requirement that Governors use a peer review process in reviewing local applications for SDFSC subgrants, by giving Governors the flexibility to use other methods to ensure that applications under proposed new section 4116 of the ESEA are funded on the basis of need and quality, while requiring SEA to use a peer review process.

Proposed new section 4117 ("National Evaluations and Data Collections") of the ESEA would authorize the Secretary to provide for national evaluations on the quality and impact of programs under this title, make minor technical changes to current law to give the Secretary increased flexibility in meeting the national evaluation and data collection requirements in this section, and add a new requirement for the Secretary and the Attorney General to publish an annual report on school safety.

Proposed new section 4117(b) of the ESEA would make minor technical changes to the current law to refocus the State reports required by this section on the State's progress toward attaining its performance indicators for achieving drug-free, safe, and orderly learning environments in its schools, consistent with the changes proposed throughout proposed new Part A of Title IV of the ESEA. This section would also add a new requirement for States to report, in such form as the Secretary, in consultation with the Secretary of Health and Human Services, may require, all school-related suicides and homicides within the State, whether at school or at a school sponsored function, or on the way to or from school or a school-sponsored function, within 30 days of the incident. This requirement will enable the Federal Government to collect longitudinal data on this statistic more cost-effectively, and will impose little administrative burden on the States.

Proposed new section 4117(c)(1)(A) of the ESEA would make minor technical changes to the current law to refocus the local reports required by this section on the LEA's progress toward attaining its performance indicators for achieving drug-free, safe, and orderly learning environments in its schools, consistent with the changes proposed for the corresponding State reports under proposed new section 4117(a) of the ESEA, would add a new requirement that the LEA include in this report a statement of any problems the LEA has encountered in implementing its program that warrant the provision of technical assistance by the SEA, to assist the SEA in planning its technical assistance activities. These changes would apply to LEAs that receive SDFSC subgrants through their SEA under proposed new sections 4113(c)(2) or 4113(c)(3).

Proposed new section 4117(c)(1)(B) of the ESEA would add a new requirement that SEAs review the annual LEA reports, and terminate funding for the second or third year of an LEA's program unless the SEA determines that the LEA is making reasonable progress toward meeting its objectives.

Proposed new section 4117(c)(2) of the ESEA would add new language to the ESEA requiring that Governors' award recipients under proposed new section 4115(c) of the ESEA submit an annual progress report to the Governor and to the public containing the same type of information required for LEA progress reports under proposed new section 4117(c)(1)(A) of the ESEA. The Governor would be required to review the annual progress reports, and to terminate funding for the second or third year of a subgrantee's program unless the Governor determines that the subgrantee is making reasonable progress toward meeting its objectives.

#### *PART B—National programs*

Proposed new section 4211 ("National Activities") of the ESEA would authorize national programs. Proposed new section 4211(a) of the ESEA would, with only minor changes, authorize the Secretary to use national programs funds for programs to promote drug-free, safe, and orderly learning environments for students at all educational levels, from preschool through the postsecondary level and for programs that promote lifelong physical activity. The Secretary would be authorized to carry out the national programs authorized under proposed new section 4211(a) directly, or through grants, contracts, or cooperative agreements with public and private organizations and individuals, or through agreements with other Federal agencies, and to coordinate with other Federal agencies as appropriate.

Proposed new section 4211(b)(2) of the ESEA would streamline the list of authorized national programs activities to the following examples: (1) one or more centers to provide training and technical assistance for teachers, school administrators and staff, and others on the identification and implementation of effective strategies to promote safe, orderly, and drug-free learning environments; (2) programs to train teachers in innovative techniques and strategies of effective drug and violence prevention; (3) research and demonstration projects to test innovative approaches to drug and violence prevention; (4) evaluations of the effectiveness of programs funded under this title, and of other programs designed to create safe, disciplined, and drug-free environments; (5) direct services and technical assistance to schools and schools systems, including those afflicted with especially severe drug and violence problems; (6) developing and disseminating drug and violence prevention materials and information in print, audiovisual, or electronic format, including information

about effective research-based programs, policies, practices, strategies, and curriculum and other relevant materials to support drug and violence prevention education; (7) recruiting, hiring, and training program coordinators to assist school districts in implementing high-quality, effective, research-based drug and violence prevention programs; (8) the development and provision of education and training programs, curricula, instructional materials, and professional training for preventing and reducing the incidence of crimes or conflicts motivated by bullying, hate, prejudice, intolerance, or sexual harassment and abuse; (9) programs for youth who are out of the education mainstream, including school dropouts, students who have been suspended or expelled from their regular education program, and runaway or homeless children and youth; (10) programs implemented in conjunction with other Federal agencies that support LEAs and communities in developing and implementing comprehensive programs that create safe, disciplined, and drug-free learning environments and promote healthy childhood development; (11) services and activities that reduce the need for suspension and expulsion in maintaining classroom order and discipline; (12) services and activities to prevent and reduce truancy; (13) programs to provide counseling services to troubled youth, including support for the recruitment and hiring of counselors and the operation of telephone help lines; and (14) other activities that meet emerging or unmet national needs consistent with the purposes of this title.

Proposed new section 4211(c)(1) of the ESEA would authorize the Secretary to carry out programs for students that promote lifelong physical activity directly, or through grants, contracts, or cooperative agreements with public and private organizations and individuals, or through agreements with other Federal agencies, and to coordinate with the Centers for Disease Control and Prevention, the President's Council on Physical Fitness, and other Federal agencies as appropriate. Such programs could include: conducting demonstrations of school-based programs that promote lifelong physical activity, with a particular emphasis on physical education programs that are a part of a coordinated school health programs; training, technical assistance, and other activities to encourage States and LEAs to implement sound school-based programs that promote lifelong physical activity; and activities designed to build State capacity to provide leadership and strengthen schools' capabilities to provide school-based programs that promote lifelong physical activity.

Proposed new section 4211(d) of the ESEA would retain the requirement in the current statute that the Secretary use a peer review process in reviewing applications for funds under proposed new section 4211(a) of the ESEA.

#### *Part C—School emergency response to violence*

Proposed new section 4311 ("Project SERV") of the ESEA would authorize Project SERV, a program designed to provide education-related services to LEAs in which the learning environment has been disrupted due to a violent or traumatic crisis, such as a shooting or major accident. The Secretary would be authorized to carry out Project SERV directly, through contracts, grants, or cooperative agreements with public and private organizations, agencies, and individuals, or through agreements with other Federal agencies.

Under proposed new section 4311(b) of the ESEA, Project SERV would provide: (1) assistance to school personnel in assessing a crisis situation, including assessing the resources available to the LEA and community

in response to the situation, and developing a response plan to coordinate services provided at the Federal, State, and local level; (2) mental health crisis counseling to students and their families, teachers, and others in need of such services; (3) increased school security; (4) training and technical assistance for SEAs and LEAs, State and local mental health agencies, State and local law enforcement agencies, and communities to enhance their capacity to develop and implement crisis intervention plans; (5) services and activities designed to identify and disseminate the best practices of school- and community-related plans for responding to crises; and (6) other needed services and activities that are consistent with the purposes of Project SERV.

Proposed new section 4311(b) of the ESEA would require the Secretary of Education, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Federal Emergency Management Agency, to establish criteria and application requirements as may be needed to select which LEAs are assisted under Project SERV, and permit the Secretary to establish reporting requirements for uniform data and other information from all LEAs assisted under Project SERV.

Proposed new section 4311(c) of the ESEA would require the establishment of a Federal Coordinating Committee on school crises comprised of the Secretary (who shall serve as chair of the Committee), the Attorney General, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, the Director of the Office of National Drug Control Policy, and such other members as the Secretary shall determine. This committee would be charged with coordinating the Federal responses to crises that occur in schools or directly affect the learning environment in schools.

#### *Part D—Related provisions*

Proposed new section 4411 ("Gun-Free Schools Act") of the ESEA would authorize the Gun-Free Schools Act as proposed new Part D of Title IV of the ESEA because of its close relationship with the SDFSC program. The Gun-Free Schools Act is currently authorized under Part F of Title XIV of the ESEA.

Proposed new section 4411(b) of the ESEA would continue, with minor technical changes, the current requirement that each State receiving Federal funds under the ESEA have in effect a State law requiring LEAs to expel from school, for a period of not less than one year, a student who is determined to have possessed a firearm at school under the jurisdiction of the LEA in that State, and that such State law allow the chief administering officer of that LEA to modify the expulsion requirement for a student on a case-by-case basis. It would also define the term "firearm" as that term is defined in section 921 of title 18, United States Code (which includes bombs).

Proposed new section 4411 of the ESEA would contain: (1) a special rule that the provisions of this section be construed in a manner consistent with the Individuals with Disabilities Education Act; (2) local reporting requirements requiring each LEA requesting assistance from the SEA under the ESEA to provide to the State in its application: (a) an assurance that such LEA is in compliance with the State law required by proposed new section 4411(b); (b) a description of the circumstances surrounding any expulsions imposed under the State law required by proposed new section 4411(b), including the name of the school concerned, the number of students expelled from such school (disaggregated by gender, race, ethnicity,

and educational level); and (c) the type of weapons concerned; (3) the number of students referred to the criminal justice or juvenile justice system as required in section 4412(a)(1), and the instances in which the chief administering officer of an LEA modified the expulsion requirement described in section 4411(b)(1) on a case-by-case basis; and (4) a requirement that each State report the information described in proposed new section 4411(d) to the Secretary on an annual basis.

Proposed new section 4412 ("Local Policies") of the ESEA would restate, with minor technical changes, the current prohibition against ESEA funds being awarded to any LEA unless it has a policy ensuring referral to the criminal justice or juvenile delinquency system of any student who possesses a firearm at a school served by such agency. It would also add two new additional requirements that no funds may be made available under the ESEA to any LEA unless: (1) it has a policy ensuring that a student who possesses a firearm at school is referred to a mental health professional for assessment as to whether he or she poses an imminent threat of harm to himself, herself, or others and needs appropriate mental health services before readmission to school; and (2) it has a policy that a student who possesses a firearm at school who has been determined by a mental health professional to pose an imminent threat of harm to himself, herself, or others receive, in addition to appropriate services under section 11206(9) of the ESEA, appropriate mental health services before being permitted to return to school.

Proposed new section 4412(b) of the ESEA would restate the current Gun-Free Schools Act requirement that proposed new section 4412 be construed in a manner consistent with the Individuals with Disabilities Education Act, and proposed new section 4413(c) of the ESEA would restate the current definitions of the terms "firearm" and "school."

Proposed new section 4413 ("Materials") of the ESEA would restate the current requirement that drug prevention programs supported under Title IV of the ESEA convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

Proposed new section 4413(b) of the ESEA would continue, with minor changes, the current law provision that the Secretary shall not prescribe the use of particular curricula for programs under Title IV of the ESEA, but may evaluate and disseminate information about the effectiveness of such curricula and programs.

Proposed new section 4414 ("Prohibited Uses of Funds") of the ESEA would restate the current prohibition against the use of Title IV ESEA funds for: (1) construction (except for minor remodeling needed to accomplish the purposes of this part; and (2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, crime or who use alcohol, tobacco, or drugs.

Proposed new section 4415 ("Drug-Free, Alcohol-Free, and Tobacco-Free Schools") of the ESEA would add a new requirement that each SEA and LEA that receives Title IV, ESEA funds have a policy that prohibits possession or use of tobacco, and the illegal use of drugs or alcohol, in any form, at any time, and by any person, in school buildings, on school grounds, or at any school-sponsored event. Each LEA requesting assistance under the ESEA must include in its application for funding an assurance that it is in compliance with this new requirement, and each SEA would be required to report annually to the Secretary if any of its LEAs is not in compliance with this new requirement.

Proposed new section 4416 ("Prohibition on Supplanting") of the ESEA would require that funds under this title be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this title, be made available for programs and activities authorized under this title, and in no case to supplant such State, local, and other non-Federal funds.

Proposed new section 4417 ("Definitions of Terms") of the ESEA would restate the current law definitions for the terms "drug and violence prevention" and "hate crime," and definitions for the terms "drug treatment" and "drug rehabilitation" and "medical services."

#### TITLE V—PROMOTING EQUITY, EXCELLENCE, AND PUBLIC SCHOOL CHOICE

Among other things, proposed new Title V of the Educational Excellence for All Children Act of 1999 would: (1) improve the Magnet Schools Assistance program by adding emphasis on projects that consider the diversity of the student populations and that have the capacity to continue after the Federal grant has run out; (2) reauthorize the Women's Educational Equity program, currently in Part B of Title V of the ESEA, but move it to Part D of Title V of the ESEA; (3) repeal the Assistance to Address School Dropout Problems program, currently in Part C of Title V of the ESEA; (4) move Charter Schools, from Part C of Title X of the ESEA, to Part B of Title V of the ESEA; and (5) add a new initiative, "Options: Opportunities to Improve Our Nation's Schools", to be new Part C of that Title that would provide a flexible authority to support SEAs and LEAs in experimenting with different kinds of public elementary and secondary schools, such as worksite and college-based schools.

*Section 501. Renaming the Title.* Section 501 of the bill would change the name of Title V of the ESEA to "Promoting Equity, Excellence, and Public School Choice".

#### MAGNET SCHOOL ASSISTANCE

*Section 502. Findings.* Section 502 of the bill would amend Part A (Magnet School Assistance) of Title V of the ESEA. Section 502(a) of the bill would make editorial changes to, and update, section 5101 of the ESEA, the findings for the Magnet School Assistance Program.

Section 502(b) of the bill would amend section 5102(3) of the ESEA (Statement of Purpose) to clarify that the purpose of providing financial assistance to develop and design innovative educational methods and practices is to promote diversity and increase choices in public elementary and secondary schools and educational programs.

Section 502(c) of the bill would amend section 5106(b)(1)(D) of the ESEA (Information and Assurances), a part of the application requirements, to eliminate reference to the Goals 2000: Educate America Act and to make an editorial change.

Section 502(d) of the bill would amend section 5107 of the ESEA (Priority) to eliminate the current priorities for greatest need and new, or significantly revised, projects. These priorities are not well defined and have not helped to determine which grant applications are most deserving. Section 502(d) would also add a new priority for projects that propose activities, which may include professional development, that will build local capacity to operate the magnet program once Federal assistance has ended.

Section 502(e) of the bill would amend section 5108(a) of the ESEA (Uses of Funds) to: (1) revise paragraph (3) to allow for the payment, or subsidization of the compensation, of elementary and secondary school teachers who are certified or licensed by the State, and instructional staff who have expertise and professional skills necessary for the conduct of programs in magnet schools or who

demonstrate knowledge, experience, or skills in the relevant field of expertise; and (2) allow grantees to use funds for activities, including professional development, that will build the applicant's capacity to operate the magnet program once Federal assistance has ended.

Section 502(f) of the bill would repeal section 5111 of the ESEA (Innovative Programs). Activities are subsumed under the new Public School Choice program.

Section 502(g) of the bill would redesignate current section 5112 of the ESEA (Evaluation, Technical Assistance, and Dissemination) as section 5111, and incorporate its requirements into proposed new section ("Evaluation, Technical Assistance, and Dissemination") that would authorize the Secretary to reserve not more than five percent (rather than two percent) of appropriated funds in any fiscal year to evaluate magnet schools programs, as well as provide technical assistance to applicants and grantees and collect and disseminate information on successful magnet school programs. Section 502(g) of the bill would also require each evaluation, in addition to current items, to address the extent to which magnet school programs continue once grant assistance under this part ends.

Section 502(h) of the bill would amend section 5113(a) of the ESEA (Authorization) to authorize such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to be appropriated to carry out the part. Section 501(h) of the bill would also redesignate section 5113 as section 5112.

#### WOMEN'S EDUCATIONAL EQUITY

*Section 503. Amendments to the Women's Educational Equity Program.* Section 503(a)(1)(A) of the bill would amend section 5201(a) of the ESEA (Short Title) to update and change the short title from the "Women's Educational Equity Act of 1994" to the "Women's Educational Equity Act."

Section 503(a)(1)(B) of the bill would amend section 5201(b) of the ESEA (Findings) to make it clear, in paragraph (3)(B), that classroom textbooks and other educational materials continue not to reflect sufficiently the experiences, achievements, or concerns of women and girls. Little progress has been made in this area since 1994. Section 5201(b) of the ESEA would also be amended by slightly editing paragraph (3)(C) and adding a recent finding to that paragraph that girls are dramatically underrepresented in higher-level computer science courses.

Section 503(a)(2)(A) of the bill would amend section 5204 of the ESEA (Applications) to change several internal section references to conform section numbers to the part redesignation and to clarify that the application requirements in which these references appeal apply only to implementation grants. Section 503(a)(2)(B) of the bill would amend section 5204(b)(2) of the ESEA to change a reference to "the National Education Goals" to "America's Education Goals." Section 503(a)(2)(C) of the bill would eliminate section 5204(4) of the ESEA, which requires an application description of how program funds would be used in a consistent manner with the School-to-Work Opportunities Act of 1994. The School-to-Work Opportunities Act sunsets in 2001, and this reference will be obsolete. Paragraphs (5) through (7) in the section would be redesignated.

Section 503(a)(3) of the bill would conform a section reference to a later redesignation.

Section 503(a)(4) of the bill would repeal section 5206 of the ESEA (Report). The report required by this section will be submitted soon, satisfying the requirement and making it obsolete.

Section 503(a)(5) of the bill would amend section 5207 of the ESEA (Administration) by

eliminating subsection (a), requiring the Secretary to conduct an evaluation of materials and programs developed under the program and to submit a report to Congress by January 1, 1998. Congress did not provide funding for the mandated evaluation, and the report was not done.

Section 503(a)(6) of the bill would amend section 5208 of the ESEA to authorize appropriations of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out this part. Because the appropriation for the Women's Educational Equity program has been small in recent years, using two thirds of this appropriation for local implementation grants (rather than national research and development grants) has not been the most effective and development grants has not been the most effective use of program resources.

Section 503(b) of the bill would redesignate Part B of Title V of the ESEA as Part D of the Title and redesignate sections 5201, 5202, 5203, 5204, 0505, 5207, and 5208 of the ESEA as sections 5401, 5402, 5403, 5404, 5405, 5406, and 5407, respectively.

#### ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

*Section 504. Repeal of the Assistance to Address School Dropout Problems Program.* Section 504 of the bill would repeal the "Assistance to Address School Dropout Problems" program in Part C of Title V of the ESEA.

#### PUBLIC CHARTER SCHOOLS

*Section 505. Redesignation of the Public Charter Schools Program.* Section 505 of the bill would redesignate the Public Charter Schools Program, which is currently Part C of Title X of the ESEA, as Part B of Title V of the ESEA. Section 505 would also make necessary conforming changes to carry out the redesignation.

#### OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS

*Section 506. Options: Opportunities to Improve Our Nation's Schools.* Section 506 of the bill would amend Title V of the ESEA to add a proposed new Part C ("Options: Opportunities to Improve Our Nation's Schools") that would authorize a flexible, competitive grant program to help SEAs and LEAs provide innovative, high-quality public school choice programs.

Proposed new section 5301 of the ESEA would set forth the findings of the proposed new part and state that its purpose is to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, and evaluation of, and dissemination of information about, public school choice projects that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.

Proposed new section 5302(a) of the ESEA would authorize the Secretary, from funds appropriated under section 5305(a) and not reserved under section 5305(b), to make grants to SEAs and LEAs to support programs that promote innovative approaches to high-quality public school choice. Proposed new section 5302(b) of the ESEA would prohibit grants under this part from exceeding three years.

Proposed new section 5303(a) of the ESEA would authorize funds under the part to be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to broaden public school choice. Examples of such approaches at the school, district, and State levels would be: (1) inter-district approaches to public school choice, including approaches that increase equal access to high-quality

educational programs and diversity in schools; (2) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions; (3) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit; (4) worksite satellite schools, in which SEAs or LEAs form partnerships with public or private employers, to create public schools at parents' places of employment; and (5) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

Proposed new section 5303(b) of the ESEA would require that funds under this part: (1) supplement, and not supplant, non-federal funds expended for existing programs; (2) not be used for transportation; and (3) not be used to fund projects that are specifically authorized under Part A or B of the title.

Proposed new section 5304(a) of the ESEA would require a SEA or LEA desiring to receive a grant under this part to submit an application to the Secretary, in such form and containing such information, as the Secretary may require. Each application would be required to include a description of the program for which funds are sought and the goals for such program, a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-federal projects, and, if the program includes partners, the name of each partner and a description of its responsibilities. Also, each application would be required to include a description of the policies and procedures the applicant will use to ensure its accountability for results, including its goals and performance indicators, and that the program is open and accessible to, and will promote high-academic standards for, all students. This will help ensure broad access to high-quality schools, while allowing, for example, public-private partnerships to create public worksite schools that allow children of employees at the worksite to attend such a school. The Secretary would be required to give a priority to applications for projects that would serve high-poverty LEAs, and would be authorized to give a priority to applications demonstrating that the applicant will carry out its project in partnership with one or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

Proposed new section 5305(a) of the ESEA would authorize such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out the part. Proposed new section 5305(b) of the ESEA would, from amounts appropriated for any fiscal year, authorize the Secretary to reserve not more than five percent to carry out evaluations, provide technical assistance, and disseminate information. Proposed new section 5305(c) of the ESEA would authorize the Secretary to use funds reserved under subsection (b) to carry out one or more evaluations of programs assisted under this part. Those evaluations would, at a minimum, address: (1) how and the extent to which the programs supported with funds under the part promote educational equity and excellence; and (2) the extent to which public schools of choice supported with funds under the part are held accountable to the public, effective in improving public education, and open and accessible to all students.

#### TITLE VI—CLASS-SIZE REDUCTION

*Section 601. class-size [ESEA, Title VI].* section 601 of the bill would replace Title VI of

the ESEA with a multi-year extension of the 1-year initiative, enacted in the Department's appropriations Act for fiscal year 1999, to help States and LEAs improve educational outcomes through reducing class sizes in the early grades, as follows:

*ESEA, §6001, findings.* Section 6001 of the ESEA would set out 8 findings in support of the new Title VI.

*ESEA, §6002, purpose.* Section 6002 of the ESEA would provide that the purpose of Title VI is to help States and LEAs recruit, train, and hire 100,000 additional teachers, in order to: (1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per regular classroom; and (2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

*ESEA, §6003, authorization of appropriations.* Section 6003 of the ESEA would authorize the appropriations of such sums as may be necessary to carry out Title VI for fiscal years 2001 through 2005.

*ESEA, §6004, allocations to States.* Section 6004(a) of the ESEA would direct the Secretary to reserve a total of not more than 1 percent of each year's appropriation for Title VI to make payments, on the basis of their respective needs, to the several outlying areas and to the Secretary of the Interior for activities in schools operated or supported by the Bureau of Indian Affairs (BIA).

After reserving funds for the outlying areas and the BIA, section 6004(b) would direct the Secretary to allocate the remaining amount among the States on the basis of their respective shares under Part A of Title I of the ESEA or under Title II of the ESEA, whichever was greater, for the previous fiscal year. Because these allocations would exceed the amount available, they would then be proportionately reduced. If a State chooses not to participate in the program, or fails to submit an approvable application, the Secretary would reallocate that State's allocation to the remaining States.

*ESEA, §6005, applications.* Section 6005(a) of the ESEA would require the SEA of each State desiring to receive a Title VI grant to submit an application to the Secretary.

Subsection (b) would require each application to include: (1) the State's goals for using program funds to reduce average class sizes in regular classrooms in grades 1 through 3; (2) a description of the SEA's plan for allocating program funds within the State; (3) a description of how the State will use other funds, including other Federal funds, to reduce class sizes and improve teacher quality and reading achievement within the State; and (4) an assurance that the SEA will submit such reports and information as the Secretary may reasonably require.

Subsection (c) would direct the Secretary to approve a State's application if it meets the requirements of subsections (a) and (b) and holds reasonable promise of achieving the program's purposes.

*ESEA, §6006, within-State allocations.* Section 6006(a) of the ESEA would permit participating States to reserve up to one percent of each year's Title I allocation for the cost of administering the program, and direct them to distribute all remaining funds to LEAs. A State would distribute 80 percent of its allocation on the basis of the relative number of children from low-income families in LEAs, and the remaining 20 percent on the basis of school-age children enrolled in public and private nonprofit schools in LEAs.

Subsection (b) would provide for the reallocation of an LEA's award to other LEAs if it chooses not to participate or fails to submit an approvable application.

*ESEA, §6007, local applications.* Section 6007 of the ESEA would require each LEA that wishes to receive Title VI funds to submit an

application to its SEA that describes its program to reduce class size by hiring qualified teachers.

*ESEA, §6008, uses of funds.* Section 6008(a) of the ESEA would permit each participating LEA to use up to 3 percent of its subgrant for the costs of administering its Title VI program.

Subsection (b) would permit each LEA to use up to a total of 15 percent of each year's Title VI funds to: (1) assess new teachers for their competency in content knowledge and teaching skills; (2) assist new teachers to take any tests required to meet State certification requirements; and (3) provide professional development to teachers.

Subsection (c) would require each LEA to use the rest of its Title VI funds to recruit, hire, and train certified teachers for the purpose of reducing class size in grades 1 through 3 to 18 children.

Subsection (d) would prohibit an LEA from using its Title VI funds to increase the salary of, or to provide benefits to, a teacher who it already employs (or has employed).

Subsection (e) would permit an LEA that has already reduced class size in grades 1 through 3 to 18 or fewer children to use its Title VI funds to make further class-size reductions in grades 1 through 3, reduce class sizes in other grades, or for activities, including professional development, to improve teacher quality.

Subsection (f) would permit and LEA whose subgrant is too small to pay the starting salary for a new teacher to use its subgrant funds to form a consortium with one or more other LEAs for the purpose of reducing class size; to help pay the salary of a full-time or part-time teacher hired to reduce class size; or, if the subgrant is less than \$10,000, for professional development.

*ESEA, §6009, cost-sharing requirement.* Section 6009(a) of the ESEA would allow program funds to pay the full cost of local programs under the Act in LEAs with child-poverty rates greater than 50 percent. The maximum Federal share for LEAs with child-poverty rates below 50 percent would be 65 percent.

Subsection (b) would require an LEA to provide the non-Federal shares of a project through cash expenditures from non-Federal sources. However, an LEA operating one or more schoolwide programs under section 1114 of the ESEA could use funds under Part A of Title I of that Act to pay the non-Federal share of activities under this program that benefit those schoolwide programs, so long as the LEA meets the Title I requirement to ensure that services provided with State and local funds in Title I schools are at least comparable to services provided with State and local funds in non-Title I schools. This option would not, however, be available with respect to schools operating schoolwide programs through a waiver of the normal eligibility rules governing schoolwide programs (current section 1114(a)(1)(B), which the bill would re-enact as section 1114(a)(2)).

*ESEA, §6010, nonsupplanting.* Section 6010 of the ESEA would require each participating LEA to use its Title VI funds to increase the overall amount of its expenditures for the combination of: (1) teachers in regular classrooms in schools receiving assistance; (2) assessing new teachers and assisting them to take tests required for State certification; and (3) professional development for teachers.

*ESEA, §6011, annual State reports.* Section 6011 of the ESEA would require each participating state to submit an annual report to the Secretary on its activities under Title VI.

*ESEA, §6012, participation of private school teachers.* Section 6012 of the ESEA would require each LEA to provide for the equitable

participation of teachers from private schools in professional development activities it carries out with program funds.

*ESEA, §6013, definition.* Section 6013 of the ESEA would define "State", for the purpose of Title VI, as meaning each of the 50 States, the District of Columbia, and Puerto Rico. The outlying areas, which would otherwise be treated as States under the definition in current §14101(27) (to be redesignated as §11101(27)), would be funded through the special reservation in section 6004(a), rather than through the formula allocations to States in section 6004(b).

#### TITLE VII—BILINGUAL EDUCATION, LANGUAGE ENHANCEMENT, AND LANGUAGE ACQUISITION PROGRAMS

Title VII of the bill would revise Title VII (Bilingual Education, Language Enhancement, and Language Acquisition Programs) of the ESEA to enhance and make more effective the accountability provisions for those receiving grants under Subpart 1 of the title and improve the professional development programs under Subpart 2 of Title VII by eliminating overlap among the different authorized activities and targeting activities on specific areas where assistance is most needed. Other program improvements are also proposed.

#### BILINGUAL EDUCATION

*Section 701. Findings, Policy, and Purpose.* Section 701 of the bill would amend sections 7102(a) (Findings) and (b) (Policy) of the ESEA to incorporate recent research findings and to add the policy that limited English proficient students be tested in English after three consecutive years in United States' schools. This requirement is consistent with the school accountability requirements associated with limited English proficient students in section 1111(b)(2)(F)(v) of Title I of the ESEA. Section 701 of the bill would also amend section 7102(c) (Purpose) of the ESEA to add helping to ensure that limited English proficient students master English as a stated purpose and to make minor editorial changes.

*Section 702. Authorization of Appropriations for Part A.* Section 702 of the bill would amend section 7103(a) of the ESEA to authorize the appropriation of such sums as may be necessary to carry out programs under Part A of the Title from fiscal year 2001 through 2005.

*Section 703. Program Development and Enhancement Grants.* In order to simplify and improve administration of instructional services grants, section 703 of the bill would amend section 7113 of the ESEA (Enhancement Grants) to consolidate the activities of the Program Development and Implementation Grants program (currently in section 7112 of the ESEA and repealed in section 730 of the bill) and the Enhancement Grants program into a new three-year grant program, "Program Development and Enhancement Grants."

Section 703(3) of the bill would require grants to be used to: (1) develop and implement comprehensive, preschool, elementary, or secondary education programs for children and youth with limited English proficiency, that are aligned with standards-based State and local school reform efforts and coordinated with other relevant programs and services; (2) provide high-quality professional development; and (3) require annual assessment of student progress in learning English. Section 703(3) of the bill would also amend current language on allowable activities to emphasize effective instructional practice and the use of technology in the classroom.

Section 703(4) of the bill would authorize the Secretary to give priority to applicants that enroll fewer than 10,000 students and



that have limited or no experience in serving limited English proficient students.

**Section 704. Comprehensive School Grants.** Section 704 of the bill would amend section 7114 of the ESEA that authorizes five-year Comprehensive School Grants for school-wide instructional programs. Section 704(1) of the bill would revise the purpose of the program. The purpose would be to implement school-wide education programs, in coordination with Title I of the ESEA, for children and youth with limited English proficiency to assist such children and youth to learn English and achieve to challenging State content and performance standards, and to improve, reform, and upgrade relevant programs and operations in schools with significant concentrations of such students or that serve significant numbers of such students.

Section 704(2) of the bill would amend section 7114(b)(2) of the ESEA to replace the termination provisions with a clearer system of accountability requiring the Secretary, before making a continuation award for the fourth year of a program under this section, to determine if the program is making continuous and substantial progress in assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards. The Secretary would base such determination on the indicators established and data and information collected under the annual evaluations under section 7118 (as redesignated) and such other data and information as the Secretary may require. If the Secretary determines that a recipient requesting a fourth-year continuation award under this section is not making continuous and substantial progress, the recipient would be required to promptly develop and submit to the Secretary a program improvement plan for its program. The Secretary would be required to approve a program improvement plan only if he or she determines that it held reasonable promise of enabling students with limited English proficiency participating in the program to learn English and achieve to challenging State content and performance standards. If the Secretary determines that the recipient is not making substantial progress in implementing the program improvement plan, the Secretary would be required to deny a continuation award.

Section 704(3) of the bill would establish required activities. The required activities would, among other things, include the annual assessment of student progress in learning English. Section 704(3) of the bill would also amend current language on allowable activities to, among other things, emphasize effective instructional practice and the use of technology in the classroom.

Section 704(4) of the bill would limit the period during which grant funds may be used for planning to 90 days and limit the number of schools that may be included in the grant to two. These changes would ensure more effective use of Federal assistance.

**Section 705. Systemwide Improvement Grants.** Section 705 of the bill would amend section 7115 (Systemwide Improvement Grants) of the ESEA that authorizes five-year grants for projects within an entire school district. Section 705(1) of the bill would amend section 7115(a) of the ESEA to make editorial and conforming changes to that subsection.

Section 705(2) of the bill would amend section 7115(b)(2) of the ESEA to replace the termination provisions with a clearer system of accountability requiring the Secretary, before making a continuation award for the fourth year of a program under this section, to determine if the program is making continuous and substantial progress in assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance

standards. The Secretary would base such determination on the indicators established and data and information collected under the annual evaluations under section 7118 (as redesignated), and such other data and information as the Secretary may require. If the Secretary determines that a recipient requesting a fourth-year continuation award under this section is not making continuous and substantial progress, the recipient would be required to promptly develop and submit to the Secretary a program improvement plan for its program. The Secretary would be required to approve a program improvement plan only if he or she determines that it held reasonable promise of enabling students with limited English proficiency participating in the program to learn English and achieve to challenging State content and performance standards. If the Secretary determines that the recipient is not making substantial progress in implementing the program improvement plan, the Secretary would be required to deny a continuation award.

Section 705(3) of the bill would establish required activities, including building school district capacity to continue to operate similar instructional programs once Federal funding is no longer available, aligning programs for limited English proficient students with school, district, and State reform efforts and coordinating with other relevant programs (such as Title I), and annually assessing student progress in learning English. The required activities would help ensure that projects effectively promote educational reform for limited English proficient students. Section 705(3) of the bill would also amend current language on allowable activities to, among other things, emphasize effective instructional practice, developing student proficiency in two languages, and the use of technology in the classroom.

**Section 706. Applications for Awards under Subpart 1.** Section 706 of the bill would amend section 7116 of the ESEA (Applications) to make changes designed to increase program accountability.

Section 706(1) of the bill would amend section 7116(b) of the ESEA (State Review and Comments) to clarify that SEAs must not only review Subpart 1 applications, but also transmit that review in writing to the Department.

Section 706(2) of the bill would amend section 7116(f) of the ESEA (Required Documentation) to require documentation that the leadership of each participating school had been involved in the development and planning of the program in the school.

Section 706(3) of the bill would amend section 7116(g) of the ESEA (Contents) to reorganize paragraph (A) and to add to the list of data to be included in the application, data on: (1) current achievement data of the limited English proficient students to be served by the program (and in comparison to their English proficient peers) in reading or language arts (in English and in the native language if applicable) and in math; (2) reclassification rates for limited English proficient students in the district; (3) the previous schooling experiences of participating students; and (4) the professional development needs of the instructional personnel who will provide services for limited English proficient students, including the need for certified teachers; and (5) how the grant would supplement the basic services provided to limited English proficient students. Many school districts already collect such data and its collection would help ensure that data submitted with the application could be used to establish a baseline against which instructional progress could be measured.

Section 706(3) of the bill would also make editorial changes to section 7116(g)(1)(B) of

the ESEA and require, in section 7116(g)(1)(E) of the ESEA, an assurance that the applicant will employ teachers in the proposed program who individually, or in combination, are proficient in the native language of the majority of students they teach, if instruction in the program is also in the native language.

Section 706(4) of the bill would amend section 7116(i) of the ESEA (Priorities and Special Rules) to add two new priorities for applicants that experience a dramatic increase in the number of limited English proficient students enrolled and demonstrate that they have a proven record of success in helping children and youth with limited English proficiency learn English and achieve to high academic standards and make editorial revisions.

**Section 707. Evaluations under Subpart 1.** Section 707(1) of the bill would amend current section 7123(a) of the ESEA (Evaluation) to require that grantees conduct an annual, rather than biennial, evaluation. This change would enhance the Department's ability to hold projects accountable for teaching English to limited English proficient students and to determine the extent to which these students are achieving to State standards.

Section 707(2) of the bill would revise the list of evaluation components, in section 7123(c) of the ESEA, to require a recipient to: (1) use the data provided in the application as baseline data against which to report academic achievement and gains in English proficiency for students in the program; (2) report on the validity and reliability of all instruments used to measure student progress; and (3) enable results to be disaggregated by such relevant factors as a student's grade, gender, and language group and whether the student has a disability. Evaluations would be required to include: (1) data on the project's progress in achieving its objectives; (2) data showing the extent to which all students served by the program are achieving to the State's student performance standards; (3) program implementation indicators that address each of the program's objectives and components, including the extent to which professional development activities have resulted in improved classroom practices and improved student achievement; (4) a description of how the activities funded under the grant are coordinated and integrated with the overall school program and other Federal, State, or local programs serving limited English proficient children and youth; and (5) such other information as the Secretary may require. This revision is necessary to ensure that grantees submit data needed to make a determination on whether the project should be continued at the end of the third year or at the end of the fourth year, and also provide the Department with data needed to assess grantee progress towards meeting goals established for the Bilingual Education program under the Government Performance and Results Act (GPRA).

Section 707(3) of the bill would add a new subsection (d) (Performance Measures) that would require the Secretary to establish performance indicators to determine if programs under sections 7113 and 7114 (as redesignated) are making continuous and substantial progress, and allow the Secretary to establish such indicators to determine if programs under section 7112 (as redesignated) are making continuous and substantial progress, toward assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards.

**Section 708. Research.** Section 708 of the bill would amend current section 7231 of the ESEA (Research) to support the use of the



research authority to gather data needed to assess the Department's progress in meeting goals established for the Bilingual Education program under GPRA.

Section 708(1) of the bill would amend sections 7132 (a) (Administration) and (b) (Requirements) of the ESEA to eliminate the requirement that research be conducted through the Office of Educational Research and Improvement in collaboration with the Office of Bilingual Education and Minority Languages Affairs and also to provide a list of allowable research activities (including data collection needed for compliance with GPRA and identifying technology-based approaches that show effectiveness in helping limited English proficient students reach challenging State standards).

Section 708(3) of the bill would make conforming changes to sections 7321 (c)(1) and (2) of the ESEA and eliminate the authorization for grantees under Subparts 1 and 2 to submit research applications at the same time as their applications under Subparts 1 and 2. The current provision unnecessarily complicates the conduct of these grant competitions. Section 708(4) of the bill would eliminate section 7132(e) (Data Collection) since data collection is an activity authorized in subsection (a).

**Section 709. Academic Excellence Awards.** Section 709 of the bill would replace current section 7133 of the ESEA (Academic Excellence) that authorizes grants, contracts, and cooperative agreements to promote the adoption of promising instructional and professional development programs, with a State discretionary grant program. Under the new program, the Secretary would be authorized to make grants to SEAs to assist them in recognizing LEAs and other public and non-profit entities whose programs have demonstrated significant progress in assisting limited English proficient students to learn English and to meet the same challenging State content standards expected of all children and youth, within three years. The expanded State role proposed in these amendments is designed to encourage and reward exceptional programs and help disseminate information on effective instructional practices for serving limited English proficient students.

**Section 710. State Grant Program.** Section 710 of the bill would amend subsection (c) (Uses of Funds) of section 7134 (State Grant Program) of the ESEA to require State to use funds under the section to: (1) assist LEAs with program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students that are aligned with State reform efforts; and (2) collect data on limited English proficient populations in the State and the educational programs and services available to such populations. This amendment is designed to improve the quality of data collected by LEAs relating to services for limited English proficient students.

**Section 711. National Clearinghouse on the Education of Children and Youth with Limited English Proficiency.** Section 711 would amend section 7135 of the ESEA (National Clearinghouse for Bilingual Education) to rename the Clearinghouse the "National Clearinghouse for the Education of Children and Youth with Limited English Proficiency", and to eliminate ambiguous and burdensome requirements that the Clearinghouse be administered as an adjunct to the Educational Resources Information Center Clearinghouse system, develop a data base management and monitoring system, and develop, maintain, and disseminate a listing of bilingual education professionals.

**Section 712. Instructional Materials Development.** Section 712 of the bill would amend

section 7136 of the ESEA (Instructional Materials) to expand the current authorization for grants to develop, publish, and disseminate instructional materials. The current authorization is limited to Native American, Native Hawaiian, Native Pacific Islanders, and other languages of outlying areas. The amendment would add other low-incidence languages in the United States for which instructional materials are not readily available. The kinds of materials that may be developed would also be expanded to include materials on State content standards and assessments for dissemination to parents of limited English proficient students. The proposed amendment recognizes that instructional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become more involved in the education of their children.

Section 712 of the bill would also require the Secretary to give priority to applications for developing instructional materials in languages indigenous to the United States or to the outlying territories and for developing and evaluating instructional materials that reflect challenging State and local content standards, in collaboration with activities assisted under Subpart 1 and section 7124.

**Section 713. Purpose of Subpart 3.** Section 713 of the bill would amend section 7141 (Purpose) of Subpart 3 (Professional Development) of Part A of the title to eliminate a reference to dissemination of information. This activity is not directly related to professional development.

**Section 714. Training for all Teachers Program.** Section 714 of the bill would amend section 7142 of the ESEA (Training for all Teachers Program) to limit grants to ongoing professional development. This change would provide greater focus to the activity since the current statute covers both inservice and preservice professional development. The Secretary would be authorized to award grants to LEAs or to one or more LEAs in consortium with one or more institutions of higher education, SEAs, or nonprofit organizations. This change would help ensure that the professional development supported by the grant directly addresses the staffing needs of one or more LEAs.

Section 7142 of the ESEA would be further amended to reduce the grant period from 5 to 3 years, thus allowing the program to assist a greater number of communities. Also, funded professional development activities would be required to be of high-quality and long-term in nature, thus no longer could they be simply a few weekend seminars. The list of allowable activities would be expanded to, among other things, include induction programs, clarifying that grantees may use grants to cover the costs of coaching by teachers experienced in serving limited English proficient students for teachers who are preparing to serve these students, and support for teacher use of education technologies. The proposed amendments reflect current research findings on effective professional development practices.

**Section 715. Bilingual Education Teachers and Personnel Grants.** Section 715 of the bill would amend section 7143 of the ESEA (Bilingual Education Teachers and Personnel Grants) to limit grants to institutions of higher education for preservice professional development. This change would provide greater focus to the activity since the current statute covers both inservice and preservice professional development.

Also, section 715(3) of the bill would add a new subsection (d) to section requiring that funds be used to put in place a course of study that prepares teachers to serve limited English proficient students, integrate course content relating to meeting the needs of lim-

ited English proficient students into all programs for prospective teachers, assign tenured faculty to train teachers to serve limited English proficient students, incorporate State content and performance standards into the institution's coursework, and expand clinical experiences for participants. The new subsection would also authorize grantees to use funds for such activities as supporting partnerships with LEAs, restructuring higher education course content, assisting other institutions of higher education to improve the quality of relevant professional development programs and expanding recruitment efforts for students who will participate in relevant professional development programs.

The proposed amendments recognize that all prospective teachers should have a basic understanding of effective methods for serving limited English proficient students. Because of the rapid growth in this population, all teachers can expect to have limited English proficient students in their classrooms at some point in their teaching career. These amendments also recognize the importance of creating a closer link between schools of education that produce new teachers and the schools that hire them.

**Section 716. Bilingual Education Career Ladder Program.** Section 716 of the bill would amend section 7144 of the ESEA (Bilingual Education Career Ladder Program) to authorize grants to a consortia of one or more institutions of higher education and one or more institutions of higher education and one or more SEAs or LEAs to develop and implement bilingual education career ladder programs. A bilingual education career ladder program would be a program designed to provide high-quality, pre-baccalaureate coursework and teacher training to educational personnel who do not have a baccalaureate degree and that would lead to timely receipt of a baccalaureate degree and certification or licensure of program participants as bilingual education teachers or other educational personnel who serve limited English proficient students. Recipients of grants would be required to coordinate with programs under title II of the Higher Education Act of 1965, and other relevant programs, for the recruitment and retention of bilingual students in postsecondary programs to train them to become bilingual educators, and make use of all existing sources of student financial aid before using grant funds to pay tuition and stipends for participating students.

Also, section 716(4) of the bill would amend section 7144(d) of the ESEA (Special Considerations) to eliminate the current special considerations and require the Secretary, instead, to give special consideration to applications that provide training in English as a second language, including developing proficiency in the instructional use of English and, as appropriate, a second language in classroom contexts.

**Section 717. Graduate Fellowships in Bilingual Education Program.** Section 717 of the bill would amend section 7145(a) of the ESEA (Authorization) in the Graduate Fellowships in Bilingual Education Program, to eliminate the authorization for fellowships at the post-doctoral level and the requirement that the Secretary make a specific number of fellowship awards in any given year. Masters and doctoral level fellows are more likely to provide a direct benefit to classroom instruction than fellows at the post-doctoral level.

**Section 718. Applications for Awards under Subpart 3.** Section 718 of the bill would amend section 7146 of the ESEA (Application) to clarify that the State educational agency must review and submit written comments on all applications for professional development grants, with the exception of those for fellowships, to the Secretary.

**Section 719. Evaluations under Subpart 3.** Section 719 of the bill would amend section 7149 of the ESEA (Program Evaluations) to require an annual evaluation and to clarify evaluation requirements. The purpose of these proposed amendments is to increase project accountability and ensure that the Department receives data from grantees that is required to address performance goals established under the GPRA.

**Section 720. Transition.** Section 720 of the bill would amend section 7161 of the ESEA (Transition) to provide that a recipient of a grant under subpart 1 of Part A of this title that is in its third or fourth year of the grant on the day preceding the date of enactment of the Educational Excellence for All Children Act of 1999 shall be eligible to receive continuation funding under the terms and conditions of the original grant.

#### EMERGENCY IMMIGRANT EDUCATION PROGRAM

**Section 721. Findings of the emergency Immigrant Education Program.** Section 721 of the bill would amend section 7301 (Findings and Purpose) of Part C (Emergency Immigrant Education Program) of Title VII of the ESEA to add an additional finding to better justify the program.

**Section 722. State Administrative Costs.** Section 722 of the bill would amend section 7302 of the ESEA (State Administrative Costs) to authorize States to use up to 2 percent of their grant for administrative costs if they distribute funds to LEAs within the State on a competitive basis. The current provision caps State administrative costs at 1.5 percent, which is insufficient to cover the costs of holding a State discretionary grant competition.

**Section 723. Competitive State Grants to Local Educational Agencies.** Section 723 of the bill would amend section 7304(e)(1) of the ESEA to eliminate the \$50 million appropriations trigger on, and the 20 percent cap for, allowing States each year to reserve funds from their program allotments and award grants, on a competitive basis, to LEAs with the State. This change reflects current budget policy and practice of allowing State recipients the opportunity to allow LEAs to compete for funds.

**Section 724. Authorization of Appropriations for Part C.** Section 724 of the bill would amend section 7309 of the ESEA (Authorizations of Appropriations) to authorize the appropriation of such sums as may be necessary for each of fiscal years 2001 through 2005 to carry out Part C of Title VII.

#### GENERAL PROVISIONS

**Section 725. Definitions.** Section 725 of the bill would amend section 7501 (Definitions; Regulations) of Part E (General provisions) of Title VII of the ESEA to add a definition of "reclassification rate," a term used in the proposed amendments to the Applications and Evaluations sections of Subpart 1 of Part A of Title VII of the ESEA. The term would mean the annual percentage of limited English proficient students who have met the State criteria for no longer being considered limited English proficient. Also, the current definition of "Special Alternative Instructional Program", would be eliminated.

**Section 726. Regulations, Parental Notification, and Use of Paraprofessionals.** Section 726 of the bill would amend section 7502 (Regulations and Notification) of Part E to add requirements for projects funded under subpart 1 of Part A of the title relating to parental notification and the use of instructional staff who are not certified in the field in which they teach. Section 726(1) of the bill would amend the section heading to read: "REGULATIONS, PARENTAL NOTIFICATION, AND USE OF PARAPROFESSORIALS".

Section 726(2) of the bill would amend section 7502(b) (Parental Notification) of the ESEA by making conforming amendments in paragraphs (1)(A) and (C) of the subsection and amending paragraph (2)(A) of the subsection to change the paragraph heading to "Option to Withdraw" and to require a recipient of funds under Subpart 1 of Part A to provide a written notice to parents of children who will participate in the programs under that subpart, in a form and language understandable to the parents, that informs them that they may withdraw their child from the program at any time.

Section 726(3) of the bill would add a new subsection (c) to require that, on the date of enactment of the Educational Excellence for All Children Act of 1999, all new staff hired to provide academic instruction in programs supported under Part A, Subpart 1, will be in accordance with the requirements of section 1119(c) of the ESEA, relating to the employment of paraprofessionals. These amendments are designed to lead to an improvement of the professional skills of instructional staff providing services to limited English proficient students.

#### REPEALS, REDESIGNATIONS, AND CONFORMING AMENDMENTS

**Section 727. Terminology.** Section 727 of the bill would amend subparts 1 and 2 of Part A and section 7501(6) of the ESEA to conform references to bilingual education and special alternative instruction programs to instructional programs for children and youth with limited English proficiency.

**Section 728. Repeals.** Section 730 of the bill would repeal current sections 7112, 7117, 7119, 7120, 7121, 7147 and Part B of Title VII of the ESEA.

Section 7112 would no longer be needed since the authorized activity would be consolidated with the activity authorized by Section 7113.

Section 7117 (Intensified Instruction), 7119 (Subgrants), 7120 (Priority on Funding), and 7121 (Coordination) of the ESEA would be repealed since these sections repeat language appearing elsewhere in the statute or cover situations that are unlikely to occur.

Section 7147 (Program Requirements) of the ESEA would be repealed because it requires that all professional development grants assist educational personnel in meeting State and local certification requirements. This requirement is not relevant to all of the authorized professional development activities.

Part B of Title VII of the ESEA would be moved to new Part I of Title X of the ESEA.

**Section 729. Redesignations and Conforming Amendments.** Section 731 of the bill would provide for the redesignation of various sections of the ESEA and for conforming references to those sections and to other sections of the ESEA that have been changed.

#### TITLE VIII—IMPACT AID

Title VIII of the bill would amend Title VIII of the ESEA, which authorizes the Impact Aid program.

**Section 801, purpose [ESEA, §8001].** Section 801 of the bill would amend section 8001 of the ESEA to provide that the purpose of the Impact Aid program is to provide assistance to certain LEAs that are financially burdened as a result of activities of the Federal Government carried out in their jurisdictions, in order to help those LEAs provide educational services to their children, including federally connected children, so that they can meet challenging State standards. This will provide a succinct statement of the program's purpose, as is typical of other program statute, which is overly long and which refers to certain categories of eligibility that other provisions of the bill would repeal.

**Section 802, payments relating to Federal acquisition of real property [ESEA, §8002].** Section 802 of the bill would amend section 8002 of the ESEA, which authorizes the Secretary to partially compensate certain LEAs for revenue lost due to the presence of non-taxable Federal property, such as a military base or a national park, in their jurisdictions. The amendments made by section 8002 would better target funds on the LEAs most burdened by the presence of Federal property, so that appropriations for section 8002, which are not warranted under current law, may be justified in the future.

Section 802(a)(1) of the bill would delete unneeded language in section 8002(a) of the ESEA that refers to the fiscal years for which payments under section 8002 are authorized. That issue is fully covered by the authorization of appropriations in section 8014 of the ESEA.

Section 802(a)(2) would delete an alternative eligibility criterion (current section 8002(a)(1)(C)(ii)), which was enacted to benefit a single LEA, and would add a requirement that the Federal property claimed as the basis of eligibility have a current aggregate assessed value (as determined under section 8002(b)(3)) that is at least 10 percent of the total assessed value of all real property in the LEA. (The current statutory requirement that Federal property constituted 10 percent of the total assessed value when the Federal Government acquired it would be retained.) The new provision will ensure that payments under section 8002 are made only to LEAs in which the presence of Federal property continues to have a significant effect on the local tax base.

Section 802(b) would repeal subsections (d) through (g) and (i) through (k) of section 8002. Each of these provisions was enacted for the benefit of a single LEA (or a limited number of LEAs) and describes a situation in which the burden, if any, from Federal property is not sufficient to warrant compensation from Federal taxpayers. The presence of these provisions reduces the amount of funds available to LEAs that legitimately request funds under this authority.

Section 802(c) would replace the soon-to-be obsolete "hold harmless" language in section 8002(h) of the ESEA with language providing for a three-year phase-out of payments to LEAs that received section 8002 payments for FY 1999, but that would no longer be eligible because of the new requirement, discussed above, that Federal property constitute at least ten percent of the current assessed value of all real property in the LEA. This phase-out will provide a fair and reasonable period for these LEAs to adjust to the loss of their eligibility, while making more funds available to those LEAs whose local tax bases continue to be affected by the presence of Federal property.

Section 802(d) would make minor conforming amendments to section 8002(b)(1).

**Section 803, payments for eligible federally connected children [ESEA, §8003].** Section 803(a)(1) of the bill would amend the list of categories of children who may be counted for purposes of basic support payments under section 8003(a), by deleting the various categories of so-called "(b)" children, whose attendance at LEA schools imposes a much lower burden that does not warrant Federal compensation. As amended, these payments would be made on behalf of approximately 300,000 "(a)" students throughout the Nation, i.e.: (1) children of Federal employees who both live and work on Federal property; (2) children of military personnel (and other members of the uniformed services) living on Federal property; (3) children living on Indian lands; and (4) children of foreign military officers living on Federal property.

Section 803(a)(2) would conform the statement of weighted student units in section

8003(a)(2) to reflect the elimination of "(b)" students from eligibility.

Section 803(a)(3) would delete section 8003(a)(3) and (4), each of which relates to categories of children whose eligibility would be ended under paragraph (1).

Section 803(b)(1)(B) would delete the requirement that an LEA have at least 400 eligible students (or that those students constitute at least three percent of its average daily attendance) in order to receive a payment. Thus, any LEA with "(a)" children would qualify for a basic support payment.

Section 803(b)(1)(D) would amend section 8003(b)(1)(C) (which would be redesignated as subparagraph (B)) to delete two of the four options for determining an LEA's local contribution rate (LCR), which is used to compute its maximum payment, and to add a third method to the remaining two. These changes would make payments more closely reflect the actual local cost of educating students because each of the three options, unlike the two options that would be deleted, would include a measure of the amount or proportion of funds that are provided at the local level.

Section 803(b)(1)(E) would add a new subparagraph (C) to section 8003(b)(1) to provide that, generally, local contribution rates would be determined using data from the third preceding fiscal year. This is the most recent fiscal year for which satisfactory data on average per-pupil expenditures are usually available.

Section 803(b)(2)(B) would amend section 8003(b)(2)(B), which describes how the Secretary computes each LEA's "learning opportunity threshold" (LOT), a factor used in determining actual payment amounts when sufficient funds are not available, as is the norm, to pay the maximum statutory amounts. Under current law, an LEA's LOT is a percentage, which may not exceed 100, computed by adding the percentage of its students who are federally connected and the percentage that its maximum payment is of its total current expenditures. Under the amendments, an LEA's LOT would be 50 percent plus one-half of the percentage of its students who are federally connected. The proposed LOT would consistently favor LEAs with high concentrations of federally connected students, which face a disproportionately high burden as a result of Federal activities, unlike the current statute, which allows an LEA to reach a LOT of 100 percent even though the federally connected students constitute considerably less than 100 percent of its total student body. The revised LOT would also remove the current incentive for LEAs to reduce their local tax effort in order to earn a higher LOT.

Section 803(b)(2)(B)(i) would delete section 8003(b)(2)(B)(ii), which would no longer be needed in light of the changes to the LOT calculation described above. This section would also delete section 8003(b)(2)(B)(iii), which inappropriately benefits a single LEA by providing a different method of calculating its LOT that is not available to any other LEA.

Section 803(b)(2)(C) would amend section 8003(b)(2)(C) to clarify that payments are proportionately increased from the amounts determined under the LOT provisions (but not to exceed the statutory maximums) when available funds are sufficient to make payments above the LOT-based amounts.

Section 803(b)(3) would delete section 8003(b)(3), which provides an unwarranted benefit to a particular State in which there is only one LEA by requiring the Secretary to treat each of the administrative districts of that LEA as if they were individual LEAs. As with other LEAs (many of which have more students than the State in question and that also have internal administrative

districts), this LEA's eligibility for a payment, and the amount of any payment, should be determined with regard to the entire LEA, not its administrative units.

Section 803(c) would make a technical amendment to section 8003(c) of the ESEA, which generally requires the use of data from the immediately preceding fiscal year in making determinations under section 8003, to reflect the addition of section 8003(b)(1)(C), which provides for the use of data from the third preceding fiscal year in determining LEA local contribution rates.

Section 803(d) would amend section 8003(d) of the ESEA, which authorizes additional payments to LEAs on behalf of children with disabilities, to conform to the deletion of "(b)" children from eligibility for basic support payments, and to reflect the fact that some of these children may be eligible for early intervention services, rather than a free appropriate public education, under the Individuals with Disabilities Education Act.

Section 803(e) would delete the "harmless" provisions relating to basic support payments in section 8003(e) of the ESEA. By guaranteeing that certain LEAs continue to receive a high percentage of the amounts they received in prior years, without regard to current circumstances, these provisions inappropriately divert a substantial amount of funds from LEAs that have a greater need, based on the statutory criteria.

Section 803(f) of the bill would amend section 8003(f) of the ESEA, which authorizes additional payments to LEAs that are heavily impacted by the presence of federally connected children in their schools. In general, the amendments to this provision are designed to ensure that eligibility for these additional payments is restricted to those relatively few LEAs for whom it is warranted, and that the amounts of those payments accurately reflect the financial burden caused by a large Federal presence in those LEAs.

Under section 8003(f)(2), an LEA would have to meet each of three criteria to qualify for a payment. First, federally connected children (i.e., "(a)" children) would have to constitute at least 40 percent of the LEA's enrollment and the LEA would have to have a tax rate for general-fund purposes that is at least 100 percent of the average tax rate of comparable LEAs in the State. Any LEA whose boundaries are the same as those of a military installation would also qualify. Second, the LEA would have to be exercising due diligence to obtain financial assistance from the State and from other sources. Third, the State would have to make State aid available to the LEA on at least as favorable a basis as it does to other LEAs.

Section 8003(f)(3) would replace the highly complicated provisions of current law relating to the computation of payment amounts for heavily impacted LEAs, including its multiple formulas, with a single formula that, for each eligible LEA, would factor in per-pupil expenditures, the number of its federally connected children, the amount available to it from other sources for current expenditures, and the amount of basic support payments it receives under section 8003(b) and the amount of supplemental payments for children with disabilities it receives under section 8003(d).

Section 8003(f)(4) would direct the Secretary, in determining eligibility and payment amounts for heavily impacted LEAs, to use data from the second preceding fiscal year, if those data are provided by the affected LEA (or the SEA) within 60 days of being requested by the Secretary to do so. If any of those data are not provided by that time, the Secretary would use data from the most recent fiscal year for which satisfactory data are available. This should provide

ample time for LEAs (and States, as may be necessary for certain data) to provide that information so that the Secretary can make payments to LEAs, for whom these funds constitute a substantial portion of their budgets, on a timely basis.

Section 803(g) of the bill would delete section 8003(g) of the ESEA, which authorizes additional payments to LEAs with high concentrations of children with severe disabilities. (These payments are separate from the payments for children with disabilities under section 8003(d), which the bill would continue to authorize.) This complicated authority has never been funded.

Section 803(h) would amend section 8003(h) of the ESEA to prohibit an LEA from receiving a payment under section 8003 on behalf of federally connected children if Federal funds (other than Impact Aid funds) provide a substantial portion of their educational program. This provision, which would codify the Department's regulations (see 34 CFR 222.30(2)(ii)), recognizes that the responsibility for the costs of a child's basic education rests with an LEA and that, if the Federal Government is already paying a substantial portion of those costs through some other program, it should provide additional funds on behalf of that child through the Impact Aid program.

Section 803(i) of the bill would delete the requirement, in section 8003(i) of the ESEA, that LEAs maintain their fiscal efforts for education from year to year as a condition of receiving a payment under either section 8002 or section 8003. While appropriate in other Federal education programs that are meant to provide funds for supplemental services, or to benefit children with particular needs, a maintenance-of-effort requirement is not appropriate for the Impact Aid program, which is intended to help LEAs meet the local costs of providing a free public education to federally connected children.

*Section 804, policies and procedures relating to children residing on Indian lands [ESEA, §8004].* Section 804(1) of the bill would change the heading of section 8004 of the ESEA to "Indian Community Participation", to reflect amendments the bill would make to this section.

Section 804(2) would retain the current requirements of section 8004(a) of the ESEA under which an LEA that claim children residing on Indian lands in its application for Impact Aid funds must ensure that the parents of Indian children and Indian tribes are afforded an opportunity to present their views and make recommendations on the unique educational needs of those children and how those children may realize the benefits of the LEA's educational programs and activities. Section 804(2) would also add language providing that an LEA that receives an Indian Education Program grant under Subpart 1 of Part A of Title IX shall meet the requirements described in the previous sentence through activities planned and carried out by the Indian parent committee established under the Indian Education program, and could choose to form such a committee for that purpose if it is not participating in the Title IX program. An LEA could meet its obligations under section 8004(a) by complying with the parental involvement provisions of Title I and must comply with those provisions for Indian children who it serves under Title I. Finally, an LEA could use any of its section 8003 funds (except for the supplemental funds provided on behalf of children with disabilities) for activities designed to increase tribal and parental involvement in the education of Indian children.

Section 804(3) would streamline the language in section 8004(b), relating to LEA retention of records to demonstrate its compliance with section 8004(a), without changing the substance of that provision.

Section 804(4) would delete subsection (c) of section 8004, which automatically waives the substantive requirement of subsection (a) and the record-keeping requirement of subsection (b) with respect to the children of any Indian tribe that provides the LEA a written statement that it is satisfied with the educational services the LEA is providing those children. The proposed amendments relating to community involvement are sufficiently important that all affected LEAs should comply with them and keep records to document their compliance. Removing this waiver provision would also be consistent with the prohibition on waiving any statutory or regulatory requirements relating to parental participation and involvement that applies to the Secretary's general authority to issue waivers across the entire range of ESEA programs. See §14401(c)(6) of the ESEA.

*Section 805, applications for payments under sections 8002 and 8003 [ESEA, §8005].* Section 805 of the bill would amend section 8005 of the ESEA, relating to applications for payments under sections 8002 and 8003, by: (1) conforming a reference to the amended section 8004 in subsection (b)(2); (2) deleting a reference in subsection (d)(2) to section 8003(e), to reflect the proposed repeal of that "hold-harmless" provision; and (3) deleting subsection (d)(4), which provides an unwarranted benefit to a single State.

*Section 806, payments for sudden and substantial increases in attendance of military dependents [ESEA, §8006].* Section 806 of the bill would repeal section 8006 of the ESEA, which authorizes payments to LEAs with sudden and substantial increases in attendance of military dependents. This authority has never been used and is not needed.

*Section 807, construction [ESEA, §8007].* Section 807 of the bill would amend, in its entirety, section 8007 of the ESEA, which authorizes grants to certain categories of LEAs to support the construction or renovation of schools. As amended, section 8007(a) would authorize assistance only to an LEA that receives a basic support payment under section 8003 and in which children residing on Indian lands make up at least half of the average daily attendance (one of the current eligible categories). This limitation on eligibility would target limited construction funds on LEAs with substantial school-construction needs and severely limited ability to meet those needs.

Subsection (b) of section 8007 would require an interested LEA to submit an application to the Secretary, including an assessment of its school-construction needs.

Subsection (c) would provide that available funds would be allocated to qualifying LEAs in proportion to their respective numbers of children residing on Indian lands.

Subsection (d) would set the maximum Federal portion of the cost of an assisted project at 50 percent, and give an LEA three years after its proposal is approved to demonstrate that it can provide its share of the project's cost.

Subsection (e) would clarify that an LEA could use a grant under this section for the minimum initial equipment necessary for the operation of the new or renovated school, as well as for construction.

*Section 808, facilities [ESEA, §8008].* Section 808 would make a conforming amendment to section 8008 of the ESEA, relating to certain school buildings that are owned by the Department but used by LEAs to serve dependents of military personnel, to reflect the revised authorization of appropriations in section 8014.

*Section 809, State consideration of payments in providing State aid [ESEA, §8009].* Section 809 of the bill would amend section 8009 of the ESEA, which generally prohibits a State from taking an LEA's Impact Aid payments into account in determining the LEA's eligibility for State aid (or the amount of that aid) unless the Secretary certifies that the State has in effect a school-finance-equalization plan that meets certain criteria.

Section 809(2) would add, to section 8009(b)(1)'s statement of preconditions for State consideration of Impact Aid payments, a requirement that the average per-pupil expenditure (APPE) in the State be at least 80 percent of the APPE in the 50 States and the District of Columbia. This will help ensure that LEAs in States with comparatively low expenditures for education receive adequate funds before the State reduces State aid on account of Impact Aid payments.

Section 809 would also make technical and conforming amendments to section 8009.

*Section 810, Federal administration [ESEA, §8010].* Section 810 of the bill would repeal subsection (c) of section 8010 of the ESEA. Subsection (c)(1) sets out a special rule that does not apply after fiscal year 1995. Subsections (c)(2) and (3) provide an unwarranted special benefit to a single LEA.

*Section 811, administrative hearings and judicial review [ESEA, §8011].* Section 811 of the bill makes a technical amendment to section 8011(a) to streamline that provision.

*Section 812, Forgiveness of overpayments [ESEA, §8012].* Section 812 of the bill makes a technical amendment to section 8012 to streamline that provision.

*Section 813, definitions [ESEA, §8013].* Section 813(1) of the bill would conform the definition of "current expenditures" in section 8013(4) of the ESEA to conform to the proposed repeal of current Title VI and to a corresponding amendment to a similar definition of the term in current section 1410(11).

Section 813(2) would amend the definition of "Federal property" (an important basis of eligibility for Impact Aid payments) in section 8013(5) to delete references to certain property that would not normally be regraded as Federal property; these references were enacted for the special benefit of a small number of LEAs. This property does not merit payment under the Impact Aid program.

Section 813(3) through (7) would make technical and conforming amendments to other definitions in section 8013, and delete the definitions of "low-rent housing" and "revenue derived from local sources", which are respectively, no longer needed and an unwarranted special-interest provision.

*Section 814, authorization of appropriations [ESEA, §8014].* Section 814 of the bill would amend section 8014 of the ESEA to authorize the appropriation of funds to carry out the various Impact Aid authorities through fiscal year 2005. New subsection (b) of section 8014 would provide that funds appropriated for school construction under section 8007 and for facilities maintenance under section 8008 would be available to the Secretary until expended. However, if appropriations acts, which normally contain provisions governing the applicability of the funds they appropriate, provide a different rule than the one in proposed section 8014(b), the appropriations acts would govern.

#### TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

##### Part A—Indian Education

Part A of Title IX of the bill would make various amendments to Part A of Title IX of the ESEA, which authorizes a program of formula grants to LEAs, as well as certain demonstration programs and related activities, to increase educational achievement of

American Indian and Alaska Native students.

*Section 901, findings and purpose [ESEA, §9101 and 9102].* Section 901 of the bill would amend the statements of findings and purpose in sections 9101 and 9102 of the ESEA by changing references to the "special educational and culturally related academic needs" of American Indian and Alaska Native students to refer instead to their "unique educational and culturally related academic needs."

*Section 902, grants to local educational agencies [ESEA, §9112].* Section 902 of the bill would amend section 9112 of the ESEA, which authorizes formula grants to certain LEAs educating Indian children. Current section 9112(b) provides that when an eligible LEA does not establish the Indian parent committee required by the statute, an Indian tribe that represents at least half of the LEA's Indian students may apply for the LEA's grant and is to be treated by the Secretary as if it were an LEA. The amendment would codify the Department's interpretation that, in that situation, the tribe is not subject to the statutory requirements relating to the parent committee, maintenance of effort, or submission of its grant application to the State educational agency for review. These requirements would be inappropriate to apply to an Indian tribe, as they are, under section 9113(d), for schools operated or supported by the Bureau of Indian Affairs (BIA).

*Section 903, amount of grants [ESEA, §9113].* Section 903(1) of the bill would make a technical amendment to section 9113(b)(2) of the ESEA, which allows consortia of eligible LEAs to apply for grants.

Section 903(2) would revise section 9113(d), relating to grants to schools operated or supported by the BIA, to clarify that those schools must submit an application to the Secretary and that they are generally to be treated as LEAs for the purpose of the formula grant program, except that they are not subject to the statutory requirements relating to parent committees, maintenance of effort, or submission of grant applications to the SEA for review. These requirements would be inappropriate to apply to these schools, as they would be for Indian tribes that receive grants (in place of an eligible LEA) under section 9112(b).

*Section 904, applications [ESEA, §9114].* Section 904(1) of the bill would amend section 9114(b)(2)(A) of the ESEA, relating to the consistency of an LEA's comprehensive program to meet the needs of its Indian children with certain other plans, to remove a reference to the Goals 2000: Educate America Act (which would be consolidated into the new Title II of the ESEA) and to require that the LEA's plan be consistent with State and local plans under other provisions of the ESEA, not just plans under Title I.

Section 904(2) would amend section 9114(c) of the ESEA to require that the local assessment of the educational needs of its Indian students be comprehensive. This should help ensure that these assessments provide useful guidance to LEAs and parent committees in planning and carrying out projects.

Section 904(3)(A) would amend ambiguous language in section 9114(c)(4)(B) of the ESEA to clarify that a majority of each participating LEA's parent committee must be parents of Indian children.

Section 904(3)(B) would modify the standard for an LEA's use of funds under this program to support a schoolwide program under Title I of the ESEA, as is permitted by section 9115(c). Under the amendment, the parent committee would have to determine that using program funds in that manner would enhance, rather than simply not diminish, the availability of culturally related activities for American Indian and Alaskan Native students.

*Section 905, authorized services and activities [ESEA, §9115].* Section 905(1) of the bill would make a conforming amendment to section 9115(b)(5) of the ESEA to reflect the renaming of the Perkins Act by P.L. 105-332.

Section 905(4) would add four activities to the examples of authorized activities in section 9115(b). These additions would encourage LEAs to address the needs of American Indian and Alaskan Native students in the areas of curriculum development, creating and implementing standards, improving student achievement, and gifted and talented education.

*Section 906, student eligibility forms [ESEA, §9116].* Section 906(1) of the bill would make technical amendments to section 9116(f) of the ESEA.

Section 906(2) would amend section 9116(g) to permit tribal schools operating under grants or contracts from the BIA to use either their child counts that are certified by the BIA for purposes of receiving funds from the Bureau or to use a count of children for whom the school has eligibility forms (commonly referred to as "506 forms") that meet the requirements of section 9116. This choice would allow these schools to avoid the burden of two separate child counts.

Section 906(3) of the bill would add a new subsection (h) to section 9116 of the ESEA to allow each LEA to select either a particular date or period (up to 31 days) to count the number of children it will claim for purposes of receiving a grant.

*Section 907, payments [ESEA, §9117].* Section 907 of the bill would delete obsolete language from section 9117 of the ESEA, relating to payment of grants to LEAs.

*Section 908, State educational agency review [ESEA, §9118].* Section 908 of the bill would rewrite section 9118 of the ESEA, relating to the submission of applications to the Secretary and the review of those applications by SEAs, in its entirety. As revised, section 9118 would not contain current subsection (a), which requires LEAs to submit applications to the Secretary, since that duplicates the requirement in section 9114(a) of the ESEA, where it logically belongs. The revised section would also improve the clarity of the requirement that an LEA submit its application to the SEA for its possible review.

*Section 909, improvement of educational opportunities for Indian children [ESEA, §9121].* Section 909 of the bill would amend section 9121 of the ESEA, which authorizes support for a variety of projects, selected on a competitive basis, to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities for Indian children. In particular, the bill would amend section 9121(d)(2), relating to project applications, to: (1) clarify that certain application requirements do not apply in the case of applicants for dissemination grants under subsection (d)(1)(D); and (2) require applications for planning, pilot, and demonstration projects to include information demonstrating that the program is either a research-based program or that it is a research-based program that has been modified to be culturally appropriate for the students who will be served, as well as a description of how the applicant will incorporate the proposed services into the ongoing school program once the grant period is over.

*Section 910, professional development [ESEA, §9122].* Section 910 of the bill would amend section 9122 of the ESEA, which authorizes training of Indian individuals in profession in which they can serve Indian peoples. Section 910(1) of the bill would repeal section 9122(e)(2) of the Act, which affords a performance to projects that train Indian individuals. This provision, which was carried over from a related program authorized before the

1994 amendments, has no practical effect, since the only projects that have been eligible since 1994 are those that train Indians.

Section 910(2) would amend section 9122(h)(1), which requires individuals who receive training under section 9122 to perform related work that benefits Indian people or repay the assistance they received, so that it would continue to apply to preservice training, but would not apply to in-service training. Individuals receiving in-service training are already serving Indian people, and that training is relatively inexpensive to the taxpayers, is generally of short duration, and frequently does not involve an established per-person cost of participating, such as the substantial tuition and fees that are charged by colleges for preservice degree courses and programs.

Section 910(3) of the bill would add to section 9122 a new authority for grants to consortia to provide in-service training to teachers in LEAs with substantial numbers of Indian children in their schools, so that these teachers can better meet the needs of Indian children in their classrooms. An eligible consortium would consist of a tribal college and an institution of higher education that awards a degree in education, or either or both of those entities along with one or more tribal schools, tribal educational agencies, or LEAs serving Indian children. This new authority will help ensure that classroom teachers are aware of, and responsive to, the unique needs of the Indian children they teach.

*Section 911, repeal of authorities [ESEA, §§9123, 9124, 9125, and 9131].* Section 911 of the bill would repeal various sections of Part A of Title IX of the ESEA that have not been recently funded and for which the Administration is not requesting funds for fiscal year 2000. The goals of these provisions (fellowships for Indian students, gifted and talented education, tribal administrative planning and development, and adult education) are more effectively addressed through other programs. Because Subpart 3 of Part A would be repealed, section 911 would also redesignate the remaining subparts.

*Section 912, Federal administration [ESEA, §§9152 and 9153].* Section 912 of the bill would make technical amendments to sections 9152 and 9153 of the ESEA, to reflect the proposed repeal of Subpart 3 and the redesignation of the remaining subparts.

*Section 913, authorization of appropriations [ESEA, §9162].* Section 913 of the bill would amend section 9162 of the ESEA to authorize appropriations for the Indian education program under Part A of Title IX of the ESEA through fiscal year 2005.

#### *Part B—Native Hawaiian Education Act*

*Sec. 921, Native Hawaiian Education.* Section 901 of the bill would amend Part B of title IX of the ESEA in order to replace a series of categorical programs serving Native Hawaiian children and adults with a single, more flexible authority to accomplish those purposes. In addition to technical and conforming changes, section 901 of the bill would repeal sections 9204 through 9210 of the ESEA. In place of the repealed sections, section 901 of the bill would insert a new section 9204 of the ESEA that would permit all of the types of activities currently carried out under the program to continue. However, it would give the Department more flexibility in operating the program in a manner that meets the educational needs of Native Hawaiian children and adults.

Proposed new section 9204 ("Program Authorized") of the ESEA would authorize the new Native Hawaiian Education program. Proposed new section 9204(a) would authorize the Secretary to award grants or enter into contracts with, Native Hawaiian educational

organizations, Native Hawaiian community-based organizations, public and private nonprofit organizations, agencies, or institutions that have experience in developing Native Hawaiian programs of instruction in the Native Hawaiian language, and consortia of these organizations, agencies, or institutions to carry out Native Hawaiian Education programs.

Permissible Native Hawaiian Education programs under Part B of Title IX of the ESEA would include: (1) the operation of one or more councils to coordinate the provisions of education and related services and programs available to Native Hawaiians; (2) the operation of family-based education centers; (3) activities to enable Native Hawaiians to enter and complete programs of post-secondary education; (4) activities that address the special needs of gifted and talented Native Hawaiian students; (5) activities to meet the special needs of Native Hawaiian students with disabilities; (6) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture; (7) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services; and (8) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

Proposed new section 9204(b) of the ESEA would authorize the appropriation of such sums as may be necessary for each of the fiscal years 2001 through 2005 to carry out Part B of Title IX of the ESEA.

#### *Part C—Alaska Native Education*

*Sec. 931, Alaska Native Education.* Section 902 of the bill would amend Part C of title IX of the ESEA in order to replace a series of categorical programs serving Alaska Natives with a single, more flexible authorization to accomplish those purposes. In addition to technical and conforming changes, section 902 of the bill would repeal sections 9304 through 9306 of the ESEA. In place of the repealed sections, section 902 of the bill would insert a new section 9304 of the ESEA that would permit all of the types of activities currently carried out under the program to continue. However, it would give the Department more flexibility in operating the program in a manner that meets the educational needs of Alaska Native children and adults.

Proposed new section 9304 ("Program Authorized") of the ESEA would authorize the new Alaska Native Education program. Proposed new section 9304(a) would authorize the Secretary to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and to consortia of these organizations and entities to carry out programs that meet the purposes of this part.

The activities that would be carried out under this section include: (1) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives; (2) development of curricula and educational programs to address the educational needs of Alaska Native students; (3) professional development activities for educators; (4) the development and operation of home instruction programs for Alaska Native preschool children; (5) the development and operation of student enrichment programs in science and mathematics; (6) research and data-collection activities to determine the educational status and needs of

Alaska Native children and adults; and (7) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

Proposed new section 9304(b) of the ESEA would authorize the appropriation of such sums as may be necessary for each of the fiscal years 2001 through 2005 to carry out Part C of Title IX of the ESEA.

#### TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

*Section 1001. Fund for the Improvement of Education.* Section 1001 of the bill would amend Part A of Title X of the ESEA, which authorizes funds to support nationally significant programs and projects to improve the quality of elementary and secondary education, to assist students to meet challenging State content standards and challenging State performance standards, and to contribute to the achievement of America's Education Goals.

Section 1001(1)(A) of the bill would amend section 10101(a) of the ESEA to emphasize that the Fund for the Improvement of Education (FIE) is a program focused on improving elementary and secondary education.

Section 1001(1)(B) of the bill would amend section 10101(b) of the ESEA to strengthen the program by focusing the authorized use of funds more narrowly. Authorized activities would include: (1) development, evaluation, and other activities designed to improve the quality of elementary and secondary education; (2) the development, implementation, and evaluation of programs designed to foster student community service, encourage responsible citizenship; and improve academic learning; (3) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; (4) activities to study and implement strategies for creating smaller learning communities; (5) programs under section 10102 and section 10103; (6) activities to promote family involvement in education; and (7) other programs that meet the purposes of this section.

Section 1001(1)(C) of the bill would amend section 10101(c) of the ESEA to require an applicant for an award to establish clear goals and objectives for its project and describe the activities it will carry out in order to meet these goals and objectives. It would also require recipients of funds to report to the Secretary such information as may be required, including evidence of its progress towards meeting the goals and objectives of its project, in order to determine the project's effectiveness. This change would emphasize the Department's desire to ensure that the effectiveness of all funded projects can be fully assessed. This language is also aligned with the performance indicators in the FIE plan under GPRA.

This section of the bill would also allow the Secretary to require recipients of awards under this part to provide matching funds from sources other than Federal funds, and to limit competitions to particular types of entities, such as State or local educational agencies.

Section 1001(1)(D) of the bill would amend section 10101(d) of the ESEA to authorize such sums as may be necessary to carry out this part through fiscal year 2005.

Section 1001(1)(E) of the bill would redesignate section 10101(d) of the ESEA as section 10101(e) and add a new requirement that each recipient of a grant under this section to submit a comprehensive evaluation on the effectiveness of its program in achieving its goals and objectives, including the impact of the program on students, teachers, administrators, and parents, to the Secretary, by the mid-point of the program, and no later than one year after completion of the program.

Section 1001(2) of the bill would repeal section 10102 of the ESEA.

Section 1001(3) of the bill would make substantial changes to section 10103 of the ESEA, relating to Character Education. It would provide for more funding flexibility by removing the limit of 10 character education grants per year and maximum award of \$1 million to SEAs, and instead authorize the Secretary to make up to 5-year grants to SEAs, LEAs, or consortia of educational agencies for the design and implementation of character education programs. These programs would be required to be linked to the applicant's overall reform efforts, performance standards, and activities to improve school climate. Allowing LEAs and consortia of educational agencies to apply would increase flexibility to fund innovative programs in school districts where the State is not interested in making an application.

Section 1001(3) of the bill would also streamline the application requirements under current law. The application would include: (1) a description of any partnership and other collaborative effort between the applicant and other educational agencies; (2) a description of the program's goals and objectives; (3) a description of activities to be carried out by the applicant; (4) a description of how the programs will be linked to broader educational reforms being instituted by the applicant and applicable State and local standards for student performance; (5) a description of how the applicant will evaluate its progress in meeting its goals and objectives; and (6) such other information as the Secretary may require.

Finally, section 1001(3) of the bill would require the Secretary to make awards that serve different areas of the Nation, including urban, suburban, and rural areas.

Section 1001(4) of the bill would redesignate section 10103 of the ESEA, as amended by section 1001(3), as section 10102, and add a proposed new section 10103 of the ESEA. Specifically, proposed new section 10103 ("State and Local Character Education Program") of the ESEA would authorize a new program, under which the Secretary could make awards to SEAs, LEAs, institutions of higher education (IHEs), tribal organizations, and other public or private agencies to carry out research, development, dissemination, technical assistance, and evaluation activities that support character education programs under new section 10102 of the ESEA.

Proposed new section 10103(b) of the ESEA would authorize funds under this section to be used to: (1) conduct research and development activities; (2) provide technical assistance to the agencies receiving awards under the program, particularly on matters of program evaluation; (3) conduct a national evaluation of the character education program; and (4) compile and disseminate information on model character education programs, character education materials and curricula, research findings in the area of character education, and any other information that would be useful to character education program participants, and to other educators and administrators, nationwide.

Section 1001(5) of the bill would repeal sections 10104, 10105, 10106, and 10107 of the ESEA.

*Section 1002. Gifted and Talented Children.* Section 1002 of the bill would reauthorize and make minor improvements to Part B of Title X of the ESEA, which provides financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students.

Section 1002(1) would make a technical change to the program's short title.

Section 1002(2) of the bill would amend section 10204(c) of the ESEA to require the National Center for Research and Development in the Education of Gifted and Talented Children to focus the dissemination of the results of its activities to schools with high percentages of economically disadvantaged students. This modification would help to overcome the Center's current lack of targeting on low-income schools and school districts.

Section 1002(3) of the bill would amend section 10206(b) of the ESEA to require the Secretary to use a peer-review process in reviewing applications under this part, and ensure that the information on the activities and results of programs and projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations.

Section 1002(4) of the bill would amend section 10207 of the ESEA to authorize such sums as may be necessary to carry out the Gifted and Talented Children program through fiscal year 2005.

*Section 1003. International Education Exchange.* Section 1003 of the bill would: (1) move the International Education Exchange program from Title VI of the Goals 2000: Educate America Act (P.L. 103-227) to Part C of Title X of the ESEA; (2) authorize the appropriation of such sums as may be necessary to carry out this program through fiscal year 2005; and (3) add the Republic of Ireland, Northern Ireland, and any other emerging democracy in a developing country to the definition of "eligible country."

*Section 1004. Arts in Education.* Section 1004 of the bill would reauthorize and streamline Part D of Title X of the ESEA, which provides financial assistance to support education reform by strengthening arts education as in integral part of the elementary and secondary school curriculum.

Section 1004(1) of the bill would strike out the heading and designation of Subpart 1 of Part D of Title X of the ESEA.

Section 1004(2)(A) of the bill would amend section 10401(d) of the ESEA by adding a new authorized activity, model arts and cultural programs in the arts for at-risk children and youth, particularly programs that use arts and culture to promote students' academic progress, to the list of authorized activities of the Arts in Education program.

Section 1004(2)(B) of the bill would amend section 10401(f) of the ESEA to authorize the appropriation of such sums as may be necessary to carry out this part through fiscal year 2005.

Section 1004(3) of the bill would repeal Subpart 2 of Part D of Title X of the ESEA. This subpart has never been funded, and the addition of the authorized activity in section 10401(d) of the ESEA, noted above, would provide a more flexible authorization for projects serving at-risk children and youth.

*Section 1005. Inexpensive Book Distribution Program.* Section 1005 of the bill would reauthorize without change Part E of Title X of the ESEA through fiscal year 2005. This program supports Reading is Fundamental, under which inexpensive books are distributed to students to motivate them to read.

*Section 1006. Civic Education.* Section 1006 of the bill would reauthorize and streamline Part F of Title X of the ESEA, which authorizes a program to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

Section 1006 of the bill would repeal the unfunded instruction in Civics, Government, and the Law program under section 10602 of the ESEA, authorize the appropriation of such sums as may be necessary to carry out this part through fiscal year 2005, and make conforming changes.



*Section 1007. Allen J. Ellender Program.* Section 1007 of the bill would repeal Part G of Title X of the ESEA.

*Section 1008. 21st Century Community Learning Centers.* Section 1008 of the bill would reauthorize and improve Part I of Title X of the ESEA, which authorizes grants to rural and inner-city public schools to plan, implement, or expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.

Section 1008(1) of the bill would amend section 10902 of the ESEA to update the findings.

Section 1008(2)(A) of the bill would amend section 10903(a) of the ESEA by adding language to current law to clarify that the Secretary may award grants to LEAs and community based organizations (CBOs) (with up to 10% of the funds appropriated to carry out this part for any fiscal year) on behalf of public elementary or secondary schools in inner-cities, rural areas, and small cities. In both cases, awards would be limited to schools or CBOs that serve communities with a substantial need for expanded learning opportunities due to: their high proportion of low-achieving students; lack of resources to establish or expand community learning centers; or other needs consistent with the purposes of this part.

Section 1008(2)(B) of the bill would retain the current requirement in section 10903(b) for equitable distribution among the States and urban and rural areas of the United States, but would delete the provision requiring equitable distribution among urban and rural areas of a State.

Section 1008(2)(C) of the bill would amend section 10903(c) of the ESEA to change the duration of grants awarded under this part from 3-years to 5-years.

Section 1008(3)(A) of the bill would amend section 10904 of the ESEA to change the eligible applicant for a grant under this part from a school to an LEA (which would apply on behalf of one or more schools) or a community-based organization. This provision of the bill would also add a new requirement that the applicant provide information that it will provide at least 50 percent of the cost of the project from other sources, which may include other Federal funds and may be provided in cash or in kind, fairly evaluated. The applicant would also be required to provide an assurance that in each year of the project, it will expend, from non-Federal sources, at least as much for the services under this part as it expended for the preceding year and information demonstrating how the applicant will continue the project after completion of the grant.

Paragraph (3)(B) of section 1008 of the bill would amend section 10904(b) of ESEA to require the Secretary to give priority, in all competitions, to applications that offer a broad selection of services that address the needs of the community, and applications that offer significant expanded learning opportunities for children and youth in the community. This provision of the bill would also add a new requirement to section 10904 of the ESEA that an application submitted by a CBO must obtain evidence that affected LEAs concur with the project.

Section 1008(4) of the bill would amend section 10905 of the ESEA to require that applicants provide expanded learning opportunities and eliminate the requirement that applicants include at least four of the activities listed in this section. Instead, applicants must provide educational activities and may provide a range of other services to the community.

Section 1008(5) of the bill would amend section 10906 of the ESEA to clarify the definition of "community learning center" as an

entity that provides expanded learning opportunities, and may also provide services that address health, social service, cultural, and recreational needs of the community. It would also add a special rule to require a community learning center operated by a local educational agency (but not a CBO) to be located within a public elementary or secondary school building.

Section 1008 (6) of the bill would amend section 10907 of the ESEA to authorize the appropriation of such sums as may be necessary to carry out this part through fiscal year 2005.

Section 1008(7) of the bill would add a proposed new section 10908 ("Continuation Awards") to the ESEA that would allow the Secretary to use funds appropriated under this part to make continuation awards for projects that were funded with fiscal year 1999 and 2000 funds, under the terms and conditions that applied to the original awards. This provision would have the effect of allowing the Department to provide continuous funding for the last year of 3-year grants made in fiscal year 1998 under the provisions of current law.

Section 1008(8) of the bill would redesignate Part I of Title X of the ESEA as Part G of that title and make conforming changes.

*Section 1009. Urban and Rural Education Assistance.* Section 1009 of the bill would repeal Part J of Title X of the ESEA.

*Section 1010. High School Reform.* Section 1010 of the bill would add a new Part H, High School Reform, to Title X of the ESEA.

Proposed new section 10801 ("Purposes") of the ESEA would state the congressional findings that support this new program. Subsection (b) would provide that the purposes of Part H are to: (1) support the planning and implementation of educational reforms in high schools, particularly in urban and rural high schools that educate concentrations of students from low-income families; (2) support the further development of educational reforms, designed specifically for high schools, that help students meet challenging State standards, and that increase connections between students and adults and provide safe learning environments; (3) create positive incentives for serious change in high schools, by offering rewards to participating schools that achieve significant improvements in student achievement; (4) increase the national knowledge base on effective high school reforms by identifying the most effective approaches and disseminating information on those approaches so that they can be adopted nationally; and (5) support the implementation of reforms in at least 5,000 American high schools by the year 2007.

Proposed new section 10802 ("Grants to Local Education Agencies") of the ESEA would authorize the Secretary to make competitive grants to LEAs to carry out the program's purposes in their high schools. Subsection (b) would establish a maximum grant period of three years for each grant. Subsection (c) would provide that a particular high school could not be assisted by more than one grant. An LEA could thus serve one or more of its high schools with one grant and one or more different high schools with a subsequent grant.

Proposed new section 10803 ("Applications") of the ESEA would require an LEA that desires a grant to submit an application and describe the information that must be included.

Proposed new section 10804 ("Selection of Grantees") of the ESEA would establish the procedures and criteria the Secretary would use in selecting grantees.

Proposed new section 10805 ("Principles and Components of Educational Reforms") of the ESEA would describe the outcomes that participating high schools are expected to

achieve, and would identify the components of the educational reforms that would have to be carried out in those schools in order to attain those outcomes.

Proposed new section 10806 ("Private Schools") of the ESEA would provide for the equitable participation of personnel from private schools in any professional development carried out with Part H funds. A grantee that uses Part H funds to develop curricular materials would also be required to make information about those materials available to private schools at their request.

Proposed new section 10807 ("Additional Activities") of the ESEA would direct the Secretary to reserve funds from each year's appropriation for Part H to carry out certain activities relating to the program's purpose, including testing the effect of offering financial rewards to teachers and administrators in high schools if their students demonstrate significant gains in educational outcomes.

Proposed new section 10808 ("Definition") of the ESEA would define the term "high school" as used in part H.

Finally, proposed new section 10809 ("Authorization of Appropriations") of the ESEA would authorize the appropriation of such sums as may be necessary for fiscal years 2001 through 2005 to carry out Part H.

*Section 1011. Elementary School Foreign Language Assistance Program.* Section 1011 of the bill would revise and move the "Foreign Language Assistance Program", currently in Part B of Title VII of the ESEA, to Title X of the ESEA, as new Part I. Proposed new Part I would seek to expand, improve the quality of, and enhance foreign language programs at the elementary school level by supporting State efforts to encourage and support such programs, local implementation of innovative programs that meet local needs, and identification and dissemination of information on best practices in elementary school foreign language education.

Proposed new section 10901 of the ESEA ("Findings; Purpose") would set forth the findings and purpose of the part.

Proposed new section 10902 of the ESEA ("Elementary School Foreign Language Assistance Program") would authorize the Elementary School Foreign Language Assistance Program. Proposed new section 10902(a) of the ESEA would authorize the Secretary, from funds appropriated under subsection (g) for any fiscal year, to make grants to SEAs and to LEAs for the Federal share of the cost of the activities set forth in subsection (b). Each grant under paragraph (1) would be awarded for a period of three years.

Under proposed new section 10902(a)(3), an SEA could receive a grant under the section if it: (1) has established, or is establishing, State standards for foreign language instruction; or (2) requires the public elementary schools of the State to provide foreign language instruction.

Under proposed new section 10902(a)(4), an LEA could receive a grant under the section if the program in its application: (1) shows promise of being continued beyond the grant period; (2) would demonstrate approaches that can be disseminated to, and duplicated by, other LEAs; (3) would include performance measurements and assessment systems that measure students' proficiency in a foreign language; and (4) would use curriculum that is aligned with State standards, if the State has such standards.

Proposed new section 10902(b)(1) would require that grants to SEAs under this section be used to support programs that promote the implementation of high-quality foreign language programs in the elementary schools of the State, which may include: (1) developing foreign language standards and assessments that are aligned with those standards; (2) supporting the efforts to institutions of higher education within the State



to develop programs to prepare the elementary school foreign language teachers needed in schools within the State and to recruit candidates to prepare for, and assume, such teaching positions; (3) developing new certification requirements for elementary school foreign language teachers, including requirements that allow for alternative routes to certification; (4) providing technical assistance to LEAs in the State in developing, implementing, or improving elementary school foreign language programs, including assistance to ensure effective coordination with, and transition for students between, elementary, middle, and secondary schools; (5) disseminating information on promising or effective practices in elementary school foreign language instruction, and supporting educator networks that help improve that instruction; (6) stimulating the development and dissemination of information on instructional programs that use educational technologies and technology applications (including such technologies and applications as multimedia software, web-based resources, digital television, and virtual reality and wireless technologies) to deliver instruction or professional development, or to assess students' foreign language proficiency; and (7) collecting data on and evaluating the elementary school foreign language programs in the State and the activities carried out with the grant.

Proposed new section 10902(b)(2) would require that grants to LEAs under this section be used for activities to develop and implement high-quality, standards-based elementary school foreign language programs, which may include: (1) curriculum development and implementation; (2) professional development for teachers and other staff; (3) partnerships with institutions of higher education to provide for the preparation of the teachers needed to implement programs under this section; (4) efforts to coordinate elementary school foreign language instruction with secondary-level foreign language instruction, and to provide students with a smooth transition from elementary to secondary programs; (5) implementation of instructional approaches that make use of advanced educational technologies; and (6) collection of data on, and evaluation of, the activities carried out under the grant, including assessment, at regular intervals, of participating students' proficiency in the foreign language studied. Proposed new section 10902(b)(3) would allow efforts under the fourth LEA activity described above to include support for the expansion of secondary school instruction, so long as that instruction is part of an articulated elementary-through-secondary school foreign language program that is designed to result in student fluency in a foreign language.

Proposed new section 10902(c)(1) would require any SEA or LEA desiring to receive a grant under this section to submit an application to the Secretary at such time, in such form, and containing such information and assurances, as the Secretary may require. Each application would be required to include a description of: (1) the goals that the applicant will attempt to accomplish through the project; (2) the activities to be carried out through the project; and (3) how the applicant will determine the extent to which the project meets its goals.

Proposed new section 10902(d) would authorize the secretary, in awarding grants under this section, to establish one or more priorities consistent with the purpose of this part, including priorities of projects carried out by LEAs that include immersion programs in which instruction is in the foreign language for a major portion of the day or that promote the sequential study of a foreign language for students, beginning in elementary schools.

Proposed new section 10902(e) would require an SEA or LEA that receives a grant under this section to submit to the Secretary an annual report that provides information on the project's progress in reaching its goals. An LEA that receives a grant under this section would be required to include in its report information on students' gains in comprehending, speaking, reading and writing a foreign language, and compare such educational outcomes to the State's foreign language standards, if such State standards exist.

Proposed new section 10902(f) would require that the Federal share of a program under this section for each fiscal year be not more than 50 percent. The Secretary would be authorized to waive the requirement of cost sharing for any LEA that the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this section.

Proposed new section 10902(g)(1) would authorize appropriations of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years for the purpose of carrying out this section. Proposed new section 10902(g)(2) would, for any fiscal year, authorize the Secretary to reserve up to five percent of the amount appropriated to: (1) conduct independent evaluations of the activities assisted under this section; (2) provide technical assistance to recipients of awards under this section; and (3) disseminate findings and methodologies from evaluations required by, or funded under, this section and other information obtained from such programs.

**Section 1012. National Writing Project.** Section 1012 of the bill would reauthorize and improve Part K of Title X of the ESEA, which authorizes a grant to the National Writing Project for the improvement of the quality of student writing and learning, and the teaching of writing as a learning process.

Section 1012 of the bill would: (1) amend section 10991 of the ESEA to update the findings; (2) amend section 10992 of the ESEA to authorize the Secretary to conduct an independent evaluation of the National Writing Project program; (3) authorize the appropriation of such sums as may be necessary to carry out his program through fiscal year 2005; and (4) make conforming changes.

#### TITLE XI—GENERAL PROVISIONS, DEFINITIONS, AND ACCOUNTABILITY

Title XI of the bill would amend Title XIV of the ESEA containing general provisions relating to that Act.

**Section 1101. Definitions.** Section 1101 of the bill would amend various provisions of Part A of Title XIV of the ESEA to: (1) amend the definition of the term "covered program;" (2) add a new definition for the term "family literacy services;" and (3) make a number of cross-reference changes from provisions and parts in Title XIV of the ESEA to provisions and parts in Title XI of the ESEA to reflect the redesignation of Title XIV as Title XI by section 1109 of the bill. As amended, covered programs would be: Part A of Title I; Part C of Title I; Part A of Title II; Subpart 1 of Part D of Title III; Part A of Title IV (other than section 4115), the Comprehensive School Reform Demonstration Program, and Title VI of the ESEA. The term "family literacy services" would mean services provided to eligible participants on a voluntary basis that are of sufficient intensity, both in hours and duration, to make sustainable changes in a family, and that integrate interactive literacy activities between parents and their children, training for parents on how to be the primary teachers for their children and full partners in the education of their children, parent literacy training leading to self-sufficiency, and an age-appropriate edu-

cation to prepare children for success in school and life experiences.

**Section 1102. Administrative Funds.** Section 1102 of the bill would amend various provisions of Part B of Title XIV of the ESEA to: (1) revise the list of programs that are subject to the authority to consolidate State administrative funds; (2) expand the list of additional uses for consolidated administrative funds; (3) clarify that local consolidated administrative funds may be used at the school district and school level; and (4) clarify the circumstances under which an LEA may transfer a portion of its funds under one covered program to another covered program.

Paragraph (1)(A) of section 1102 of the bill would revise the list of programs in section 14201(a)(2) of the ESEA whose administrative funds may be consolidated to include programs under Title I, Part A of Title II, Subpart 1 of Part D of Title III, and Part A of Title IV (other than section 4115) of the ESEA, the Comprehensive School Reform Demonstration Program, Title VI of the ESEA (Class Size Reduction), the Carl D. Perkins Vocational and Technical Education Act of 1998, and such other programs as the Secretary may designate.

Paragraph (1)(B) of section 1102 of the bill would amend section 14201(b)(2) of the ESEA to revise the list of additional uses for the consolidated administrative funds to include: (1) State level activities designed to carry out Title XI (the redesignated general provisions title) including Part B (accountability); (2) coordination of included programs with other Federal and non-Federal programs; (3) the establishment and operation of peer-review mechanisms under the ESEA; (4) collaborative activities with other State educational agencies to improve administration under the Act; (5) the dissemination of information regarding model programs and practices; (6) technical assistance under the included programs; (7) training personnel engaged in audit and other monitoring activities; and (8) implementation of the Cooperative Audit Resolution and Oversight Initiative. (Items (1), (4), (7), and (8) provide new authority.)

Paragraph (1)(C) of section 1102 of the bill would eliminate an outdated cross-reference to the Goals 2000: Educate America Act.

In addition to making conforming changes, section 1102(2) of the bill would make a clarifying change to section 14203 of the ESEA (Consolidation of Funds for Local Administration) to make clear that an LEA may use local consolidated funds at the school district and school levels for uses comparable to those described above for consolidated State administrative funds.

Paragraph (3) of section 1102 of the bill would repeal section 14204 of the ESEA (Administrative Funds Studies). Paragraph (4) of section 1102 of the bill would make conforming amendments.

Paragraph (5) of section 1102 of the bill would make conforming amendments, and would also amend section 14206(a) of the ESEA to authorize an LEA that determines for any fiscal year that funds under one covered program (other than Part A of Title I) would be more effective in helping all its students achieve the State's challenging standards if used under another covered program, to use such funds (not to exceed five percent of the LEA's total allotment under that program) to carry out programs or activities under the other covered program. The LEA would be required to obtain the approval of its SEA for this use.

**Section 1103. Coordination of Programs.** Section 1103 of the bill would amend provisions of Part C of Title XIV of the ESEA relating to consolidated State plans and consolidated local plans and add a new section on consolidated State reporting.

Section 1103(1) of the bill would make an editorial change to the heading for the Part. Section 1103(2) of the bill would substantially revise section 14302 of the ESEA (Optional Consolidated State Plans), which provides authority for an SEA to submit a consolidated State plan instead of separate State plans for the programs covered by that section.

Proposed new section 14302(a)(1) of the ESEA would direct the Secretary to establish procedures and criteria under which a State educational agency may submit a consolidated State plan meeting the requirements of proposed new section 14302. An SEA would be authorized to submit a consolidated State plan for any or all of the covered programs in which the State participates and the additional programs described in proposed new section 14302(a)(2) of the ESEA. These additional programs include: (1) the Even Start program under Part of Title I; (2) the Neglected or Delinquent program under Part D of Title I; (3) programs under Title Part A of Title II of the Carl D. Perkins Vocational and Technical Education Act of 1998; and (4) such other programs as the Secretary may designate.

Proposed new section 14302(a)(3) of the ESEA would provide for the State development and submission of a consolidated State plan. Under proposed new section 14302(a)(3)(A), an SEA desiring to receive a grant under two or more programs to which the section applies would be authorized to submit a consolidated State plan. Under proposed new section 14302(a)(3)(B) of the ESEA, that agency would not be required to submit a separate State plan for the programs included in the consolidated State plan. Proposed new section 14302(a)(3)(C) of the ESEA would provide that the SEA must comply with all legal requirements applicable to the programs included in the consolidated State plan as if it had submitted separate State plans.

Proposed new section 14302(a)(4) would specify that an SEA desiring to receive funds under a program subject to section 14302 of the ESEA for fiscal year 2001 and the succeeding four fiscal years must submit a new consolidated State plan meeting the requirements of that section.

Proposed new section 14302(b) of the ESEA would provide for the content of a consolidated State plan. Proposed section 14302(b)(1) would direct the Secretary to collaborate with SEAs and other named parties in establishing criteria and procedures. Through this collaborative process, the Secretary would establish for each program the descriptions and information that must be included in the plan. Proposed new section 14302(b)(1) of the ESEA would further direct the Secretary to ensure that a consolidated State plan contains, for each program included in the plan, the descriptions and information needed to ensure proper and effective administration of that program in accordance with its purposes. This provision is designed to strengthen the consolidated plan as an instrument of effective administration of each program included.

Proposed new section 14302(b)(2) of the ESEA would require an SEA to describe in its plan how funds under the included programs will be integrated to best serve the needs of the students and teachers intended to benefit and how such funds will be coordinated with other covered programs not included in the plan and related programs.

Proposed new section 14302(c) of the ESEA would require an SEA to include in its consolidated State plan any information required by the Secretary under proposed new section 11912 of the ESEA regarding performance indicators, benchmarks and targets and any other indicators or measures that the

State determines are appropriate for evaluating its performance.

Proposed new section 14302(d) would require an SEA to include in its consolidated State plan a description of the strategies it will use under proposed new sections 11503(a) (4) and (5) (relating to State monitoring and data integrity).

Proposed new section 14302(e) of the ESEA would establish procedures for peer review and Secretarial approval. The Secretary would be required to establish a peer review process to assist in the review of consolidated State plans and provide recommendations for revision. To the extent practicable, the Secretary would be directed by proposed new section 14302(e)(1) to appoint individuals who: (1) are knowledgeable about the programs and target populations; (2) are representative of SEAs, LEAs, and teachers and parents of students served under the programs, and (3) have expertise on educational standards, assessment, and accountability.

Proposed new section 14302(e)(2) of the ESEA would direct the Secretary to approve a plan if it meets the requirements of the section and would authorize the Secretary to accompany such approval with one or more conditions. Under proposed new section 14302(e)(3) of the ESEA, if the Secretary determines that the plan does not meet those requirements, the Secretary would be required to notify the State of that determination and the reasons for it. Proposed new section 14302(e)(4) of the ESEA would require the Secretary, before disapproving a plan, to offer the State an opportunity to revise the plan, provide technical assistance, and provide a hearing.

Proposed new section 14302(f) of the ESEA would provide for revision and amendment of a consolidated State plan.

Section 1103(3) of the bill would amend section 14303(a) of the ESEA to provide for uniform State assurances regarding monitoring and data integrity. Paragraph (3)(B) of section 1103 of the bill would insert a new paragraph (4) in section 14303(a) of the ESEA, requiring the State to assure that it will monitor performance by LEAs to ensure compliance with the requirements of the ESEA and, in so doing, will: (1) maintain proper documentation of monitoring activities; (2) provide technical assistance when appropriate and undertake enforcement activities when needed; and (3) systematically analyze the results of audits and other monitoring activities to identify trends in funding and develop strategies to correct problems.

Paragraph (3)(B) of section 1103 of the bill would further amend section 14303(a) of the ESEA by adding a new paragraph (5) requiring the State to assure that the data the State uses to measure its performance (and that of its LEAs) under the ESEA are complete, reliable, an accurate, or, if not, the State will take such steps as are necessary to make those data complete, reliable and accurate.

Section 1103(4) of the bill would repeal section 14304 of the ESEA (Additional Coordination). Section 1103(5) of the bill would amend section 14305 of the ESEA ("Consolidated Local Plans"). Proposed new sections 14305(a) through (d) of the ESEA would clarify and modify current law. Under proposed section 14305(a), and LEA receiving funds under more than one covered program may submit plans to the SEA under such programs on a consolidated basis. Proposed new section 14305(b) of the ESEA would authorize an SEA that has an approved consolidated State plan to require its LEAs that receive funds under more than one program included in the consolidated State plan to submit consolidated local plans for such programs.

Proposed new section 14305(c) of the ESEA would require an SEA to collaborate with

LEAs in the State in establishing criteria and procedures for the submission of the consolidated local plans. For each program under the ESEA that may be included in a local consolidated plan, proposed new section 14305(d) of the ESEA would authorize the Secretary to designate the descriptions and information that must be included in a local consolidated plan to ensure that each program is administered in a proper and effective manner in accordance with its purposes.

Section 1103(6) of the bill would make conforming amendments to section 14306 of the ESEA (General Assurances), and section 1103(7) of the bill would repeal section 14307 of the ESEA (Relationship of State and Local Plans to Plans under the Goals 2000: Educate America Act).

Section 1103(8) of the bill would amend Part C of Title XIV of the ESEA by adding a new section 14307 ("Consolidated Reporting") authorizing the Secretary to establish procedures and criteria under which an SEA must submit a consolidated State annual performance report. Proposed new section 14307 of the ESEA would require that the report include information about programs included in the report, including the State's performance under those programs, and other matters, as the Secretary determines. Submission of a consolidated performance report would take the place of individual performance reports for the programs subject to its.

**Section 1104. Waivers.** Section 1104 of the bill would amend section 14401 of the ESEA (Waivers).

Section 1104(1) of the bill would amend section 14401(a) of the ESEA to add the Carl D. Perkins Vocational and Technical Education Act of 1998 and Subtitle B of Title VII of the Stewart B. McKinney Homeless Assistance Act as programs to which section 14401 applies. Section 1104(2) of the bill would amend section 14401(b)(1) of the ESEA to require that an SEA, LEA, or Indian tribe that desires a waiver submit an application to the Secretary containing such information as the Secretary may reasonably require. Each such application would be required to: (1) indicate each Federal program affected and the statutory or regulatory requirements requested to be waived; (2) describe the purpose and expected results of the waiver; (3) describe, for each school year, specific, measurable goals for the SEA and for each LEA, Indian tribe, or school that would be affected; and (4) explain why the waiver would assist in reaching these goals. Section 1104(3) of the bill would make conforming amendments to section 14401(c) of the ESEA, relating to restrictions on the waiver authority, and would add health and safety to the list of requirements that may not be waived. Section 1104(4) of the bill would make conforming changes to section 14401(e)(4) of the ESEA, relating to reports to Congress.

**Section 1105. Uniform provisions.** Section 1105 of the bill would amend various provisions of Part E of Title XIV of the ESEA relating to uniform provisions concerning maintenance of effort and participation by private school children and teachers.

Section 1105(1) of the bill would amend section 14501(a) of the ESEA, relating to maintenance of effort, to make that section inapplicable to Part C of Title I of that Act.

Section 1105(2) of the bill would also amend section 14503(a)(1) of the ESEA, relating to the provision of equitable services to students in private schools, by adding language to clarify that those services should address the needs of those students.

Section 1105(2) of the bill would amend section 14503(b) to make it apply to programs under: Part C of Title I; Part E of Title I; Subpart 2 of Part A of Title II; Title III, Part A of Title IV-A (other than section 4115), and Part A of Title VII of the ESEA.

Section 1105(2) of the bill would also amend section 14503(c)(1) of the ESEA, with respect to the issues to be covered by consultation between designated public educational agencies and appropriate private school officials. Section 1105(2) of the bill would add two issues to be covered by such consultation: (1) to the extent applicable, the amount of funds received by the agency that are attributable to private school children; and (2) how and when the agency will make decisions about the delivery of services to these children.

Section 1105(2) of the bill would also amend section 14503(c)(2) of the ESEA to clarify the timing of such consultation. Under proposed new section 14503(c)(2) of the ESEA, such consultation would be required to include meetings of agency and private school officials, to occur before the LEA makes any decision that affects the opportunities of eligible private school children or their teachers to participate in programs under the ESEA, and to continue throughout the implementation and assessment of activities under section 14503 of the ESEA.

Paragraphs (3) and (4) of section 1105 of the bill would amend sections 14504 and 14506 of the ESEA to make conforming amendments to cross-references. Paragraph (5) of section 1105 of the bill would repeal sections 14513 and 14514 of the ESEA.

**Section 1106. Gun Possession.** Section 1106 of the bill would repeal Part F of Title XIV of the ESEA, the "Gun-Free Schools Act". These provisions, in modified form, would be included in proposed new title IV of the ESEA.

**Section 1107. Evaluation and Indicators.** Section 1107 of the bill would amend Part G of Title XIV to revise section 14701 of the ESEA (Evaluation) and to add a new section 14702 of the ESEA ("Performance Measures"), authorizing the Secretary to establish performance indicators for each program under the ESEA and Title VII-B of the Stewart B. McKinney Homeless Assistance Act.

Section 1107(1) of the bill would amend the heading of Part G to read: "EVALUATION AND INDICATORS." Section 1107(s) of the bill would add to section 14701(a)(1) of the ESEA new subparagraphs that would authorize the Secretary, with the funds reserved under the section, to: (1) conduct evaluations to carry out the purposes of the Government and Performance Results Act of 1993, and (2) work in partnership with the States to develop information relating to program performance that can be used to help achieve continuous improvement at the State, school district, and school level. Proposed new section 14701(b) of the ESEA would direct the Secretary to use reserved funds to conduct independent studies of programs under the ESEA and the effectiveness of those programs in achieving their purposes, to determine whether the programs are achieving the standards set forth in the subsection. Proposed new section 14701(c) of the ESEA would direct the Secretary to establish an independent panel to review these studies, to advise the Secretary on their progress, and to comment, if it so chooses, on the final report under proposed new section 14701(d).

Proposed new section 14701(d) would direct the Secretary to submit an interim report on the evaluations within three years of enactment of the Educational Excellence for All Children Act of 1999 and a final report with four years to the Committee on Education and the Workforce of the House of Representatives and to the Committee on Health, Education, Labor and Pensions of the Senate. Proposed new section 14701(e) of the ESEA would authorize the Secretary to provide technical assistance to recipients under the ESEA to strengthen the collection and assessment of information relating to program performance and quality assurance

at State and local levels. This proposed new subsection would require that the technical assistance be designed to promote the development, use and reporting of data on valid, reliable, timely, and consistent performance indicators, within and across programs, with the goal of helping recipients make continuous program improvement.

Section 1107(3) would add proposed new section 14702 ("Performance Measures") to the ESEA. Proposed new section 14702(a) of the ESEA would authorize the Secretary to establish performance indicators, benchmarks, and targets for each program under the Act and Subtitle B of Title VII-B of the McKinney Homeless Assistance Act, to assist in measuring program performance. It would further require that the indicators, benchmarks, and targets be consistent with the Government Performance and Results Act of 1993, strategic plans adopted by the Secretary under that Act, and section 11501 of the ESEA.

Proposed new section 14702(b) of the ESEA would direct the Secretary to collaborate with SEAs, LEAs and other recipients under the ESEA in establishing performance indicators, benchmarks, and targets. Proposed new section 14702(c) of the ESEA would authorize the Secretary to require an applicant for funds under the ESEA or the McKinney Act to (1) include in its plan or application information relating to how it will use the indicators, benchmarks and targets to improve its program performance and (2) report data relating to such performance indicators, benchmarks and targets to the Secretary.

**Section 1108. Coordinated Services.** Section 1108 of the bill would transfer Title XI of the ESEA, relating to coordinated services, to Part I of Title XI and would make conforming and other amendments to Title XI of current law.

Section 1108(b)(1) of the bill would revise section 11903 of the new Part I, as redesignated, (current section 11004 of the ESEA, relating to project development and implementation). Proposed new section 11903(a) would require each eligible entity desiring to use funds under section 11405(b) of the ESEA (for coordinated services) to submit an application to the appropriate SEA. Proposed new section 11903(b) of the ESEA would require an eligible entity that wishes to conduct a coordinated services project to maintain on file: (1) the results of its assessment of economic, social, and health barriers to educational achievement experienced by children and families in the community and of the services available to meet those needs; (2) a description of the entities operating coordinated services projects; (3) a description of its coordinated services project and other information related to the project; and (4) an annual budget that indicates the sources and amounts of funds under the Act that will be used for the project, consistent with section 11405(b) and the purposes for which the funds will be used.

Proposed new section 11903(b) of the ESEA would also require such an eligible entity to evaluate annually the success of the project; train teachers and appropriate personnel; and ensure that the coordinated services project addresses the health and welfare needs of migratory families. Proposed new section 11903(c) of the ESEA would provide that an SEA need not require eligible entities to submit an application under subsection (a) in order to permit them to carry out coordinated services projects under section 11903 of the ESEA.

Section 1108(b)(2) of the bill would make conforming amendments to section 11904 of the ESEA, as redesignated. Section 1108(b)(3) of the bill would amend section 11905 of the ESEA, as redesignated (current section 11004

of the ESEA), to make clear that the authority under that section is placed in the SEA, rather than the Secretary, and to make other conforming changes.

**Section 1109. Redesignations.** Section 1109 of the bill would redesignate Title XIV of the ESEA as Title XI of the ESEA and would make conforming amendments to its parts and sections.

**Sec. 1110. (ED-Flex Partnerships).** Section 1110 of the bill would make minor revisions to the recently enacted Education Flexibility Partnership Act of 1999 (P.L. 106-25) and redesignate it as Part G of Title XI of the revised ESEA.

Paragraphs (1), (2), (3), and (4) of section 1110(a) would make minor changes to the short title, findings, and definitions of the Education Flexibility Partnership Act of 1999 to reflect its incorporation into the ESEA.

Paragraph (5) of section 1110(a) would, in addition to making minor editorial revisions, make State eligibility for ED-Flex status turn, in part, on whether the State has an approved accountability plan under proposed new section 11208 of the ESEA and is making satisfactory progress, as determined by the Secretary, in implementing its policies under proposed new sections 11204 (Student Progress and Promotion Policy) and 11205 (Ensuring Teacher Quality) of the ESEA. (A State would also have to be in compliance with various Title I accountability requirements and waive State statutory and regulatory requirements.) Paragraph (5) of section 1110(a) of the bill would also revise the conditions under which the Secretary may grant an extension of ED-Flex authority, beyond five years, to provide, in part, that the Secretary may grant such an extension only if he or she determines that the State has made significant statewide gains in student achievement and is closing the achievement gap between low- and high-performing students.

In addition, paragraph (5) of section 1110(a) of the bill would revise the list of Federal education programs that are subject to ED-Flex authority to reflect the amendments that would be made to the ESEA by the bill and to include Subtitle B of Title VII of the Stewart B. McKinney Homeless Assistance Act. Paragraph (5) would also clarify that, while States may grant waivers with respect to the minimum percentage of children from low-income families needed to permit a schoolwide program under section 1114 of the ESEA, in doing so they may not go below 40 percent. Finally, paragraph (5) would add a transition provision that makes clear that waivers granted under applicable ED-Flex authority prior to the effective date of proposed new Part G of Title XI of the ESEA would remain in effect in accordance with the terms and conditions that applied when those waivers were granted, and that waivers granted on or after the effective date of Part G would be subject to the provisions of Part G.

Paragraphs (6) and (7) of section 1110(a) of the bill would make editorial revisions and repeal, as no longer needed, certain amendatory provisions to other Acts (but without undoing the substantive changes to those other Acts made by those amendatory provisions). Finally, section 1110(b) of the bill would make appropriate redesignations and add a part heading.

**Section 1111. Accountability.** Section 1111 of the bill would amend Title XI of the Act by adding a new Part B, Improving Education Through Accountability.

Proposed new section 11201 ("Short Title") of the ESEA would establish the short title of this part as the "Education Accountability Act of 1999."

Proposed new section 11202 ("Purpose") of the ESEA would set out the statement of

purpose for the new part. Under proposed new section 11202, the purpose of the part would be to improve academic achievement for all children, assist in meeting America's Education Goals under section 2 of the ESEA, promote the incorporation of challenging State academic content and student performance standards into classroom practice, enhance accountability of State and local officials for student progress, and improve the effectiveness of programs under the ESEA and the educational opportunities of the students that they serve.

Proposed new section 11203 ("Turning Around Failing Schools") of the ESEA would require a State that receives assistance under the ESEA to develop and implement a statewide system for holding its LEAs and schools accountable for student performance, including a procedure for identifying LEAs and schools in need of improvement; intervening in those agencies and schools to improve teaching and learning; and implementing corrective actions, if those interventions are not effective.

Proposed new section 11204 ("Student Progress and Promotion Policy") of the ESEA would require any State that receives assistance under the ESEA to have in effect, at the time it submits its accountability plan, a State policy that is designed to ensure that students progress through school on a timely basis, having mastered the challenging material needed for them to reach high standards of performance and is designed to end the practices of social promotion and retention. Proposed new subsection (a)(2) would also define the terms "social promotion" and "retention."

Proposed new section 11204(b) would outline specific requirements for the State's policy under subsection (a). Under proposed new section 11204(b), a State policy must: (1) require its LEAs to implement continuing, intensive and comprehensive educational interventions as may be necessary to ensure that all students can meet the challenging academic performance standards required under section 1111(b)(A) of the ESEA, and require all students to meet those challenging standards before being promoted at three key transition points (one of which must be graduation from secondary school), as determined by the State, consistent with section 1111(b)(2)(D); (2) require the SEA to determine, through the collection of appropriate data, whether LEAs and schools are ending the practices of social promotion and retention; (3) require its LEAs to provide to all students educational opportunities in classrooms with qualified teachers who use proven instructional practices that are aligned to the State's challenging standards and who are supported by high-quality professional development; and (4) require its LEAs to use effective, research-based prevention and early prevention strategies to identify and support students who need additional help to meet those promotion standards.

Proposed new subsection (b) would also require the State policy to provide, with respect to students who have not demonstrated mastery of challenging State academic standards on a timely basis, for continuing, intensive, and age-appropriate interventions, including, but not limited to, extended instruction and learning time, such as after-school and summer programs that are designed to help students master such material; for other specific interventions, with appropriate instructional strategies, to enable students with limited English proficiency and students with disabilities to master such material; for the identification of the knowledge and skills in particular subject areas that students have not mastered, in order to facilitate remediation in those areas; for the development, by schools,

of plans to provide individualized attention to students who have not mastered such material; for full communication between the school and parents, including a description and analysis of the students' performance, how it will be improved, and how parents will be involved in the process; and, in cases in which significant numbers of students have failed to master such material, for a State review of whether corrective action with respect to the school or LEA is needed.

Finally, proposed new subsection (b) of section 11204 of the ESEA would require the State policy to require its LEAs to disseminate widely their policies under this subsection in language and in a format that is concise and that parents can understand and ensure that any assessments used by a State, LEA, or school for the purpose of implementing a policy under this subsection are aligned with the State's challenging academic content and student performance standards and provide coherent information about student progress towards attainment of such standards; include multiple measures, including teacher evaluations, no one of which may be assigned determinative weight in making adverse decisions about individual students; offer multiple opportunities for students to demonstrate that they meet the standards; are valid and reliable for the purposes for which they are used, and fairly and accurately measure what students have been taught; provide reasonable adaptations and accommodations for students with disabilities and students with limited English proficiency; provide that students with limited English proficiency are assessed, to the greatest extent practicable, in the language and form most likely to yield accurate and reliable information about what those students know and can do; and provide that Spanish-speaking students with limited English proficiency are assessed using tests written in Spanish, if Spanish-language assessments are more likely than English-language tests to yield accurate and reliable information on what those students know and can do.

Proposed new section 11204(c) of the ESEA would establish what a State must include in its accountability plan under proposed new section 11208 of the ESEA with respect to its promotion policy. A State would be required to include in its accountability plan a detailed description of its policy under proposed new subsection (b). Additionally, a State would be required to include in its plan the strategies and steps (including timelines and performance indicators) it will take to ensure that its policy is fully implemented no later than four years from the date of the approval of its plan. Finally, a State would also be required to address in its plan the steps that it will take to ensure that the policy will be disseminated to all LEAs and schools in the State and to the general public.

Proposed new section 11205 ("Ensuring Teacher Quality") of the ESEA would establish provisions to ensure teacher quality. Specifically, proposed new section 11205(a) would provide that a State that receives funds under the ESEA must have in effect, at the time it submits its accountability plan, a policy designated to ensure that there are qualified teachers in every classroom in the State, and that meets the requirements of proposed new sections 11205(b) and (c).

Proposed new section 11205(b) of the ESEA would establish requirements for the contents of the State's policy on teacher quality. Under proposed new section 11205(b), a policy to ensure teacher quality must include the strategies that the State will carry out to ensure that, within four years from the date of approval of its accountability plan, certain goals are met. Proposed new

section 11205(b)(1) would require that a State include strategies to ensure that not less than 95% of the teachers in public schools in the State are either certified, have a baccalaureate degree and are enrolled in a program, such as an alternative certification program, leading to full certification in their field within three years, or have full certification in another State and are establishing certification where they are teaching. Proposed new section 11205(b)(2) would require the State to include strategies to ensure that not less than 95% of the teachers in public secondary schools in the State have academic training or demonstrated competence in the subject area in which they teach. A State would also have to include strategies to ensure that there is no disproportionate concentration in particular school districts of teachers who are not described in paragraphs (1) and (2) of proposed new section 11205(b). Additionally, a State would be required to include in its teacher quality policy strategies to ensure that its certification process for new teachers includes an assessment of content knowledge and teaching skills aligned with State standards.

Proposed new section 11205(c) of the ESEA would require a State to include in its accountability plan the performance indicators by which it would annually measure progress in two areas. Under proposed new section 11205(c)(1)(A), a State would be required to include the benchmarks by which it will measure its progress in decreasing the percentage of teachers in the State teaching without full licenses or credentials. Proposed new section 11205(c)(1)(B) would require a State to include the benchmarks by which it will measure its progress in increasing the percentage of secondary school classes in core academic subject areas taught by teachers who either have a postsecondary-level academic major or minor in the subject area they teach or a related field, or otherwise demonstrate a high level of competence through rigorous tests in their academic subject.

Finally, proposed new section 11205(c)(2) of the ESEA would require a State to assure in its accountability plan that in carrying out its teacher quality policy, it would not decrease the rigor or quality of its teacher certification standards.

Subsection (a) of proposed new section 11206 ("Sound Discipline Policy") of the ESEA would require a State that receives assistance under the ESEA; to have in effect, at the time it submits its accountability plan, a policy that would require its LEAs and schools to have in place and implement sound and equitable discipline policies, to ensure a safe, and orderly, and drug-free learning environment in every school. A State would also be required under section 11206(c) to include in its accountability plan an assurance that it has in effect a policy that meets the requirements of this section.

Under proposed new section 11206(b) of the ESEA, the required disciplinary policy would require LEAs and schools to implement disciplinary policies that focus on prevention and are coordinated with prevention strategies and programs under Title IV of the ESEA. Additionally, LEA and school policies would have to: apply to all students; be enforced consistently and equitably; be clear and understandable; be developed with the participation of school staff, students, and parents; be broadly disseminated; ensure that due process is provided; be consistent with applicable Federal, State and local laws; ensure that teachers are adequately trained to manage their classrooms effectively; and, in case of students suspended or expelled from school, provide for appropriate supervision, counseling, and educational

services that will help those students continue to meet the State's challenging standards.

Subsection (a) of proposed new section 11207 ("Education Report Cards") of the ESEA would require a State that receives assistance under the ESEA, to have in effect, at the time it submits its accountability plan, a policy that requires the development and dissemination of annual report cards regarding the status of education and educational progress in the State and in its LEAs and schools. Under proposed new section 11207(a), report cards would have to be concise and disseminated in a format and manner that parents could understand, and focus on educational results.

Proposed new section 11207(b) of the ESEA would establish the information that, at a minimum, the State must include in its annual State-level report card. Under proposed new section 11207(b)(1), a State would be required to include information regarding student performance on statewide assessments, set forth on an aggregated basis, in both reading (or language arts) and mathematics, as well as any other subject area for which the State requires assessments. A State would also be required under proposed new section 11207(b)(1) to include in its report card information regarding attendance and graduation rates in the State's public schools, as well as the average class size in each of the State's school districts. A State would also be required to include information with respect to school safety, including the incidence of school violence and drug and alcohol abuse and the number of instances in which a student has possessed a firearm at school, subject to the Gun-Free Schools Act. Finally, a State would be required under proposed new section 11207(b)(1) to include in its report card information regarding the professional qualifications of teachers in the State, including the number of teachers teaching with emergency credentials and the number of teachers teaching outside their field of expertise.

Proposed new section 11207(b)(2) of the ESEA would require that student achievement data in the State's report card contain statistically sound, disaggregated results with respect to the following categories: gender; racial and ethnic group; migrant status; students with disabilities, as compared to students who are not disabled; economically disadvantaged students, as compared to students who are not economically disadvantaged; and students with limited English proficiency, as compared to students who are proficient in English. Under proposed new section 11207(b)(2), a State could also include in its report card any other information it determines appropriate to reflect school quality and student achievement. This could include information on: longitudinal achievement scores from the National Assessment of Educational Progress or State assessments; parent involvement, as determined by such measures as the extent of parental participation in school parental involvement activities; participation in extended learning time programs, such as after-school and summer programs; and the performance of students in meeting physical education goals.

Under proposed new section 11207(c) of the ESEA, a State would be required to ensure that each LEA and each school in the State includes in its annual report, at a minimum, the information required by proposed new sections 11207(b)(1) and (2). Additionally, a State would be required under proposed new section 11207(c) to ensure that LEAs include in their annual report cards the number of their low-performing schools, such as schools identified as in need of improvement under section 1116(c)(1) of the ESEA, and informa-

tion that shows how students in their schools performed on statewide assessments compared to students in the rest of the State (including such comparisons over time, if the information is available), and schools include in their annual report cards whether they have been identified as a low-performing school and information that shows how their students performed on statewide assessments compared to students in the rest of the LEA and the State (including such comparisons over time, if the information is available). LEAs and schools could also include in their annual report cards the information described in proposed new section 11207(b)(3) and other appropriate information.

Proposed new section 11207(d) of the ESEA would establish requirements for the dissemination and accessibility of report cards. Under proposed new section 11207(d), State-level report cards would be required to be posted on the Internet, disseminated to all schools and LEAs in the State, and made broadly available to the public. LEA report cards would have to be disseminated to all their schools and to all parents of students attending these schools, and made broadly available to the public. School report cards would have to be disseminated to all parents of students attending that school and made broadly available to the public.

Under proposed new section 11207(e) of the ESEA, a State would be required to include in its accountability plan an assurance that it has in effect an education report card policy that meets the requirements of proposed new section 11207.

Proposed new section 11208 ("Education Accountability Plans") of the ESEA would establish the requirements for a State's education accountability plan. In general, each State that received assistance under ESEA, on or after July 1, 2000, would be required to have on file with the Secretary, an approved accountability plan that meets the requirements of this section.

Proposed new section 11208(b) would establish the specific contents of a State accountability plan. A State would be required to include a description of the State's system under proposed new section 11203; a description of the steps the State will take to ensure that all LEAs have the capacity needed to ensure compliance with this part; the assurances required by proposed new sections 11204(c), 11205(c), 11206(6), and 11207(e); information indicating that the Governor and the SEA concur with the plan; and any other information that the Secretary may reasonably require to ensure the proper and effective administration of this part.

Proposed new section 11208(c) of the ESEA would require a State to report annually to the Secretary, in such form and containing such information as the Secretary may require, on its progress in carrying out the requirements of this Part, and would be required to include this report in the consolidated State performance report required under proposed new section 11506 of the ESEA. Additionally, in reporting on its progress in implementing its student progress and social promotion policy under proposed new section 11204 of the ESEA, a State would be required to assess the effect of its policy, and its implementation, on improving academic achievement for all children, and otherwise carrying out the purpose specified in proposed new section 11202 of the ESEA.

Proposed new section 11208(d) of the ESEA would require a State that submits a consolidated State plan under section 11502 to include in that plan its accountability plan under this section. If a State does not submit a consolidated State plan, a State must submit a separate accountability plan.

Under proposed new section 11208(e) of the ESEA, the Secretary would approve an accountability plan under this section if the Secretary determined that it substantially complied with the requirements of this part. Additionally, the Secretary would have the authority to accompany the approval of a plan with conditions consistent with the purpose of this part. In reviewing accountability plans under this part, proposed new section 11208(e) of the ESEA would require that the Secretary use the peer review procedures under section 11502(e) of the ESEA. Finally, under proposed new section 11208(e) of the ESEA, if a State does not submit a consolidated State plan under section 11502 of the ESEA, the Secretary would, in considering that State's separate accountability plan under this section, use procedures comparable to those in section 11502(e).

Proposed new section 11209 ("Authority of Secretary to Ensure Accountability") of the ESEA would establish the Secretary's authority to ensure accountability. If the Secretary determines that a State has failed substantially to carry out a requirement of this part or its approved accountability plan, or that its performance has failed substantially to meet a performance indicator in its accountability plan, proposed new section 11209(a) of the ESEA would authorize the Secretary to take one or more of the following steps to ensure prompt compliance: (1) providing, or arranging for, technical assistance to the State educational agency; (2) requiring a corrective action plan; (3) suspending or terminating authority to grant waivers under applicable ED-Flex authority; (4) suspending or terminating eligibility to participate in competitive programs under the ESEA; (5) withholding, in whole or in part, State administrative funds under the ESEA; (6) withholding, in whole or in part, program funds under the ESEA; (7) imposing one or more conditions upon the Secretary's approval of a State plan or application under the ESEA; (8) taking other actions under Part D of the General Education Priorities Act; and (9) taking other appropriate steps, including referral to the Department of Justice for enforcement.

Proposed new section 11209(b) of the ESEA would require the Secretary to take one or more additional steps under proposed new section 11209(a) of the ESEA to bring the State into compliance if he determines that previous steps under that provision have failed to correct the State's non-compliance.

Proposed new section 11210 ("Recognition and Rewards") of the ESEA would require the Secretary to recognize and reward States that the Secretary determines have demonstrated significant, statewide achievement gains in core subjects, as measured by the National Assessment of Educational Progress for three consecutive years, are closing the achievement gap between low- and high-performing students, and have in place strategies for continuous improvement in reducing the practices of social promotion and retention. Such recognition and rewards would take into account all the circumstances, including the size of the State's gains in statewide achievement.

Proposed new section 11210(b) of the ESEA would require the Secretary to establish, through regulation, a system for recognizing and rewarding States described under proposed new section 11210(a) of the ESEA. Rewards could include conferring a priority in competitive programs under the ESEA, increased flexibility in administering programs under the ESEA (consistent with maintaining accountability), and supplementary grants or administrative funds to carry out the purposes of the ESEA. Proposed new section 11210(c) of the ESEA would authorize, for fiscal year 2001 and each of the

four succeeding fiscal years, the appropriation of whatever sums are necessary to provide such supplementary funds.

Proposed new section 11211 ("Best Practices Model") of the ESEA would require the Secretary, in implementing this part, to disseminate information regarding best practices, models, and other forms of technical assistance, after consulting with State and LEAs and other agencies, institutions, and organizations with experience or information relevant to the purposes of this part.

Finally, proposed new section 11212 ("Construction") of the ESEA would provide that nothing in this Part may be construed as affecting home schooling, or the application of the civil rights laws or the Individuals with Disabilities.

**Section 1112. America's Education Goals Panel.** Section 1112 of the bill would move the authority for the National Education Goals Panel from Title II of the Goals 2000: Educate America Act to a new Part C of Title XI of the ESEA, and rename the panel the "America's Education Goals Panel." This conforms to the renaming of the National Education Goals as "America's Education Goals" and their placement in proposed new section 2 of the ESEA, as added by section 2(b) of the bill.

The statutory authority for the Goals Panel would be largely unchanged from current law, apart from some minor stylistic changes, updates, clarifications, and the elimination of current provisions relating to voluntary National content standards, voluntary National student performance standards and the work of the Panel's Resource and Technical Planning Groups on School Readiness.

The current authority for the National Education Goals Panel, Title II of the Goals 2000: Educate America Act, would be repealed by section 1201 of the bill.

**Section 1113. Repeal.** Section 1112 of the bill would repeal Title XII of the ESEA.

#### TITLE XII—AMENDMENTS TO OTHER LAWS; REPEALS

##### Part A—Amendments to other laws

**Section 1201. Amendments to the Stewart B. McKinney Homeless Assistance Act.** Section 1201 of the bill would set forth amendments to the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 *et seq.*; herein after referred to in this section as the "Act"). Among other things, these amendments would improve the McKinney program by: (1) helping ensure that students are not segregated based on their status as homeless; (2) enhancing coordination at the State and local levels; (3) facilitating parental involvement; (4) clarifying that subgrants to LEAs are to be awarded competitively on the basis of the quality of the program and the need for the assistance; and (5) enhancing data collection and dissemination at the national level. The program would also be reauthorized for five years.

Section 1201(a) of the bill would amend section 721(3) of the Act (Statement of Policy), by changing the current statement to make it clear that homelessness alone is not sufficient reason to separate students from the mainstream school environment. This language, which is reflected in amendments that follow make a strong statement against segregating homeless children on the basis of their homelessness. This responds to some local actions being taken around the country to create separate, generally inferior, schools for homeless children. Homeless advocacy groups and State coordinators have strongly encouraged this action.

Section 1201(b) of the bill would amend section 722 of the Act (Grants for State and Local Activities for the Education of Homeless Children and Youth). Section 1201(b)(1)

of the bill would amend sections 722(c)(2) and (3) of the Act, reserving funds for the territories and defining the term "State," to remove Palau from those provisions. Palau does not participate in the program since its Compact of Free Association was ratified. Section 1201(b)(2) of the bill would amend section 722(e) of the Act (State and Local Grants), to add a new paragraph (3) that would prohibit a State receiving funds under this subtitle from segregating a homeless child or youth, either in a separate school or in a separate program within a school, based on that child or youth's status as homeless, except as is necessary for short periods of time because of health and safety emergencies or to provide temporary, special supplementary services to meet the unique needs of homeless children and youth.

Section 1201(b)(3) of the bill would amend section 722(f) of the Act (Functions of the State Coordinator). Section 1201(b)(3)(A) of the bill would amend section 722(f)(1) of the Act to eliminate the requirement that the coordinator estimate the number of homeless children and youth in the State and the number of homeless children and youth served by the program. Section 1201(b)(3)(B) of the bill would amend section 722(f)(4) of the Act to eliminate the requirement that the Coordinator report on certain specific information and replace it with a more general requirement that the Coordinator collect and transmit to the Secretary such information as the Secretary deems necessary to assess the educational needs of homeless children and youth within the State. Section 1201(b)(3)(C) of the bill would amend section 722(f)(6) of the Act to make editorial changes and require the Coordinator to collaborate, as well as to coordinate, with certain currently listed entities, as well as with LEA liaisons and community organizations and groups representing homeless children and youth and their families.

Section 1201(b)(4) of the bill would amend section 722(g) of the Act (State Plan). Paragraph (4)(A) of the bill would amend section 722(g)(1)(H) of the Act to require States to provide assurances in their plans that SEAs and LEAs adopt policies and practices to ensure that homeless children and youth are not segregated or stigmatized and that LEAs in which homeless children and youth reside or attend school will: (1) post public notice of the educational rights of such children and youth in places where such children and youth receive services under this Act; and (2) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth. Section 1201(b)(4)(B) of the bill would amend section 722(g)(3)(B) of the Act to require LEAs, in determining the best interest of the homeless child or youth, to the extent feasible, to keep a homeless child or youth in his or her school of origin, except when doing so is contrary to the wishes of his or her parent or guardian, and to provide a written explanation to the homeless child's or youth's parent or guardian when the child or youth is sent to a school other than the school of origin or a school requested by the parent or guardian.

Section 1201(b)(4)(C) of the bill would amend section 722(g)(6) of the Act to consolidate the coordination requirements currently in paragraphs (6) and (9) and require that the mandated coordination be designed to: (1) ensure that homeless children and youth have access to available education and related support services, and (2) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homeless children and youth. Section 1201(b)(4)(D) of the bill would amend section 722(g)(7) of the Act to require each LEA liai-

son, designated pursuant to section 722(g)(1)(H)(ii)(II) of the Act, to ensure that: (1) homeless children and youth enroll, and have a full and equal opportunity to succeed, in schools of that agency; (2) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible; and (3) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children. Section 722(g)(7) of the Act would be further amended by adding a new subparagraph (C) requiring LEA liaisons, as a part of their duties, to coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth. Section 1201(b)(4)(E) of the bill would eliminate section 722(g)(9) of the Act, which would be combined with section 722(g)(6) of the Act.

Section 1201(c) of the bill would amend section 723 of the Act (Local Educational Agency Grants for the Education of Homeless Children and Youth). Section 1201(c)(1) of the bill would amend section 723(a) of the Act to: (1) make certain editorial changes; (2) clarify that where services under the section are provided on school grounds, schools may use funds under this Act to provide the same services to other children and youth who are determined by the LEA to be at risk of failing in, or dropping out of, schools; and (3) prohibit schools from providing services, including those to at-risk children and youth, in settings within a school that segregate homeless children and youth from other children and youth, except as is necessary for short periods of time because of health and safety emergencies or to provide temporary, special supplementary services to meet the unique needs of homeless children and youth.

Section 1201(c)(2) of the bill would amend section 723(b) of the Act to require local applications for State subgrants to contain an assessment of the educational and related needs of homeless children and youth in their district (which may be undertaken as a part of needs assessments for other disadvantaged groups). Section 1201(c)(3) of the bill would amend section 723(c)(1) of the Act to clarify that State subgrants are to be awarded competitively on the basis of the need of such agencies for assistance under this subtitle and the quality of the application submitted. Section 1201(c)(3) of the bill would also add a new paragraph (3) to section 723(c) of the Act, requiring a SEA, in determining the quality of a local application for a subgrant, to consider: (1) the applicant's needs assessment and the likelihood that the program presented in the application will meet those needs; (2) the types, intensity, and coordination of the services to be provided under the program; (3) the involvement of parents or guardians; (4) the extent to which homeless children and youth will be integrated within the regular education program; (5) the quality of the applicant's evaluation plan for the program; (6) the extent to which services provided under this subtitle will be coordinated with other available services; and (7) such other measures as the SEA deems indicative of a high-quality program.

Section 1201(d) of the bill would amend section 724 of the Act (Secretarial Responsibilities). Section 1201(d) of the bill would replace current subsection (f) (Reports), with a new subsection (f) ("Information"), and a new subsection (g) ("Report"). Proposed new section 724(f) of the Act would require the Secretary, from funds appropriated under section 726 of the Act, and either directly or through grants, contracts, or cooperative



agreements, to periodically collect and disseminate data and information on the number and location of homeless children and youth, the education and related services such children and youth receive, the extent to which such needs are being met, and such other data and information as the Secretary deems necessary and relevant to carry out this subtitle. The Secretary would also be required to coordinate such collection and dissemination with the other agencies and entities that receive assistance and administer programs under this subtitle. Proposed new section 724(g) of the Act would require the Secretary, not later than four years after the date of the enactment of the bill, to prepare and submit to the President and appropriate committees of the House of Representatives and the Senate a report on the status of education of homeless youth and children.

Section 1201(e) of the bill would amend section 726 of the Act to authorize the appropriation of such sums as may be necessary for each of the fiscal years 2001 through 2005 to carry out the subtitle.

**Section 1202. Amendments to Other Laws.** Section 1202 of the bill would make conforming amendments to other statutes that reflect the changes to the ESEA that are proposed in this bill.

Section 1202(a) of the bill would eliminate an outdated cross-reference in section 116(a)(5) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)(5)).

Section 1202(b) of the bill would update a cross-reference in section 317(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(10)).

Section 1202(3) of the bill would amend the Pro-Children Act of 1994 (20 U.S.C. 6081 *et seq.*) to eliminate references to kindergarten, elementary, and secondary education services from the prohibition against smoking contained in that Act. Proposed new Title IV of the ESEA, as amended by Title IV of the bill, contains a comparable prohibition against smoking in facilities used for education services, and the education references in the Pro-Children Act are no longer necessary.

#### Part B—Repeals

**Section 1211. Repeals.** Section 1211 of the bill would repeal Title XIII of the ESEA, several parts and titles of the Goals 2000: Educate America Act (P.L. 103-227), and Title III of the Education for Economic Security Act (20 U.S.C. 3901 *et seq.*). These provisions have either accomplished their purpose, authorize activities that are more appropriately carried out with State and local resources, or have been incorporated into the ESEA as amended by the bill.

Title XIII, Support and Assistance Programs to Improve Education, of the ESEA would be repealed. Proposed new Part D of Title II of the ESEA contains the new ESEA technical assistance and information dissemination programs.

In the Goals 2000 statute, Title I, National Education Goals; Title II, National Education Reform Leadership, Standards, and Assessments; Title III, State and Local Education Systemic Improvement; Title IV, Parental Assistance; Title VII, Safe Schools; and Title VIII, Minority-focused Civics Education, would be repealed. Part B, Gun-free Schools, of Title X of the Goals 2000 statute would also be repealed.

Next, the Educational Research, Development, Dissemination, and Improvement Act of 1994 (Title IX of P.L. 103-227) would be amended by repealing Part F, Star Schools; Part G, Office of Comprehensive School Health Education; Part H, Field Readers; and Part I, Amendments to the Carl D. Perkins Vocational and Applied Technology Act.

Title III, Partnerships in Education for Mathematics, Science, and Engineering, of the Education for Economic Security Act would also be repealed by section 1211 of the bill.

By Mr. LEAHY:

S. 1181. A bill to appropriate funds to carry out the commodity supplemental food program and the emergency food assistance program fiscal year 2000 to the Committee on Agriculture, Nutrition, and Forestry.

#### COMMODITY SUPPLEMENTAL FOOD PROGRAM

Mr. LEAHY. Mr. President, I am proud to introduce a bill to increase funding for the Commodity Supplemental Food Program for Fiscal Year 2000. I look forward to working with Appropriation Committee members on this and other important matters through the appropriations process.

The Commodity Supplemental Food Program does exactly what its name suggests—it provides supplemental foods to states who distribute them to low-income postpartum, pregnant and breastfeeding women, infants, children up to age six, as well as senior citizens.

People participating in CSFP receive healthy packages of food including items such as infant formula juice, rice, pasta, and canned fruits and vegetables.

The Commodity Supplemental Food Program currently operates in twenty states and last year, more than 370,000 people participated in it every month. There still remains a great need to expand this program, as there is a waiting list of states—including my state of Vermont—who want to participate, but are not able to because of lack of funding. The bill I am introducing would fix this problem, by increasing the funding so that more women, children and seniors in need could participate. I look forward to working with the Vermont Congressional delegation on this matter.

The Commodity Supplemental Food Program has proven itself to be vitally important to senior citizens, as 243,000 of the 370,000 people who participate every month are seniors. There continues to be a great need for our seniors in Vermont, and in the rest of the nation.

This has been true for sometime, and still is the case. I successfully fought efforts a few years ago to terminate the Meals on Wheels Program. Ending that program would have been a disaster for our seniors.

According to an evaluation of the Elderly Nutrition Program of the Older Americans Act, approximately 67% to 88% of the participants are at moderate to high nutritional risk. It is further estimated that 40% of older adults have inappropriate intakes of three or more nutrients in their diets. And the results of nutritional programs on the health of seniors are amazing—for instance, it was estimated in a report that for every \$1 spent on Senior Nutrition Programs, more than \$3 is saved in hospital costs.

This Congress, I have taken a number of steps to address the nutritional

problems facing our seniors, and have met with some success. In response to a budget request that I submitted last year, the Administration increased their funding request for the Elderly Nutrition Program by \$10 million to \$150 million for Fiscal year 2000. I will continue to work to see that the full \$150 million is included in the final budget.

This past April I also cosponsored the Medicare Medical Nutrition Therapy Act, which provides for Medicare coverage of medical nutrition therapy services of registered dietitians and nutrition professionals. Medicare coverage of medical nutrition therapy would save money by reducing hospital admissions, shortening hospital stays, and decreasing complications.

I look forward to working with my colleagues to pass this measure into law through the normal appropriations process for fiscal year 2000.

By Mr. DOMENICI:

S. 1182. A bill to authorize the use of flat grave markers to extend the useful life of the Santa Fe National Cemetery, New Mexico, and to allow more veterans the honor and choice of being buried in the cemetery; to the Committee on Veterans' Affairs.

#### SANTA FE NATIONAL CEMETERY LEGISLATION

Mr. DOMENICI. Mr. President, it is with great pleasure and honor that I rise today to introduce a bill to extend the useful life of the Santa Fe National Cemetery in New Mexico.

The men and women who have served in the United States Armed Forces have made immeasurable sacrifices for the principles of freedom and liberty that make this Nation unique throughout civilization. The service of veterans has been vital to the history of the Nation, and the sacrifices made by veterans and their families should not be forgotten.

These veterans at the very least deserve every opportunity to be buried at a National Cemetery of their choosing. However, unless Congressional action is taken the Santa Fe National Cemetery will run out of space to provide casketed burials for our veterans at the conclusion of 2000.

I believe all New Mexicans can be proud of the Santa Fe National Cemetery that has grown from 39/100 of an acre to its current 77 acres. The cemetery first opened in 1868 and within several years was designated a National Cemetery in April of 1875.

Men and women who have fought in all of nation's wars hold an honored spot within the hallowed ground of the cemetery. Today the Santa Fe National Cemetery contains almost 27,000 graves that are mostly marked by upright headstones.

However, as I have already stated, unless Congress acts the Santa Fe National Cemetery will be forced to close. The Bill I am introducing today allows the Secretary of Veterans Affairs to provide for the use of flat grave markers that will extend the useful life of the cemetery until 2008.



While I wish the practice of utilizing headstones could continue indefinitely if a veteran chose, my wishes are outweighed by my desire to extend the useful life of the cemetery. I would note that my desire is shared by the New Mexico Chapter of the American Legion, the Albuquerque Chapter of the Retired Officers' Association, and the New Mexico Chapter of the VFW who have all endorsed the use of flat grave markers.

Finally, this is not without precedent because exceptions to the law have been granted on six prior occasions with the most recent action occurring in 1994 when Congress authorized the Secretary of Veterans Affairs to provide for flat grave markers at the Willamette National Cemetery in Oregon.

Mr. President, I ask unanimous consent that a copy of the Bill and four letters of support for the use of flat grave markers be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1182

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

**SECTION 1. AUTHORITY TO USE FLAT GRAVE MARKERS AT SANTA FE NATIONAL CEMETERY, NEW MEXICO.**

(a) FINDINGS.—Congress makes the following findings:

(1) The men and women who have served in the Armed Forces have made immeasurable sacrifices for the principles of freedom and liberty that make this Nation unique in all civilization.

(2) The service of veterans has been vital to the history of the Nation, and the sacrifices made by veterans and their families should not be forgotten.

(3) These veterans at the very least deserve every opportunity to be buried in a National Cemetery of their choosing.

(4) The Santa Fe National Cemetery in New Mexico opened in 1868 and was designated a National Cemetery in April 1875.

(5) The Santa Fe National Cemetery now has 77 acres with almost 27,000 graves most of which are marked by upright headstones.

(6) The Santa Fe National Cemetery will run out of space to provide for casketed burials at the end of 2000 unless Congress acts to allow the use of flat grave markers to extend the useful life of the cemetery until 2008.

(b) AUTHORITY.—Notwithstanding section 2404(c)(2) of title 38, United States Code, the Secretary of Veterans Affairs may provide for flat grave markers at the Santa Fe National Cemetery, New Mexico.

—  
THE AMERICAN LEGION,  
DEPARTMENT OF NEW MEXICO,  
*Albuquerque, NM, March 31, 1997.*

Mr. GIL GALLO,  
*Director, Santa Fe National Cemetery,  
Santa Fe, NM.*

DEAR MR. GALLO: The American Legion has discussed your proposal on having a section of flat cemetery markers at the National Cemetery, which would decrease the size of the individual plots; therefore making more room for our veterans, at the National Cemetery.

We are in complete agreement and in support of this venture. If we can be of assistance in any way, please advise.

Sincerely,

HARRY C. RHIZOR,  
*Department Commander.*

ALBUQUERQUE CHAPTER,  
THE RETIRED OFFICERS' ASSOCIATION,  
*Albuquerque, NM, March 7, 1997.*

Director,  
*Santa Fe National Cemetery,  
Santa Fe, NM.*

DEAR SIR, The Albuquerque Chapter of The Retired Officers Association supports your position to begin using flat grave markers for future interments.

Sincerely,

GEORGE PIERCE,  
*LTC, USA, President.*

—  
VFW,  
DEPARTMENT OF NEW MEXICO,  
*Albuquerque, NM, April 16, 1997.*

GILL GALLO,  
*Director, Department of Veterans Affairs,  
Santa Fe National Cemetery,  
Santa Fe, NM.*

DEAR MR. GALLO: This letter will acknowledge receipt of your informational letter concerning the Santa Fe National Cemetery dated April 4, 1997. Please be advised that I took the liberty to circulate the information to VFW Post Commanders located in Northern New Mexico. The following is our consensus.

Although we would want to continue with the upright marble headstones which are provided with the 5x10 grave site, we found it more important to extend the life of the National Cemetery therefore we support your efforts to utilize the granite markers and the recommended 4x8 grave sites. We are also in agreement with your recommendations for a columbarium for the burial of our cremated Comrades.

Please thank your staff for the outstanding work and service which they provide our departed Comrades and Veterans. Let me also thank you for providing us with the specific information needed to come to our decision.

As State Commander of the Veterans of Foreign Wars of the United States of America Department of New Mexico I pledge our full support of your recommendation and would ask that you forward this letter of support to your Washington Office.

May God Bless America and our men and women who served and serve in our military armed forces.

Yours in comradeship,

ROBERT O. PEREA,  
*State Commander.*

—  
DEPARTMENT OF VETERANS AFFAIRS,  
DIRECTOR NATIONAL CEMETERY SYSTEM,  
*Washington, DC, January 9, 1998.*

MICHAEL C. D'ARCO,  
*Director, New Mexico Veterans  
Services Commission  
Santa Fe, NM.*

DEAR MR. D'ARCO, I know that you are completing your study on the issue of veterans cemeteries in New Mexico. Following is information on the Santa Fe National Cemetery.

There is approximately a three-year inventory of casketed sites readily available for immediate use in the recently developed sections of the cemetery, sections 10, 11, and 12. If no other casketed sites are developed, then we would exhaust this inventory in 2001.

Based on our understanding that future flat marker gravesite sections on the east side of the cemetery are acceptable to veterans and the neighboring community, an additional seven-year inventory of sites can

be developed in that portion of the cemetery. This would extend the useful life of the cemetery for casketed burials to the year 2008. While this is just a general estimate, and exact details will not be available until a more formal design is completed, we anticipate developing and using these sites. Accordingly, the 2008 date is the date to use in your study for casketed gravesite closure of the Santa Fe National Cemetery.

It is important to note that we anticipate being able to provide for inground cremation service well beyond the year 2030. Consideration will also be given toward columbarium development.

Incidentally, we are estimating Fort Bayard National Cemetery's closure date as 2027, but we are optimistic that potential exists beyond that date. I hope this information is useful to you. If you have any questions, please contact me or Roger R. Rapp on my staff at 202-273-5225.

Sincerely yours,

JERRY W. BOWEN.

By Mr. NICKLES:

S. 1183. A bill to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the NIPER facility of the Department of Energy; to the Committee on Energy and Natural Resources.

**NIPER LEGISLATION**

Mr. NICKLES. Mr. President, today I am introducing legislation that will transfer ownership of land owned by the Department of Energy (DOE) and known as the National Institute of Petroleum Energy Research (NIPER) to the City of Bartlesville for business and educational purposes.

The NIPER facility was originally established in 1918 as the Petroleum Experiment Station by the U.S. Bureau of Mines. Its purpose was to provide research targeted to oil and gas field problems. In 1936, as World War II approached, additions to the Work Project Administration building were erected. Its research was expanded to help the war effort. During the 1973-1974 energy crisis, the center was renamed the Bartlesville Energy Research Center. When the Center privatized in 1983, it was renamed the National Institute for Petroleum and Energy Research (NIPER). NIPER closed its operations on December 22, 1998.

According to the Surplus Property Act of 1949, excess federal property is screened for use by the following: Housing and Urban Development, Health and Human Services, and local and state organizations including non-profit organizations. At the conclusion of the screening process, a negotiated sale is conducted. If the property is still undeclared it goes to auction.

Unfortunately this process can take many years, thus preventing the city of Bartlesville from realizing any near-term economic boost from NIPER's redevelopment. Consequently, this legislation is needed to ensure that the NIPER facilities are redeveloped as quickly as possible in order to provide a prompt economic boost to the community. This legislation also will ensure that the NIPER facilities do not deteriorate while the property is being

processed through the lengthy steps of the Surplus Property Act and therefore make re-use impossible.

The City of Bartlesville intends to provide an educational facility and a place for business and industry that would facilitate job creation through technology and investment. The NIPER facility will also provide housing for administrative services for community development organization such as United Way, Women and Children in Crisis, and various homeless programs. This project enjoys the strong support of the Mayor of Bartlesville and other locally elected officials.

By Mr. DOMENICI (for himself and Mr. KYL):

S. 1184. A bill to authorize the Secretary of Agriculture to dispose of land for recreation or other public purposes; to the Committee on Energy and Natural Resources.

NATIONAL FOREST SYSTEM COMMUNITY PURPOSES ACT

Mr. DOMENICI. Mr. President, I rise to introduce important legislation, co-sponsored by Senator KYL, that would allow the Forest Service to convey parcels of land to States and local governments, on the condition that it be used for a specific recreational or local public purpose. The National Forest System Community Purposes Act is patterned after an existing law that set in place one of the most successful local community assistance programs under the Bureau of Land Management (BLM).

That law, the Recreation and Public Purposes Act, was enacted in 1926. Under its authority, the BLM has been able to work cooperatively with States and communities to provide land needed for recreational areas and other public projects to benefit local communities in areas where Federal land dominates the landscape. With skyrocketing demands on the Forest Service and local communities to provide accommodations and other services for an ever-increasing number of Americans who take advantage of all the opportunities available in the national forests, I believe the time has come to provide this ability to the Forest Service.

In the 1996 Omnibus Parks and Public Lands Management Act, there were no fewer than 31 boundary adjustments, land conveyances, and exchanges authorized, many of which dealt with national forests. Had this legislation been enacted at that time, I cannot say for sure how many of these provisions would have been unnecessary, but I expect the number would have been reduced by at least one-third.

During the 105th Congress, I sponsored three bills that directed the Secretary of Agriculture to convey small tracts Forest Service land to communities in New Mexico. All three bills were subsequently passed in the Senate unanimously, but two of these bills were not enacted last year, and the

Senate has once again seen fit to pass them in the 106th Congress. We now await action in the House. I know that other Senators are faced with a similar situation of having to shepherd bills through the legislative process simply to give the Forest Service the authority to cooperate with local communities on projects to meet local needs.

Over one-third of the land in New Mexico is owned by the federal government, and therefore finding appropriate sites for community and educational purposes can be difficult. Communities adjacent to and surrounded by National Forest System land have limited opportunities to acquire land for certain recreational and other local public purposes. In many cases, these recreational and other local needs are not within the mission of the Forest Service, but would not be inconsistent with forest plans developed for the adjacent national forest. To compound the problem, small communities are often unable to acquire land due to its extremely high market value resulting from the predominance of Federal land in the local area.

The subject of one of the bills I just alluded to provides an excellent example of the problem. That bill provided for a one-acre conveyance to the Village of Jemez Springs, New Mexico. The land is to be used for a desperately needed fire substation, which will obviously benefit public safety for the local community. Since over 70 percent of the emergency calls in this particular community are for assistance on the Santa Fe National Forest, however, the Forest Service would also benefit greatly from this new station.

In fairness, the Forest Service was very willing to sell this land to the village, but they were constrained by current law to charge the appraised fair market value. Herein lies the biggest problem for small communities like Jemez Springs. In this case, the appraised value of an acre of land along the highway, obviously necessary for this kind of a facility, was estimated to be around \$50,000. Combined with the cost of building the station itself, this additional cost put the project out of reach of the community's 400 residents.

Through this example, it is clear to see that both the national forests and adjacent communities could mutually benefit from a process similar to that under the Recreation and Public Purposes Act. This program has worked so well for the BLM over the years, I see no reason for the Forest Service not to have the same kind of authority.

The National Forest System Community Purposes Act would give the Secretary of Agriculture the authority to convey or lease parcels of Forest Service land to States, counties, or other incorporated communities at a cost that could be less than fair market value. In order to obtain the land, the State or community would develop a plan of use that would be subject to Forest Service approval.

In closing, Mr. President, I think the time has come for this legislation. In

fact, during a recent discussion I had with Forest Service Chief Dombeck, he was somewhat surprised to learn that the agency did not already have this authority. I would urge the Senate to provide this needed assistance to local communities around the country.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. HATCH, Mr. MCCAIN, Mr. MCCONNELL, Mr. LOTT, Mr. BOND, Mr. ASHCROFT, Mr. COVERDELL, Mr. NICKLES, Mr. BROWNBACK, Mr. GORTON, Mr. GRASSLEY, Mr. SESSIONS, Mr. BURNS, Mr. INHOFE, Mr. HELMS, Mr. ALLARD, Mr. HAGEL, Mr. MACK, Mr. BUNNING, Mr. JEFFORDS, Mr. DEWINE, Mr. CRAIG, Mr. HUTCHINSON, and Mr. ENZI):

S. 1185. A bill to provide small business certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers; to the Committee on the Judiciary.

THE SMALL BUSINESS LIABILITY REFORM ACT OF 1999

Mr. ABRAHAM. Mr. President, I rise today to introduce the Small Business Liability Reform Act of 1999, legislation that will provide targeted relief to small businesses nationwide.

Small businesses in Michigan and across this nation are faced with a daily threat of burdensome litigation, a circumstance which has created a desperate need for relief from unwarranted and costly lawsuits. While other sectors of our society and our economy also need relief from litigation excesses, small businesses by their very nature are particularly vulnerable to lawsuit abuse, and find it particularly difficult to bear the high cost of defending themselves against unjustified and unfair litigation.

Small businesses represent the engine of our growing economy and provide countless benefits to communities across America. The Research Institute for Small and Emerging Business, for example, has estimated that there are over 20 million small businesses in America, and that these small businesses generate 50 percent of our country's private sector output.

My small business constituents relate story after story describing the constraints, limitations and fear posed by the very real threat of abusive and unwarranted litigation. The real world impact translates into high-cost liability insurance, which wastes resources that could instead be used to expand small businesses, to provide more jobs, or to offer more benefits to employees. According to a recent Gallup survey, one out of every five small businesses decides not to hire more employees, expand its business, introduce a new product, or improve an existing product because of the fear of lawsuits—not entrepreneurial risk, not lack of capital resources, but lawsuits.

In the same vein, innocent product sellers—often small businesses like your neighborhood corner grocery

store—have also described the high legal costs they incur when they are needlessly drawn into product liability lawsuits. The unfairness in these cases is astonishing—the business may not even produce a product, but is still sued for product defects. The reason? It is no secret that courts differ in how favorably they look upon product liability suits—some are receptive, others outright hostile. So even though a local store neither designs nor manufactures the product, it is routinely dragged into court because the plaintiff's attorney desires to pull manufacturers into a favorable forum. That's called "forum shopping" on the part of the plaintiff, and the practice causes needless financial damage to America's small businesses. And while the non-culpable product seller is rarely found liable for damages, it must still bear the enormous cost of defending itself against these unwarranted suits. Rental and leasing companies are in a similarly vulnerable position, as they are commonly held liable for the wrongful conduct of their customers even though the companies themselves are found to have committed no wrong.

The 105th Congress passed the Volunteer Protection Act, which provides specific protections from abusive litigation to volunteers. The Senate passed that legislation by an overwhelming margin of 99-1, and the President signed it, making it Public Law 105-19. That legislation provides a model for further targeted reforms for sectors of our economy that are particularly hard hit and in need of immediate relief. I believe it is high time for small business liability reform, time to take this small step, time to shield those not at fault from needless expense and unwarranted distress.

Mr. President, I'd like to take a moment and provide a little background on our effort, as I believe it will highlight the desperate need for reform. Small businesses shoulder an often unbearable load from unwarranted and unjustified lawsuits. Data from San Diego's Superior Court published by the Washington Legal Foundation reveals that punitive damages are requested in 41 percent of suits against small businesses. It is simply unfathomable that such a large proportion of our small businesses could be engaging in the sort of egregious misconduct that would warrant a claim of punitive damages. Similarly, the National Federation of Independent Business reports that 34 percent of Texas small business owners are sued or threatened with court action seeking punitive damages; again, the outrageously high rate of prayer for punitive damages simply cannot have anything to do with actual wrongdoing by the defendant.

The specifics of the cases are no better. In a case reported by the American Consulting Engineers Council, a drunk driver had an accident after speeding and bypassing detour signs. Eight hours after the crash, the driver still

had a blood alcohol level of .09. Nonetheless, the driver sued the engineering firm that designed the road, the contractor, the subcontractor, and the state highway department. Five years later, and after expending exorbitant amounts on legal fees, the defendants settled the case for \$35,000. The engineering firm, a small 15 person firm, was swamped with over \$200,000 in legal costs—an intolerable amount for a small business to have to pay in defending an unwarranted lawsuit.

There are more examples. An Ann Landers column from October, 1995, reported a case in which a minister and his wife sued a guide-dog school for \$160,000 after a blind man who was learning to use a seeing-eye dog stepped on the minister's wife's toes in a shopping mall. The guide-dog school, Southeastern Guide Dogs, Inc., which provided the instructor supervising the man, was the only school of its kind in the southeast. It trains seeing-eye dogs at no cost to the visually impaired. The couple filed their lawsuit 13 months after the so-called accident, in which witnesses reported that the woman did not move out of the blind man's way because she wanted to see if the dog would walk around her.

The experience of a small business in Michigan, the Michigan Furnace Company, is likewise alarming. The President of that company has reported that every lawsuit in the history of her company has been a nuisance lawsuit. She indicates that if the money the company spends on liability insurance and legal fees were distributed among employees, it would amount to a \$10,000 annual raise. That's real money, and that's a real cost coming right out of the pocket of Michigan workers.

These costs are stifling our small businesses and the careers of people in their employ. The straightforward provisions of Title I of the Small Business Lawsuit Abuse Protection Act will provide small businesses with relief by discouraging abusive litigation. This section contains two principal reforms.

First, the bill limits punitive damages that may be awarded against a small business. In most civil lawsuits against small businesses, punitive damages would be available against the small business only if the claimant proves by clear and convincing evidence that the harm was caused by the small business through at least a conscious, fraudulent indifference to the rights and safety of the claimant. Punitive damages would also be limited in amount to the lesser of \$250,000 or two times the compensatory damages awarded for the harm. That formulation is exactly the same as that in the small business protection provision that was included in the Product Liability Conference Report passed in the 104th Congress.

Second, joint and several liability reforms for small businesses are included under the exact same formulation used in the Volunteer Protection Act passed in the 105th Congress and in the Pro-

tection Liability Conference Report passed in the 104th Congress. Joint and several liability would be limited such that a small business would be liable for noneconomic damages only in proportion to the small business's responsibility for causing the harm. If a small business is responsible for 100 percent of an accident, then it will be liable for 100 percent of noneconomic damages. But if it is only 70 percent, 25 percent, 10 percent or any other percent responsible, then the small business will be liable only for a like percentage of noneconomic damages.

Small businesses would still be jointly and severally liable for economic damages, and any other defendants in the action that were not small businesses could be held jointly and severally liable for all damages. But the intent of this provision is to provide some protection to small businesses, so that they will not be sought out as "deep pocket" defendants by trial lawyers who would otherwise try to get small businesses on the hook for harms that they have not caused. The fact is that many small businesses simply do not have deep pockets, and they frequently need all of their resources just to stay in business, take care of their employees, and make ends meet.

Other provisions in this title specify the situations in which its reforms apply. The title defines small business as any business having fewer than 25 employees, the same definition included in the Product Liability Conference Report. Like the Volunteer Protection Act, this title covers all civil lawsuits except those involving certain types of egregious misconduct. The limitations on liability would not apply to any misconduct that constitutes a crime of violence, act of international terrorism, hate crime, sexual offense, civil rights law violation, or natural resource damages, or damages that occurred while the defendant was under the influence of intoxicating alcohol or any drug. Any finally, like the Volunteer Protection Act, this title includes a State opt-out. A State would be able to opt out of these provisions provided that the State enacts a law indicating its election to do so and containing no other provisions. I do not expect that any State will opt-out of these provisions, but I feel it is important to include one out of respect for principles of federalism.

Title II of the Act addresses liability reform for non-culpable product sellers, commonly small businesses, who have long sought help in gaining a degree of protection from unwarranted lawsuits. Product sellers, like your corner grocery store, provide a crucial service to all of us by offering a convenient source for a wide assortment of goods. Unfortunately, current law subjects them to harassment and unnecessary litigation; in about twenty-nine states, product sellers are drawn into the overwhelming majority of product liability cases even though they play

no part in the designing and manufacturing process, and are not to blame in any way for the harm. It is pointless to haul a product seller into the litigation when everyone in the system knows that the seller is not at fault. Dragging in the neighborhood convenience store helps no one, not the claimant, not the product seller, and certainly not the consumer. All it does is increase the cost to product sellers of doing business in our neighborhoods, because these businesses are unnecessarily forced to bear the cost of court expenses in their defense.

Again, the real-world background presents a compelling case. In one instance, a product seller was dragged into a product liability suit even though the product it sold was shipped directly from the manufacturer to the plaintiff. In the end, the manufacturer—not the product seller—had to pay compensation to the plaintiff. Unfortunately, this was after the product seller has been forced to spend \$25,000 in court expenses \$25,000 that could have been used to expand the business or to provide higher salaries.

Title II would allow a plaintiff to sue a product seller only when the product seller is responsible for the harm or when the plaintiff cannot collect from the manufacturer. This limitation would cover all product liability actions brought in any Federal or State Court. However, we have specifically ensured that the provision does not apply to actions brought for certain commercial losses, and actions brought under a theory of dram-shop or third party liability arising out of the sale of alcoholic products to intoxicated persons or minors.

Additionally, rental or leasing companies are often unfairly subjected to lawsuits based on vicarious liability, which holds these companies responsible for acts committed by an individual renter or lessee. In several states, these companies are subject to liability for the negligent tortious acts of their customers even if the rental company is not negligent and the product is not defective. This type of fault-ignorant liability is detrimental to the economy because it increases non-culpable companies' costs, costs which are ultimately passed along to the rental customers.

Settlements and judgments from vicarious liability claims against auto rental companies cost the industry approximately \$100 million annually. In Michigan, for example, a renter lost control of a car and drove off the highway. The car flipped over several times, killing a passenger who was not wearing a seat belt. The car rental company, which was not at fault, nevertheless settled for \$1.226 million out of fear of being held vicariously liable for the passenger's death.

In another case, four British sailors rented a car from Alamo to drive from Fort Lauderdale to Naples. The driver fell asleep at the wheel, and his car left the road and ended up in a canal. The

driver and two passengers were killed, while the fourth passenger was seriously injured. Although the Court found Alamo not to have acted negligently, Alamo was ordered by a jury to pay the plaintiffs \$7.7 million solely due to Alamo's ownership of the vehicle.

Often even when the injured party and the driver are both at fault, it is the innocent rental company that has to bear the resulting expenses. For example, an individual in a rented auto struck a pedestrian at an intersection in a suburban commercial area on Long Island. The pedestrian, who was intoxicated, was jay-walking on her way from one bar to another. The driver was also intoxicated. The pedestrian unfortunately sustained a traumatic brain injury and was left in a permanent vegetative state. Although the auto rental company was clearly not at fault in this case, the result is predictable: the rental company was forced to settle for \$8.5 million out of fear of a much larger jury award.

We believe that subjecting product renters and lessors to vicarious liability is not only unfair, but also increases the cost to all consumers. Title II resolves this problem by providing that product renters and lessors shall not be liable for the wrongful acts of another solely by reason of product ownership—product renters and lessors would only be responsible for their own acts.

I am pleased to have Senators LIEBERMAN, HATCH, MCCAIN, MCCONNELL, LOTT, BOND, ASHCROFT, COVERDELL, NICKLES, BROWNBACK, GORTON, GRASSLEY, SESSIONS, BURNS, INHOFE, HELMS, ALLARD, HAGEL, MACK, BUNNING, JEFFORDS, DEWINE, CRAIG, HUTCHISON, and ENZI as original cosponsors of the legislation and very much appreciate their support for our small businesses and for meaningful litigation reform. The list of business organizations supporting this bill is also impressive, and includes the following: National Federation of Independent Business, the National Restaurant Association, The National Association of Wholesalers, The National Retail Federation, The American Auto Leasing Association, The American Consulting Engineers Council, The Small Business Legislative Council, National Small Business United, The National Association of Convenience Stores, The American Car Rental Association, The International Mass Retail Association, the Associated Builders and Contractors, and the National Equipment Leasing Association.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

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

S. 1185

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

#### SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Liability Reform Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

#### TITLE I—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

Sec. 101. Findings.

Sec. 102. Definitions.

Sec. 103. Limitation on punitive damages for small businesses.

Sec. 104. Limitation on several liability for noneconomic loss for small businesses.

Sec. 105. Exceptions to limitations on liability.

Sec. 106. Preemption and election of State nonapplicability.

Sec. 107. Effective date.

#### TITLE II—PRODUCT SELLER FAIR TREATMENT

Sec. 201. Findings; purposes.

Sec. 202. Definitions.

Sec. 203. Applicability; preemption.

Sec. 204. Liability rules applicable to product sellers, renters, and lessors.

Sec. 205. Federal cause of action precluded.

Sec. 206. Effective date.

#### TITLE I—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

##### SEC. 101. FINDINGS.

Congress finds that—

(1) the United States civil justice system is inefficient, unpredictable, unfair, costly, and impedes competitiveness in the marketplace for goods, services, business, and employees;

(2) the defects in the civil justice system have a direct and undesirable effect on interstate commerce by decreasing the availability of goods and services in commerce;

(3) there is a need to restore rationality, certainty, and fairness to the legal system;

(4) the spiralling costs of litigation and the magnitude and unpredictability of punitive damage awards and noneconomic damage awards have continued unabated for at least the past 30 years;

(5) the Supreme Court of the United States has recognized that a punitive damage award can be unconstitutional if the award is grossly excessive in relation to the legitimate interest of the government in the punishment and deterrence of unlawful conduct;

(6) just as punitive damage awards can be grossly excessive, so can it be grossly excessive in some circumstances for a party to be held responsible under the doctrine of joint and several liability for damages that party did not cause;

(7) as a result of joint and several liability, entities including small businesses are often brought into litigation despite the fact that their conduct may have little or nothing to do with the accident or transaction giving rise to the lawsuit, and may therefore face increased and unjust costs due to the possibility or result of unfair and disproportionate damage awards;

(8) the costs imposed by the civil justice system on small businesses are particularly acute, since small businesses often lack the resources to bear those costs and to challenge unwarranted lawsuits;

(9) due to high liability costs and unwarranted litigation costs, small businesses face higher costs in purchasing insurance through interstate insurance markets to cover their activities;

(10) liability reform for small businesses will promote the free flow of goods and services, lessen burdens on interstate commerce, and decrease litigiousness; and

(11) legislation to address these concerns is an appropriate exercise of the powers of Congress under clauses 3, 9, and 18 of section 8 of

article I of the Constitution of the United States, and the 14 amendment to the Constitution of the United States.

#### SEC. 102. DEFINITIONS.

In this title:

(1) ACT OF INTERNATIONAL TERRORISM.—The term "act of international terrorism" has the same meaning as in section 2331 of title 18, United States Code.

(2) CRIME OF VIOLENCE.—The term "crime of violence" has the same meaning as in section 16 of title 18, United States Code.

(3) DRUG.—The term "drug" means any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802(b)) that was not legally prescribed for use by the defendant or that was taken by the defendant other than in accordance with the terms of a lawfully issued prescription.

(4) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(5) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(6) HATE CRIME.—The term "hate crime" means a crime described in section 1(b) of the Hate Crime Statistics Act (28 U.S.C. 534 note).

(7) NONECONOMIC LOSS.—The term "noneconomic loss" means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, or any other nonpecuniary loss of any kind or nature.

(8) SMALL BUSINESS.—

(A) IN GENERAL.—The term "small business" means any unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has less than 25 full-time employees.

(B) CALCULATION OF NUMBER OF EMPLOYEES.—For purposes of subparagraph (A), the number of employees of a subsidiary of a wholly owned corporation includes the employees of—

(i) a parent corporation; and  
(ii) any other subsidiary corporation of that parent corporation.

(9) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

#### SEC. 103. LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, punitive damages may, to the extent permitted by applicable State law, be awarded against the small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant through willful misconduct or with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.

(b) LIMITATION ON AMOUNT.—In any civil action against a small business, punitive damages shall not exceed the lesser of—

(1) 2 times the total amount awarded to the claimant for economic and noneconomic losses; or

(2) \$250,000.

(c) APPLICATION BY COURT.—This section shall be applied by the court and shall not be disclosed to the jury.

#### SEC. 104. LIMITATION ON SEVERAL LIABILITY FOR NONECONOMIC LOSS FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, the liability of each defendant that is a small business, or the agent of a small business, for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—In any civil action described in subsection (a)—

(A) each defendant described in that subsection shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable; and

(B) the court shall render a separate judgment against each defendant described in that subsection in an amount determined under subparagraph (A).

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the harm to the claimant, regardless of whether or not the person is a party to the action.

#### SEC. 105. EXCEPTIONS TO LIMITATIONS ON LIABILITY.

The limitations on liability under sections 103 and 104 do not apply to any misconduct of a defendant—

(1) that constitutes—

(A) a crime of violence;  
(B) an act of international terrorism; or  
(C) a hate crime;

(2) that results in liability for damages relating to the injury to, destruction of, loss of, or loss of use of, natural resources described in—

(A) section 1002(b)(2)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)(A)); or

(B) section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C));

(3) that involves—

(A) a sexual offense, as defined by applicable State law; or  
(B) a violation of a Federal or State civil rights law; or

(4) if the defendant was under the influence (as determined under applicable State law) of intoxicating alcohol or a drug at the time of the misconduct, and the fact that the defendant was under the influence was the cause of any harm alleged by the plaintiff in the subject action.

#### SEC. 106. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—Subject to subsection (b), this title preempts the laws of any State to the extent that State laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protections from liability for small businesses.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title does not apply to any action in a State court against a small business in which all parties are citizens of the State, if the State enacts a statute—

(1) citing the authority of this subsection;  
(2) declaring the election of such State that this title does not apply as of a date certain to such actions in the State; and  
(3) containing no other provision.

#### SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a small business, if the claim is filed on or after the effective date of this title, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

#### TITLE II—PRODUCT SELLER FAIR TREATMENT

#### SEC. 201. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) although damage awards in product liability actions may encourage the production of safer products, they may also have a direct effect on interstate commerce and consumers of the United States by increasing the cost of, and decreasing the availability of products;

(2) some of the rules of law governing product liability actions are inconsistent within and among the States, resulting in differences in State laws that may be inequitable with respect to plaintiffs and defendants and may impose burdens on interstate commerce;

(3) product liability awards may jeopardize the financial well-being of individuals and industries, particularly the small businesses of the United States;

(4) because the product liability laws of a State may have adverse effects on consumers and businesses in many other States, it is appropriate for the Federal Government to enact national, uniform product liability laws that preempt State laws; and

(5) under clause 3 of section 8 of article I of the United States Constitution, it is the constitutional role of the Federal Government to remove barriers to interstate commerce.

(b) PURPOSES.—The purposes of this Act, based on the powers of the United States under clause 3 of section 8 of article I of the United States Constitution, are to promote the free flow of goods and services and lessen the burdens on interstate commerce, by—

(1) establishing certain uniform legal principles of product liability that provide a fair balance among the interests of all parties in the chain of production, distribution, and use of products; and

(2) reducing the unacceptable costs and delays in product liability actions caused by excessive litigation that harms both plaintiffs and defendants.

#### SEC. 202. DEFINITIONS.

In this title:

(1) ALCOHOL PRODUCT.—The term "alcohol product" includes any product that contains not less than 1/2 of 1 percent of alcohol by volume and is intended for human consumption.

(2) CLAIMANT.—The term "claimant" means any person who brings an action covered by this title and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) COMMERCIAL LOSS.—The term "commercial loss" means—

(A) any loss or damage solely to a product itself;

(B) loss relating to a dispute over the value of a product; or

(C) consequential economic loss, the recovery of which is governed by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(4) COMPENSATORY DAMAGES.—The term "compensatory damages" means damages awarded for economic and noneconomic losses.

(5) **DRAM-SHOP.**—The term “dram-shop” means a drinking establishment where alcoholic beverages are sold to be consumed on the premises.

(6) **ECONOMIC LOSS.**—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for that loss is allowed under applicable State law.

(7) **HARM.**—The term “harm” includes physical, nonphysical, economic, and non-economic loss.

(8) **MANUFACTURER.**—The term “manufacturer” means—

(A) any person who—

(i) is engaged in a business to produce, create, make, or construct any product (or component part of a product); and

(ii) (I) designs or formulates the product (or component part of the product); or

(II) has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) that are created or affected when, before placing the product in the stream of commerce, the product seller—

(i) produces, creates, makes, constructs and designs, or formulates an aspect of the product (or component part of the product) made by another person; or

(ii) has engaged another person to design or formulate an aspect of the product (or component part of the product) made by another person; or

(C) any product seller not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(9) **NONECONOMIC LOSS.**—The term “non-economic loss” means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, or any other nonpecuniary loss of any kind or nature.

(10) **PERSON.**—The term “person” means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(11) **PRODUCT.**—

(A) **IN GENERAL.**—The term “product” means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) **EXCLUSION.**—The term “product” does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; or

(ii) electricity, water delivered by a utility, natural gas, or steam.

(12) **PRODUCT LIABILITY ACTION.**—The term “product liability action” means a civil action brought on any theory for any physical injury, illness, disease, death, or damage to property that is caused by a product.

(13) **PRODUCT SELLER.**—

(A) **IN GENERAL.**—The term “product seller” means a person who in the course of a business conducted for that purpose—

(i) sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, refurbishes, reconditions, or maintains the harm-causing aspect of the product.

(B) **EXCLUSION.**—The term “product seller” does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the lessor does not initially select the leased product and does not during the lease term ordinarily control the daily operations and maintenance of the product.

(14) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

#### **SEC. 203. APPLICABILITY; PREEMPTION.**

(a) **PREEMPTION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), this title governs any product liability action brought in any Federal or State court.

(2) **ACTIONS EXCLUDED.**—

(A) **ACTIONS FOR COMMERCIAL LOSS.**—A civil action brought for commercial loss shall be governed only by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(B) **ACTIONS FOR NEGLIGENT ENTRUSTMENT; NEGLIGENCE PER SE CONCERNING FIREARMS AND AMMUNITION; DRAM-SHOP.**—

(i) **NEGLIGENT ENTRUSTMENT.**—A civil action for negligent entrustment shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(ii) **NEGLIGENCE PER SE CONCERNING FIREARMS AND AMMUNITION.**—A civil action brought under a theory of negligence per se concerning the use of a firearm or ammunition shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(iii) **DRAM-SHOP.**—A civil action brought under a theory of dram-shop or third-party liability arising out of the sale or providing of an alcoholic product to an intoxicated person or minor shall not be subject to the provisions of this title, but shall be subject to any applicable Federal or State law.

(b) **RELATIONSHIP TO STATE LAW.**—This title supersedes a State law only to the extent that the State law applies to an issue covered by this title. Any issue that is not governed by this title, including any standard of liability applicable to a manufacturer, shall be governed by any applicable Federal or State law.

(c) **EFFECT ON OTHER LAW.**—Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any State law;

(2) supersede or alter any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief, for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8))).

#### **SEC. 204. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS, AND LESSORS.**

(a) **GENERAL RULE.**—

(1) **IN GENERAL.**—In any product liability action covered under this Act, a product seller other than a manufacturer shall be liable to a claimant only if the claimant establishes that—

(A)(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of the harm to the claimant;

(B)(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused the harm to the claimant; or

(C)(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) the intentional wrongdoing caused the harm that is the subject of the complaint.

(2) **REASONABLE OPPORTUNITY FOR INSPECTION.**—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect the product, if—

(A) the failure occurred because there was no reasonable opportunity to inspect the product; or

(B) the inspection, in the exercise of reasonable care, would not have revealed the aspect of the product that allegedly caused the claimant's harm.

(b) **SPECIAL RULE.**—

(1) **IN GENERAL.**—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product, if—

(A) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(B) the court determines that the claimant is or would be unable to enforce a judgment against the manufacturer.

(2) **STATUTE OF LIMITATIONS.**—For purposes of this subsection only, the statute of limitations applicable to claims asserting liability of a product seller as a manufacturer shall be tolled from the date of the filing of a complaint against the manufacturer to the date that judgment is entered against the manufacturer.

(c) **RENTED OR LEASED PRODUCTS.**—

(1) **DEFINITION.**—For purposes of paragraph (2), and for determining the applicability of

this title to any person subject to that paragraph, the term "product liability action" means a civil action brought on any theory for harm caused by a product or product use.

(2) **LIABILITY.**—Notwithstanding any other provision of law, any person engaged in the business of renting or leasing a product (other than a person excluded from the definition of product seller under section 202(13)(B)) shall be subject to liability in a product liability action under subsection (a), but any person engaged in the business of renting or leasing a product shall not be liable to a claimant for the tortious act of another solely by reason of ownership of that product.

#### **SEC. 205. FEDERAL CAUSE OF ACTION PRECLUDED.**

The district courts of the United States shall not have jurisdiction under this title based on section 1331 or 1337 of title 28, United States Code.

#### **SEC. 206. EFFECTIVE DATE.**

This title shall apply with respect to any action commenced on or after the date of enactment of this Act without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before that date of enactment.

#### **THE SMALL BUSINESS LIABILITY REFORM ACT OF 1999—SECTION-BY-SECTION ANALYSIS**

A bill to offer small businesses and product sellers certain protections from litigation excesses.

##### **TITLE I: SMALL BUSINESS LAWSUIT ABUSE PROTECTION**

#### *Section 101: Findings*

This section sets out congressional findings concerning the litigation excesses facing small businesses, and the need for litigation reforms to provide certain protections to small businesses from abusive litigation.

#### *Section 102: Definitions*

Various terms used in this title are defined in this section. Significantly, for purposes of the legislation, a small business is defined as any business or organization with fewer than 25 full time employees.

#### *Section 103: Limitation on punitive damages for small businesses*

This section provides that punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant that is a small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.

This section also limits the amount of punitive damages that may be awarded against a small business. In any civil action against a small business, punitive damages may not exceed the lesser of two times the amount awarded to the claimant for economic and noneconomic losses, or \$250,000.

#### *Section 104: Limitation on several liability for noneconomic loss for small business*

This section provides that, in any civil action against a small business, for each defendant that is a small business, the liability of that defendant for noneconomic loss will be in proportion to that defendant's responsibility for causing the harm. Those defendants would continue, however, to be held jointly and severally liable for economic loss. In addition, any other defendants in the action that are not small businesses would continue to be held jointly and severally liable for both economic and noneconomic loss.

#### *Section 105: Exceptions to limitations on liability*

The limitations on liability included in this title would not apply to any misconduct

that constitutes a crime of violence, act of international terrorism, hate crime, sexual offense, civil rights law violation, or natural resource damages, or which occurred while the defendant was under the influence of intoxicating alcohol or any drug.

#### *Section 106: Preemption and election of State nonapplicability*

This title preempts State laws to the extent that any such laws are inconsistent with it, but it does not preempt any State law that provides additional protections from liability to small businesses. The title also includes an opt-out provision for the States. A State may opt out of the provisions of the title for any action in State court against a small business in which all parties are citizens of the State. In order to opt out, the State would have to enact a statute citing the authority in this section, declaring the election of the State to opt, and containing no other provisions.

#### *Section 107: Effective date*

This title would take effect 90 days after the date of enactment, and would apply to claims filed on or after the effective date.

##### **TITLE II: PRODUCT SELLER FAIR TREATMENT**

#### *Section 201: Findings*

This section sets out congressional findings concerning the effect of damage awards in product liability actions on interstate commerce, the present inequities resulting from inconsistent product liability laws within and among the States, and the need for national, uniform federal product liability laws.

#### *Section 202: Definitions*

Various terms and phrases used in this title are defined.

#### *Section 203: Applicability; preemption*

This title applies to any product liability action brought in any Federal or State court. Civil actions for commercial loss; negligent entrustment; negligence per se concerning firearms and ammunition; and civil actions for dram shop liability are excluded from the applicability of this title.

This section further establishes that the preemption of state law by this title is congruent with coverage, and the limit of the preemptive scope of this title is detailed.

#### *Section 204: Liability rules applicable to product sellers, renters and lessors*

Product sellers other than the manufacturer (wholesaler-distributors and retailers, for example) may be held liable only if they are directly at fault for a harm; if the harm was caused by the failure of the product to conform to the product seller's own, independent express warranty; or if harm was the result of the product seller's intentional wrongdoing.

Product sellers shall "stand in the shoes" of a culpable manufacturer when the manufacturer is "judgement-proof." The statute of limitations in such cases is tolled.

Finally, product renters and lessors shall not be liable for the tortious acts of another solely by reason of product ownership.

#### *Section 205: Federal cause of action precluded*

This title does not create Federal district court jurisdiction pursuant to Sections 1331 or 1337 of Title 28, United States Code.

#### *Section 206: Effective date*

This title shall apply to any action commenced on or after the date of enactment.

##### **NAW ENDORSES ABRAHAM-LIEBERMAN LEGAL REFORM BILL**

##### **LEGISLATION WOULD REDUCE UNNECESSARY LITIGATION; COSTS**

WASHINGTON, D.C.—The National Association of Wholesaler-Distributors (NAW) today

gave its "enthusiastic and wholehearted support" to the Small Business Liability Reform Act of 1999, which would significantly reduce the exposure of wholesaler-distributors and retailers to unwarranted product liability lawsuits and legal costs.

The legislation, introduced in the U.S. Senate today by Senators Spencer Abraham (R-MI) and Joseph Lieberman (D-CT), would eliminate joint ("deep pockets") liability for "noneconomic loss" and limit punitive damage awards to \$250,000 for employers with fewer than 25 full-time employees that become defendants in civil lawsuits. Neither of these provisions would apply to lawsuits involving certain egregious misconduct, and states would be able to opt-out by statute.

In product liability lawsuits, the bill would limit the liability of non-manufacturer product sellers such as wholesaler-distributors, retailers, lessors and renters to harms caused by their own negligence or intentional wrongdoing, the product's breach of the seller's own express warranty, and for the product manufacturer's responsibility when the manufacturer is judgment-proof.

"The product liability laws of a majority of states do not make the distinction between the differing roles of manufacturers and non-manufacturer product sellers. As a result, blameless wholesaler-distributors are routinely joined in product liability lawsuits simply because they are in the product's chain of distribution," explained George Keeley, NAW general counsel and senior partner in the firm of Keeley, Kuenn & Reid. "In the end, the staggering legal fees which cost the seller dearly do not benefit the claimant in any way. These costs will be significantly reduced if the Abraham-Lieberman bill is enacted."

"For too long, wholesaler-distributors have been among the victims of a product liability system that serves the interests of trial lawyers very well, at everyone else's expense," said Dirk Van Dongen, NAW's president. "For nearly two decades, NAW has vigorously advocated Federal legislation to rein-in these abuses. Enactment of the Small Business Liability Reform Act of 1999 is at the very top of our agenda for the 106th Congress and I commend Senators Abraham and Lieberman for their continuing, tireless leadership of this important effort."

##### **NFIB BACKS NEW LEGAL REFORM INITIATIVE**

WASHINGTON, D.C.—The National Federation of Independent Business (NFIB) will champion a new legal reform proposal that aims to protect small-business owners from frivolous lawsuits and the threat of being "stuck with the whole tab" for damage awards arising from incidents in which they were only "bit players."

The nation's leading small-business advocacy group, NFIB hailed today's introduction of the Small Business Liability Reform Act of 1999. Sponsored by U.S. Sens. Spencer Abraham (Mich.) and Joseph Lieberman (Conn.), the proposal would limit the amount of punitive damages that might be sought from a small firm to two times the amount of compensatory damages or \$250,000, whichever is less.

The measure also would eliminate joint-and-several liability for small firms, leaving them responsible for paying only their "proportionate" share of non-economic damages. Under the current doctrine of joint-and-several liability, defendants found to be as little as 1 percent "at fault" in a civil case may end up paying all assessed damages, if no other defendants are able to pay.

"This bill strikes a long-overdue blow on behalf of fairness, common sense and true justice," said Dan Danner, NFIB's vice president of federal public policy. "Limiting punitive damages and exposure to liability will



make small businesses a much less lucrative—and, thus, a much less attractive—target for trial lawyers and others tempted to file frivolous lawsuits to extort settlements.

"Ending joint-and-several liability will improve justice by making sure small-business owners pay their fair share of damages—but not more," he continued. "Under the current doctrine, the effort to compensate one victim often creates yet another victim—the marginally-involved business owner who is left holding the bag for everyone else involved."

The Abraham-Lieberman bill would limit liability in all types of civil lawsuits for businesses with fewer than 25 employees. NFIB's Danner estimated the liability limitations would apply to "a little more than 90 percent" of all employing businesses. "Passage would bring relief to literally millions of small-business owners and their families," he said. "It would certainly ease Main Street's growing anxiety about being slapped with—and ruined by—a Mickey Mouse lawsuit."

"When we asked our members in Alabama to identify the biggest problem facing their businesses, the most frequent answer, by far, was 'cost of liability insurance/fear of lawsuits,'" Danner noted. "Another problem, 'street crime,' drew only a third as many responses."

"There's something dreadfully wrong with our justice system when small-business owners are three times more fearful of being mugged by trial lawyers than by common street thugs."

A nationwide survey of NFIB's 600,000 members found virtually all (93 percent) favor capping punitive damages. "Small-business owners support any measures that will restore fairness, balance and common sense to our civil justice system," Danner said. "We have pledged our full support to Sens. Abraham and Lieberman in their efforts to do just that, through their Small Business Liability Reform Act."

Eliminating frivolous lawsuits is a priority in NFIB's Small Business Growth Agenda for the 106th Congress. To learn more about the Act of NFIB's Agenda, please contact McCall Cameron at 202/554-9000.

#### SBLC APPLAUDS SENATOR ABRAHAM'S SMALL BUSINESS LIABILITY REFORM LEGISLATION

WASHINGTON, D.C.—"We are pleased that Senator Spencer Abraham has introduced legislation that will have a significant impact on small business and the legal system," said David Gorin, Chairman of the Small Business Legislative Council (SBLC). Mr. Gorin's remarks refer to the Small Business Liability Reform Act of 1999, which Senator Abraham and Senator Joseph Lieberman have introduced today. The legislation proposes a \$250,000 limit on punitive damages for small business as well as provide protection from product-related injuries for non-manufacturing product sellers.

Gorin continued, "For far too long, small businesses have been the losers in 'litigation lottery.' As our civil justice system has moved farther and farther away from common sense, small businesses have had to absorb an increasing hidden cost of doing business. That hidden cost is the result of making decisions and undertaking actions, not on the basis of what makes good business sense, but rather on the basis of 'will I be sued?'"

Gorin concluded, "The Small Business Legislative Council strongly supports Senator Abraham's legislation. SBLC believes the Small Business Liability Reform Act will restore common sense to the civil justice system and allow small businesses to make decisions on the basis of what's best for the economy, not the trial lawyers."

The SBLC is a permanent, independent coalition of nearly eighty trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views.

#### MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

ACIL.  
Air Conditioning Contractors of America.  
Alliance for Affordable Health Care.  
Alliance for American Innovation.  
Alliance of Independent Store Owners and Professionals.  
American Animal Hospital Association.  
American Association of Equine Practitioners.  
American Bus Association.  
American Consulting Engineers Council.  
American Machine Tool Distributors Association.  
American Nursery and Landscape Association.  
American Road & Transportation Builders Association.  
American Society of Interior Designers.  
American Society of Travel Agents, Inc.  
American Subcontractors Association.  
American Textile Machinery Association.  
American Trucking Associations, Inc.  
Architectural Precast Association.  
Associated Equipment Distributors.  
Associated Landscape Contractors of America.  
Association of Small Business Development Centers.  
Association of Sales and Marketing Companies.  
Automotive Recyclers Association.  
Automotive Service Association.  
Bowling Proprietors Association of America.  
Building Service Contractors Association International.  
Business Advertising Council.  
CBA.  
Council of Fleet Specialists.  
Council of Growing Companies.  
Direct Selling Association.  
Electronics Representatives Association.  
Florists' Transworld Delivery Association.  
Health Industry Representatives Association.  
Helicopter Association International.  
Independent Bankers Association of America.  
Independent Medical Distributors Association.  
International Association of Refrigerated Warehouses.  
International Formalwear Association.  
International Franchise Association.  
Machinery Dealers National Association.  
Mail Advertising Service Association.  
Manufacturers Agents for the Food Service Industry.  
Manufacturers Agents National Association.  
Manufacturers Representatives of America, Inc.  
National Association for the Self-Employed.  
National Association of Home Builders.  
National Association of Plumbing-Heating-Cooling Contractors.  
National Association of Realtors.  
National Association of RV Parks and Campgrounds.  
National Association of Small Business Investment Companies.  
National Association of Surety Bond Producers.

National Association of the Remodeling Industry.

National Chimney Sweep Guild.

National Community Pharmacists Association.

National Electrical Contractors Association.

National Electrical Manufacturers Representatives Association.

National Funeral Directors Association, Inc.

National Lumber & Building Material Dealers Association.

National Moving and Storage Association.

National Ornamental & Miscellaneous Metals Association.

National Paperbox Association.

National Shoe Retailers Association.

National Society of Public Accountants.

National Tooling and Machining Association.

National Tour Association.

National Wood Flooring Association.

Opticians Association of America.

Organization for the Promotion and Advancement of Small Telephone Companies.

Petroleum Marketers Association of America.

Power Transmission Representatives Association.

Printing Industries of America, Inc.

Professional Lawn Care Association of America.

Promotional Products Association International.

The Retailer's Bakery Association.

Small Business Council of America, Inc.

Small Business Exporters Association.

SMC Business Councils.

Small Business Technology Coalition.

Society of American Florists.

Turfgrass Producers International.

Tire Association of North America.

United Motorcoach Association.

#### NSBU ENTHUSIASTICALLY SUPPORTS SMALL BUSINESS LIABILITY BILL

##### SMALL BUSINESS ASSOCIATION OF MICHIGAN ALSO LENDS THEIR SUPPORT

WASHINGTON, DC—National Small Business United (NSBU), the nation's oldest bipartisan small business advocacy organization, is pleased to announce their support for the Small Business Liability Reform Act of 1999. The Small Business Association of Michigan (SBAM), one of NSBU's affiliate groups, has also announced their support for the legislation which will provide protections to small business from frivolous and excessive litigation as well as limiting the product liability of non-manufacturer product sellers.

Sensors Spencer Abraham (R-Mich.) and Joseph Lieberman (D-Conn.), both of whom sit on the Senate Committee on Small Business, will introduce this measure which provides critical and necessary restrictions upon litigation, while not prohibiting legitimate litigation.

"In today's litigious environment, small businesses are often used as a scapegoat. Everyday, small businesses are forced to shut down and close because of these frivolous, and often times, unnecessary lawsuits," said Tom Farrell, NSBU Chair and owner of Farrell Consulting, Inc. in Pittsburgh, PA. "The Small Business Liability Reform Act will finally place some common sense limitations on these unfounded lawsuits."

NSBU joins SBAM in applauding Senators Abraham and Lieberman for their pragmatic leadership on such an important issue for the small business community.

#### NRF SUPPORTS BILL TO PROTECT SMALL BUSINESSES FROM UNNECESSARY LITIGATION

WASHINGTON, DC—The National Retail Federation voiced its support for the Small

Business Liability Reform Act of 1999. The bill, which is sponsored by Senators Spencer Abraham (R-MI) and Joseph Lieberman (D-CT), would help protect small businesses from frivolous litigation and exorbitant legal fees. Of particular interest to the retail industry are the bill's provisions to exclude small businesses from joint liability stemming from products they sell.

"Retailers often find themselves party to product liability lawsuits where no direct liability exists," said NRF Vice President and General Counsel, Mallory Duncan. "This bill would shift the responsibility for defective products to where it rightly belongs—the manufacturer."

The Small Business Liability Reform Act of 1999 would apply to businesses with 25 or fewer employees. According to Department of Commerce figures, more than 80 percent of the nation's retailers employ fewer than 25 individuals.

A recent Gallup survey suggests that some business owners' fear of litigation may impact critical operational decisions. The resulting "chilling effect" on the growth potential of small businesses underscores the need for reform, according to NRF.

"This bill would provide long-overdue and much needed relief to millions of entrepreneurs whose businesses could succeed or fail as the result of a single lawsuit," Duncan said. "Most small business owners lack the resources to both defend themselves against legal action and remain solvent. This bill would give them some piece of mind and the confidence to manage their business without undue fear of financial ruin."

The National Retail Federation (NRF) is the world's largest retail trade association with membership that comprises all retail formats and channels of distribution including department, specialty, discount, catalogue, Internet and independent stores. NRF members represent an industry that encompasses more than 1.4 million U.S. retail establishments, employs more than 20 million people—about 1 in 5 American workers—and registered 1998 sales of \$2.7 trillion. NRF's international members operate stores in more than 50 nations. In its role as the retail industry's umbrella group, NRF also represents 32 national and 50 state associations in the U.S. as well as 36 international associations representing retailers abroad.

#### NATIONAL RESTAURANT ASSOCIATION BACKS ABRAHAM/LIEBERMAN EFFORT TO CRACK DOWN ON FRIVOLOUS LAWSUITS

SAYS SMALL RESTAURANTS NEED PROTECTION FROM COSTLY, EXCESSIVE LITIGATION

WASHINGTON, DC—Saying that just one costly lawsuit is enough to put a restaurant out of business, the National Restaurant Association today strongly endorsed a bill sponsored by Sens. Spencer Abraham (R-MI) and Joseph Lieberman (D-CT) to protect small businesses from litigation abuse.

"The tendency for people today to sue for outlandish reasons is out of control," said Association Senior Vice President of Government and Corporate Affairs Elaine Z. Graham. "In recent years, many restaurants unfortunately have become targets for frivolous lawsuits. The reality is that it only takes one such lawsuit to drive a restaurant out of business. As a result, restaurants pay for high-priced liability insurance in an effort to arm themselves against the prospects of being sued."

"Our legal system needs to be reformed. We strongly support the Abraham/Lieberman bill and believe it will go a long way toward protecting smaller restaurants and curbing litigation abuse," she added.

The bill, the Small Business Lawsuit Abuse Protection Act, limits the amount of

punitive damages that may be awarded against a business with 25 or fewer employees. Currently, many small businesses settle out of court and pay hefty awards—even if the claim is unfounded—because they are fearful of being hit with unlimited punitive damages. By putting a cap on punitive damages, the Abraham/Lieberman bill helps eliminate needless lawsuits and makes it easier for small businesses to get fair settlements, avoiding excessive legal fees.

The Association is urging members of Congress to support the Abraham/Lieberman bill.

#### NACS SUPPORTS SMALL BUSINESS LAWSUIT PROTECTION ACT

ALEXANDRIA, Virginia—The National Association of Convenience Stores (NACS) is pleased to endorse legislation authored by Senators Spencer Abraham (R-MI) and Joe Lieberman (D-CT) that would limit small businesses' exposure to damages and liability in civil cases.

The "Small Business Liability Reform Act of 1999" is broken into two sections: "Small Business Lawsuit Abuse Protection" and "Product Seller Fair Treatment." The Small Business Lawsuit Abuse Protection section would limit small business exposure to punitive damages and joint liability for non-economic damages, in any civil action (with some exceptions). The damages would be limited to a maximum of \$250,000. Under the bill, small businesses are defined as having under 25 employees. The Product Seller Fair Treatment section would hold non-manufacturing product sellers (local wholesaler-distributors and neighborhood retailers) liable for product-related injuries only when the seller is directly responsible for the harm.

"More than 70 percent of the over 77,000 stores operated by NACS members are either one-store operations or part of a chain of 10 or fewer stores. These small business owners provide an essential service to their communities, contribute significantly to local economies and employ hundreds of thousands of people," said Lyle Beckwith, Director, Government Relations at NACS. "Because this bill protects those small business people from rising liability insurance costs and frivolous lawsuits, NACS will work proactively for its passage, and encourage other senators to follow the leadership of Senators Abraham and Lieberman."

#### ACEC SUPPORTS "SMALL BUSINESS LIABILITY REFORM ACT"

WASHINGTON, D.C.—The American Consulting Engineers Council (ACEC) strongly supports the "Small Business Liability Reform Act of 1999" which was introduced today by Senators Spencer Abraham (R-MI) and Joseph Lieberman (D-CT). The legislation, which builds on proposals that have earned strong bipartisan support in recent Congresses, will improve our nation's civil justice system through a package of carefully-targeted reforms—reforms that will deter unwarranted, frivolous, and needlessly wasteful litigation against employers, and particularly small businesses.

The threat of litigation and frivolous lawsuits continues to be a primary concern for consulting engineering firms according to ACEC's recent Professional Liability Survey report. Fully 75% of survey respondents indicated that the threat of litigation stifled the use of innovative techniques or technologies while working on projects. Over one-third of all claims filed against ACEC member firms resulted in no payment of any kind to the plaintiff, a fact which indicates that "frivolous" litigation remains a problem for the industry.

The Small Business Liability Reform Act would limit the exposure of small businesses

to punitive damages and joint liability for non-economic damages in any civil action, with the exception of lawsuits involving certain types of egregious conduct. If passed, the bill would limit punitive damages to the lesser of two times the amount awarded to the claimant for economic and noneconomic losses, or \$250,000.

Howard M. Messner, ACEC's Executive Vice President, applauded the Senators' decision to sponsor this legislation, saying "ACEC has long supported the types of reforms incorporated in this legislation. Our member firms have learned from direct experience that meritless lawsuits can cripple a professional's practice, especially when that professional is a small businessperson. For this reason, we will certainly support legislative initiatives designed to provide some much-needed relief from baseless lawsuits."

#### IMRA HAILS BILL LIMITING RETAILERS' EXPOSURE TO PRODUCT LIABILITY SUITS ABRAHAM-LIEBERMAN BILL WOULD GUARD INNOCENT DISTRIBUTORS

ARLINGTON, VA—The International Mass Retail Association (IMRA) applauds today's introduction of the bipartisan "Small Business Liability Reform Act of 1999" by Senators Spencer Abraham (R-MI) and Joseph Lieberman (D-CT). The bill would shield from product liability lawsuits retailers and other distributors if they did not take part in the product's design and manufacture. It would generally hold retailers and other distributors responsible only for their own negligence, not for the actions of manufacturers.

"All too often, mass retailers are unfairly dragged into product liability lawsuits when they have had no part in designing or producing the item in question," said IMRA President Robert J. Verdisco. "Simply selling a product should not automatically bring the retailer or distributor into product liability lawsuits."

The Abraham-Lieberman bill would allow a product seller to be brought into Federal or state product liability lawsuits only if the plaintiff can show harm due to a retailer's or distributor's failure to exercise reasonable care with the product, failure to live up to its own express warranty, or deliberate wrongdoing. Retailers and distributors could also be brought in when the product maker cannot be brought into court or pay a judgment against it.

Verdisco called the Abraham-Lieberman measure "long-needed, common-sense reform to our nation's product liability system." He noted that the same provisions have been part of broader product liability reform bills for many years without prompting major controversy.

"Product safety is an important concern for the nation's mass retailers," Verdisco noted, "but groundless, costly product liability cases against retailers who have no involvement other than selling the product can jeopardize the wide selection and low prices that consumers have come to expect from mass retail stores." He added, "The Abraham-Lieberman bill would provide innocent retailers and distributors with fair and reasonable safeguards, while still allowing consumers to pursue claims they believe are meritorious against those most responsible for the product."

#### ABC APPLAUDS INTRODUCTION OF SMALL BUSINESS LIABILITY REFORM

WASHINGTON, D.C.—May 28, 1999—ABC applauded the introduction today of the Small Business Liability Reform Act of 1999 by Sens. Spencer Abraham (R-Mich.) and Joseph Lieberman (D-Conn.).

ABC President David Bush said, "ABC has long been supportive of lawsuit reform as a

beneficial solution of the pressing problem of frivolous lawsuits which raise the cost of doing business and clog the nation's court systems."

The legislation would limit punitive damages and joint liability for non-economic damages against small businesses in any civil lawsuit. Under current law, punitive damage verdicts are commonplace as a result of vague substantive standards and unrestrained plaintiff's lawyers. Awards in non-economic cases compensate plaintiffs for "pain and suffering" or "emotional distress," and are not calculated on tangible economic loss. Multi-million dollar punitive damage awards are now routinely sought and frequently imposed in almost every type of civil case.

ABC has long been supportive of lawsuit reforms. The construction industry is particularly concerned about frivolous cases brought before the National Labor Relations Board as a result of "salting" abuses.

"ABC commends Sens. Abraham and Lieberman for introducing common-sense legislation that, if passed, will discourage costly and frivolous lawsuits against small business owners."

Mr. MCCONNELL. Mr. President, I rise today to join my esteemed colleagues in the introduction of the Small Business Liability Reform Act of 1999.

Over the last 30 years, the American civil justice system has become inefficient, unpredictable and costly. Consequently, I have spent a great deal of my time in the United States Senate working to reform the legal system. I was particularly pleased to help lead in the efforts to pass the Volunteer Protection Act, which offers much-needed litigation protection for our country's battalion of volunteers. America's litigation crisis, however, goes well beyond our volunteers.

Lawsuits and the mere threat of lawsuits impede invention and innovation, and the competitive position our nation has enjoyed in the world marketplace. The litigation craze has several perverse effects. For example, it discourages the production of more and better products, while encouraging the production of more and more attorneys. In the 1950s, there was one lawyer for every 695 Americans. Today, in contrast, there is one lawyer for every 290 people. In fact, we have more lawyers per capita than any other western democracy.

Mr. President, don't get me wrong—there is nothing inherently wrong with being a lawyer. I am proud to be a graduate of the University of Kentucky College of Law. My point, however, is simple: government and society should promote a world where its more desirable to create goods and services than it is to create lawsuits.

The chilling effects of our country's litigation epidemic are felt throughout our national economy—especially by our small businesses. We must act to remove the litigation harness that constrains our nation's small businesses.

Small businesses are vital to our nation's economy. My state provides a perfect example of the importance of small business. In Kentucky, more than 85% of our businesses are small businesses.

The Small Business Lawsuit Abuse Protection Act is a narrowly-crafted

bill which seeks to restore some rationality, certainty and civility to the legal system.

First, Title I of this bill would offer limited relief to businesses or organizations that have fewer than 25 full-time employees. Title I seeks to provide some reasonable limits on punitive damages, which typically serve as a windfall to plaintiffs. It also provides that a business's responsibility for non-economic losses would be in proportion to the business's responsibility for causing the harm.

The other Title in the bill includes liability reforms for innocent product sellers—which are very often small businesses. These businesses are often dragged into product liability cases even though they did not produce, design or manufacture the product, and are not in any way to blame for the harm that the product is alleged to have caused. Title II would help protect product sellers from being subjected to frivolous lawsuits when they are not responsible for the alleged harm.

Now, let me explain what this bill does not do. It does not close the courthouse door to plaintiffs who sue small businesses. For example, this bill does not limit a plaintiff's ability to sue a small business for an act of negligence, or any other act, for that manner. It also does not prevent a plaintiff from recovering from product sellers when those sellers are responsible for harm.

Mr. President, this is a sensible, narrowly-tailored piece of legislation that is greatly needed to free up the enterprising spirit of our small businesses. I look forward to the Senate's consideration of this important legislation.

#### ADDITIONAL COSPONSORS

S. 10

At the request of Mr. DASCHLE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 10, a bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55 to 65 year olds, assistance for individuals with long-term care needs, and social services for older Americans.

S. 13

At the request of Mr. ROBB, his name was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 42

At the request of Mr. HELMS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 42, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 51

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 97

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mrs.

HUTCHISON) was added as a cosponsor of S. 97, a bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 216, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 288

At the request of Mr. ROBB, his name was added as a cosponsor of S. 288, a bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

S. 317

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. LUGAR) 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. 344

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in

honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 434

At the request of Mr. ROBB, his name was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

At the request of Mr. BREAUX, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 434, *supra*.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 471

At the request of Mr. ROBB, his name was added as a cosponsor of S. 471, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions.

S. 472

At the request of Mr. GRASSLEY, the names of the Senator from Florida (Mr. MACK), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 510

At the request of Mr. CAMPBELL, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 512

At the request of Mr. GORTON, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Ala-

bama (Mr. SESSIONS) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 546

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Indiana (Mr. BAYH) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, 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. 593

At the request of Mr. COVERDELL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes.

S. 607

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 607, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 620

At the request of Mr. SARBANES, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 627

At the request of Mr. HUTCHINSON, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 627, a bill to terminate the Internal Revenue Code of 1986.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 635

At the request of Mr. ROBB, his name was added as a cosponsor of S. 635, a

bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 657

At the request of Mr. FRIST, his name was added as a cosponsor of S. 657, a bill to amend the Internal Revenue Code of 1986 to expand the availability of medical savings accounts, and for other purposes.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 661

At the request of Mr. ABRAHAM, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 664

At the request of Mr. ROBB, his name was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

At the request of Mr. CHAFEE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 664, *supra*.

S. 712

At the request of Mr. LOTT, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

S. 729

At the request of Mr. CRAIG, the name of the Senator from Oklahoma

(Mr. INHOFE) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 749

At the request of Mr. KENNEDY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 749, a bill to establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, and for other purposes.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the medicaid program, and for other purposes.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 866

At the request of Mr. CONRAD, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 879

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements

S. 918

At the request of Mr. KERRY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Maryland (Mr. SARBANES), and the Sen-

ator from Oregon (Mr. SMITH) were added as cosponsors of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 926

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 980, a bill to promote access to health care services in rural areas.

S. 1017

At the request of Mr. MACK, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1070

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1124

At the request of Ms. COLLINS, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Ohio (Mr. DEWINE), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1124, a bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers.

S. 1129

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1129, a bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes.

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. CAMPBELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Concurrent Resolution 19, a concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor

of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day".

AMENDMENT NO. 394

At the request of Mr. LOTT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of amendment No. 394 proposed to S. 1059, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. LEVIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 394 proposed to S. 1059, supra.

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 394 proposed to S. 1059, supra.

SENATE CONCURRENT RESOLUTION 36—CONDEMNING PALESTINIAN EFFORTS TO REVIVE THE ORIGINAL PALESTINE PARTITION PLAN OF NOVEMBER 29, 1947, AND CONDEMNING THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS FOR ITS APRIL 27, 1999, RESOLUTION ENDORSING PALESTINIAN SELF-DETERMINATION ON THE BASIS OF THE ORIGINAL PALESTINE PARTITION PLAN

Mr. SCHUMER (for himself, Mr. MOYNIHAN, Mr. BROWNBARK, Mr. MACK, and Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 36

Whereas United Nations General Assembly Resolution 181, which called for the partition of the British-ruled Palestine Mandate into a Jewish state and an Arab state, was declared null and void on November 29, 1947, by the Arab states and the Palestinians, who included the rejection of Resolution 181 as a formal justification for the May, 1948, invasion of the newly declared State of Israel by the armies of five Arab states;

Whereas the armistice agreements between Israel and Egypt, Lebanon, Syria, and Transjordan in 1949 made no mention of United Nations General Assembly Resolution 181, and the United Nations Security Council made no reference to United Nations General Assembly Resolution 181 in its Resolution 73 of August 11, 1949, which endorsed the armistice;

Whereas in 1967 and 1973 the United Nations adopted Security Council Resolutions 242 and 338, respectively, which call for the withdrawal of Israel from territory occupied in 1967 and 1973 in exchange for the creation of secure and recognized boundaries for Israel and for political recognition of Israel's sovereignty;

Whereas Security Council Resolutions 242 and 338 have served as the framework for all negotiations between Israel, Palestinian representatives, and Arab states for 30 years, including the 1991 Madrid Peace Conference and the ongoing Oslo peace process, and serve as the agreed basis for impending Final Status Negotiations;

Whereas senior Palestinian officials have recently resurrected United Nations General Assembly Resolution 181 through official statements and a March 25, 1999, letter from the Palestine Liberation Organization Permanent Observer to the United Nations Secretary-General contending that the State of Israel must withdraw to the borders outlined in United Nations General Assembly Resolution 181, and accept Jerusalem as a "corpus separatum" to be placed under United Nations control as outlined in United Nations General Assembly Resolution 181; and

Whereas in its April 27, 1999, resolution, the United Nations Commission on Human Rights asserted that Israeli-Palestinian peace negotiations be based on United Nations General Assembly Resolution 181: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the Congress—*

(1) condemns Palestinian efforts to circumvent United Nations Security Council Resolutions 242 and 338, as well as violate the Oslo peace process, by attempting to revive United Nations General Assembly Resolution 181, thereby placing the entire Israeli-Palestinian peace process at risk;

(2) condemns the United Nations Commission on Human Rights for voting to formally endorse United Nations General Assembly Resolution 181 as the basis for the future of Palestinian self-determination;

(3) reiterates that any just and final peace agreement regarding the final status of the territory controlled by the Palestinians can only be determined through direct negotiations and agreement between the State of Israel and the Palestinian Liberation Organization;

(4) reiterates its continued unequivocal support for the security and well-being of the State of Israel, and of the Oslo peace process based on United Nations Security Council Resolutions 242 and 338; and

(5) calls for the President of the United States to declare that—

(A) it is the policy of the United States that United Nations General Assembly Resolution 181 of 1947 is null and void;

(B) all negotiations between Israel and the Palestinians must be based on United Nations Security Council Resolutions 242 and 338; and

(C) the United States regards any attempt by the Palestinians, the United Nations, or any entity to resurrect United Nations General Assembly Resolution 181 as a basis for negotiations, or for any international decision, as an attempt to sabotage the prospects for a successful peace agreement in the Middle East.

## SENATE RESOLUTION 109—RELATING TO THE ACTIVITIES OF THE NATIONAL ISLAMIC FRONT GOVERNMENT IN SUDAN

Mr. BROWNBACK (for himself, Mr. FRIST, Mr. HUTCHINSON, Mr. LAUTENBERG, Mr. MACK, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 109

Whereas according to the United States Committee for Refugees (USCR), approximately 1,900,000 people have died in Sudan over the past decade due to war and war-related causes and famine, and millions more people in Sudan have been displaced from their homes and separated from their families, making this the deadliest war in the last decade in terms of mortality rates;

Whereas the war policy of the National Islamic Front government in southern Sudan and the Nuba Mountains has brought untold suffering on innocent civilians and threatens the very survival of a whole generation of southern Sudanese;

Whereas the people of the Nuba Mountains are at particular risk from this policy because they have been the specific target of a deliberate prohibition on international food aid, which has helped induce a man-made famine, and have been subject to the routine bombing of their civilian centers, including religious facilities, schools, and hospitals;

Whereas the National Islamic Front government is deliberately and systematically committing crimes against humanity in southern Sudan and the Nuba Mountains;

Whereas the National Islamic Front government has systematically and repeatedly obstructed the peace efforts of the Inter-governmental Authority for Development (IGAD) in Sudan over the past several years;

Whereas the Declaration of Principles put forth by Inter-governmental Authority for Development mediators provides the most fruitful negotiating framework for resolving problems in Sudan and bringing lasting peace to Sudan;

Whereas humanitarian conditions in southern Sudan, especially in Bahr al-Ghazal, deteriorated in 1998 largely because of the decision of the National Islamic Front government to ban United Nations relief flights in those areas from February through April 1998;

Whereas the National Islamic Front government continues to deny access by United Nations relief flights to certain locations in Sudan, including a blanket prohibition on flights to the Nuba Mountains, resulting in deterioration of humanitarian conditions;

Whereas approximately 2,600,000 Sudanese were at risk of starvation in Sudan in late 1998, and the World Food Program currently estimates that 4,000,000 people are in need of emergency assistance in that area;

Whereas the relief effort in Sudan coordinated by the United Nations, Operation Lifeline Sudan (OLS), failed to respond in a timely fashion to the humanitarian crisis in Sudan at the height of that crisis in 1998 and has allowed the National Islamic Front government to manipulate and obstruct relief efforts in Sudan;

Whereas relief efforts in Sudan are further complicated by repeated airborne attacks by the National Islamic Front government on feeding centers, clinics, and other civilian targets in certain areas of Sudan;

Whereas such relief efforts are further complicated by the looting and killing of innocent civilians by militias sponsored by the National Islamic Front government;

Whereas these militias have carried out violent raids in Aweil East and West, Twic,

and Gogrial counties in the Bahr al-Ghazal/Lakes Region, killing and displacing thousands of civilians, which reflects a deliberate ethic cleansing policy in these counties and in the Nuba Mountains;

Whereas the National Islamic Front government has perpetrated a prolonged campaign of human rights abuses and discrimination throughout Sudan;

Whereas the militias associated with the National Islamic Front government have engaged in the enslavement of innocent civilians, including children, women, and elderly;

Whereas slave raids are commonly undertaken by the militias of the Popular Defense Force of the National Islamic Front as part of a self-declared jihad, or holy war, against the predominately Christian and traditional believers of southern Sudan;

Whereas the Department of State in its report on Human Rights Practices for 1997 affirmed with respect to Sudan that "reports and information from a variety of sources after February 1994 indicate that the number of cases of slavery, servitude, slave trade, and forced labor have increased alarmingly";

Whereas the Department of State in its report on Human Rights Practices for 1998 states with respect to Sudan that "[c]redible reports persist of practices such as the sale and purchase of children, some in alleged slave markets";

Whereas the enslavement of people is considered a crime against humanity under international law;

Whereas it is estimated that tens of thousands of Sudanese have been enslaved by militias sponsored by the National Islamic Front government;

Whereas the former United Nations Special Rapporteur for Sudan, Gaspar Biro, and the present Special Rapporteur, Leonardo Franco, have reported on a number of occasions the routine practice of slavery in Sudan and the complicity of the National Islamic Front government in that practice;

Whereas the National Islamic Front government abuses and tortures political opponents and innocent civilians in northern Sudan, and many people in northern Sudan have been killed by that government over the years;

Whereas the vast majority of Muslims in Sudan do not prescribe to policies of National Islamic Front extremists, including the politicized practice of Islam, and moderate Muslims in Sudan have been specifically targeted by the National Islamic Front government;

Whereas the National Islamic Front government is considered by much of the world community as a rogue state because of its support for international terrorism and its campaign of terrorism against its own people;

Whereas according to the Department of State's Patterns of Global Terrorism Report, "Sudan's support to terrorist organizations has included paramilitary training, indoctrination, money, travel documentation, safe passage, and refuge in Sudan";

Whereas the National Islamic Front government has been implicated in the assassination attempt of Egyptian President Hosni Mubarak in Ethiopia in 1995 and the World Trade Center bombing in New York City in 1993;

Whereas the National Islamic Front government has permitted Sudan to be used by well known terrorist organizations as a refuge and training center;

Whereas Osama bin-Laden, the Saudi-born financier of extremist groups and mastermind of the bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, used Sudan as a base of operations for several years and continues to maintain economic interests there;

Whereas on August 20, 1998, United States naval forces struck a suspected chemical weapons facility in Khartoum, the capital of Sudan, in retaliation for those bombings;

Whereas relations between the United States and Sudan continue to deteriorate because of human rights violations, the war policy of the National Islamic Front government in southern Sudan, and that government's support for international terrorism;

Whereas in 1993 the United States Government placed Sudan on the list of seven states in the world that sponsor terrorism and imposed comprehensive sanctions on the National Islamic Front government in November 1997; and

Whereas the struggle by the people of Sudan, and opposition forces to the National Islamic Front government, is a just struggle for freedom and democracy against that government: Now, therefore, be it

*Resolved*, That the Senate—

(1) strongly condemns the National Islamic Front government in Sudan for its support for terrorism and its continued human rights violations;

(2) strongly deplores the slave raids in southern Sudan and calls on the National Islamic Front government to end immediately the practice of slavery in Sudan;

(3) calls on the United Nations Security Council—

(A) to condemn such slave raids and bring to justice those responsible for the crimes against humanity which such slave raids entail;

(B) to implement the existing air embargo, and impose an arms embargo, on the National Islamic Front government;

(C) to swiftly implement reforms of Operation Lifeline Sudan in order to enhance the independence of that operation from the National Islamic Front government; and

(D) to determine whether or not the war policy of the National Islamic Front government in southern Sudan and the Nuba Mountains constitutes genocide; and

(E) to implement the recommendations of the United Nations Special Rapporteur for Sudan, Leonardo Franco, who has called for the posting of human rights monitors throughout Sudan; and

(4) calls on the President to take leadership on policies—

(A) to increase support for relief organizations working outside the umbrella of Operation Lifeline Sudan, including, in particular, the dedication of programs to and an increase in resources of organizations serving the Nuba Mountains;

(B) to instruct the Agency for International Development (AID) and other appropriate agencies to—

(i) provide additional support to and coordinate activities with nongovernmental organizations involved in relief work in Sudan that work outside the umbrella of organizations supported by Operation Lifeline Sudan, including the Nuba Mountains; and

(ii) enhance the independence of Operation Lifeline Sudan from the National Islamic Front government, including by removing that government's power of automatic veto over its operation;

(C) to double the funds that are made available through the so-called STAR Program for the promotion of the rule of law to advance democracy, civil administration, and the judiciary, and the enhancement of infrastructure, in areas in Sudan that are controlled by the opposition to the National Islamic Front government;

(D) to instruct the Agency for International Development to provide humanitarian assistance, including food, directly to indigenous service groups in southern Sudan and the Nuba Mountains;

(E) to intensify and expand United States diplomatic and economic pressure on the National Islamic Front government in conjunction with and urging other countries to impose sanctions regimes on that government that are similar to sanction regime imposed on that government by the United States;

(F) to continue to enhance the peace process in Sudan supported by the Inter-governmental Authority for Development; and

(G) to report to Congress not later than three months after the adoption of this resolution regarding the efforts or plans of the President to promote the end of slavery in Sudan.

#### SENATE RESOLUTION 100—DESIGNATING JUNE 5, 1999, AS NATIONAL RACE FOR THE CURE DAY

Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. LOTT, Mr. DASCHLE, Mr. MACK, Mr. DOMENICI, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. COLLINS, Mr. DEWINE, Mr. ENZI, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. HELMS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. SNOWE, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, Mr. BAUCUS, Mr. BROWNBACK, Mr. DURBIN, Mr. ROTH, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. ALLARD, Mr. BIDEN, and Mr. EDWARDS) submitted the following resolution; which was considered and agreed to:

#### S. RES. 110

Whereas breast cancer is the leading cause of death for women between the ages of 35 and 54;

Whereas every 3 minutes a woman will be diagnosed with breast cancer and every 12 minutes a woman will die of breast cancer;

Whereas the Komen National Race for the Cure is celebrating its 10th Anniversary during 1999;

Whereas the Komen National Race for the Cure Series, an event of the Susan G. Komen Breast Cancer Foundation, is the largest series of 5 kilometer races in the world;

Whereas there will be 98 Komen National Race for the Cure events throughout the United States during 1999; and

Whereas the Susan G. Komen Breast Cancer Foundation and the Komen National Race for the Cure Series have raised an estimated \$136,000,000 to further the mission of eradicating breast cancer as a life-threatening disease by advancing research, education, screening, and treatment:

Now, therefore, be it

*Resolved*,

#### SECTION 1. COMMEMORATION AND DESIGNATION.

The Senate—

(1) commemorates the 10th Anniversary of the National Race for the Cure;

(2) designates June 5, 1999, as "National Race for the Cure Day"; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

#### SENATE RESOLUTION 111—DESIGNATING JUNE 6, 1999, AS "NATIONAL CHILD'S DAY"

Mr. GRAHAM (for himself, Mr. BURNS, Mr. SARBANES, Mr. SMITH of Oregon, Mrs. MURRAY, Mr. BOND, Mr. DASCHLE, Mr. DEWINE, Mr. ROBERTS, Mr. SPECTER, Ms. MIKULSKI, Mr. MACK, Mr. THURMOND, Mr. EDWARDS, Mr. VOINOVICH, Mr. TORRICELLI, Mr. CRAIG, Mr. JOHNSON, Mr. GRASSLEY, Ms. LANDRIEU, Ms. SNOWE, Mr. LEVIN, Mr. WARNER, Mr. ROBB, Mr. ENZI, Mr. LAUTENBERG, Mr. CRAPO, Mr. AKAKA, Mr. GORTON, Mr. DODD, Mr. DOMENICI, Mr. BREAUX, Mr. STEVENS, Mr. CLELAND, Mr. HAGEL, Mr. KENNEDY, Mr. ABRAHAM, Mr. DORGAN, Mrs. FEINSTEIN, Mr. KERRY, Mrs. BOXER, Mr. REID, Mr. DURBIN, Mr. CONRAD, Mr. BYRD, Mr. INOUE, Mr. BAYH, Mr. BINGAMAN, Mr. BRYAN, Mr. LIEBERMAN, Mr. WYDEN, Mr. HOLLINGS, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

#### S. RES. 111

Whereas June 6, 1999, the first Sunday in the month, falls between Mother's Day and Father's Day;

Whereas each child is unique, a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child's life;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities;

Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate the children will emphasize to the people of the United States the importance of the role of the child within the family and society: Now, therefore, be it

*Resolved*, That the Senate—



(1) designates June 6, 1999, as "National Child's Day"; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

# SENATE RESOLUTION 112—TO DESIGNATE JUNE 5, 1999, AS "SAFE NIGHT USA"

Mr. FEINGOLD submitted the following resolution; which was considered and agreed to:

## S. RES. 112

Whereas over 1,500,000 people, 220,000 of them juveniles, were arrested last year for drug abuse;

Whereas over 1,000,000 juveniles were victims of violent crimes last year;

Whereas local community prevention efforts are vital to reducing these alarming trends;

Whereas Safe Night began with 4,000 juvenile participants in Milwaukee during 1994 in response to a 300 percent increase in violent death and injury in that city between 1983 and 1993;

Whereas Safe Night involved over 10,000 Wisconsin participants and included over 100 individual Safe Nights throughout Wisconsin in 1996;

Whereas Safe Night has been credited as a factor in reducing the teenage homicide rate in Milwaukee by 60 percent in just the first 3 years of the program;

Whereas Wisconsin Public Television, the Public Broadcasting Service, Black Entertainment Television, the National Latino Children's Institute, the National Civics League, 100 Black Men of America, the Resolving Conflict Creatively Center and Educators for Social Responsibility, the Boys and Girls Club of America, the Community Anti-Drug Coalitions of America, the National 4-H Youth Council, Public Television Outreach, and the American Academy of Pediatrics have joined with Safe Night USA to lead this major violence prevention initiative;

Whereas community leaders, including parents, teachers, doctors, religious officials, and business leaders, will enter into partnership with youth to foster a drug-free and violence-free environment on June 5, 1999;

Whereas this partnership combines stress and anger management programs with dances, talent shows, sporting events, and other recreational activities, operating on only 3 basic rules: no weapons, no alcohol, and no arguments;

Whereas Safe Night USA helps youth avoid the most common factors that precede acts of violence, provides children with the tools to resolve conflict and manage anger without violence, encourages communities to work together to identify key issues affecting teenagers, and creates local partnerships with youth that will continue beyond the expiration of the project; and

Whereas June 5, 1999, will witness over 10,000 local Safe Night activities joined together in one nationwide effort to combat youth violence and substance abuse: Now, therefore, be it

*Resolved,*

## SECTION 1. DESIGNATION.

The Senate—

(1) designates June 5, 1999 as "Safe Night USA"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

## SEC. 2. TRANSMITTAL OF RESOLUTION.

The Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Safe Night USA.

## AMENDMENTS SUBMITTED

## NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 2000

### WARNER (AND OTHERS) AMENDMENT NO. 411

Mr. WARNER (for himself, Mr. ROBB, Mr. INHOFE, and Mr. LEVIN) proposed an amendment to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

### SEC. . ENHANCEMENT OF PENTAGON RENOVATION ACTIVITIES.

The Secretary of Defense in conjunction with the Pentagon Renovation Program is authorized to design and construct secure secretarial office and support facilities and security-related changes to the METRO entrance at the Pentagon Reservation. The Secretary shall, not later than January 15, 2000, submit to the congressional defense committees the estimated cost for the planning, design, construction, and installation of equipment for these enhancements, together with the revised estimate for the total cost of the renovation of the Pentagon.

### WARNER (AND LEVIN) AMENDMENT NO. 412

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 98, line 15, strike "\$71,693,093,000." and insert in lieu thereof the following: "\$71,693,093,000, and in addition funds in the total amount of \$1,838,426,000 are authorized to be appropriated as emergency appropriations to the Department of Defense for fiscal year 2000 for military personnel, as appropriated in section 1012 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31)."

### ALLARD (AND CLELAND) AMENDMENT NO. 413

Mr. WARNER (for Mr. ALLARD, for himself and Mr. WARNER) proposed an amendment to the bill, S. 1059, supra; as follows:

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

### SEC. 717. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES.

Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

"(d) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may be comparable to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative serv-

ices, endodontics and other basic restorative services, surgical services, and emergency services."

### MACK (AND GRAHAM) AMENDMENT NO. 414

Mr. WARNER (for Mr. MACK, for himself and Mr. GRAHAM) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 12, increase the amount by \$6,000,000.

On page 29, line 14, decrease the amount by \$6,000,000.

### WARNER AMENDMENT NO. 415

Mr. WARNER proposed an amendment to the bill, S. 1059, supra; as follows:

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

### SEC. 349. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

Section 112(a)(3) of title 32, United States Code, is amended by striking "per purchase order" in the second sentence and inserting "per item".

### TORRICELLI AMENDMENT NO. 416

Mr. LEVIN (for Mr. TORRICELLI) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, between lines 11 and 12, insert the following:

### SEC. 1032. REVIEW OF INCIDENCE OF STATE MOTOR VEHICLE VIOLATIONS BY ARMY PERSONNEL.

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

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

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

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

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

### CRAPO (AND LOTT) AMENDMENT NO. 417

Mr. WARNER (for Mr. CRAPO, for himself and Mr. LOTT) proposed an amendment to the bill, S. 1059, supra; as follows:

Strike section 654, and insert the following:

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

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

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

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

### SNOWE AMENDMENT NO. 418

Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill, S. 1059, supra; as follows:

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

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

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—

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

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

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

(b) REPORTS.—Not later than 20 days, or earlier than 14 days, after the first day of the engagement of the United States in any armed conflict described in subsection (a), the President shall, if the armed conflict continues, submit a report to Congress setting forth—

(1) the specific steps the United States has taken and will continue to take to institute the embargo and financial asset seizures pursuant to subsection (a); and

(2) any foreign sources of trade of revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the Armed Forces of the United States.

**HATCH AMENDMENT NO. 419**

Mr. WARNER (for Mr. HATCH) proposed an amendment to the bill, S. 1059, supra; as follows:

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

**Subtitle E—Other Matters**

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

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

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

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

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

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

**REED (AND CHAFEE) AMENDMENT NO. 420**

Mr. LEVIN (for Mr. REED, for himself and Mr. CHAFEE) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 48, line 5, after "laboratory", insert the following: ", and the director of one test and evaluation laboratory,".

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

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

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

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

**GRAMS AMENDMENT NO. 421**

Mr. WARNER (for Mr. GRAMS) proposed an amendment to the bill, S. 1059, supra; as follows:

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

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

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

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

(c) CONSIDERATION.—As a consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

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

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

**GRAHAM (AND MACK) AMENDMENT NO. 422**

Mr. LEVIN (for Mr. GRAHAM, for himself and Mr. MACK) proposed an amendment to the bill, S. 1059, supra; as follows:

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

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

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey all right, title, and

interest of the United States in and to the land comprising the main base portion of the Naval Training Center and the McCoy Annex Areas, Orlando, Florida, to the City of Orlando, Florida, in accordance with the terms and conditions set forth in the Memorandum of Agreement by and between the United States of America and the City of Orlando for the Economic Development Conveyance of Property on the Main Base and McCoy Annex Areas of the Naval Training Center, Orlando, executed by the Parties on December 9, 1997, as amended.

**SESSIONS AMENDMENT NO. 423**

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

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

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

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

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

**SNOWE AMENDMENT NO. 424**

Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill, S. 1059, supra; as follows:

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

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

**SHELBY (AND SESSIONS) AMENDMENT NO. 425**

Mr. WARNER (for Mr. SHELBY, for himself and Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

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

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

Of the funds authorized to be appropriated under section 101(2), \$500,000 may be made available to complete the development of reuse and demilitarization tools and technologies for use in the disposition of Army MLRS inventory.

**GRAMM AMENDMENT NO. 426**

Mr. WARNER (for Mr. GRAMM, for himself and Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 440, between lines 6 and 7, insert the following:

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

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

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

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

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

(b) GENERAL AUTHORITY.—Section 2872 of such title is amended by striking "private persons" and inserting "eligible entities".

(c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2873 of such title is amended—

(1) in subsection (a)(1)—

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

(B) by striking "such persons" and inserting "the eligible entity"; and

(2) in subsection (b)(1)—

(A) by striking "any person in the private sector" and inserting "an eligible entity"; and

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

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

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

(2) in subsection (c)—

(A) by striking "a nongovernmental entity" both places it appears and inserting "an eligible entity"; and

(B) by striking "the entity" each place it appears and inserting "the eligible entity";

(3) in subsection (d), by striking "nongovernmental" and inserting "eligible"; and

(4) in subsection (e), by striking "a nongovernmental entity" and inserting "an eligible entity".

(e) RENTAL GUARANTEES.—Section 2876 of such title is amended by striking "private persons" and inserting "eligible entities".

(f) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is amended by striking "private".

(g) CONVEYANCE OR LEASE OF EXISTING PROPERTY AND FACILITIES.—Section 2878(a) of such title is amended by striking "private persons" and inserting "eligible entities".

(h) CLERICAL AMENDMENTS.—(1) The heading of section 2875 of such title is amended to read as follows:

**"§ 2875. Investments."**

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2875 and inserting the following new item:

"2875. Investments."

#### CLELAND AMENDMENT NO. 427

Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill, S. 1059, supra; as follows:

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

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

(a) ORDER TO ACTIVE DUTY AUTHORIZED.—

(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following:

##### **"§ 12322. Active duty for health care**

"A member of a uniformed service described in paragraph (1)(B) or (2)(B) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(A) or (2)(A) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in such paragraph."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"12322. Active duty for health care."

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

"(e)(1) A member of a uniformed service on active duty for health care or recuperation reasons, as described in paragraph (2), is entitled to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty.

"(2) Paragraph (1) applies to a member described in paragraph (1) or (2) of subsection (a) who, while being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty, is continued on active duty pursuant to a modification or extension of orders, or is ordered to active duty, so as to result in active duty for a period of more than 30 days."

(c) MEDICAL AND DENTAL CARE FOR DEPENDENTS.—Subparagraph (D) of section 1076(a)(2) of such title is amended to read as follows:

"(D) A member on active duty who is entitled to benefits under subsection (e) of section 1074a of this title by reason of paragraph (1), (2), or (3) of subsection (a) of such section."

#### THOMPSON (AND OTHERS) AMENDMENT NO. 428

Mr. WARNER (for Mr. THOMPSON for himself, Mr. LIEBERMAN, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of title VIII, add the following:

#### SEC. 807. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

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

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

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

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

"(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

"(i) Contracts or subcontracts for the acquisition of commercial items.

"(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

"(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

"(iv) Contracts or subcontracts with a value that is less than \$5,000,000."

(b) WAIVER.—Such section is further amended by adding at the end the following:

"(5)(A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value less than \$10,000,000 if that official determines in writing that—

"(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

"(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

(B) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below the senior policymaking level in the executive agency.

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

"(i) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

"(ii) The specific circumstances under which such a waiver may be granted.

(E) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis."

(c) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by this section shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A-21, as in effect on January 1, 1999; or

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

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

(a) GUIDANCE IN THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts in accordance with sections 2304a through 2304d of title 10, United States Code, and sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k).

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

(1) Specific guidance on the appropriate use of government-wide and other multi-agency contracts entered in accordance with the provisions of law referred to in that subsection.

(2) Specific guidance on steps that agencies should take in entering and administering multiple award task order and delivery order contracts to ensure compliance with—

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

(B) the requirement in section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) to ensure that all contractors are afforded a fair opportunity to be considered for the award of task orders and delivery orders; and

(C) the requirement in section 2304c(c) of title 10, United States Code, and section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c))

for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivered under the order.

(c) GSA FEDERAL SUPPLY SCHEDULES PROGRAM.—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to assess the effectiveness of the multiple awards schedule program of the General Services Administration referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3)) that is administered as the Federal Supply Schedules program. The assessment shall include examination of the following:

(1) The administration of the program by the Administrator of General Services.

(2) The ordering and program practices followed by Federal customer agencies in using schedules established under the program.

(d) GAO REPORT.—Not later than one year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of executive agency compliance with the regulations, together with any recommendations that the Comptroller General considers appropriate.

**SEC. 809. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED SERVICES.**

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

“(E) Installation services, maintenance services, repair services, training services, and other services if—

“(i) the services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the item; and

“(ii) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.”.

**SEC. 810. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.**

(a) EXTENSION OF AUTHORITY.—Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking “three years after the date on which such amendments take effect pursuant to section 4401(b)” and inserting “January 1, 2002”.

(b) GAO REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program authorized by section 4204 of the Clinger-Cohen Act of 1996, together with any recommendations that the Comptroller General considers appropriate regarding the test program or the use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.

**SEC. 811. EXTENSION OF INTERIM REPORTING RULE FOR CERTAIN PROCUREMENTS LESS THAN \$100,000.**

Section 31(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(e)) is amended by striking “October 1, 1999” and inserting “October 1, 2004”.

**LIEBERMAN (AND SANTORUM)  
AMENDMENT NO. 429**

Mr. LEVIN (for Mr. LIEBERMAN, for himself and Mr. SANTORUM) proposed an amendment to the bill, S. 1059, supra; as follows:

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

On page 29, line 10, strike “\$4,671,194,000” and insert “\$4,692,894,000”.

**GRASSLEY (AND DOMENICI)  
AMENDMENT NO. 430**

Mr. WARNER (for Mr. GRASSLEY, for himself and Mr. DOMENICI) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 321, line 18, strike out “and”.

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

(iv) obligations and expenditures are recorded contemporaneously with each transaction;

(v) organizational and functional duties are performed separately at each step in the cycles of transactions (including, in the case of a contract, the specification of requirements, the formation of the contract, the certification of contract performance, receiving and warehousing, accounting, and disbursing); and

(vi) use of progress payment allocation systems results in posting of payments to appropriation accounts consistent with section 1301 of title 31, United States Code.

On page 322, line 4, insert before the semicolon the following: “that, at a minimum, uses double-entry bookkeeping and complies with the United States Government Standard General Ledger at the transaction level as required under section 803(a) of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note)”.

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

(5) An internal controls checklist which, consistent with the authority in sections 3511 and 3512 of title 31, United States Code, the Comptroller General shall prescribe as the standards for use throughout the Department of Defense, together with a statement of the Department of Defense policy on use of the checklist throughout the department.

On page 323, line 14, before the period insert “or the certified date of receipt of the items”.

On page 324, between the matter following line 20 and the matter on line 21, insert the following:

(c) STUDY AND REPORT ON DEPARTMENT OF DEFENSE ELECTRONIC FUND TRANSFERS.—(1) Subject to paragraph (3), the Secretary of Defense shall conduct a feasibility study to determine—

(A) whether all electronic payments issued by the Department of Defense should be routed through the Regional Finance Centers of the Department of the Treasury for verification and reconciliation;

(B) whether all electronic payments made by the Department of Defense should be subjected to the same level of reconciliation as United States Treasury checks, including matching each payment issued with each corresponding deposit at financial institutions;

(C) whether the appropriate computer security controls are in place in order to ensure the integrity of electronic payments;

(D) the estimated costs of implementing the processes and controls described in subparagraphs (A), (B), (C); and

(E) the period that would be required to implement the processes and controls.

(2) Not later than March 1, 2000, the Secretary of Defense shall submit a report to Congress containing the results of the study required by paragraph (1).

(3) In this subsection, the term “electronic payment” means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is

initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a debit or credit to a financial account.

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

**SEC. 1009. RESPONSIBILITIES AND ACCOUNTABILITY FOR FINANCIAL MANAGEMENT.**

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

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

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

“(d)(1) The Under Secretary is responsible for ensuring that the financial statements of the Department of Defense are in a condition to receive an unqualified audit opinion and that such an opinion is obtained for the statements.

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

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

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

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

(A) There is a record of all credited card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder.

(B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

(C) Disputes and discrepancies are resolved in the manner prescribed in the applicable Governmentwide credit card contracts entered into by the Administrator of General Services.

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

(E) Rebates and refunds based on prompt payment on credit card accounts are properly recorded in the books of account.

(F) Records of a credit card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Federal Government policies on the disposition of records.

(c) REMITTANCE ADDRESSES.—The Under Secretary of Defense (Comptroller) shall prescribe regulations setting forth controls on alteration of remittance addresses. The regulations shall ensure that—

(1) a remittance address for a disbursement that is provided by an officer or employee of the Department of Defense authorizing or requesting the disbursement is not altered by any officer or employee of the department authorized to prepare the disbursement; and

(2) a remittance address for a disbursement is altered only if the alteration is—

(A) requested by the person to whom the disbursement is authorized to be remitted; and

(B) made by an officer or employee authorized to do so who is not an officer or employee referred to in paragraph (1).

#### REID AMENDMENT NO. 431

Mr. WARNER (for Mr. REID) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 18, line 13, strike "\$1,169,000,000" and insert "\$1,164,500,000".

On page 29, line 14, strike "\$9,400,081,000" and insert "\$9,404,581,000".

#### COCHRAN AMENDMENT NO. 432

Mr. WARNER (for Mr. COCHRAN) proposed an amendment to the bill, S. 1059, supra; as follows:

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

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

#### ALLARD AMENDMENT NO. 433

Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of title XI, add the following:

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

(a) LUMP-SUM PAYMENT OF SEVERANCE PAY.—Section 5595(i)(4) of title 5, United States Code, is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999" and inserting "February 10, 1996, and before October 1, 2003".

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 5597(e) of such title is amended by striking "September 30, 2001" and inserting "September 30, 2003".

(c) CONTINUATION OF FEHBP ELIGIBILITY.—Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting the following:

"(i) October 1, 2003; or

"(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.".

#### LANDRIEU AMENDMENT NO. 434

Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle F, add the following:

#### **SEC. 582. EXIT SURVEY FOR SEPARATING MEMBERS.**

(a) REQUIREMENT.—The Secretary of Defense shall develop and carry out a survey on attitudes toward military service to be completed by members of the Armed Forces who voluntarily separate from the Armed Forces or transfer from a regular component to a reserve component during the period beginning on January 1, 2000, and ending on June 30, 2000, or such later date as the Secretary determines necessary in order to obtain enough survey responses to provide a sufficient basis for meaningful analysis of survey results. Completion of the survey shall be required of such personnel as part of outprocessing activities. The Secretary of each military department shall suspend exit surveys and

interviews of that department during the period described in the first sentence.

(b) SURVEY CONTENT.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).

(3) Affiliation with a Reserve component, together with the reasons for affiliating or not affiliating, as the case may be.

(4) Attitude toward pay and benefits for service in the Armed Forces.

(5) Extent of job satisfaction during service as a member of the Armed Forces.

(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons for choosing to separate from the Armed Forces.

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

#### WARNER (AND LEVIN) AMENDMENT NO. 435

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

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

#### **SEC. 3175. USE OF AMOUNTS FOR AWARD FEES FOR DEPARTMENT OF ENERGY CLOSURE PROJECTS FOR ADDITIONAL CLEANUP PROJECTS AT CLOSURE PROJECT SITES.**

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

(1) anticipates that such amount will not be obligated for payment of award fees in the fiscal year in which such amount is authorized to be appropriated; and

(2) determines the use will not result in a deferral of the payment of the award fees for more than 12 months.

(b) REPORT ON USE OF AUTHORITY.—Not later than 30 days after each exercise of the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report the exercise of the authority.

#### ABRAHAM (AND THURMOND) AMENDMENT NO. 436

Mr. WARNER (for Mr. ABRAHAM, for himself and Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

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

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

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 50rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

#### THOMAS (AND ENZI) AMENDMENT NO. 437

Mr. WARNER (for Mr. THOMAS, for himself and Mr. ENZI) proposed an amendment to the bill, S. 1059, supra; as follows:

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

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

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

#### WARNER (AND LEVIN) AMENDMENT NO. 438

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

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

#### **SEC. 1009. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.**

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1999 Emergency Supplemental Appropriations Act.

#### WARNER AMENDMENT NO. 439

Mr. WARNER proposed an amendment to the bill, S. 1059, supra; as follows:

On page 371, at the end of line 13, add the following: "The preceding sentence does not

apply to the operation, by a non-Department of Defense entity, of a communication system, device, or apparatus on any portion of the frequency spectrum that is reserved for exclusively non-government use."

On page 372, line 3, insert "fielded" after "apparatus".

(d) This section does not apply to any upgrades, modifications, or system redesign to a Department of Defense communication system made after the date of enactment of this act where that modification, upgrade or redesign would result in interference with or receiving interference from a non-Department of Defense system.

#### BOND (AND KERRY) AMENDMENT NO. 440

Mr. WARNER (for Mr. BOND, for himself, and Mr. KERRY) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 281, line 13, after "Government." insert the following: "These items shall not be considered commercial items for purposes of Section 4202(e) of the Clinger-Cohen Act (10 U.S.C. 2304 note)."

On page 282, line 19, after "concerns," insert the following: "HUBZone small business concerns."

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 284, between lines 6 and 7, insert the following:

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

#### ROBERTS (AND OTHERS) AMENDMENT NO. 441

Mr. WARNER (for Mr. ROBERTS, for himself, Mr. BINGAMAN, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

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

#### SEC. 1061. MILITARY ASSISTANCE TO CIVIL AUTHORITIES FOR RESPONDING TO TERRORISM.

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

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

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

(b) **NATURE OF ASSISTANCE.**—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel and the use of any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat described in that subsection. Actions taken to provide the assistance may include the prepositioning of Department of Defense personnel, equipment, and supplies.

(c) **REIMBURSEMENT.**—(1) Assistance provided under this section shall normally be

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

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

(d) **LIMITATION ON FUNDING.**—Not more than \$10,000,000 may be obligated to provide assistance pursuant to subsection (a) in a fiscal year.

(e) **PERSONNEL RESTRICTIONS.**—In carrying out this section, a member of the Army, Navy, Air Force, or Marine Corps may not, unless authorized by another provision of law—

(1) directly participate in a search, seizure, arrest, or other similar activity; or

(2) collect intelligence for law enforcement purposes.

(f) **NONDELEGABILITY OF AUTHORITY.**—(1) The Secretary of Defense may not delegate to any other official authority to make determinations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(h) **RELATIONSHIP TO OTHER AUTHORITY.**—(1) The authority provided in this section is in addition to any other authority available to the Secretary of Defense.

(2) Nothing in this section shall be construed to restrict any authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of enactment of this Act.

(i) **DEFINITIONS.**—In this section:

(1) The term "threat of an act of terrorism" includes any circumstance providing a basis for reasonably anticipating an act of terrorism, as determined by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

(2) The term "weapon of mass destruction" has the meaning given the term in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

#### KENNEDY (AND OTHERS) AMENDMENT NO. 442

Mr. KENNEDY (for himself, Mr. LAUTENBERG, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. MOYNIHAN, Mr. SCHUMER, Mr. TORRICELLI, Ms. MIKULSKI, and Mr. KYL) proposed an amendment to the bill, S. 1059, supra; as follows:

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

#### SEC. \_\_\_\_ SENSE OF THE CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.

(a) **FINDINGS.**—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am 103 Flight over Lockerbie, Scotland.

(2) Britain and the United States indicted two Libyan intelligence agents, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah, in 1991 and sought their extradition

from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation.

(5) The sanctions in United Nations Security Council Resolutions 748 and 883 include—

(A) a worldwide ban on Libya's national airline;

(B) a ban on flights into and out of Libya by other nations' airlines; and

(C) a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(6) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had insisted that he would only transfer the suspects to a third and neutral country to stand trial.

(7) On August 24, 1998, the United States and the United Kingdom agreed to the proposal that Colonel Qadhafi transfer the suspects to The Netherlands, where they would stand trial under a Scottish court, under Scottish law, and with a panel of Scottish judges.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998 in United Nations Security Council Resolution 1192.

(9) The United States, consistent with United Nations Security Council resolutions, called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(10) After years of intensive diplomacy, Colonel Qadhafi finally transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

(11) Libya has only fulfilled one of four conditions (the transfer of the two suspects accused in the Lockerbie bombing) set forth in United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya.

(12) Libya has not fulfilled the other three conditions (cooperation with the Lockerbie investigation and trial; renunciation of and ending support for terrorism; and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

(13) The United Nations Secretary General is expected to issue a report to the Security Council on or before July 5, 1999, on the issue of Libya's compliance with the remaining conditions.

(14) Any member of the United Nations Security Council has the right to introduce a resolution to lift the sanctions against Libya after the United Nations Secretary General's report has been issued.

(15) The United States Government considers Libya a state sponsor of terrorism and the State Department Report, "Patterns of Global Terrorism; 1998", stated that Colonel Qadhafi "continued publicly and privately to



support Palestinian terrorist groups, including the PIJ and the PFLP-GC".

(16) United States Government sanctions (other than sanctions on food or medicine) should be maintained on Libya, and in accordance with U.S. law, the Secretary of State should keep Libya on the list of countries the governments of which have repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 in light of Libya's ongoing support for terrorist groups.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should use all diplomatic means necessary, including the use of the United States veto at the United Nations Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions set forth in United Nations Security Council Resolutions 731, 748, and 883.

#### FEINGOLD AMENDMENTS NOS. 443–444

Mr. FEINGOLD proposed two amendments to the bill, S. 1059, *supra*; as follows:

##### AMENDMENT No. 443

On page 26, after line 25, insert the following:

(c) LIMITATION ON TOTAL COST.—(1) For the fiscal years 2000 through 2004, the total amount obligated or expended for production of airframes, contractor furnished equipment, and engines under the F/A-18E/F aircraft program may not exceed \$8,840,795,000.

(2) The Secretary of the Navy shall adjust the amount of the limitation under paragraph (1) by the following amounts:

(A) The amounts of increases or decreases in costs attributable to economic inflation occurring since September 30, 1999.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1999.

(C) The amounts of increases or decreases in costs resulting from aircraft quantity changes within the scope of the multiyear contract.

(3) The Secretary of the Navy shall annually submit to Congress, at the same time the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in paragraph (1) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in paragraph (2).

##### AMENDMENT No. 444

On page 26, strike lines 20 through 25, and insert the following:

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A-18E/F aircraft or authorize entry of the F/A-18E/F aircraft program into full-rate production until—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives that the F/A-18E/F aircraft has successfully completed initial operational test and evaluation;

(2) the Secretary of the Navy—

(A) determines that the results of operational test and evaluation demonstrate that the version of the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters in the operational requirements document for the F/A-18E/F program, as submitted on April 1, 1997; and

(B) certifies those results of operational test and evaluation; and

(3) the Comptroller General reviews those results of operational test and evaluation and transmits to the Secretary of the Navy the Comptroller General's concurrence with the Secretary's certification.

#### COCHRAN AMENDMENT NO. 445

Mr. COCHRAN proposed an amendment to the bill, S. 1059, *supra*; as follows:

In title X, at the end of subtitle B, insert the following:

##### SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

#### KYL (AND OTHERS) AMENDMENT NO. 446

Mr. KYL (for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mr. SHELBY, Mr. HUTCHINSON, Mr. HELMS, and Mr. COVERDELL) proposed an amendment to the bill, S. 1059, *supra*; as follows:

Strike Section 3158 and insert the following:

##### "SEC. 3158(a). ORGANIZATION OF DEPARTMENT OF ENERGY COUNTERINTELLIGENCE, INTELLIGENCE, AND NUCLEAR SECURITY PROGRAMS AND ACTIVITIES.

"(1) OFFICE OF COUNTERINTELLIGENCE.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

##### "OFFICE OF COUNTERINTELLIGENCE

"SEC. 213. (a) There is within the Department an Office of Counterintelligence.

"(b)(1) The head of the Office shall be the Director of the Office of Counterintelligence.

"(2) The Secretary shall, with the concurrence of the Director of the Federal Bureau of Investigation, designate the head of the office from among senior executive service employees of the Federal Bureau of Investigation who have expertise in matters relating to counterintelligence.

"(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee within the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.

"(4) The Director of the Office of Counterintelligence shall report directly to the Secretary.

"(c)(1) The Director of the Office of Counterintelligence shall develop and ensure the

implementation of security and counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

"(2) The Director of the Office of Counterintelligence shall be responsible for the administration of the personnel assurance programs of the Department.

"(3) The Director of the Office of Counterintelligence shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

"(4) The Director of the Office of Counterintelligence shall report immediately to the President of the United States, the Senate and the House of Representatives any actual or potential significant threat to, or loss of, national security information.

"(5) The Director of the Office of Counterintelligence shall not be required to obtain the approval of any officer or employee of the Department of Energy for the preparation or delivery to Congress of any report required by this section; nor shall any officer or employee of the Department of Energy or any other Federal agency or department delay, deny, obstruct or otherwise interfere with the preparation of or delivery to Congress of any report required by this section.

"(d)(1) Not later than March 1 each year, the Director of the Office of Counterintelligence shall submit to the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation and to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Commerce of the House of Representatives, and the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities during the preceding year.

"(2) Each report shall include for the year covered by the report the following:

"(A) A description of the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

"(B) The adequacy of the Department of Energy's procedures and policies for protecting national security information, making such recommendations to Congress as may be appropriate.

"(C) Whether each Department of Energy national laboratory is in full compliance with all Departmental security requirements, and if not what measures are being taken to bring such laboratory into compliance.

"(D) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

"(i) the number of violations that were investigated; and

"(ii) the number of violations that remain unresolved.

"(E) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

"(3) Each report submitted under this subsection to the committees referred to in paragraph (1) shall be submitted in unclassified form, but may include a classified annex."

"(e) Every officer or employee of the Department of Energy, every officer or employee of a Department of Energy national

laboratory, and every officer or employee of a Department of Energy contractor, who has reason to believe that there is an actual or potential significant threat to, or loss of, national security information shall immediately report such information to the Director of the Office of Counterintelligence.

“(f) Thirty days prior to the report required by subsection d(2)(C), the Director of each Department of Energy national laboratory shall certify in writing to the Director of the Office of Counterintelligence whether that laboratory is in full compliance with all Departmental national security information protection requirements. If the laboratory is not in full compliance, the Director of the laboratory shall report on why it is not in compliance, what measures are being taken to bring it into compliance, and when it will be in compliance.

“(g) Within 180 days of the date of enactment of this Act, the Secretary of Energy shall report to the Senate and the House of Representatives on the adequacy of the Department of Energy's procedures and policies for protecting national security information, including national security information at the Department's laboratories, making such recommendations to Congress as may be appropriate.

#### “OFFICE OF INTELLIGENCE.—

“SEC. 214. (a) There is within the Department an Office of Intelligence.

“(b)(1) The head of the Office shall be the Director of the Office of Intelligence.

“(2) The Director of the Office shall be a senior executive service employee of the Department.

“(3) The Director of the Office of Intelligence shall report directly to the Secretary.

“(c) The Director of the Office of Intelligence shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.”

#### “NUCLEAR SECURITY ADMINISTRATION

“SEC. 215. (a) There shall be within the Department an agency to be known as the Nuclear Security Administration, to be headed by an Administrator, who shall report directly to, and shall be accountable directly to, the Secretary. The Secretary may not delegate to any Department official the duty to supervise the Administrator.

“(b)(1) The Assistant Secretary assigned the functions under section 203(a)(5) shall serve as the Administrator.

“(2) The Administrator shall be responsible for the executive and administrative operation of the functions assigned to the Administration, including functions with respect to (A) the selection, appointment, (B) the supervision of personnel employed by or assigned to the Administration, (C) the distribution of business among personnel and among administrative units of the Administration, and (D) the procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code. The Secretary shall provide to the Administrator such support and facilities as the Administrator determines is needed to carry out the functions of the Administration.

“(c)(1) The personnel of the Administration, in carrying out any function assigned to the Administrator, shall be responsible to, and subject to the supervision and direction of, the Administrator, and shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent of any other part of the Department of Energy.

“(2) For purposes of this subsection, the term ‘personnel of the Administration’

means each officer or employee within the Department of Energy, and each officer or employee of any contractor of the Department, whose—

“(A) responsibilities include carrying out a function assigned to the Administrator; or

“(B) employment is funded under the Weapons Activities budget function of the Department.

“(d) The Secretary shall assign to the Administrator direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories. The functions assigned to the Administrator with respect to the nuclear weapons production facilities and the national laboratories shall include, but not be limited to, authority over, and responsibility for, the following:

“(1) Strategic management.

“(2) Policy development and guidance.

“(3) Budget formulation and guidance.

“(4) Resource requirements determination and allocation.

“(5) Program direction.

“(6) Safeguard and security operations.

“(7) Emergency management.

“(8) Integrated safety management.

“(9) Environment, safety, and health operations.

“(10) Administration of contracts to manage and operate the nuclear weapons production facilities and the national laboratories.

“(11) Oversight.

“(12) Relationships within the Department of Energy and with other Federal agencies, the Congress, State, tribal, and local governments, and the public.

“(13) Each of the functions described in subsection (f).

“(e) The head of each nuclear weapons production facility and of each national laboratory shall report directly to, and be accountable directly to, the Administrator.

“(f) The Administrator may delegate functions assigned under subsection (d) only within the headquarters office of the Administrator, except that the Administrator may delegate to the head of a specified operations office functions including, but not limited to, providing or supporting the following activities at a nuclear weapons production facility or a national laboratory:

“(1) Operational activities.

“(2) Program execution.

“(3) Personnel.

“(4) Contracting and procurement.

“(5) Facility operations oversight.

“(6) Integration of production and research and development activities.

“(7) Interaction with other Federal agencies, State, tribal, and local governments, and the public.

“(g) The head of a specified operations office, in carrying out any function delegated under subsection (f) to that head of that specified operations office, shall report directly to, and be accountable directly to, the Administrator.

“(h) In each annual authorization and appropriations request under this Act, the Secretary shall identify the portion thereof intended for the support of the Administration and include a statement by the Administrator showing (1) the amount requested by the Administrator in the budgetary presentation to the Secretary and the Office of Management and Budget, and (2) an assessment of the budgetary needs of the Administration. Whenever the Administrator submits to the Secretary, the President, or the Office of Management and Budget any legislative recommendation or testimony, or comments on legislation prepared for submission to the Congress, the Administrator shall concurrently transmit a copy thereof to the appropriate committees of the Congress.

“(i) As used in this section:

“(1) The term ‘nuclear weapons production facility’ means any of the following facilities:

“(A) The Kansas City Plant, Kansas City, Missouri.

“(B) The Pantex Plant, Amarillo, Texas.

“(C) The Y-12 Plant, Oak Ridge, Tennessee.

“(D) The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.

“(E) The Nevada Test Site, Nevada.

“(2) The term ‘national laboratory’ means any of the following laboratories:

“(A) The Los Alamos National Laboratory, Los Alamos, New Mexico.

“(B) The Lawrence Livermore National Laboratory, Livermore, California.

“(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

“(3) The term ‘specified operations office’ means any of the following operations offices of the Department of Energy:

“(A) Albuquerque Operations Office, Albuquerque, New Mexico.

“(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.

“(C) Oakland Operations Office, Oakland, California.

“(D) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.

“(E) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

“(b) IN GENERAL.—Section 203 of such Act (42 U.S.C. 7133) is amended by adding at the end of the following new subsection:

“(c) The Assistant Secretary assigned the functions under section (a)(5) shall be a person who, by reason of professional background and experience, is specially qualified—

“(1) to manage a program designed to ensure the safety and reliability of the nuclear weapons stockpile;

“(2) to manage the nuclear weapons production facilities and the national laboratories;

“(3) protect national security information; and

“(4) to carry out the other functions of the Administrator of the Nuclear Security Administration.

“(c) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 212 the following items:

“213. Office of Counterintelligence.

“214. Office of Intelligence.

“215. Nuclear Security Administration.”

#### GRAHAM AMENDMENT NO. 447

Mr. GRAHAM proposed an amendment to the bill, S. 1059, *supra*; as follows:

On page 404, below line 22, add the following:

#### **TITLE XIII—COMMISSION ON COUNTER-INTELLIGENCE CAPABILITIES OF THE UNITED STATES**

##### **SEC. 1301. ESTABLISHMENT.**

There is established a commission to be known as the Commission on the Counterintelligence Capabilities of the United States Intelligence Community (in this title referred to as the “Commission”).

##### **SEC. 1302. COMPOSITION AND QUALIFICATIONS.**

(a) MEMBERSHIP.—(1) The Commission shall be composed of 17 members, as follows:

(A) Nine members shall be appointed by the President from private life, no more than four of whom shall have previously held senior leadership positions in the intelligence community and no more than five of whom shall be members of the same political party.

(B) Two members shall be appointed by the majority leader of the Senate, of whom one

shall be a Member of the Senate and one shall be from private life.

(C) Two members shall be appointed by the minority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(D) Two members shall be appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(E) Two members shall be appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(2) The members of the Commission appointed from private life under paragraph (1) shall be persons of demonstrated ability and accomplishment in government, business, law, academy, journalism, or other profession, who have a substantial background in national security matters.

(b) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate two of the members appointed from private life to serve as Chairman and Vice Chairman, respectively, of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner as the original appointment.

(d) DEADLINE FOR APPOINTMENTS.—The appointments required by subsection (a) shall be made within 45 days after the date of the enactment of this Act.

(e) MEETINGS.—(1) The Commission shall meet at the call of the Chairman.

(2) The Commission shall hold its first meeting not later than four months after the date of the enactment of this Act.

(f) QUORUM.—Nine members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings, take testimony, or receive evidence.

(g) SECURITY CLEARANCES.—Appropriate security clearances shall be required for members of the Commission who are private United States citizens. Such clearances shall be processed and completed on an expedited basis by appropriate elements of the executive branch of Government and shall, in any case, be completed within 90 days of the date such members are appointed.

(h) APPLICATION OF CERTAIN PROVISIONS OF LAW.—(1) In light of the extraordinary and sensitive nature of its deliberations, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), and the regulations prescribed by the Administrator of General Services pursuant to that Act, shall not apply to the Commission.

(2) The provisions of section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), shall not apply to the Commission. However, records of the Commission shall be subject to the Federal Records Act and, when transferred to the National Archives and Records Administration, shall no longer be exempt from the provisions of such section 552.

#### SEC. 1303. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Commission—

(1) to review the efficacy and appropriateness of the counterintelligence capabilities the United States; and

(2) to prepare and transmit the reports described in section 1304.

(b) IMPLEMENTATION.—In carrying out subsection (a), the Commission shall specifically consider the following:

(1) Whether there should be established within the Federal Government a single entity responsible for the centralized oversight and coordination of government-wide counterintelligence policies and practices.

(2) Whether current personnel levels and training are adequate to meet the counterintelligence requirements of the United States.

(3) Whether current funding is adequate to meet the counterintelligence requirements of the United States.

(4) Whether current oversight of the counterintelligence activities of the United States by the executive branch and legislative branch is adequate, and, if not, what changes to such oversight are necessary.

(5) Whether current coordination of counterintelligence activities and issues among the departments and agencies of the Federal Government is adequate to meet the counterintelligence requirements of the United States.

(6) Whether current laws governing counterintelligence activities are appropriate for the counterintelligence requirements of the United States.

(7) Whether current investigative techniques (including the use of polygraph examinations, background investigations, and financial disclosure) are adequate for counterintelligence purposes.

(8) Whether and how a vigorous counterintelligence capability can coexist with the work which requires the exchange of scientists.

(9) Whether the current assessment of the counterintelligence threat to the United States is accurate, and if not, how the assessment might be modified in order to improve its accuracy.

#### SEC. 1304. REPORTS.

(a) INITIAL REPORT.—Not later than two months after the first meeting of the Commission, the Commission shall transmit to the congressional intelligence committees a report setting forth its plan for the work of the Commission.

(b) INTERIM REPORTS.—Prior to the submission of the report required by subsection (c), the Commission may issue such interim reports as it finds necessary and desirable.

(c) FINAL REPORT.—No later than January 15, 2001, the Commission shall submit to the President and to the congressional defense and intelligence committees a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for the enactment of legislation that the Commission considers advisable. To the extent feasible, such report shall be unclassified and made available to the public. Such report shall be supplemented as necessary by a classified report or annex, which shall be provided separately to the President and the congressional defense and intelligence committees.

#### SEC. 1305. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any intelligence agency or from any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title. Upon request of the Chairman of the Commission, the head of any such department or agency shall furnish such information expeditiously to the Commission.

(c) POSTAL, PRINTING AND BINDING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) SUBCOMMITTEES.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(e) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

#### SEC. 1306. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is a private United States citizen shall be paid, if requested, at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are Members of Congress shall serve without compensation in addition to that received for their services as Members of Congress.

(b) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

#### (c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The staff director of the Commission shall be appointed from private life, and such appointment shall be subject to the approval of the Commission as a whole. No member of the professional staff may be a current officer or employee of an intelligence agency, except that up to three current employees of intelligence agencies who are on rotational assignment to the Executive Office of the President may serve on the Commission staff, subject to the approval of the Commission as a whole.

(2) COMPENSATION.—The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its administrative and clerical functions.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable

for level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE AND SUPPORT SERVICES.—The Director of Central Intelligence shall furnish the Commission, on a non-reimbursable basis, any administrative and support services requested by the Commission consistent with this title.

#### SEC. 1307. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, per diem allowances of members and employees of the Commission, and other expenses of the Commission shall be paid out of funds available to the Director of Central Intelligence for the payment of compensation, travel allowances, and per diem allowances, respectively, of employees of the Central Intelligence Agency.

#### SEC. 1308. TERMINATION OF THE COMMISSION.

The Commission shall terminate one month after the date of the submission of the report required by section 1304(c).

#### SEC. 1309. DEFINITIONS.

In this title:

(1) The term "intelligence agency" means any agency, office, or element of the intelligence community.

(2) The term "intelligence community" shall have the same meaning as set forth in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) The term "congressional intelligence committees" refers to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

#### REID AMENDMENT NO. 448

Mr. LEVIN (for Mr. REID) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 387, below line 24, add the following:

#### SEC. 1061. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS HOSPITAL BED REPLACEMENT BUILDING IN RENO, NEVADA.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the "Jack Streeter Building". Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

#### BRYAN (AND REID) AMENDMENT NO. 449

Mr. LEVIN (for Mr. BRYAN, for himself and Mr. REID) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

Nellis Air Force Base	\$11,600,000

On page 417, in the table preceding line 1, strike "\$628,133,000" in the amount column of the item relating to the total and insert "\$639,733,000".

On page 419, line 15, strike "\$1,917,191,000" and insert "\$1,928,791,000".

On page 419, line 19, strike "\$628,133,000" and insert "\$639,733,000".

On page 420, line 17, strike "\$628,133,000" and insert "\$639,733,000".

#### HARKIN (AND BOXER) AMENDMENT NO. 450

Mr. LEVIN (for Mr. HARKIN, for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle E, add the following:

#### SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a)."

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program."

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1996 (42 U.S.C. 1786(b))."

On page 17, line 6, reduce the amount by \$18,000,000.

#### LEAHY AMENDMENT NO. 451

Mr. LEVIN (for Mr. LEAHY) proposed an amendment to the bill, S. 1059, supra; as follows:

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

#### SEC. . TRAINING AND OTHER PROGRAMS.

(a) PROHIBITION.—None of the funds authorized to be appropriated 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 a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—Not more than 90 days after enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure that prior to a decision to conduct any training program referred to in paragraph (a), full consideration is given to all 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 para-

graph (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 paragraph (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training 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.

#### CONRAD AMENDMENTS NOS. 452-454

Mr. LEVIN (for Mr. CONRAD) proposed three amendments to the bill, S. 1059, supra; as follows:

#### AMENDMENT NO. 452

In title II, at the end of subtitle C, add the following:

#### SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of defensive coverage, redundancy and survivability, and economies of scale.

#### AMENDMENT NO. 453

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

#### SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

#### AMENDMENT NO. 454

In title II, at the end of subtitle C, add the following:

#### SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, so that the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

#### LAUTENBERG AMENDMENT NO. 455

Mr. LEVIN (for Mr. LAUTENBERG) proposed an amendment to the bill, S. 1059, supra; as follows:

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

#### SEC. 1061. CONVEYANCE OF FIREFIGHTING EQUIPMENT AT MILITARY OCEAN TERMINAL, BAYONNE, NEW JERSEY.

(a) PURPOSE.—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) AUTHORITY TO CONVEY.—The Secretary of the Army shall, 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) EQUIPMENT TO BE CONVEYED.—The equipment to be conveyed under subsection (a) is firefighting equipment at Military Ocean Terminal, Bayonne, New Jersey, as follows:

(1) Pierce Dash 2000 Gpm Pumper, manufactured September 1995, Pierce Job #E-9378, VIN#4PICt02D9SA000653.

(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994, Pierce Job #E-8032, VIN#PICA0262RA000245.

(3) Pierce, manufactured 1993, Pierce Job #E-7509, VIN#1FDRYR82AONVA36015.

(4) Ford E-350, manufactured 1992, Plate #G3112693, VIN#1FDKE3OM6NHB37026.

(5) Ford E-302, manufactured 1990, Plate #G3112452, VIN#1FDKE3OM9MHA35749.

(6) Bauer Compressor, Bauer-UN 12-E#5000psi, manufactured November 1989.

(d) OTHER COSTS.—The conveyance and delivery of the property shall be at no cost to the United States.

(e) OTHER CONDITIONS.—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.

#### LAUTENBERG AMENDMENT NO. 456

Mr. LEVIN (for Mr. LAUTENBERG) proposed an amendment to the bill, S. 1059, supra; as follows:

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

#### SEC. 2832. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property, including improvement thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, the former family housing site for Nike Battery 80. The purpose of the conveyance is to permit the Township to develop the parcel for affordable housing and for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined in a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### SARBANES AMENDMENT NO. 457

Mr. LEVIN (for Mr. SARBANES) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of subtitle E of title XXVIII, add the following:

#### SEC. . ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—The Secretary of the Navy may not obligate or expand any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b)

if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

#### SPECTER AMENDMENT NO. 458

Mr. WARNER (for Mr. SPECTER) proposed an amendment to the bill, S. 1059, supra; as follows:

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

#### SEC. 1061. PROHIBITION ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) IN GENERAL.—The United States, as a member of NATO, may not negotiate with Slobodan Milosevic, an indicted war criminal, with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia.

(b) YUGOSLAVIA DEFINED.—In this section, the term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro).

#### BINGAMAN AMENDMENT NO. 459

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

#### "TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS.

##### "SEC. 2901. FINDINGS.

"The Congress finds that—

"(1) Public Law 99-606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

"(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

"(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

"(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

"(5) the public land withdrawals authorized in 1986 under Public Law 99-606 were for a period of 15 years, and expire in November, 2001; and

"(6) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99-606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

##### "SEC. 2902. SENSE OF THE SENATE.

"It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999."

#### WARNER AMENDMENT NO. 460

Mr. WARNER proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert:

**SEC. . ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.**

With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Fund received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

**ROBB AMENDMENT NO. 461**

Mr. LEVIN (for Mr. ROBB) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 93, between lines 2 and 3, insert the following:

**SEC. 349. (a) AUTHORITY TO MAKE PAYMENTS.**—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) **DEADLINE FOR EXERCISE OF AUTHORITY.**—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) **SOURCE OF PAYMENTS.**—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available \$40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) **AMOUNT OF PAYMENT.**—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed \$2,000,000.

(e) **TREATMENT OF PAYMENTS.**—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) **CONSTRUCTION.**—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) [Placeholder for Thurmond language].

**LINCOLN AMENDMENT NO. 462**

Mr. LEVIN (for Mrs. LINCOLN) proposed an amendment to the bill, S. 1059, supra; as follows:

Amend the tables in section 2301 to include \$7.8 million for C130 squadron operations/

AMU facility at the Little Rock Air Force Base in Little Rock, Arkansas. Further amend Section 2304 to so include the adjustments.

**SMITH AMENDMENT NO. 463**

Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 429, line 5, strike out "\$172,472,000" and insert in lieu thereof "\$156,340,000"

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire	NSY	Portsmouth
\$3,850,000		

On page 412, in the table line Total strike out "\$744,140,000" and insert "\$747,990,000."

On page 414, line 6, strike out "\$2,078,015,000" and insert in lieu thereof "\$2,081,865,000".

On page 414, line 9, strike out "\$673,960,000" and insert in lieu thereof "\$677,810,000".

On page 414, line 18, strike out "\$66,299,000" and insert in lieu thereof "\$66,581,000".

**HELMS AMENDMENT NO. 464**

Mr. WARNER (for Mr. HELMS) proposed an amendment to the bill, S. 1059, supra; as follows:

Insert at the appropriate place in the bill:

**SEC. . DISPOSITION OF WEAPONS-GRADE MATERIAL**

(a) **REPORT ON REDUCTION OF THE STOCKPILE.**—Not later than 120 days after signing an agreement between the United States and Russia for the disposition of excess weapons plutonium, the Secretary of Energy, with the concurrence of the Secretary of Defense, shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Speaker of the House of Representatives—

(1) detailing plans for United States implementation of such agreement;

(2) identifying the number of United States warhead "pits" of each type deemed "excess" for the purpose of dismantlement or disposition; and

(3) describing any implications this may have for the Stockpile Stewardship and Management Program.

**SESSIONS AMENDMENT NO. 465**

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill S. 1059, supra; as follows:

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

**SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.**

(a) **GRADE OF CHIEF OF ARMY RESERVE.**—Section 3038(c) of title 10, United States Code, is amended by striking "major general" and inserting "lieutenant general".

(b) **GRADE OF CHIEF OF NAVAL RESERVE.**—Section 5143(c)(2) of such title is amended by striking "rear admiral (lower half)" and inserting "rear admiral".

(c) **GRADE OF COMMANDER, MARINE FORCES RESERVE.**—Section 5144(c)(2) of such title is amended by striking "brigadier general" and inserting "major general".

(d) **GRADE OF CHIEF OF AIR FORCE RESERVE.**—Section 8038(c) of such title is amended by striking "major general" and inserting "lieutenant general".

(e) **THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.**—Subparagraphs (A) and (B) of section 10506(a)(1) of

such title are each amended by striking "major general" and inserting "lieutenant general".

(f) **EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.**—Section 526(d) of such title is amended to read as follows:

"(d) **EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.**—The limitations of this section do not apply to the following reserve component general or flag officers:

"(1) An officer on active duty for training.

"(2) An officer on active duty under a call or order specifying a period of less than 180 days.

"(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title."

(g) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

**DEWINE (AND COVERDELL) AMENDMENT NO. 466**

Mr. WARNER (for Mr. DEWINE, for himself and Mr. COVERDELL) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 62, between lines 19 and 20, insert the following:

**SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.**

(a) **AUTHORIZATION OF ADDITIONAL AMOUNT.**—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by \$59,200,000.

(b) **USE OF ADDITIONAL AMOUNTS.**—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) \$6,000,000 shall be available for Operation Caper Focus.

(2) \$17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) \$2,700,000 shall be available for forward looking infrared radars for P-3 aircraft.

(4) \$8,000,000 shall be available for enhanced intelligence capabilities.

(5) \$5,000,000 shall be used for Mothership Operations.

(6) \$20,000,000 shall be used for National Guard State plans.

(c) **OFFSET.**—Of the amounts authorized to be appropriated by this Act, the total amount available for \_\_\_\_\_.

**VOINOVICH (AND DEWINE) AMENDMENT NO. 467**

Mr. WARNER (for Mr. VOINOVICH, for himself and Mr. DEWINE), proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following new section:

**SEC. . ORDNANCE MITIGATION STUDY.**

(a) The Secretary of Defense is directed to undertake a study and to remove ordnance infiltrating the federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River,



Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99-662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

#### MCCAIN AMENDMENT NO. 486

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill, S. 1059, *supra*; as follows:

In section 2902, strike subsection (a).

In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2904(a)(1)(A), strike "(except those lands within a unit of the National Wildlife Refuge System)".

In section 2904(a)(1), strike subparagraph (B).

In section 2904, strike subsection (g).

Strike section 2905.

Strike section 2906.

Redesignate sections 2907 through 2914 as sections 2905 through 2912, respectively.

In section 2907(h), as so redesignated, strike "section 2902(c) or 2902(d)" and insert "section 2902(b) or 2902(c)".

In section 2908(b), as so redesignated, strike "section 2909(g)" and insert "section 2907(g)".

In section 2910, as so redesignated, strike "except that hunting," and all that follows and insert a period.

In section 2911(a)(1), as so redesignated, strike "subsections (b), (c), and (d)" and insert "subsections (a), (b), and (c)".

In section 2911(a)(2), as so redesignated, strike "except that lands" and all that follows and insert a period.

At the end, add the following:

#### SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

#### HELMS (AND BIDEN) AMENDMENT NO. 469

Mr. WARNER (for Mr. HELMS, for himself and Mr. BIDEN) proposed an amendment to the bill, S. 1059, *supra*; as follows:

On page 153, line 18, strike "the United States" and insert "such".

On page 356, line 7, insert after "Secretary of Defense" the following: "in consultation with the Secretary of State."

On page 356, beginning on line 8, strike "the Committees on Armed Services of the Senate and House of Representatives" and insert "the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives".

On page 358, strike line 21 and all that follows through page 359, line 7.

On page 359, line 8, strike "(c)" and insert "(b)".

On page 359, line 16, strike "(d)" and insert "(c)".

#### BOND (AND KERRY) AMENDMENT NO. 470

Mr. WARNER (for Mr. BOND, for himself and Mr. KERRY) proposed an amendment to the bill, S. 1059, *supra*; as follows:

On page 281, at the end of line 13, add the following: "However, the commercial services so designated by the Secretary shall not be treated under the pilot program as being commercial items for purposes of the special simplified procedures included in the Federal Acquisition Regulation pursuant to the section 2304(g)(1)(B) of title 10, United States Code, section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B)), and section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2))."

On page 282, line 19, after "concerns," insert the following: "HUBZone small business concerns."

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 284, between lines 6 and 7, insert the following:

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

#### MCCAIN AMENDMENT NO. 471

Mr. LEVIN (for Mr. MCCAIN) proposed an amendment to the bill, S. 1059, *supra*; as follows:

In title III, at the end of subtitle A, add the following:

#### SEC. 305. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Of the amount authorized to be appropriated under section 301(5) for carrying out the provisions of chapter 142 of title 10, United States Code, \$600,000 is authorized for fiscal year 2000 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

#### HATCH AMENDMENT NO. 472

Mr. LEVIN (for Mr. HATCH) proposed an amendment to the bill, S. 1059, *supra*; as follows:

At the appropriate place, insert the following new section:

#### SEC. . AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(a) IN GENERAL.—(1) Notwithstanding any provision of the applicable base closure law or any provision of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(2) A transfer under paragraph (1) may include real property associated with the facility concerned.

(3) An institution seeking a transfer under paragraph (1) shall submit to the Administrator an application for the transfer. The application shall include such information as the Administrator shall specify.

(b) COVERED INSTITUTIONS.—An institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for—

(1) student instruction;

(2) the provision of services to individual with disabilities;

(3) the health and welfare of students;

(4) the storage of instructional materials or other materials directly related to the administration of student instruction; or

(5) other educational purposes.

(c) AVAILABLE FACILITIES.—A facility available for transfer under subsection (a) is any facility that—

(1) is located at a military installation approved for closure or realignment under a base closure law;

(2) has been determined to be surplus property under that base closure law; and

(3) is available for disposal as of the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) The term "base closure laws" means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term "tax-supported educational institution" means any tax-supported educational institution covered by section 203(k)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(1)(A)).

#### EDWARDS AMENDMENT NO. 473

Mr. LEVIN (for Mr. EDWARDS) proposed an amendment to the bill, S. 1059, *supra*; as follows:

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

#### SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

#### GRAMM AMENDMENT NO. 474

Mr. WARNER (for Mr. GRAMM, for himself, Mr. ASHCROFT, Mr. COVERDELL, Mr. LOTT, and Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, *supra*; as follows:

On page 387, below line 24, add the following:

**SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as "Victory in the Cold War Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

(c) COLD WAR VICTORY MEDAL.—Chapter 57 of Title 10, United States Code, is amended by adding at the end the following:

**"§ 1133. Cold War medal: award; issue**

"(a) There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States Armed Forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War."

"(b) DESIGN.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the 'Reagan-Truman Victory in the Cold War Medal'. The decoration shall be of appropriate design, with ribbons and appurtenances.

"(c) PERIOD OF COLD WAR.—For purposes of subsection (a), the term 'Cold War' shall mean the period beginning on August 14, 1945, and ending on November 9, 1989."

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1133. Cold War medal: award; issue."

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed \$15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the "Commission on Victory in the Cold War" (in this subsection to be referred to as the "Commission").

(2) The Commission shall be composed of seven individuals, as follows:

(A) Three shall be appointed by the President, in consultation with the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(B) Two shall be appointed by the Majority Leader of the Senate.

(C) Two shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

**SMITH AMENDMENT NO. 475**

Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, between lines 11 and 12, insert the following:

**SEC. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.**

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation, such as memoranda for the record, after-action reports, and final itineraries, and any receipts for expenses over \$1,000, concerning military-

to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

(8) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People's Republic of China.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

**THOMAS AMENDMENT NO. 476**

Mr. WARNER (for Mr. THOMAS) proposed an amendment to the bill, S. 1059, supra; as follows:

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

**SEC. . IMPLEMENTATION OF THE FEDERAL ACTIVITIES INVENTORY REFORM ACT.**

The Federal Activities Inventory Reform Act of 1998 (P.L. 105-270) shall be implemented by an Executive Order issued by the President.

**HUTCHISON AMENDMENT NO. 477**

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, supra; as follows:

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

SEC. . (a): Congress makes the following findings:

(1) It is the National Security Strategy of the United States to "deter and defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames;"

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements;

(3) The United States has 120,000 troops permanently assigned to those theaters;

(4) The United States has an additional 70,000 forces assigned to non-NATO/non-Pacific threat foreign countries;

(5) The United States has more than 6,000 troops in Bosnia-Herzegovina on indefinite assignment;

(6) The United States has diverted permanently assigned resources from other theaters to support operations in the Balkans;

(7) The United States provides military forces to seven active United Nations peacekeeping operations, including some missions that have continued for decades;

(8) Between 1986 and 1998, the number of American military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent;

(9) The Army has 10 active-duty divisions today, down from 18 in 1991, while on an average day in FY98, 28,000 U.S. Army soldiers were deployed to more than 70 countries for over 300 separate missions;

(10) Active Air Force fighter wings have gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans are U.S.-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq. In response, the Air Force has initiated a "stop loss" program to block normal retirements and separations.

(11) The United States Navy has been reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the Western Pacific to the Mediterranean to support Operation Allied Force;

(12) In 1998 just 10 percent of eligible carrier naval aviators—27 out of 261—accepted

continuation bonuses and remained in service;

(13) In 1998 48 percent of Air Force pilots eligible for continuation opted to leave the service.

(14) The Army could fall 6,000 below Congressionally authorized troop strength by the end of 1999.

(b) Sense of Congress:

(1) It is the sense of Congress that—

(A) The readiness of U.S. military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions;

(B) There may be missions to which the United States is contributing Armed Forces from which the United States can begin disengaging.

(c) Report Requirement.

(1) Not later than March 1, 2000, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report prioritizing the ongoing global missions to which the United States is contributing troops. The President shall include in the report a feasibility analysis of how the United States can:

(1) shift resources from low priority missions in support of higher priority missions;

(2) consolidate or reduce U.S. troop commitments worldwide;

(3) end low priority missions.

#### SMITH (AND WYDEN) AMENDMENT NO. 478

Mr. WARNER (for Mr. SMITH of Oregon, for himself and Mr. WYDEN) proposed an amendment to the bill, S. 1059, *supra*; as follows:

On page 404, below line 22, add the following:

#### TITLE XIII—CHEMICAL DEMILITARIZATION ACTIVITIES

##### SEC. 1301. SHORT TITLE.

This title may be cited as the "Community-Army Cooperation Act of 1999".

##### SEC. 1302. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 1945 and 1989, the national security interests of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army shall be the executive agent for the destruction of the chemical weapons stockpile.

(5) In 1988, the Department of the Army determined that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would provide the safest and most efficient means for the destruction of the chemical weapons stockpile.

(6) The communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of the chemical weapons stockpile.

(7) Sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993

(Public Law 102-484) and section 8065 of the Department of Defense Appropriations Act, 1997 (Public Law 104-208) require that the Department of the Army explore methods other than incineration for the destruction of the chemical weapons stockpile.

(8) Compliance with the 2007 deadline for the destruction of the United States chemical weapons stockpile in accordance with the Chemical Weapons Convention will require an accelerated decommissioning and transporting of United States chemical weapons.

(9) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions.

(10) It is appropriate for the United States to mitigate such disruptions.

(b) PURPOSE.—It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

##### SEC. 1303. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the officials within such departments with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority—

(1) to meet the April 29, 2007, deadline for the destruction of United States chemical weapon stockpile as required by the Chemical Weapons Convention; and

(2) to employ sound management principles, including the negotiation and implementation of contract incentives, to—

(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and

(B) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile at chemical demilitarization facilities in the United States.

##### SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

##### SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) IN GENERAL.—Upon the direction of the Secretary of the Army, the Comptroller of the Army shall make economic assistance payments to communities and Indian tribes directly affected by the decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

(b) SOURCE OF PAYMENTS.—Amounts for payments under this section shall be derived from appropriations available to the Department of the Army for chemical demilitarization activities.

(c) TOTAL AMOUNT OF PAYMENTS.—(1) Subject to paragraph (2), the aggregate amount of payments under this section with respect to a chemical demilitarization facility during the period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than \$50,000,000 or more than \$60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act.

(d) DATE OF PAYMENT.—(1) Payments under this section with respect to a chemical demilitarization facility shall be made on March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, occurs at the facility during the applicable payment period with respect to such date.

(2) For purposes of this section, the term "applicable payment period" means—

(A) in the case of a payment to be made on March 1 of a year, the period beginning on July 1 and ending on December 31 of the preceding year; and

(B) in the case of a payment to be made on September 2 of a year, the period beginning on January 1 and ending on June 30 of the year.

(e) ALLOCATION OF PAYMENT.—(1) Except as provided in paragraph (2), each payment under this section with respect to a chemical demilitarization facility shall be allocated equally among the communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

(2) The amount of an allocation under this subsection to a community or Indian tribe shall be reduced by the amount of any tax or fee imposed or assessed by the community or Indian tribe during the applicable payment period against the value of the facility concerned or with respect to the storage or decommissioning of chemical agents and munitions, or related materials, at the facility.

(f) COMPUTATION OF PAYMENT.—(1) Except as provided in paragraph (2), the amount of each payment under this section with respect to a chemical demilitarization facility shall be the amount equal to \$10,000 multiplied by the number of tons of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

(2)(A) If at the conclusion of the decommissioning of chemical agents and munitions, and related materials, at a facility the aggregate amount of payments made with respect to the facility is less than the minimum amount required by subsection (c)(1), unless payments have ceased with respect to the facility under subsection (c)(2), the amount of the final payment under this section shall be the amount equal to the difference between such aggregate amount and the minimum amount required by subsection (c)(1).

(B) This paragraph shall not apply with respect to a facility if the decommissioning of chemical agents and munitions, and related materials, continues at the facility after April 29, 2007.

(g) INTEREST ON UNTIMELY PAYMENTS.—(1) Any payment that is made under this section for an applicable payment period after the date specified for that period in subsection (d) shall include, in addition to the payment amount otherwise provided for under this section, interest at the rate of 1.5 percent per month.

(2) Amounts for payments of interest under this paragraph shall be derived from amounts available for the Department of Defense, other than amounts available for chemical demilitarization activities.

(h) USE OF PAYMENTS.—A community or Indian tribe receiving a payment under this section may utilize amounts of the payment for such purposes as the community or Indian tribe, as the case may be, considers appropriate in its sole discretion.

**SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.**

Paragraph (2) of section 1412(c) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)) is amended to read as follows:

"(2)(A) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

"(i) The United States stockpile of lethal chemical agents and munitions that exist on November 8, 1985.

"(ii) Any items designated by the Secretary of Defense after that date to be lethal chemical agents and munitions, or related materials.

"(B) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with agreements between the office designated or established under section 1304(b) of the National Defense Authorization Act for Fiscal Year 2000 and the chief executive officer of the State in which the facilities are located.

"(C) An agreement referred to in subparagraph (B) that provides for the transfer of facilities from the United States to a State-chartered municipal corporation shall include provisions as follows:

"(i) That any profits generated by the corporation from the use of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by population.

"(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census.

"(iii) That the transfer of such facilities shall include any lands extending 50 feet in all directions from such facilities.

"(iv) That the transfer of such facilities include any easements necessary for reasonable access to such facilities.

"(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000."

**SEC. 1307. ACTIONS REGARDING ACTIVITIES AT CHEMICAL DEMILITARIZATION FACILITIES.**

(a) **LIMITATION ON JURISDICTION.**—(1) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

(2) No administrative office exercising quasi-judicial powers, and no court of any State, may order the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States.

(b) **LIMITATIONS ON STANDING.**—(1)(A) Except as provided in paragraph (2), as of a date specified in subparagraph (B), no person shall have standing to bring an action against the United States relating to the decommissioning of chemical agents and munitions, and related materials, at a chemical demilitarization facility except—

(i) the State in which the facility is located; or

(ii) a community or Indian tribe located within the positive action zone of the facility.

(B) A date referred to in this subparagraph for a chemical demilitarization facility is the earlier of—

(i) the date on which the first payment is made with respect to the facility under section 1305; or

(ii) the date on which an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986,

as amended by section 1306 of this Act, becomes effective for the facility in accordance with the provisions of such section 1412(c)(2)(B).

(2) Paragraph (1) shall not apply in the case of an action by a State, community, or Indian tribe to determine whether the State, community, or Indian tribe, as the case may be, has a legal or equitable interest in the facility concerned.

(c) **INTERIM RELIEF.**—(1) During the pendency of an action referred to in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioner proves by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, is will cause demonstrable harm to the public, the environment, or the personnel who are employed at the facility.

(2) The Secretary of Defense or the Secretary of the Army may appeal immediately any temporary restraining order issued under paragraph (1) to the court of appeals of the United States.

(d) **STANDARDS TO BE EMPLOYED IN ACTIONS.**—In considering an action under this section, including an appeal from an order under subsection (c), the courts of the United States shall—

(1) treat as an irrebuttable presumption the presumption that any activities at a chemical demilitarization facility that are undertaken in compliance with standards of the Department of Health and Human Services, the Department of Transportation, or the Environmental Protection Agency relating to the safety of the public, the environment, and personnel at the facility will provide maximum safety to the public, environment, and such personnel; and

(2) in the case of an action seeking the cessation of construction or operation of a facility, compare the benefit to be gained by granting the specific relief sought by the petitioner against with the increased risk, if any, to the public, environment, or personnel at the facility that would result from deterioration of chemical agents and munitions, or related materials, during the cessation of the construction or operation.

(e) **PARTICIPATION IN ACTIONS AS BAR TO PAYMENTS.**—(1) No community or Indian tribe which participates in any action the result of which is to defer, delay, or otherwise impede the decommissioning of chemical agents and munitions, or related materials, in a chemical demilitarization facility may receive any payment or portion thereof made with respect to the facility under section 1305 while so participating in such action.

(f) **IMPLEADING OF CONTRACTORS.**—(1) The Department of the Army may, in an action with respect to a chemical demilitarization facility, implead a nongovernmental entity having contractual responsibility for the decommissioning of chemical agents and munitions, or related materials, at the facility for purposes of determining the responsibility of the entity for any matters raised by the action.

(2)(A) A court of the United States may assess damages against a nongovernmental entity impleaded under paragraph (1) for acts of commission or omission of the entity that contribute to the failure of the United States to decommission chemical agents and munitions, and related materials, at the facility concerned by April 29, 2007, in accordance with the Chemical Weapons Convention.

(B) The damages assessed under subparagraph (A) may include the imposition of liability on an entity for any payments that would otherwise be required of the United States under section 1305 with respect to the facility concerned.

**SEC. 1308. DEFINITIONS.**

In this title:

(1) **CHEMICAL AGENT AND MUNITION.**—The term "chemical agent and munition" has the meaning given that term in section 1412(j)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(j)(1)).

(2) **CHEMICAL WEAPONS CONVENTION.**—The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) **COMMUNITY.**—The term "community" means a country, parish, or other unit of local government.

(4) **DECOMMISSION.**—The term "decommission", with respect to a chemical agent and munition, or related material, means the destruction, dismantlement, demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention or the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(5) **INDIAN TRIBE.**—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

**THURMOND AMENDMENT NO. 479**

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place insert the following:

**SEC. . SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMEN'S FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov TU-154M aircraft collided with a United States Air Force C-141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU-154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU-154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

#### DOMENICI AMENDMENT NO. 480

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 429, line 5, strike out "\$172,472,000" and insert in lieu thereof "\$168,340,000"

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth \$3,850,000

On page 412, in the table line Total strike out "\$744,140,000" and insert "\$747,990,000."

On page 414, line 6, strike out "\$2,078,015,000" and insert in lieu thereof "\$2,081,865,000".

On page 414, line 9, strike out "\$673,960,000" and insert in lieu thereof "\$677,810,000".

On page 414, line 18, strike out "\$66,299,000" and insert in lieu thereof "\$66,581,000".

#### A BILL TO MAKE MISCELLANEOUS AND TECHNICAL CHANGES TO VARIOUS TRADE LAWS, AND FOR OTHER PURPOSES

#### ROTH AMENDMENT NO. 481

Ms. SNOWE (for Mr. ROTH) proposed an amendment to the bill (H.R. 435) to make miscellaneous and technical changes to various trade laws, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**  
(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.

#### TITLE I—MISCELLANEOUS TRADE CORRECTIONS

Sec. 1001. Clerical amendments.

Sec. 1002. Obsolete references to GATT.

Sec. 1003. Tariff classification of 13-inch televisions.

#### TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

##### Subtitle A—Temporary Duty Suspensions and Reductions

##### CHAPTER 1—REFERENCE

Sec. 2001. Reference.

##### CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

Sec. 2101. Diiodomethyl-*p*-tolylsulfone.

Sec. 2102. Racemic dl-menthol.

Sec. 2103. 2,4-Dichloro-5-hydrazinophenol monohydrochloride.

Sec. 2104. ACM.

Sec. 2105. Certain snowboard boots.

Sec. 2106. Ethofumesate singularly or in mixture with application adjuvants.

Sec. 2107. 3-Methoxycarbonylaminophenyl-3'-methylcarbanilate (phenmedipham).

Sec. 2108. 3-Ethoxycarbonylaminophenyl-N-phenylcarbamate (desmedipham).

Sec. 2109. 2-Amino-4-(4-aminobenzoylaminobenzenesulfonic acid, sodium salt.

Sec. 2110. 5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide.

Sec. 2111. 3-Amino-2'-(sulfoethylsulfonylethyl benzamide.

Sec. 2112. 4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt.

Sec. 2113. 2-Amino-5-nitrothiazole.

Sec. 2114. 4-Chloro-3-nitrobenzenesulfonic acid.

Sec. 2115. 6-Amino-1,3-naphthalenedisulfonic acid.

Sec. 2116. 4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt.

Sec. 2117. 2-Methyl-5-nitrobenzenesulfonic acid.

Sec. 2118. 6-Amino-1,3-naphthalenedisulfonic acid, disodium salt.

Sec. 2119. 2-Amino-*p*-cresol.

Sec. 2120. 6-Bromo-2,4-dinitroaniline.

Sec. 2121. 7-Acetylaminophenyl-2-naphthalenesulfonic acid, monosodium salt.

Sec. 2122. Tannic acid.

Sec. 2123. 2-Amino-5-nitrobenzenesulfonic acid, monosodium salt.

Sec. 2124. 2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt.

Sec. 2125. 2-Amino-5-nitrobenzenesulfonic acid.

Sec. 2126. 3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid.

Sec. 2127. 4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid.

Sec. 2128. 4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt.

Sec. 2129. Pigment Yellow 154.

Sec. 2130. Pigment Yellow 175.

Sec. 2131. Pigment Red 187.

Sec. 2132. 2,6-Dimethyl-m-dioxan-4-ol acetate.

Sec. 2133.  $\beta$ -Bromo- $\beta$ -nitrostyrene.

Sec. 2134. Textile machinery.

Sec. 2135. Deltamethrin.

Sec. 2136. Diclofop-methyl.

Sec. 2137. Resmethrin.

Sec. 2138. N-phenyl-N'-1,2,3-thiadiazol-5-ylurea.

Sec. 2139. (1R,3S)3[(1'RS)(1',2',2',2'-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)- $\alpha$ -cyano-3-phenoxybenzyl ester.

Sec. 2140. Pigment Red 177.

Sec. 2141. Textile printing machinery.

Sec. 2142. Substrates of synthetic quartz or synthetic fused silica.

Sec. 2143. 2-Methyl-4,6-bis[(octylthio)methyl]phenol.

Sec. 2144. 2-Methyl-4,6-bis[(octylthio)methyl]phenol; epoxidized triglyceride.

Sec. 2145. 4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol.

Sec. 2146. (2-Benzothiazolylthio)butanedioic acid.

Sec. 2147. Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate].

Sec. 2148. 4-Methyl- $\gamma$ -oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1).

Sec. 2149. Weaving machines.

Sec. 2150. Certain weaving machines.

Sec. 2151. DEMENT.

Sec. 2152. Benzenepropional, 4-(1,1-dimethylethyl)- $\alpha$ -methyl-.

Sec. 2153. 2H-3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)-.

Sec. 2154. Tebufenozide.

Sec. 2155. Halofenozide.

Sec. 2156. Certain organic pigments and dyes.

Sec. 2157. 4-Hexylresorcinol.

Sec. 2158. Certain sensitizing dyes.

Sec. 2159. Skating boots for use in the manufacture of in-line roller skates.

Sec. 2160. Dibutyl-naphthalenesulfonic acid, sodium salt.

Sec. 2161. O-(6-Chloro-3-phenyl-4-pyridazinyl)-S-octylcarbonothioate.

Sec. 2162. 4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine.

Sec. 2163. O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl]-methyl-dithiophosphate.

Sec. 2164. Ethyl [2-(4-phenoxyphenoxy)ethyl]carbamate.

Sec. 2165. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-chlorophenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-ylmethyl]-1H-1,2,4-triazole.

Sec. 2166. 2,4-Dichloro-3,5-dinitrobenzotrifluoride.

Sec. 2167. 2-Chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine.

Sec. 2168. Chloroacetone.

Sec. 2169. Acetic acid, [(5-chloro-8-quinolyl)oxy]-, 1-methylhexyl ester.

Sec. 2170. Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester.

Sec. 2171. Mucocloric acid.

Sec. 2172. Certain rocket engines.

Sec. 2173. Pigment Red 144.

Sec. 2174. (S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid, diethyl ester.

Sec. 2175. 4-Chloropyridine hydrochloride.

Sec. 2176. 4-Phenoxy-pyridine.

Sec. 2177. (3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid.

Sec. 2178. 2-Amino-5-bromo-6-methyl-4-(1H)-quinazolinone.

Sec. 2179. 2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone.

Sec. 2180. (S)-N-[[5-[2-(2-amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid.

Sec. 2181. 2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone dihydrochloride.

Sec. 2182. 3-(Acetyloxy)-2-methylbenzoic acid.

Sec. 2183. [R-(R\*,R\*)]-1,2,3,4-butanetetrol-1,4-dimethanesulfonate.

Sec. 2184. 9-[2-[[Bis[(pivaloyloxy)-methoxy]phosphinyl]methoxy]ethyl]adenine (also known as Adefovir Dipivoxil).

Sec. 2185. 9-[2-(R)-[[Bis[(isopropoxycarbonyl)oxy-methoxy]-phosphinoyl]methoxy]-propyl]adenine fumarate (1:1).

Sec. 2186. (R)-9-(2-Phosphonomethoxypropyl)adenine.

Sec. 2187. (R)-1,3-Dioxolan-2-one, 4-methyl-.

Sec. 2188. 9-(2-Hydroxyethyl)adenine.

Sec. 2189. (R)-9H-Purine-9-ethanol, 6-amino- **$\alpha$ -methyl-**.

Sec. 2190. Chloromethyl-2-propyl carbonate.

Sec. 2191. (R)-1,2-Propanediol, 3-chloro-.

Sec. 2192. Oxirane, (S)-((triphenylmethoxy)methyl)-.

Sec. 2193. Chloromethyl pivalate.

Sec. 2194. Diethyl ((p - toluenesulfonyl)oxy) - methyl phosphonate.

Sec. 2195. Beta hydroxyalkylamide.

Sec. 2196. Grilamid tr90.

Sec. 2197. IN-W4280.

Sec. 2198. KL540.

Sec. 2199. Methyl thioglycolate.

Sec. 2200. DPX-E6758.

Sec. 2201. Ethylene, tetrafluoro copolymer with ethylene (ETFE).

Sec. 2202. 3-Mercapto-D-valine.

Sec. 2203. p-Ethylphenol.

Sec. 2204. Pantera.

Sec. 2205. p-Nitrobenzoic acid.

Sec. 2206. p-Toluenesulfonamide.

Sec. 2207. Polymers of tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride.

Sec. 2208. Methyl 2-[[[[4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]-carbonyl]amino]sulfonyl]-3-methylbenzoate (triflurosulfuron methyl).

Sec. 2209. Certain manufacturing equipment.

Sec. 2210. Textured rolled glass sheets.

Sec. 2211. Certain HIV drug substances.

Sec. 2212. Rimsulfuron.

Sec. 2213. Carbamic acid (V-9069).

Sec. 2214. DPX-E9260.

Sec. 2215. Ziram.

Sec. 2216. Ferroboron.

Sec. 2217. Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H,3H-[1,3,4]thiadiazolo[3,4-a]pyridazin-1-ylidene)amino]phenyl]-thio]-, methyl ester.

Sec. 2218. Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate.

Sec. 2219. Bentazon (3-isopropyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide).

Sec. 2220. Certain high-performance loudspeakers not mounted in their enclosures.

Sec. 2221. Parts for use in the manufacture of certain high-performance loudspeakers.

Sec. 2222. 5-tert-Butyl-isophthalic acid.

Sec. 2223. Certain polymer.

Sec. 2224. 2-(4-Chlorophenyl)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt.

Sec. 2225. Pigment Red 185.

Sec. 2226. Pigment Red 208.

Sec. 2227. Pigment Yellow 95.

Sec. 2228. Pigment Yellow 93.

## CHAPTER 3—EFFECTIVE DATE

Sec. 2301. Effective date.

## Subtitle B—Trade Provisions

Sec. 2401. Extension of United States insular possession program.

Sec. 2402. Tariff treatment for certain components of scientific instruments and apparatus.

Sec. 2403. Liquidation or reliquidation of certain entries.

Sec. 2404. Drawback and refund on packaging material.

Sec. 2405. Inclusion of commercial importation data from foreign-trade zones under the National Customs Automation Program.

Sec. 2406. Large yachts imported for sale at United States boat shows.

Sec. 2407. Review of protests against decisions of Customs Service.

Sec. 2408. Entries of NAFTA-origin goods.

Sec. 2409. Treatment of international travel merchandise held at customs-approved storage rooms.

Sec. 2410. Exception to 5-year reviews of countervailing duty or anti-dumping duty orders.

Sec. 2411. Water resistant wool trousers.

Sec. 2412. Reimportation of certain goods.

Sec. 2413. Treatment of personal effects of participants in certain world athletic events.

Sec. 2414. Reliquidation of certain entries of thermal transfer multifunction machines.

Sec. 2415. Reliquidation of certain drawback entries and refund of drawback payments.

Sec. 2416. Clarification of additional U.S. note 4 to chapter 91 of the Harmonized Tariff Schedule of the United States.

Sec. 2417. Duty-free sales enterprises.

Sec. 2418. Customs user fees.

Sec. 2419. Duty drawback for methyl tertiary-butyl ether ("MTBE").

Sec. 2420. Substitution of finished petroleum derivatives.

Sec. 2421. Duty on certain importations of muesli cereals.

Sec. 2422. Expansion of Foreign Trade Zone No. 143.

Sec. 2423. Marking of certain silk products and containers.

Sec. 2424. Extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Mongolia.

Sec. 2425. Enhanced cargo inspection pilot program.

Sec. 2426. Payment of education costs of dependents of certain Customs Service personnel.

## TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

Sec. 3001. Property subject to a liability treated in same manner as assumption of liability.

## TITLE I—MISCELLANEOUS TRADE CORRECTIONS

## SEC. 1001. CLERICAL AMENDMENTS.

(a) TRADE ACT OF 1974.—(1) Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(A) by aligning the text of paragraph (2) that precedes subparagraph (A) with the text of paragraph (1); and

(B) by aligning the text of subparagraphs (A) and (B) of paragraph (2) with the text of subparagraphs (A) and (B) of paragraph (3).

(2) Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended—

(A) in paragraph (3) by striking "LIMITATION ON APPOINTMENTS.—"; and

(B) by aligning the text of paragraph (3) with the text of paragraph (2).

(3) The item relating to section 410 in the table of contents for the Trade Act of 1974 is repealed.

(4) Section 411 of the Trade Act of 1974 (19 U.S.C. 2441), and the item relating to section 411 in the table of contents for that Act, are repealed.

(5) Section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)) is amended by striking "For purposes of" and all that follows through "90-day period" and inserting "For purposes of sections 203(c) and 407(c)(2), the 90-day period".

(6) Section 406(e)(2) of the Trade Act of 1974 (19 U.S.C. 2436(e)(2)) is amended by moving subparagraphs (B) and (C) 2 ems to the left.

(7) Section 503(a)(2)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)(A)(ii)) is amended by striking subclause (II) and inserting the following:

"(II) the direct costs of processing operations performed in such beneficiary developing country or such member countries,

is not less than 35 percent of the appraised value of such article at the time it is entered."

(8) Section 802(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2492(b)(1)(A)) is amended—

(A) by striking "481(e)" and inserting "489"; and

(B) by inserting "(22 U.S.C. 2291h)" after "1961".

(9) Section 804 of the Trade Act of 1974 (19 U.S.C. 2494) is amended by striking "481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1))" and inserting "489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h)".

(10) Section 805(2) of the Trade Act of 1974 (19 U.S.C. 2495(2)) is amended by striking "and" after the semicolon.

(11) The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

"TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES

"Sec. 801. Short title.

"Sec. 802. Tariff treatment of products of uncooperative major drug producing or drug-transit countries.

"Sec. 803. Sugar quota.

"Sec. 804. Progress reports.

"Sec. 805. Definitions."

(b) OTHER TRADE LAWS.—(1) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(A) in subsection (e) by aligning the text of paragraph (1) with the text of paragraph (2); and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(ii) by striking "subsection (a)(1) through (a)(8)" and inserting "paragraphs (1) through (8) of subsection (a)"; and

(ii) in subparagraph (C)(ii)(I) by striking "paragraph (A)(i)" and inserting "subparagraph (A)(i)".

(2) Section 3(a) of the Act of June 18, 1934 (commonly referred to as the "Foreign Trade Zones Act") (19 U.S.C. 81c(a)) is amended by striking the second period at the end of the last sentence.

(3) Section 9 of the Act of June 18, 1934 (commonly referred to as the "Foreign Trade Zones Act") (19 U.S.C. 81i) is amended by striking "Post Office Department, the Public Health Service, the Bureau of Immigration" and inserting "United States Postal Service, the Public Health Service, the Immigration and Naturalization Service".

(4) The table of contents for the Trade Agreements Act of 1979 is amended—

(A) in the item relating to section 411 by striking "Special Representative" and inserting "Trade Representative"; and

(B) by inserting after the items relating to subtitle D of title IV the following:

“Subtitle E—Standards and Measures Under the North American Free Trade Agreement

“CHAPTER 1—SANITARY AND PHYTOSANITARY MEASURES

“Sec. 461. General.

“Sec. 462. Inquiry point.

“Sec. 463. Chapter definitions.

“CHAPTER 2—STANDARDS-RELATED MEASURES

“Sec. 471. General.

“Sec. 472. Inquiry point.

“Sec. 473. Chapter definitions.

“CHAPTER 3—SUBTITLE DEFINITIONS

“Sec. 481. Definitions.

“Subtitle F—International Standard-Setting Activities

“Sec. 491. Notice of United States participation in international standard-setting activities.

“Sec. 492. Equivalence determinations.

“Sec. 493. Definitions.”.

(5)(A) Section 3(a)(9) of the Miscellaneous Trade and Technical Corrections Act of 1996 is amended by striking “631(a)” and “1631(a)” and inserting “631” and “1631”, respectively.

(B) Section 50(c)(2) of such Act is amended by striking “applied to entry” and inserting “applied to such entry”.

(6) Section 8 of the Act of August 5, 1935 (19 U.S.C. 1708) is repealed.

(7) Section 584(a) of the Tariff Act of 1930 (19 U.S.C. 1584(a)) is amended—

(A) in the last sentence of paragraph (2), by striking “102(17) and 102(15), respectively, of the Controlled Substances Act” and inserting “102(18) and 102(16), respectively, of the Controlled Substances Act (21 U.S.C. 802(18) and 802(16))”; and

(B) in paragraph (3)—

(i) by striking “or which consists of any spirits,” and all that follows through “be not shown,”; and

(ii) by striking “, and, if any manifested merchandise” and all that follows through the end and inserting a period.

(8) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act, as amended by section 21(d)(12) of the Miscellaneous Trade and Technical Amendments Act of 1996, is amended by striking “disclosure within 30 days” and inserting “disclosure, or within 30 days”.

(9) Section 558(b) of the Tariff Act of 1930 (19 U.S.C. 1558(b)) is amended by striking “(c)” each place it appears and inserting “(h)”.

(10) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by striking paragraph (6).

(11) General note 3(a)(ii) to the Harmonized Tariff Schedule of the United States is amended by striking “general most-favored-nation (MFN)” and by inserting in lieu thereof “general or normal trade relations (NTR)”.

#### SEC. 1002. OBSOLETE REFERENCES TO GATT.

(a) FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT OF 1990.—(1) Section 488(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620(b)) is amended—

(A) in paragraph (3) by striking “General Agreement on Tariffs and Trade” and inserting “GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act)” ; and

(B) in paragraph (5) by striking “General Agreement on Tariffs and Trade” and insert-

ing “WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)”.

(2) Section 491(g) of that Act (16 U.S.C. 620(c)(g)) is amended by striking “Contracting Parties to the General Agreement on Tariffs and Trade” and inserting “Dispute Settlement Body of the World Trade Organization (as the term ‘World Trade Organization’ is defined in section 2(8) of the Uruguay Round Agreements Act)”.

(b) INTERNATIONAL FINANCIAL INSTITUTIONS ACT.—Section 1403(b) of the International Financial Institutions Act (22 U.S.C. 262n-2(b)) is amended—

(1) in paragraph (1)(A) by striking “General Agreement on Tariffs and Trade or Article 10” and all that follows through “Trade” and inserting “GATT 1994 as defined in section 2(1)(B) of the Uruguay Round Agreements Act, or Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of that Act”; and

(2) in paragraph (2)(B) by striking “Article 6” and all that follows through “Trade” and inserting “Article 15 of the Agreement on Subsidies and Countervailing Measures referred to in subparagraph (A)”.

(c) BRETTON WOODS AGREEMENTS ACT.—Section 49(a)(3) of the Bretton Woods Agreements Act (22 U.S.C. 286gg(a)(3)) is amended by striking “GATT Secretariat” and inserting “Secretariat of the World Trade Organization (as the term ‘World Trade Organization’ is defined in section 2(8) of the Uruguay Round Agreements Act)”.

(d) FISHERMEN’S PROTECTIVE ACT OF 1967.—Section 8(a)(4) of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1978(a)(4)) is amended by striking “General Agreement on Tariffs and Trade” and inserting “World Trade Organization (as defined in section 2(8) of the Uruguay Round Agreements Act) or the multilateral trade agreements (as defined in section 2(4) of that Act)”.

(e) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 102(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5712(3)) is amended—

(1) by striking “contracting party to the General Agreement on Tariffs and Trade” and inserting “WTO member country (as defined in section 2(10) of the Uruguay Round Agreements Act)” ; and

(2) by striking “latter organization” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.

(f) NOAA FLEET MODERNIZATION ACT.—Section 607(b)(8) of the NOAA Fleet Modernization Act (33 U.S.C. 891e(b)(8)) is amended by striking “Agreement on Interpretation” and all that follows through “trade negotiations” and inserting “Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act, or any other export subsidy prohibited by that agreement”.

(g) ENERGY POLICY ACT OF 1992.—(1) Section 1011(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296b(b)) is amended—

(A) by striking “General Agreement on Tariffs and Trade” and inserting “multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)” ; and

(B) by striking “United States-Canada Free Trade Agreement” and inserting “North American Free Trade Agreement”.

(2) Section 1017(c) of such Act (42 U.S.C. 2296b-6(c)) is amended—

(A) by striking “General Agreement on Tariffs and Trade” and inserting “multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)” ; and

(B) by striking “United States-Canada Free Trade Agreement” and inserting “North American Free Trade Agreement”.

(h) ENERGY POLICY CONSERVATION ACT.—Section 400AA(a)(3) of the Energy Policy Conservation Act (42 U.S.C. 6374(a)(3)) is amended in subparagraphs (F) and (G) by striking “General Agreement on Tariffs and Trade” each place it appears and inserting “multilateral trade agreements as defined in section 2(4) of the Uruguay Round Agreements Act”.

(i) TITLE 49, UNITED STATES CODE.—Section 50103 of title 49, United States Code, is amended in subsections (c)(2) and (e)(2) by striking “General Agreement on Tariffs and Trade” and inserting “multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)”.

#### SEC. 1003. TARIFF CLASSIFICATION OF 13-INCH TELEVISIONS.

(a) IN GENERAL.—Each of the following subheadings of the Harmonized Tariff Schedule of the United States is amended by striking “33.02 cm” in the article description and inserting “34.29 cm”:

(1) Subheading 8528.12.12.

(2) Subheading 8528.12.20.

(3) Subheading 8528.12.62.

(4) Subheading 8528.12.68.

(5) Subheading 8528.12.76.

(6) Subheading 8528.12.84.

(7) Subheading 8528.21.16.

(8) Subheading 8528.21.24.

(9) Subheading 8528.21.55.

(10) Subheading 8528.21.65.

(11) Subheading 8528.21.75.

(12) Subheading 8528.21.85.

(13) Subheading 8528.30.62.

(14) Subheading 8528.30.66.

(15) Subheading 8540.11.24.

(16) Subheading 8540.11.44.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service not later than 180 days after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in a subheading listed in paragraphs (1) through (16) of subsection (a)—

(A) that was made on or after January 1, 1995, and before the date that is 15 days after the date of enactment of this Act;

(B) with respect to which there would have been no duty or a lesser duty if the amendments made by subsection (a) applied to such entry; and

(C) that is—

(i) unliquidated;

(ii) under protest; or

(iii) otherwise not final,

shall be liquidated or reliquidated as though such amendment applied to such entry.

## TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

### Subtitle A—Temporary Duty Suspensions and Reductions

#### CHAPTER 1—REFERENCE

##### SEC. 2001. REFERENCE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered



to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

## CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

### SEC. 2101. DIODOMETHYL-P-TOLYLSULFONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.90	Diiodomethyl- <i>p</i> -tolylsulfone (CAS No. 20018-09-1) (provided for in subheading 2930.90.10) .....	Free	No change	No change	On or before 12/31/2001	”.
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### SEC. 2102. RACEMIC dl-MENTHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.06	Racemic dl-menthol (intermediate (E) for use in producing menthol) (CAS No. 15356-70-4) (provided for in subheading 2906.11.00) .....	Free	No change	No change	On or before 12/31/2001	”.
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### SEC. 2103. 2,4-DICHLORO-5-HYDRAZINOPHENOL MONOHY- DROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.28	2,4-Dichloro-5-hydrazinophenol monohy-drochloride (CAS No. 189573-21-5) (provided for in subheading 2928.00.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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### SEC. 2104. ACM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.95	Phosphinic acid, [3-(acetyloxy)-3-cyanopropyl]methyl-, butyl ester (CAS No. 167004-78-6) (provided for in subheading 2931.00.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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### SEC. 2105. CERTAIN SNOWBOARD BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.64.04	Snowboard boots with uppers of textile materials (provided for in subheading 6404.11.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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### SEC. 2106. ETHOFUMESATE SINGULARLY OR IN MIXTURE WITH APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.12	2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuran-yl-methanesulfonate (ethofumesate) singularly or in mixture with application adjuvants (CAS No. 26225-79-6) (provided for in subheading 2932.99.08 or 3808.30.15) .....	Free	No change	No change	On or before 12/31/2001	”.
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### SEC. 2107. 3-METHOXYCARBONYLAMINOPHENYL-3'-METHYL-CARBANILATE (PHENMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.13	3-Methoxycarbonylamino-phenyl-3'-methylcarbanilate (phenmedipham) (CAS No. 13684-63-4) (provided for in subheading 2924.29.47) .....	Free	No change	No change	On or before 12/31/2001	”.
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### SEC. 2108. 3-ETHOXYCARBONYLAMINOPHENYL-N-PHENYL-CARBAMATE (DESMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.14	3-Ethoxycarbonylamino-phenyl-N-phenylcarbamate (desmedipham) (CAS No. 13684-56-5) (provided for in subheading 2924.29.41) .....	Free	No change	No change	On or before 12/31/2001	”.
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### SEC. 2109. 2-AMINO-4-(4-AMINOBENZOYLAMINO)BENZENE-SULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.91	2-Amino-4-(4-aminobenzoyl-amino) benzenesulfonic acid, sodium salt (CAS No. 167614-37-1) (provided for in subheading 2930.90.29) .....	Free	No change	No change	On or before 12/31/2001	”.
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### SEC. 2110. 5-AMINO-N-(2-HYDROXYETHYL)-2,3-XYLENESULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.31	5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide (CAS No. 25797-78-8) (provided for in subheading 2935.00.95) .....	Free	No change	No change	On or before 12/31/2001	”.
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### SEC. 2111. 3-AMINO-2'-(SULFATOETHYLSULFONYL) ETHYL BENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.90	3-Amino-2'-(sulfatoethylsulfonyl) ethyl benzamide (CAS No. 121315-20-6) (provided for in subheading 2930.90.29) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2112. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOPOTASSIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.92	4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt (CAS No. 6671-49-4) (provided for in subheading 2904.90.47) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2113. 2-AMINO-5-NITROTHIAZOLE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.46	2-Amino-5-nitrothiazole (CAS No. 121-66-4) (provided for in subheading 2934.10.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2114. 4-CHLORO-3-NITROBENZENESULFONIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.04	4-Chloro-3-nitrobenzenesulfonic acid (CAS No. 121-18-6) (provided for in subheading 2904.90.47) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2115. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.21	6-Amino-1,3-naphthalenedisulfonic acid (CAS No. 118-33-2) (provided for in subheading 2921.45.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2116. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.24	4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt (CAS No. 17691-19-9) (provided for in subheading 2904.90.40) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2117. 2-METHYL-5-NITROBENZENESULFONIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.23	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121-03-9) (provided for in subheading 2904.90.20) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2118. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID, DISODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.45	6-Amino-1,3-naphthalenedisulfonic acid, disodium salt (CAS No. 50976-35-7) (provided for in subheading 2921.45.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2119. 2-AMINO-P-CRESOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.20	2-Amino-p-cresol (CAS No. 95-84-1) (provided for in subheading 2922.29.10) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2120. 6-BROMO-2,4-DINITROANILINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.43	6-Bromo-2,4-dinitroaniline (CAS No. 1817-73-8) (provided for in subheading 2921.42.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2121. 7-ACETYLAMINO-4-HYDROXY-2-NAPHTHALENE-SULFONIC ACID, MONOSODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.29	7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt (CAS No. 42360-29-2) (provided for in subheading 2924.29.70) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2122. TANNIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.01	Tannic acid (CAS No. 1401-55-4) (provided for in subheading 3201.90.10) ....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2123. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.53	2-Amino-5-nitrobenzenesulfonic acid, monosodium salt (CAS No. 30693-53-9) (provided for in subheading 2921.42.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2124. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOAMMONIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.44	2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt (CAS No. 4346-51-4) (provided for in subheading 2921.42.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2125. 2-AMINO-5-NITROBENZENESULFONIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.54	2-Amino-5-nitrobenzenesulfonic acid (CAS No. 96-75-3) (provided for in subheading 2921.42.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2126. 3-(4,5-DIHYDRO-3-METHYL-5-OXO-1H-PYRAZOL-1-YL)BENZENESULFONIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.19	3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid (CAS No. 119-17-5) (provided for in subheading 2933.19.43) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2127. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA-LENEDISULFONIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.65	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid (CAS No. 117-46-4) (provided for in subheading 2924.29.75) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2128. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA-LENEDISULFONIC ACID, MONOSODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.72	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (CAS No. 79873-39-5) (provided for in subheading 2924.29.70) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2129. PIGMENT YELLOW 154.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.18	Pigment Yellow 154 (CAS No. 068134-22-5) (provided for in subheading 3204.17.60) .....	Free	No change	No change	On or before 12/31/2002	”.
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**SEC. 2130. PIGMENT YELLOW 175.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.19	Pigment Yellow 175 (CAS No. 035636-63-6) (provided for in subheading 3204.17.60) to be used in the coloring of motor vehicles and tractors .....	Free	No change	No change	On or before 12/31/2002	”.
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**SEC. 2131. PIGMENT RED 187.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

“	9902.32.22	Pigment Red 187 (CAS No. 59487-23-9) (provided for in subheading 3204.17.60) .....	Free	No change	No change	On or before 12/31/2002	”.
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**SEC. 2132. 2,6-DIMETHYL-M-DIOXAN-4-OL ACETATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.94	2,6-Dimethyl-m-dioxan-4-ol acetate (CAS No. 000828-00-2) (provided for in subheading 2932.99.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2133.  $\beta$ -BROMO- $\beta$ -NITROSTYRENE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.92	$\beta$ -Bromo- $\beta$ -nitrostyrene (CAS No. 7166-19-0) (provided for in subheading 2904.90.47) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2134. TEXTILE MACHINERY.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.43	Ink-jet textile printing machinery (provided for in subheading 8443.51.10)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2135. DELTAMETHRIN.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.18	(S)- $\alpha$ -Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (deltamethrin) in bulk or in forms or packages for retail sale (CAS No. 52918-63-5) (provided for in subheading 2926.90.30 or 3808.10.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2136. DICLOFOP-METHYL.**

Subchapter II of chapter 99 is amended by striking heading 9902.30.16 and inserting the following:

“	9902.30.16	Methyl 2-[4-(2,4-dichlorophenoxy)phenoxy] propionate (diclofop-methyl) in bulk or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338-27-3) (provided for in subheading 2918.90.20 or 3808.30.15) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2137. RESMETHRIN.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.29	([5-(Phenylmethyl)-3-furanyl] methyl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (resmethrin) (CAS No. 10453-86-8) (provided for in subheading 2932.19.10) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2138. N-PHENYL-N'-1,2,3-THIADIAZOL-5-YLUREA.**

Subchapter II of chapter 99 is amended by striking heading 9902.30.17 and inserting the following:

“	9902.30.17	N-phenyl-N'-1,2,3-thiadiazol-5-ylurea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707-55-2) (provided for in subheading 2934.90.15 or 3808.30.15) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2139. (1R,3S)3[(1'RS)(1',2',2',2',-TETRABROMOETHYL)]-2,2-DIMETHYLCYCLOPROPANECARBOXYLIC ACID, (S)- $\alpha$ -CYANO-3-PHENOXYBENZYL ESTER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.19	(1R,3S)3[(1'RS)(1',2',2',2',-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)- $\alpha$ -cyano-3-phenoxybenzyl ester in bulk or in forms or packages for retail sale (CAS No. 66841-25-6) (provided for in subheading 2926.90.30 or 3808.10.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2140. PIGMENT RED 177.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.58	Pigment Red 177 (CAS No. 4051-63-2) (provided for in subheading 3204.17.04) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2141. TEXTILE PRINTING MACHINERY.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.20	Textile printing machinery (provided for in subheading 8443.59.10) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2142. SUBSTRATES OF SYNTHETIC QUARTZ OR SYNTHETIC FUSED SILICA.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.70.06	Substrates of synthetic quartz or synthetic fused silica imported in bulk or in forms or packages for retail sale (provided for in subheading 7006.00.40) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2143. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.14	2-Methyl-4,6-bis[(octylthio)-methyl]phenol (CAS No. 110553-27-0) (provided for in subheading 2930.90.29) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2144. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL; EPOXIDIZED TRIGLYCERIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.12	2-Methyl-4,6-bis[(octylthio)-methyl]phenol; epoxidized triglyceride (provided for in subheading 3812.30.60) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2145. 4-[[4,6-BIS[(OCTYLTHIO)-1,3,5-TRIAZIN-2-YL]AMINO]-2,6-BIS(1,1-DIMETHYLETHYL)PHENOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.30	4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol (CAS No. 991-84-4) (provided for in subheading 2933.69.60) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2146. (2-BENZOTHAZOLYLTHIO)BUTANEDIOIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.31	(2-Benzothiazolylthio)butane-dioic acid (CAS No. 95154-01-1) (provided for in subheading 2934.20.40) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2147. CALCIUM BIS[MONOETHYL(3,5-DI-TERT-BUTYL-4-HYDROXYBENZYL) PHOSPHONATE].**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.16	Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate] (CAS No. 65140-91-2) (provided for in subheading 2931.00.30) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2148. 4-METHYL- $\gamma$ -OXO-BENZENE BUTANOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.26	4-Methyl- $\gamma$ -oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054-89-0) (provided for in subheading 3824.90.28) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2149. WEAVING MACHINES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.46	Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m (provided for in subheading 8446.30.50), entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams .....	3.3%	No change	No change	On or before 12/31/2001	”.
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**SEC. 2150. CERTAIN WEAVING MACHINES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.10	Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9m (provided for in subheading 8446.21.50), if entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames or beams .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2151. DMT.**

Subchapter II of chapter 99 is amended by striking heading 9902.32.12 and inserting the following:

“	9902.32.12	N,N-Diethyl-m-toluidine (DMT) (CAS No. 91-67-8) (provided for in subheading 2921.43.80) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2152. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL-.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.57	Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl- (CAS No. 80-54-6) (provided for in subheading 2912.29.60) .....	6%	No change	No change	On or before 12/31/2001	”.
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**SEC. 2153. 2H-3,1-BENZOXAZIN-2-ONE, 6-CHLORO-4-(CYCLO-PROPYLETHYNYL)-1,4-DIHYDRO-4-(TRIFLUOROMETHYL)-.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.56	2H-3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)- (CAS No. 154598-52-4) (provided for in subheading 2934.90.30) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2154. TEBUFENOZIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.32	N-tert-Butyl-N'-(4-ethylbenzoyl)-3,5-Dimethylbenzoylhydrazide (Tebufenozide) (CAS No. 112410-23-8) (provided for in subheading 2928.00.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2155. HALOFENOZIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.36	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl) hydrazide (Halofenozide) (CAS No. 112226-61-6) (provided for in subheading 2928.00.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2156. CERTAIN ORGANIC PIGMENTS AND DYES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.07	Organic luminescent pigments and dyes for security applications excluding daylight fluorescent pigments and dyes (provided for in subheading 3204.90.00) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2157. 4-HEXYLRESORCINOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.07	4-Hexylresorcinol (CAS No. 136-77-6) (provided for in subheading 2907.29.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2158. CERTAIN SENSITIZING DYES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.37	Polymethine photo-sensitizing dyes (provided for in subheadings 2933.19.30, 2933.19.90, 2933.90.24, 2934.10.90, 2934.20.40, 2934.90.20, and 2934.90.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2159. SKATING BOOTS FOR USE IN THE MANUFACTURE OF IN-LINE ROLLER SKATES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.64.05	Boots for use in the manufacture of in-line roller skates (provided for in subheadings 6402.19.90, 6403.19.40, 6403.19.70, and 6404.11.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2160. DIBUTYLNAPHTHALENESULFONIC ACID, SODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.34.02	Surface active preparation containing 30 percent or more by weight of dibutyl-naphthalenesulfonic acid, sodium salt (CAS No. 25638-17-9) (provided for in subheading 3402.90.30) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2161. O-(6-CHLORO-3-PHENYL-4-PYRIDAZINYL)-S-OCTYLCARBONOTHIOATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.08	O-(6-Chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate (CAS No. 55512-33-9) (provided for in subheading 3808.30.15) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2162. 4-CYCLOPROPYL-6-METHYL-2-PHENYLAMINOPYRIMIDINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.50	4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine (CAS No. 121552-61-2) (provided for in subheading 2933.59.15) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2163. O,O-DIMETHYL-S-[5-METHOXY-2-OXO-1,3,4-THIADIAZOL-3(2H)-YL-METHYL]DITHIOPHOSPHATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.51	O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]dithiophosphate (CAS No. 950-37-8) (provided for in subheading 2934.90.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2164. ETHYL [2-(4-PHENOXY-PHENOXY) ETHYL] CARBAMATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.52	Ethyl [2-(4-phenoxyphenoxy)-ethyl]carbamate (CAS No. 79127-80-3) (provided for in subheading 2924.10.80) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2165. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-CHLORO-PHENOXY)-2-CHLOROPHENYL]-4-METHYL-1,3-DIOXOLAN-2-YLMETHYL]-1H-1,2,4-TRIAZOLE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.74	[(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-Chloro-phenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl-methyl]-1H-1,2,4-triazole (CAS No. 119446-68-3) (provided for in subheading 2934.90.12) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2166. 2,4-DICHLORO-3,5-DINITROBENZOTRIFLUORIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.12	2,4-Dichloro-3,5-dinitrobenzotrifluoride (CAS No. 29091-09-6) (provided for in subheading 2910.90.20) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2167. 2-CHLORO-N-[2,6-DINITRO-4-(TRIFLUOROMETHYL) PHENYL]-N-ETHYL-6-FLUOROBENZENEMETHANAMINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.15	2-Chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine (CAS No. 62924-70-3) (provided for in subheading 2921.49.45) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2168. CHLOROACETONE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.11	Chloroacetone (CAS No. 78-95-5) (provided for in subheading 2914.19.00) ...	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2169. ACETIC ACID, [(5-CHLORO-8-QUINOLINYL)OXY]-, 1-METHYLHEXYL ESTER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.60	Acetic acid, [(5-chloro-8-quinolinyloxy)-, 1-methylhexyl ester (CAS No. 99607-70-2) (provided for in subheading 2933.40.30) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2170. PROPANOIC ACID, 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]PHENOXY]-, 2-PROPYNYL ESTER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.19	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester (CAS No. 105512-06-9) (provided for in subheading 2933.39.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2171. MUCOCHLORIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.18	Mucochloric acid (CAS No. 87-56-9) (provided for in subheading 2918.30.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2172. CERTAIN ROCKET ENGINES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.12	Dual thrust chamber rocket engines each having a maximum static sea level thrust exceeding 3,550 kN and nozzle exit diameter exceeding 127 cm (provided for in subheading 8412.10.00) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2173. PIGMENT RED 144.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.11	Pigment Red 144 (CAS No. 5280-78-4) (provided for in subheading 3204.17.04) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2174. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B] [1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID, DIETHYL ESTER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.33	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid, diethyl ester (CAS No. 177575-19-8) (provided for in subheading 2934.90.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2175. 4-CHLOROPYRIDINE HYDROCHLORIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.34	4-Chloropyridine hydrochloride (CAS No. 7379-35-3) (provided for in subheading 2933.39.61) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2176. 4-PHENOXYPYRIDINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.35	4-Phenoxy pyridine (CAS No. 4783-86-2) (provided for in subheading 2933.39.61) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2177. (3S)-2,2-DIMETHYL-3-THIOMORPHOLINE CARBOXYLIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:



“	9902.32.36	(3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid (CAS No. 84915-43-5) (provided for in subheading 2934.90.90) .....	Free	No Change	No Change	On or before 12/31/2001	”.
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**SEC. 2178. 2-AMINO-5-BROMO-6-METHYL-4-(1H)-QUINAZOLINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.37	2-Amino-5-bromo-6-methyl-4-(1H)-quinazolinone (CAS No. 147149-89-1) (provided for in subheading 2933.59.70) .....	Free	No Change	No Change	On or before 12/31/2001	”.
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**SEC. 2179. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTIO)-4(1H)-QUINAZOLINONE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.38	2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone (CAS No. 147149-76-6) (provided for in subheading 2933.59.70) .....	Free	No Change	No Change	On or before 12/31/2001	”.
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**SEC. 2180. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B][1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.39	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid (CAS No. 177575-17-6) (provided for in subheading 2934.90.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2181. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTIO)-4(1H)-QUINAZOLINONE DIHYDROCHLORIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.40	2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone dihydrochloride (CAS No. 152946-68-4) (provided for in subheading 2933.59.70) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2182. 3-(ACETYLOXY)-2-METHYLBENZOIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.41	3-(Acetyloxy)-2-methylbenzoic acid (CAS No. 168899-58-9) (provided for in subheading 2918.29.65) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2183. [R-(R\*,R\*)]-1,2,3,4-BUTANETETROL-1,4-DIMETH- ANESULFONATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.42	[R-(R*,R*)]-1,2,3,4-Butanetetrol-1,4-dimethanesulfonate (CAS No. 1947-62-2) (provided for in subheading 2905.49.50) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2184. 9-[2-[[BIS- [(PIVALOYLOXY)METHOXY]PHOS- PHINYL]METHOXY] ETHYL]ADENINE (ALSO KNOWN AS ADEFOVIR DIPIVOXIL).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.01	9-[2-[[Bis[(pivaloyloxy)-methoxy]phosphinyl]- methoxy] ethyl]adenine (also known as Adefovir Dipivoxil) (CAS No. 142340-99-6) (provided for in subheading 2933.59.95) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2185. 9-[2-(R)-[[BIS[(ISOPROPOXYCARBONYL)OXY- METHOXY]-PHOSPHINOYL]METHOXY]-PROPYL]ADENINE FUMARATE (1:1).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.02	9-[2-(R)-[[Bis[(isopropoxy-carbonyl)oxymethoxy]-phosphinoyl]methoxy]-propyl]adenine fumarate (1:1) (CAS No. 202138-50-9) (provided for in subheading 2933.59.95) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2186. (R)-9-(2-PHOSPHONOMETHOXYPROPYL)ADE- NINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.03	(R)-9-(2-Phosphonomethoxypropyl)adenine (CAS No. 147127-20-6) (provided for in subheading 2933.59.95) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2187. (R)-1,3-DIOXOLAN-2-ONE, 4-METHYL-.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.04	(R)-1,3-Dioxolan-2-one, 4-methyl- (CAS No. 16606-55-6) (provided for in subheading 2920.90.50) .....	Free	No change	No change	On or before 12/31/2001	"
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**SEC. 2188. 9-(2-HYDROXYETHYL)ADENINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.05	9-(2-Hydroxyethyl)adenine (CAS No. 707-99-3) (provided for in subheading 2933.59.95) .....	Free	No change	No change	On or before 12/31/2001	"
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**SEC. 2189. (R)-9H-PURINE-9-ETHANOL, 6-AMINO- $\alpha$ -METHYL-.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.06	(R)-9H-Purine-9-ethanol, 6-amino- $\alpha$ -methyl- (CAS No. 14047-28-0) (provided for in subheading 2933.59.95) .....	Free	No change	No change	On or before 12/31/2001	"
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**SEC. 2190. CHLOROMETHYL-2-PROPYL CARBONATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.07	Chloromethyl-2-propyl carbonate (CAS No. 35180-01-9) (provided for in subheading 2920.90.50) .....	Free	No change	No change	On or before 12/31/2001	"
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**SEC. 2191. (R)-1,2-PROPANEDIOL, 3-CHLORO-.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.08	(R)-1,2-Propanediol, 3-chloro- (CAS No. 57090-45-6) (provided for in subheading 2905.50.60) .....	Free	No change	No change	On or before 12/31/2001	"
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**SEC. 2192. OXIRANE, (S)-((TRIPHENYLMETHOXY)METHYL)-.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.09	Oxirane, (S)-((triphenylmethoxy)methyl)- (CAS No. 129940-50-7) (provided for in subheading 2910.90.20) .....	Free	No change	No change	On or before 12/31/2001	"
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**SEC. 2193. CHLOROMETHYL PIVALATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.10	Chloromethyl pivalate (CAS No. 18997-19-8) (provided for in subheading 2915.90.50) .....	Free	No change	No change	On or before 12/31/2001	"
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**SEC. 2194. DIETHYL ((P-TOLUENESULFONYL)OXY)-METHYL)PHOSPHONATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.11	Diethyl ((p-toluenesulfonyl)oxy)methyl)phosphonate (CAS No. 31618-90-3) (provided for in subheading 2931.00.30) .....	Free	No change	No change	On or before 12/31/2001	"
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**SEC. 2195. BETA HYDROXYALKYLAMIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.25	N,N,N',N'-Tetrakis-(2-hydroxyethyl)-hexane diamide (beta hydroxyalkylamide) (CAS No. 6334-25-4) (provided for in subheading 3824.90.90) .....	Free	No change	No change	On or before 12/31/2001	"
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**SEC. 2196. GRILAMID TR90.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.12	Dodecanedioic acid, polymer with 4,4'-methylenebis (2-methylcyclohexanamine) (CAS No. 163800-66-6) (provided for in subheading 3908.90.70) .....	Free	No change	No change	On or before 12/31/2001	"
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**SEC. 2197. IN-W4280.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.51	2,4-Dichloro-5-hydroxy-phenylhydrazine (CAS No. 39807-21-1) (provided for in subheading 2928.00.25) .....	Free	No change	No change	On or before 12/31/2001	"
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**SEC. 2198. KL540.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.54	Methyl 4-trifluoromethoxyphenyl-N- (chlorocarbonyl) carbamate (CAS No. 173903-15-6) (provided for in subheading 2924.29.70) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2199. METHYL THIOGLYCOLATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.55	Methyl thioglycolate (CAS No. 2365-48-2) (provided for in subheading 2930.90.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2200. DPX-E6758.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.59	Phenyl (4,6-dimethoxy-pyrimidin-2-yl) carbamate (CAS No. 89392-03-0) (provided for in subheading 2933.59.70) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2201. ETHYLENE, TETRAFLUORO COPOLYMER WITH ETHYLENE (ETFE).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.68	Ethylene-tetrafluoro ethylene copolymer (ETFE) (provided for in subheading 3904.69.50) .....	3.3%	No change	No change	On or before 12/31/2001	”.
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**SEC. 2202. 3-MERCAPTO-D-VALINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.66	3-Mercapto-D-valine (CAS No. 52-67-5) (provided for in subheading 2930.90.45) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2203. P-ETHYLPHENOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.21	p-Ethylphenol (CAS No. 123-07-9) (provided for in subheading 2907.19.20) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2204. PANTERA.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.09	(+/-)- Tetrahydrofurfuryl (R)-2[4-(6-chloroquinoxalin-2-yloxy)phenoxy] propanoate (CAS No. 119738-06-6) (provided for in subheading 2909.30.40) and any mixtures containing such compound (provided for in subheading 3808.30) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2205. P-NITROBENZOIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.70	p-Nitrobenzoic acid (CAS No. 62-23-7) (provided for in subheading 2916.39.45) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2206. P-TOLUENESULFONAMIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.95	p-Toluenesulfonamide (CAS No. 70-55-3) (provided for in subheading 2935.00.95) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2207. POLYMERS OF TETRAFLUOROETHYLENE, HEXAFLUOROPROPYLENE, AND VINYLIDENE FLUORIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.04	Polymers of tetrafluoroethylene (provided for in subheading 3904.61.00), hexafluoropropylene and vinylidene fluoride (provided for in subheading 3904.69.50) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2208. METHYL 2-[[[4-(DIMETHYLAMINO)-6-(2,2,2- TRI- FLUOROETHOXY)-1,3,5-TRIAZIN-2-YL]AMINO]- CARBONYL]AMINO]SULFONYL]-3-METHYL- BEN- ZOATE (TRIFLUSULFURON METHYL).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.11	Methyl 2-[[[4- (dimethylamino)-6-(2,2,2- trifluoroethoxy)- 1,3,5-triazin-2-yl]amino]carbonyl]- amino]sulfonyl]-3-methylbenzoate (triflusulfuron methyl) in mixture with application adjuvants. (CAS No. 126535-15-7) (provided for in subheading 3808.30.15) .....	Free	No change	No change	On or before 12/31/ 2001	”.
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**SEC. 2209. CERTAIN MANUFACTURING EQUIPMENT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.84.79	Calendaring or other rolling machines for rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8420.10.90, 8420.91.90 or 8420.99.90) and material holding devices or similar attachments thereto .....	Free	No change	No change	On or before 12/31/ 2001	”.
	9902.84.81	Shearing machines to be used to cut metallic tissue for use in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or subheading 8466.94.85) .....	Free	No change	No change	On or before 12/31/ 2001	”.
	9902.84.83	Machine tools for working wire of iron or steel to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85) .....	Free	No change	No change	On or before 12/31/ 2001	”.
	9902.84.85	Extruders to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85) .....	Free	No change	No change	On or before 12/31/ 2001	”.
	9902.84.87	Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85) .....	Free	No change	No change	On or before 12/31/ 2001	”.
	9902.84.89	Sector mold press machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or subheading 8477.90.85) .....	Free	No change	No change	On or before 12/31/ 2001	”.
	9902.84.91	Sawing machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or subheading 8466.92.50) .....	Free	No change	No change	On or before 12/31/ 2001	”.

**SEC. 2210. TEXTURED ROLLED GLASS SHEETS.**

Subchapter II of chapter 99 is amended by striking heading 9902.70.03 and inserting the following:

“	9902.70.03	Rolled glass in sheets, yellow-green in color, not finished or edged-worked, textured on one surface, suitable for incorporation in cooking stoves, ranges, or ovens described in subheadings 8516.60.40 (provided for in subheading 7003.12.00 or 7003.19.00) .....	Free	No change	No change	On or before 12/31/ 2001	”.
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**SEC. 2211. CERTAIN HIV DRUG SUBSTANCES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.32.43	(S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide hydrochloride salt (CAS No. 149057-17-0)(provided for in subheading 2933.40.60) ....	Free	No change	No change	On or before 6/ 30/99	”.
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9902.32.44	(S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide sulfate salt (CAS No. 186537-30-4) (provided for in subheading 2933.40.60) .....	Free	No change	No change	On or before 6/30/99	
9902.32.45	(3S)-1,2,3,4-Tetrahydroisoquinoline-3-carboxylic acid (CAS No. 74163-81-8) (provided for in subheading 2933.40.60) .....	Free	No change	No change	On or before 6/30/99	''.

**SEC. 2212. RIMSULFURON.**

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.33.60	N-[[[4,6-Dimethoxy-2-pyrimidinyl]amino] carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 122931-48-0) (provided for in subheading 2935.00.75) .....	7.3%	No change	No change	On or before 12/31/99	''.
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(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.60, as added by subsection (a), is amended—

(1) by striking “7.3%” and inserting “Free”; and

(2) by striking “12/31/2000” and inserting “12/31/99”.

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

**SEC. 2213. CARBAMIC ACID (V-9069).**

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.33.61	((3-((Dimethylamino)carbonyl)-2-pyridinyl)sulfonyl) carbamic acid, phenyl ester (CAS No. 112006-94-7) (provided for in subheading 2935.00.75) .....	8.3%	No change	No change	On or before 12/31/99	''.
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(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.61, as added by subsection (a), is amended—

(1) by striking “8.3%” and inserting “7.6%”; and

(2) by striking “12/31/2000” and inserting “12/31/99”.

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

**SEC. 2214. DPX-E9260.**

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.33.63	3-(Ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 117671-01-9) (provided for in subheading 2935.00.75) .....	6%	No change	No change	On or before 12/31/99	''.
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(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.63, as added by subsection (a), is amended—

(1) by striking “6%” and inserting “5.3%”; and

(2) by striking “12/31/2000” and inserting “12/31/99”.

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

**SEC. 2215. ZIRAM.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.38.28	Ziram (provided for in subheading 3808.20.28) .....	Free	No change	No change	On or before 12/31/2001	''.
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**SEC. 2216. FERROBORON.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.72.02	Ferroboron to be used for manufacturing amorphous metal strip (provided for in subheading 7202.99.50) .....	Free	No change	No change	On or before 12/31/2001	''.
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**SEC. 2217. ACETIC ACID, [[2-CHLORO-4-FLUORO-5-[(TETRA-HYDRO-3-OXO-1H,3H-[1,3,4]THIADIAZOLO[3,4-a]PYRIDAZIN-1-YLIDENE)AMINO]PHENYL]- THIO]-, METHYL ESTER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.29.66	Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H,3H-[1,3,4]thiadiazolo- [3,4-a]pyridazin-1-ylidene)amino]phenyl]thio]-, methyl ester (CAS No. 117337-19-6) (provided for in subheading 2934.90.15) .....	Free	No change	No change	On or before 12/31/2001	''.
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**SEC. 2218. PENTYL[2-CHLORO-5-(CYCLOHEX-1-ENE-1,2-DI-CARBOXIMIDO)-4-FLUOROPHENOXY]ACETATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.33.66	Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate (CAS No. 87546-18-7) (provided for in subheading 2925.19.40) .....	Free	No change	No change	On or before 12/31/2001	''.
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**SEC. 2219. BENTAZON (3-ISOPROPYL)-1H-2,1,3-BENZO-THIADIAZIN-4(3H)-ONE-2,2-DIOXIDE).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.67	Bentazon (3-Isopropyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide) (CAS No. 50723-80-3) (provided for in subheading 2934.90.11) .....	5.0%	No change	No change	On or before 12/31/2001	”.
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**SEC. 2220. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS NOT MOUNTED IN THEIR ENCLOSURES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.20	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2221. PARTS FOR USE IN THE MANUFACTURE OF CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.21	Parts for use in the manufacture of loudspeakers of a type described in subheading 9902.85.20 (provided for in subheading 8518.90.80) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2222. 5-TERT-BUTYL-ISOPHTHALIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.12	5-tert-Butyl-iso-phthalic acid (CAS No. 2359-09-3) (provided for in subheading 2917.39.70) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2223. CERTAIN POLYMER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.07	A polymer of the following monomers: 1,4-benzenedicarboxylic acid, dimethyl ester (dimethyl terephthalate) (CAS No. 120-61-6); 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt (sodium dimethyl sulfoisophthalate) (CAS No. 3965-55-7); 1,2-ethanediol (ethylene glycol) (CAS No. 107-21-1); and 1,2-propanediol (propylene glycol) (CAS No. 57-55-6); with terminal units from 2-(2-hydroxyethoxy) ethanesulfonic acid, sodium salt (CAS No. 53211-00-0) (provided for in subheading 3907.99.00) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2224. 2-(4-CHLOROPHENYL)-3-ETHYL-2, 5-DIHYDRO-5-OXO-4-PYRIDAZINE CARBOXYLIC ACID, POTASSIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.16	2-(4-Chlorophenyl)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt (CAS No. 82697-71-0) (provided for in subheading 2933.90.79) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2225. PIGMENT RED 185.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

“	9902.32.26	Pigment Red 185 (CAS No. 51920-12-8) (provided for in subheading 3204.17.04) .....	Free	No change	No change	On or before 12/31/2002	”.
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**SEC. 2226. PIGMENT RED 208.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.27	Pigment Red 208 (CAS No. 31778-10-6) (provided for in subheading 3204.17.04) .....	Free	No change	No change	On or before 12/31/2002	”.
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**SEC. 2227. PIGMENT YELLOW 95.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.08	Pigment Yellow 95 (CAS No. 5280-80-8) (provided for in subheading 3204.17.04) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2228. PIGMENT YELLOW 93.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.13	Pigment Yellow 93 (CAS No. 5580-57-4) (provided for in subheading 3204.17.04) .....	Free	No change	No change	On or before 12/31/2001	”.
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**CHAPTER 3—EFFECTIVE DATE****SEC. 2301. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as otherwise provided in subsection (b) and in this subtitle, the amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.

**(b) RELIQUIDATION.—**

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper written request filed with the Customs Service not later than 120 days after the date of the enactment of this Act, any entry of an article described in heading 9902.32.18, 9902.32.19, 9902.32.22, 9902.32.26, or 9902.32.27 of the Harmonized Tariff Schedule of the United States (as added by sections 2129, 2130, 2131, 2225, and 2226, respectively) that was made—

(A) after December 31, 1996, and

(B) before the date that is 15 days after the date of enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred after the date that is 15 days after the date of enactment of this Act.

(2) REQUIREMENTS FOR REQUEST.—For purposes of paragraph (1), the request shall contain sufficient information to enable the Customs Service to—

(A) locate the entry relevant to the request, or

(B) if the entry cannot be located, reconstruct the entry.

**Subtitle B—Other Trade Provisions****SEC. 2401. EXTENSION OF UNITED STATES INSULAR POSSESSION PROGRAM.**

(a) IN GENERAL.—The additional U.S. notes to chapter 71 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following new note:

“3.(a) Notwithstanding any provision in additional U.S. note 5 to chapter 91, any article of jewelry provided for in heading 7113 which is the product of the Virgin Islands, Guam, or American Samoa (including any such article which contains any foreign component) shall be eligible for the benefits provided in paragraph (h) of additional U.S. note 5 to chapter 91, subject to the provisions and limitations of that note and of paragraphs (b), (c), and (d) of this note.

“(b) Nothing in this note shall result in an increase or a decrease in the aggregate amount referred to in paragraph (h)(iii) of, or the quantitative limitation otherwise established pursuant to the requirements of, additional U.S. note 5 to chapter 91.

“(c) Nothing in this note shall be construed to permit a reduction in the amount available to watch producers under paragraph (h)(iv) of additional U.S. note 5 to chapter 91.

“(d) The Secretary of Commerce and the Secretary of the Interior shall issue such regulations, not inconsistent with the provisions of this note and additional U.S. note 5 to chapter 91, as the Secretaries determine necessary to carry out their respective duties under this note. Such regulations shall not be inconsistent with substantial transformation requirements but may define the circumstances under which articles of jewelry shall be deemed to be ‘units’ for purposes of the benefits, provisions, and limitations of additional U.S. note 5 to chapter 91.

“(e) Notwithstanding any other provision of law, during the 2-year period beginning 45 days after the date of enactment of this note, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule.”.

(b) CONFORMING AMENDMENT.—General Note 3(a)(iv)(A) of the Harmonized Tariff Schedule of the United States is amended by inserting “and additional U.S. note 3(e) of chapter 71,” after “Tax Reform Act of 1986.”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect 45 days after the date of enactment of this Act.

**SEC. 2402. TARIFF TREATMENT FOR CERTAIN COMPONENTS OF SCIENTIFIC INSTRUMENTS AND APPARATUS.**

(a) IN GENERAL.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended in subdivision (a) by adding at the end the following new sentence: “The term ‘instruments and apparatus’ under subheading 9810.00.60 includes separable components of an instrument or apparatus listed in this subdivision that are imported for assembly in the United States in such instrument or apparatus where the instrument or apparatus, due to its size, cannot be feasibly imported in its assembled state.”.

(b) APPLICATION OF DOMESTIC EQUIVALENCY TEST TO COMPONENTS.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating subdivisions (d) through (f) as subdivisions (e) through (g), respectively; and

(2) by inserting after subdivision (c) the following:

“(d)(i) If the Secretary of Commerce determines under this U.S. note that an instrument or apparatus is being manufactured in the United States that is of equivalent scientific value to a foreign-origin instrument or apparatus for which application is made (but which, due to its size, cannot be feasibly imported in its assembled state), the Secretary shall report the findings to the Secretary of the Treasury and to the applicant institution, and all components of such foreign-origin instrument or apparatus shall remain dutiable.

“(ii) If the Secretary of Commerce determines that the instrument or apparatus for which application is made is not being manufactured in the United States, the Secretary is authorized to determine further whether any component of such instrument or apparatus of a type that may be purchased, obtained, or imported separately is being manufactured in the United States and shall report the findings to the Secretary of the Treasury and to the applicant institution, and any component found to be domestically available shall remain dutiable.

“(iii) Any decision by the Secretary of the Treasury which allows for duty-free entry of a component of an instrument or apparatus which, due to its size cannot be feasibly imported in its assembled state, shall be effective for a specified maximum period, to be determined in consultation with the Secretary of Commerce, taking into account both the scientific needs of the importing institution and the potential for development of comparable domestic manufacturing capacity.”.

(c) MODIFICATIONS OF REGULATIONS.—The Secretary of the Treasury and the Secretary of Commerce shall make such modifications to their joint regulations as are necessary to carry out the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 120 days after the date of the enactment of this Act.

**SEC. 2403. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.**

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the

United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate those entries made at Los Angeles, California, and New Orleans, Louisiana, which are listed in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce for shipments entered between October 1, 1984, and December 14, 1987 (case number A-274-001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
322 00298563	12/11/86	Los Angeles, California
322 00300567	12/11/86	Los Angeles, California
86-2909242	9/2/86	New Orleans, Louisiana
87- 05457388	1/9/87	New Orleans, Louisiana

**SEC. 2404. DRAWBACK AND REFUND ON PACKAGING MATERIAL.**

(a) IN GENERAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is further amended—

(1) by striking “Packaging material” and inserting the following:

“(1) IN GENERAL.—Packaging material”;

(2) by moving the remaining text 2 ems to the right; and

(3) by adding at the end the following:

“(2) ADDITIONAL ELIGIBILITY.—Packaging material produced in the United States, which is used by the manufacturer or any other person on or for articles which are exported or destroyed under subsection (a) or (b), shall be eligible under such subsection for refund, as drawback, of 99 percent of any duty, tax, or fee imposed on the importation of such material used to manufacture or produce the packaging material.”.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

**SEC. 2405. INCLUSION OF COMMERCIAL IMPORTATION DATA FROM FOREIGN-TRADE ZONES UNDER THE NATIONAL CUSTOMS AUTOMATION PROGRAM.**

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

“(c) FOREIGN-TRADE ZONES.—Not later than January 1, 2000, the Secretary shall provide for the inclusion of commercial importation data from foreign-trade zones under the Program.”.

**SEC. 2406. LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.**

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended by inserting after section 484a the following:

**“SEC. 484b. DEFERRAL OF DUTY ON LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, any vessel meeting the definition of a large yacht as provided in subsection (b) and which is otherwise dutiable may be imported without the payment of duty if imported with the intention to offer for sale at a boat show in the United



States. Payment of duty shall be deferred, in accordance with this section, until such large yacht is sold.

“(b) DEFINITION.—As used in this section, the term ‘large yacht’ means a vessel that exceeds 79 feet in length, is used primarily for recreation or pleasure, and has been previously sold by a manufacturer or dealer to a retail consumer.

“(c) DEFERRAL OF DUTY.—At the time of importation of any large yacht, if such large yacht is imported for sale at a boat show in the United States and is otherwise dutiable, duties shall not be assessed and collected if the importer of record—

“(1) certifies to the Customs Service that the large yacht is imported pursuant to this section for sale at a boat show in the United States; and

“(2) posts a bond, which shall have a duration of 6 months after the date of importation, in an amount equal to twice the amount of duty on the large yacht that would otherwise be imposed under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States.

“(d) PROCEDURES UPON SALE.—

“(1) DEPOSIT OF DUTY.—If any large yacht (which has been imported for sale at a boat show in the United States with the deferral of duties as provided in this section) is sold within the 6-month period after importation—

“(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

“(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

“(e) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

“(1) IN GENERAL.—If the large yacht entered with deferral of duties is neither sold nor exported within the 6-month period after importation—

“(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the

United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

“(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

“(2) ADDITIONAL REQUIREMENTS.—No extensions of the bond period shall be allowed. Any large yacht exported in compliance with the purposes of sale at a boat show in the United States (in order to receive duty deferral benefits) for a period of 3 months after such exportation.

“(f) REGULATIONS.—The Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any large yacht imported into the United States after the date that is 15 days after the date of the enactment of this Act.

#### SEC. 2407. REVIEW OF PROTESTS AGAINST DECISIONS OF CUSTOMS SERVICE.

Section 515(a) of the Tariff Act of 1930 (19 U.S.C. 1515(a)) is amended by inserting after the third sentence the following: “Within 30 days from the date an application for further review is filed, the appropriate customs officer shall allow or deny the application and, if allowed, the protest shall be forwarded to the customs officer who will be conducting the further review.”.

#### SEC. 2408. ENTRIES OF NAFTA-ORIGIN GOODS.

(a) REFUND OF MERCHANDISE PROCESSING FEES.—Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1) by inserting “(including any merchandise processing fees)” after “excess duties”.

(b) PROTEST AGAINST DECISION OF CUSTOMS SERVICE RELATING TO NAFTA CLAIMS.—Section 514(a)(7) of such Act (19 U.S.C. 1514(a)(7)) is amended by striking “section 520(c)” and inserting “subsection (c) or (d) of section 520”.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

#### SEC. 2409. TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE HELD AT CUSTOMS-APPROVED STORAGE ROOMS.

Section 557(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1557(a)(1)) is amended in the first sentence by inserting “(including international travel merchandise)” after “Any merchandise subject to duty”.

#### SEC. 2410. EXCEPTION TO 5-YEAR REVIEWS OF COUNTERVAILING DUTY OR ANTI-DUMPING DUTY ORDERS.

Section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) is amended by adding at the end the following:

“(7) EXCLUSIONS FROM COMPUTATIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), there shall be excluded from the computation of the 5-year period described in paragraph (1) and the periods described in paragraph (6) any period during which the importation of the subject merchandise is prohibited on account of the imposition, under the International Emergency Economic Powers Act or other provision of law, of sanctions by the United States against the country in which the subject merchandise originates.

“(B) APPLICATION OF EXCLUSION.—Subparagraph (A) shall apply only with respect to subject merchandise which originates in a country that is not a WTO member.”.

#### SEC. 2411. WATER RESISTANT WOOL TROUSERS.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service within 180 days after the date of enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) that was made after December 31, 1988, and before January 1, 1995; and

(2) that would have been classifiable under subheading 6203.41.05 or 6204.61.10 of the Harmonized Tariff Schedule of the United States and would have had a lower rate of duty, if such entry or withdrawal had been made on January 1, 1995,

shall be liquidated or reliquidated as if such entry or withdrawal had been made on January 1, 1995.

#### SEC. 2412. REIMPORTATION OF CERTAIN GOODS.

(a) IN GENERAL.—Subchapter I of chapter 98 is amended by inserting in numerical sequence the following new heading:

“	9801.00.26	Articles, previously imported, with respect to which the duty was paid upon such previous importation, if (1) exported within 3 years after the date of such previous importation, (2) sold for exportation and exported to individuals for personal use, (3) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, (4) reimported as personal returns from those individuals, whether or not consolidated with other personal returns prior to reimportation, and (5) reimported by or for the account of the person who exported them from the United States within 1 year of such exportation .....	Free			Free	”.
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(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods described in heading 9801.00.26 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that are reimported into the United States on or after

the date that is 15 days after the date of enactment of this Act.

#### SEC. 2413. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the

United States is amended by inserting in numerical sequence the following new heading:

“	9902.98.08	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1999 International Special Olympics, the 1999 Women's World Cup Soccer, the 2001 International Special Olympics, the 2002 Salt Lake City Winter Olympics, and the 2002 Winter Paralympic Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing events by or on behalf of the foregoing persons or the organizing committees of such events; articles to be used in exhibitions depicting the culture of a country participating in any such event; and, if consistent with the foregoing, such other articles as the Secretary of Treasury may allow .....	Free	No change	Free	On or before 12/31/2002	”.
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(b) TAXES AND FEES NOT TO APPLY.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) NO EXEMPTION FROM CUSTOMS INSPECTIONS.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

(2) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the Customs Service on or before the 90th day after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any article described in subheading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that was made—

(A) after May 15, 1999, and

(B) before the date of enactment of this Act, shall be liquidated or reliquidated as though such entry or withdrawal occurred on the date of enactment of this Act.

**SEC. 2414. RELIQUIDATION OF CERTAIN ENTRIES OF THERMAL TRANSFER MULTI-FUNCTION MACHINES.**

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.21.00 of the Harmonized Tariff Schedule of the United States (relating to indirect electrostatic copiers) or subheading 9009.12.00 of such Schedule (relating to indirect electrostatic copiers), at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8471.60.65 of the Harmonized Tariff Schedule of the United States (relating to other automated data processing (ADP) thermal transfer printer units) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Liquidation date
01/17/97	112-9638417-3	02/21/97
01/10/97	112-9637684-9	03/07/97
01/03/97	112-9636723-6	04/18/97
01/10/97	112-9637686-4	03/07/97
02/21/97	112-9642157-9	09/12/97
02/14/97	112-9641619-9	06/06/97
02/14/97	112-9641693-4	06/06/97
02/21/97	112-9642156-1	09/12/97
02/28/97	112-9643326-9	09/12/97
03/18/97	112-9645336-6	09/19/97
03/21/97	112-9645682-3	09/19/97
03/21/97	112-9645681-5	09/19/97
03/21/97	112-9645698-9	09/19/97
03/14/97	112-9645026-3	09/19/97
03/14/97	112-9645041-2	09/19/97
03/20/97	112-9646075-9	09/19/97
04/04/97	112-9647309-1	09/19/97
04/04/97	112-9647312-5	09/19/97
04/04/97	112-9647316-6	09/19/97
04/11/97	112-9300151-5	10/31/97
04/11/97	112-9300287-7	09/26/97
04/11/97	112-9300308-1	02/20/98
04/10/97	112-9300356-0	09/26/97
04/16/97	112-9301387-4	09/26/97
04/22/97	112-9301602-6	09/26/97
04/18/97	112-9301627-3	09/26/97
04/25/97	112-9301615-8	09/26/97
04/25/97	112-9302445-9	10/31/97
04/25/97	112-9302298-2	09/26/97
04/04/97	112-9302371-7	09/26/97
05/30/97	112-9306718-5	09/26/97
05/19/97	112-9304958-9	09/26/97
05/16/97	112-9305030-6	09/26/97
05/09/97	112-9303707-1	09/26/97
05/31/97	112-9306470-3	09/26/97
05/02/97	112-9302717-1	09/19/97
06/20/97	112-9308793-6	09/26/97

**SEC. 2415. RELIQUIDATION OF CERTAIN DRAWBACK ENTRIES AND REFUND OF DRAWBACK PAYMENTS.**

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, the Customs Service shall, not later than 180 days after the date of enactment of this Act, liquidate or reliquidate the entries described in subsection (b) and any amounts owed by the United States pursuant to the liquidation or reliquidation shall be refunded with interest, subject to the provisions of Treasury Decision 86-126(M) and Customs Service Ruling No. 224697, dated November 17, 1994.

(b) ENTRIES DESCRIBED.—The entries described in this subsection are the following:

Entry number:	Date of entry:
855218319 .....	July 18, 1985
855218429 .....	August 15, 1985
855218649 .....	September 13, 1985
866000134 .....	October 4, 1985
866000257 .....	November 14, 1985
866000299 .....	December 9, 1985
866000451 .....	January 14, 1986
866001052 .....	February 13, 1986
866001133 .....	March 7, 1986
866001269 .....	April 9, 1986
866001366 .....	May 9, 1986
866001463 .....	June 6, 1986
866001573 .....	July 7, 1986
866001586 .....	July 7, 1986
866001599 .....	July 7, 1986
866001913 .....	August 8, 1986
866002255 .....	September 10, 1986
866002297 .....	September 23, 1986
03200000010 .....	October 3, 1986
03200000028 .....	November 13, 1986
03200000036 .....	November 26, 1986

**SEC. 2416. CLARIFICATION OF ADDITIONAL U.S. NOTE 4 TO CHAPTER 91 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.**

Additional U.S. note 4 of chapter 91 of the Harmonized Tariff Schedule of the United States is amended in the matter preceding subdivision (a), by striking the comma after "stamping" and inserting "(including by means of indelible ink)."

**SEC. 2417. DUTY-FREE SALES ENTERPRISES.**

Section 555(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(2)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following new subparagraph:

"(C) a port of entry, as established under section 1 of the Act of August 24, 1912 (37 Stat. 434), or within 25 statute miles of a staffed port of entry if reasonable assurance can be provided that duty-free merchandise sold by the enterprise will be exported by individuals departing from the customs territory through an international airport located within the customs territory."

#### SEC. 2418. CUSTOMS USER FEES.

(a) ADDITIONAL PRECLEARANCE ACTIVITIES.—Section 13031(f)(3)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)(iii)) is amended to read as follows:

"(iii) to the extent funds remain available after making reimbursements under clause (ii), in providing salaries for up to 50 full-time equivalent inspectional positions to provide preclearance services."

(b) COLLECTION OF FEES FOR PASSENGERS ABOARD COMMERCIAL VESSELS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(1) in subsection (a), by amending paragraph (5) to read as follows:

"(5)(A) Subject to subparagraph (B), for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States (other than a place referred to in subsection (b)(1)(A)(i) of this section), \$5.

"(B) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A)(i) of this section, \$1.75"; and

(2) in subsection (b)(1)(A), by striking "(A) No fee" and inserting "(A) Except as provided in subsection (a)(5)(B) of this section, no fee";

(c) USE OF MERCHANDISE PROCESSING FEES FOR AUTOMATED COMMERCIAL SYSTEMS.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended by adding at the end the following:

"(6) Of the amounts collected in fiscal year 1999 under paragraphs (9) and (10) of subsection (a), \$50,000,000 shall be available to the Customs Service, subject to appropriations Acts, for automated commercial systems. Amounts made available under this paragraph shall remain available until expended."

(d) ADVISORY COMMITTEE.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

"(k) ADVISORY COMMITTEE.—The Commissioner of Customs shall establish an advisory committee whose membership shall consist of representatives from the airline, cruise ship, and other transportation industries who may be subject to fees under subsection (a). The advisory committee shall not be subject to termination under section 14 of the Federal Advisory Committee Act. The advisory committee shall meet on a periodic basis and shall advise the Commissioner on issues related to the performance of the inspectional services of the United States Customs Service. Such advice shall include, but not be limited to, such issues as the time periods during which such services should be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fee. The Commissioner shall give consideration to the views of the advisory committee in the exercise of his or her duties."

(e) NATIONAL CUSTOMS AUTOMATION TEST REGARDING RECONCILIATION.—Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by adding at the end the following: "For the period beginning on October 1, 1998, and ending on the date on which the 'Revised

National Customs Automation Test Regarding Reconciliation' of the Customs Service is terminated, or October 1, 2000, whichever occurs earlier, the Secretary may prescribe an alternative mid-point interest accounting methodology, which may be employed by the importer, based upon aggregate data in lieu of accounting for such interest from each deposit data provided in this subsection."

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

#### SEC. 2419. DUTY DRAWBACK FOR METHYL TERTIARY-BUTYL ETHER ("MTBE").

(a) IN GENERAL.—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended by striking "and 2902" and inserting "2902, and 2909.19.14".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act, and shall apply to drawback claims filed on and after such date.

#### SEC. 2420. SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.

(a) IN GENERAL.—Section 313(p)(1) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(1)) is amended in the matter following subparagraph (C) by striking "the amount of the duties paid on, or attributable to, such qualified article shall be refunded as drawback to the drawback claimant." and inserting "drawback shall be allowed as described in paragraph (4)".

(b) REQUIREMENTS.—Section 313(p)(2) of such Act (19 U.S.C. 1313(p)(2)) is amended—

(1) in subparagraph (A)—

(A) in clauses (i), (ii), and (iii), by striking "the qualified article" each place it appears and inserting "a qualified article"; and

(B) in clause (iv), by striking "an imported" and inserting "a"; and

(2) in subparagraph (G), by inserting "transferor," after "importer,".

(c) QUALIFIED ARTICLE DEFINED, ETC.—Section 313(p)(3) of such Act (19 U.S.C. 1313(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking "liquids, pastes, powders, granules, and flakes" and inserting "the primary forms provided under Note 6 to chapter 39 of the Harmonized Tariff Schedule of the United States"; and

(B) in clause (ii)—

(i) in subclause (I) by striking "or" at the end;

(ii) in subclause (II) by striking the period and inserting ", or"; and

(iii) by adding after subclause (II) the following:

"(III) an article of the same kind and quality as described in subparagraph (B), or any combination thereof, that is transferred, as so certified in a certificate of delivery or certificate of manufacture and delivery in a quantity not greater than the quantity of articles purchased or exchanged.

The transferred merchandise described in subclause (III), regardless of its origin, so designated on the certificate of delivery or certificate of manufacture and delivery shall be the qualified article for purposes of this section. A party who issues a certificate of delivery, or certificate of manufacture and delivery, shall also certify to the Commissioner of Customs that it has not, and will not, issue such certificates for a quantity greater than the amount eligible for drawback and that appropriate records will be maintained to demonstrate that fact."

(2) in subparagraph (B), by striking "exported article" and inserting "article, including an imported, manufactured, substituted, or exported article,"; and

(3) in the first sentence of subparagraph (C), by striking "such article." and inserting

"either the qualified article or the exported article."

(d) LIMITATION ON DRAWBACK.—Section 313(p)(4)(B) of such Act (19 U.S.C. 1313(p)(4)(B)) is amended by inserting before the period at the end the following: "had the claim qualified for drawback under subsection (j)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 632(a)(6) of the North American Free Trade Agreement Implementation Act. For purposes of section 632(b) of that Act, the 3-year requirement set forth in section 313(r) of the Tariff Act of 1930 shall not apply to any drawback claim filed within 6 months after the date of enactment of this Act for which that 3-year period would have expired.

#### SEC. 2421. DUTY ON CERTAIN IMPORTATIONS OF MUESLIX CEREALS.

(a) BEFORE JANUARY 1, 1996.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1991, and before January 1, 1996, of mueslix cereal, which was classified in subheading 2008.92.10 of the Harmonized Tariff Schedule of the United States and to which the column 1 special rate of duty applicable for goods of Canada applied—

(1) shall be liquidated or reliquidated as if the column one special rate of duty applicable for goods of Canada in subheading 1904.10.00 of such Schedule applied to such mueslix cereal at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

(b) AFTER DECEMBER 31, 1995.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1995, and before January 1, 1998, of mueslix cereal, which was classified in subheading 1904.20.10 of the Harmonized Tariff Schedule of the United States and to which the column 1 special rate of duty applicable for goods of special column rate applicable for Canada applied—

(1) shall be liquidated or reliquidated as if the column 1 special rate of duty applicable for goods of Canada in subheading 1904.10.00 of such Schedule applied to such mueslix cereal at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

#### SEC. 2422. EXPANSION OF FOREIGN TRADE ZONE NO. 143.

(a) EXPANSION OF FOREIGN TRADE ZONE.—The Foreign Trade Zones Board shall expand Foreign Trade Zone No. 143 to include areas in the vicinity of the Chico Municipal Airport in accordance with the application submitted by the Sacramento-Yolo Port District of Sacramento, California, to the Board on March 11, 1997.

(b) OTHER REQUIREMENTS NOT AFFECTED.—The expansion of Foreign Trade Zone No. 143 under subsection (a) shall not relieve the Port of Sacramento of any requirement under the Foreign Trade Zones Act, or under regulations of the Foreign Trade Zones Board, relating to such expansion.

#### SEC. 2423. MARKING OF CERTAIN SILK PRODUCTS AND CONTAINERS.

(a) IN GENERAL.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(l) by redesignating subsections (h), (i), (j), and (k) as subsections (i), (j), (k), and (l), respectively; and

(2) by inserting after subsection (g) the following new subsection:

“(h) MARKING OF CERTAIN SILK PRODUCTS.—The marking requirements of subsections (a) and (b) shall not apply either to—

“(1) articles provided for in subheading 6214.10.10 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1997; or

“(2) articles provided for in heading 5007 of the Harmonized Tariff Schedule of the United States as in effect on January 1, 1997.”.

(b) CONFORMING AMENDMENT.—Section 304(j) of such Act, as redesignated by subsection (a)(1) of this section, is amended by striking “subsection (h)” and inserting “subsection (i)”.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

**SEC. 2424. EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF MONGOLIA.**

(a) FINDINGS.—The Congress finds that Mongolia—

(1) has received normal trade relations treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974;

(2) has emerged from nearly 70 years of communism and dependence on the former Soviet Union, approving a new constitution in 1992 which has established a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and an independent judiciary;

(3) has held 4 national elections under the new constitution, 2 presidential and 2 parliamentary, thereby solidifying the nation's transition to democracy;

(4) has undertaken significant market-based economic reforms, including privatization, the reduction of government subsidies, the elimination of most price controls and virtually all import tariffs, and the closing of insolvent banks;

(5) has concluded a bilateral trade treaty with the United States in 1991, and a bilateral investment treaty in 1994;

(6) has acceded to the Agreement Establishing the World Trade Organization, and extension of unconditional normal trade relations treatment to the products of Mongolia would enable the United States to avail itself of all rights under the World Trade Organization with respect to Mongolia; and

(7) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO MONGOLIA.—

(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Mongolia; and

(B) after making a determination under subparagraph (A) with respect to Mongolia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Mongolia, title IV of the Trade Act of 1974 shall cease to apply to that country.

**SEC. 2425. ENHANCED CARGO INSPECTION PILOT PROGRAM.**

(a) IN GENERAL.—The Commissioner of Customs is authorized to establish a pilot program for fiscal year 1999 to provide 24-hour cargo inspection service on a fee-for-service basis at an international airport described in subsection (b). The Commissioner may extend the pilot program for fiscal years after fiscal year 1999 if the Commissioner determines that the extension is warranted.

(b) AIRPORT DESCRIBED.—The international airport described in this subsection is a multi-modal international airport that—

- (1) is located near a seaport; and
- (2) serviced more than 185,000 tons of air cargo in 1997.

**SEC. 2426. PAYMENT OF EDUCATION COSTS OF DEPENDENTS OF CERTAIN CUSTOMS SERVICE PERSONNEL.**

Notwithstanding section 2164 of title 10, United States Code, the Department of Defense shall permit the dependent children of deceased United States Customs Aviation Group Supervisor Pedro J. Rodriguez attending the Antilles Consolidated School System in Puerto Rico, to complete their primary and secondary education within this school system without cost to such children or any parent, relative, or guardian of such children. The United States Customs Service shall reimburse the Department of Defense for reasonable education expenses to cover these costs.

**TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986**

**SEC. 3001. PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.**

(a) REPEAL OF PROPERTY SUBJECT TO A LIABILITY TEST.—

(1) SECTION 357.—Section 357(a)(2) of the Internal Revenue Code of 1986 (relating to assumption of liability) is amended by striking “, or acquires from the taxpayer property subject to a liability”.

(2) SECTION 358.—Section 358(d)(1) of such Code (relating to assumption of liability) is amended by striking “or acquired from the taxpayer property subject to a liability”.

(3) SECTION 368.—

(A) Section 368(a)(1)(C) of such Code is amended by striking “, or the fact that property acquired is subject to a liability.”.

(B) The last sentence of section 368(a)(2)(B) of such Code is amended by striking “, and the amount of any liability to which any property acquired from the acquiring corporation is subject.”.

(b) CLARIFICATION OF ASSUMPTION OF LIABILITY.—

(1) IN GENERAL.—Section 357 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.—

“(1) IN GENERAL.—For purposes of this section, section 358(d), section 362(d), section 368(a)(1)(C), and section 368(a)(2)(B), except as provided in regulations—

“(A) a recourse liability (or portion thereof) shall be treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to, satisfy such liability (or portion), whether or not the transferor has been relieved of such liability; and

“(B) except to the extent provided in paragraph (2), a nonrecourse liability shall be treated as having been assumed by the transferee of any asset subject to such liability.

“(2) EXCEPTION FOR NONRECOURSE LIABILITY.—The amount of the nonrecourse liability treated as described in paragraph (1)(B) shall be reduced by the lesser of—

“(A) the amount of such liability which an owner of other assets not transferred to the

transferee and also subject to such liability has agreed with the transferee to, and is expected to, satisfy; or

“(B) the fair market value of such other assets (determined without regard to section 7701(g)).

“(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 362(d). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated, where appropriate, elsewhere in this title.”.

(2) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—Section 362 of such Code is amended by adding at the end the following new subsection:

“(d) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—

“(1) IN GENERAL.—In no event shall the basis of any property be increased under subsection (a) or (b) above the fair market value of such property (determined without regard to section 7701(g)) by reason of any gain recognized to the transferor as a result of the assumption of a liability.

“(2) TREATMENT OF GAIN NOT SUBJECT TO TAX.—Except as provided in regulations, if—

“(A) gain is recognized to the transferor as a result of an assumption of a nonrecourse liability by a transferee which is also secured by assets not transferred to such transferee; and

“(B) no person is subject to tax under this title on such gain,

then, for purposes of determining basis under subsections (a) and (b), the amount of gain recognized by the transferor as a result of the assumption of the liability shall be determined as if the liability assumed by the transferee equaled such transferee's ratable portion of such liability determined on the basis of the relative fair market values (determined without regard to section 7701(g)) of all of the assets subject to such liability.”.

(c) APPLICATION TO PROVISIONS OTHER THAN SUBCHAPTER C.—

(1) SECTION 584.—Section 584(h)(3) of the Internal Revenue Code of 1986 is amended—

(A) by striking “, and the fact that any property transferred by the common trust fund is subject to a liability,” in subparagraph (A); and

(B) by striking clause (ii) of subparagraph (B) and inserting:

“(ii) ASSUMED LIABILITIES.—For purposes of clause (i), the term ‘assumed liabilities’ means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A).

“(C) ASSUMPTION.—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(d) shall apply.”.

(2) SECTION 1031.—The last sentence of section 1031(d) of such Code is amended—

(A) by striking “assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability” and inserting “assumed (as determined under section 357(d)) a liability of the taxpayer”; and

(B) by striking “or acquisition (in the amount of the liability)”.

(d) CONFORMING AMENDMENTS.—

(1) Section 351(h)(1) of the Internal Revenue Code of 1986 is amended by striking “, or acquires property subject to a liability.”.

(2) Section 357 of such Code is amended by striking “or acquisition” each place it appears in subsection (a) or (b).

(3) Section 357(b)(1) of such Code is amended by striking “or acquired”.

(4) Section 357(c)(1) of such Code is amended by striking “, plus the amount of the liabilities to which the property is subject.”.

(5) Section 357(c)(3) of such Code is amended by striking "or to which the property transferred is subject".

(6) Section 358(d)(1) of such Code is amended by striking "or acquisition (in the amount of the liability)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after October 18, 1998.

#### WARNER (AND LEVIN) AMENDMENT NO. 482

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 273, line 20, strike "a period;" and insert " ", except that this clause does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.;".

#### SCHUMER AMENDMENT NO. 483

Mr. LEVIN (for Mr. SCHUMER) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 417, in the table preceding line 1, strike "\$12,800,000" in the amount column of the item relating to Rome Laboratory, New York, and insert "\$25,800,000".

On page 420, between lines 17 and 18, insert the following:

#### SEC. 2305. CONSOLIDATION OF AIR FORCE RESEARCH LABORATORY FACILITIES AT ROME RESEARCH SITE, ROME, NEW YORK.

The Secretary of the Air Force may accept contributions from the State of New York in addition to amounts authorized in section 2304(a)(1) for the project authorized by section 2301(a) for Rome Laboratory, New York, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York.

#### BENNETT AMENDMENT NO. 484

Mr. WARNER (for Mr. BENNETT) proposed an amendment to the bill, S. 1059, supra; as follows:

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

#### SEC. 2832. REPAIR AND CONVEYANCE OF RED BUTTE DAM AND RESERVOIR, SALT LAKE CITY, UTAH.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army may convey, without consideration, to the Central Utah Water Conservancy District, Utah (in this section referred to as the "District"), all right, title, and interest of the United States in and to the real property, including the dam, spillway, and any other improvements thereon, comprising the Red Butte Dam and Reservoir, Salt Lake City, Utah. The Secretary shall make the conveyance without regard to the department or agency of the Federal Government having jurisdiction over Red Butte Dam and Reservoir.

(b) PROVISION OF FUNDS.—Not later than 60 days after the date of the enactment of this Act, the Secretary may make funds available to the District for purposes of the improvement of Red Butte Dam and Reservoir to meet the standards applicable to the dam and reservoir under the laws of the State of Utah.

(c) USE OF FUNDS.—The District shall use funds made available to the District under subsection (b) solely for purposes of improving Red Butte Dam and Reservoir to meet the standards referred to in that subsection.

(d) RESPONSIBILITY FOR MAINTENANCE AND OPERATION.—Upon the conveyance of Red

Butte Dam and Reservoir under subsection (a), the District shall assume all responsibility for the operation and maintenance of Red Butte Dam and Reservoir for fish, wildlife, and flood control purposes in accordance with the repayment contract or other applicable agreement between the District and the Bureau of Reclamation with respect to Red Butte Dam and Reservoir.

(e) DESCRIPTION OF PROPERTY.—The legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### BIDEN AMENDMENT NO. 485

Mr. LEVIN (for Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 11, increase the amount by \$3,000,000.

On page 29, line 14, reduce the amount by \$3,000,000.

#### ROBERTS AMENDMENT NO. 486

Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 10, increase the amount by \$3,000,000.

On page 29, line 14, reduce the amount by \$3,000,000.

#### KENNEDY AMENDMENT NO. 487

Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of title 8 insert:

#### SEC. [SC099.447]. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

EXTENSION OF REQUIREMENT.—Subsection (k) of section 2323 of title 10, United States Code, is amended by striking "2000" both places it appears and inserting "2003".

#### MCCAIN AMENDMENT NO. 488

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of subtitle D of title VI, add the following new section:

#### SEC. 659. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

#### "§1413. Special compensation for certain severely disabled uniformed services retirees

"(a) AUTHORITY.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) AMOUNT.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

"(1) For any month for which the retiree has a qualifying service-connected disability rated as total, \$300.

"(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, \$200.

"(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, \$100.

"(c) ELIGIBLE MEMBERS.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who—

"(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

"(2) has a qualifying service-connected disability.

"(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

"(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

"(2) is rated as not less than 70 percent disabling—

"(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

"(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

"(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

"(f) SOURCE OF FUNDS.—Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

"(g) OTHER DEFINITIONS.—In this section:

"(1) The term 'service-connected' has the meaning give that term in section 101 of title 38.

"(2) The term 'disability rated as total' means—

"(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) a disability for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

"(3) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1413. Special compensation for certain severely disabled uniformed services retirees."

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

#### HARKIN (AND OTHERS) AMENDMENT NO. 489

Mr. LEVIN (for Mr. HARKIN, for himself, Mr. FEINGOLD, and Mr. CONRAD) proposed an amendment to the bill, S. 1059, supra; as follows:

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

**SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.**

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

- (1) The Army Reserve Personnel Command.
- (2) The Bureau of Naval Personnel.
- (3) The Air Force Personnel Center.
- (4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term "decoration" means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

**LOTT AMENDMENT NO. 490**

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 283, line 18, strike "(h)" and insert the following:

(h) RELATIONSHIP TO PREFERENCE ON TRANSPORTATION OF SUPPLIES.—Nothing in this section shall be construed as modifying, superseding, impairing, or restricting requirements, authorities, or responsibilities under section 2631 of title 10, United States Code.

(i)

**BINGAMAN AMENDMENT NO. 491**

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, between lines 11 and 12, insert the following:

**SEC. 1032. REPORT ON USE OF NATIONAL GUARD FACILITIES AND INFRASTRUCTURE FOR SUPPORT OF PROVISION OF VETERANS SERVICES.**

(a) REPORT.—(1) The Chief of the National Guard Bureau shall, in consultation with the Secretary of Veterans Affairs, submit to the Secretary of Defense a report assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary. The report shall include an assessment of any costs and benefits associated with the use of such facilities and infrastructure for such support.

(2) The Secretary of Defense shall transmit to Congress the report submitted under paragraph (1), together with any comments on the report that the Secretary considers appropriate.

(b) TRANSMITTAL DATE.—The report shall be transmitted under subsection (a)(2) not later than April 1, 2000.

**SESSIONS AMENDMENT NO. 492**

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title II, at the end of the subtitle C, add the following:

**SEC. 225. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.**

It is the Sense of Congress that—

(1) because technology development provides the basis for future weapon systems, it is important to maintain a healthy funding balance between ballistic missile defense technology development and ballistic missile defense acquisition programs;

(2) funding planned within the future years defense program of the Department of Defense should be sufficient to support the development of technology for future and follow-on ballistic missile defense systems while simultaneously supporting ballistic missile defense acquisition programs;

(3) the Secretary of Defense should seek to ensure that funding in the future years defense program is adequate for both advanced ballistic missile defense technology development and for existing ballistic missile defense acquisition programs; and

(4) the Secretary should submit a report to the congressional defense committees by March 15, 2000, on the Secretary's plan for dealing with the matters identified in this section.

**CONRAD AMENDMENT NO. 493**

Mr. LEVIN (for Mr. CONRAD) proposed an amendment to the bill, S. 1059, supra; as follows:

In title II, at the end of subtitle C, add the following:

**SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.**

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages or disadvantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of the worldwide ballistic missile threat, defensive coverage, redundancy and survivability, and economies of scale.

**ALLARD AMENDMENT NO. 494**

Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 578, below line 21, add the following:

**SEC. 3179. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.**

(a) REPORT.—Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site effect ongoing cleanup at the site.

(2) Whether the Secretary of Energy could provide flexibility to the contractor at the site in order to quicken the cleanup of the site.

(3) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to quicken the closure of the site.

(4) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the site.

(5) The possibility of closure of the site by 2006.

(6) The actions that could be taken by the Secretary or Congress to ensure that the site would be closed by 2006.

**CLELAND AMENDMENT NO. 495**

Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in title VI, add the following:

**Subtitle —Montgomery GI Bill Benefits and Other Education Benefits**

**PART I—MONTGOMERY GI BILL BENEFITS**

**SEC. 6. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR FULL-TIME EDUCATION.**

(a) INCREASE.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking "\$528" and inserting "\$600"; and

(2) in subsection (b)(1), by striking "\$429" and inserting "\$488".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under subsection (g) of section 3015 of title 38, United States Code, for fiscal year 2000.

**SEC. 6. TERMINATION OF REDUCTIONS OF BASIC PAY.**

(a) REPEALS.—(1) Section 3011 of title 38, United States Code, is amended by striking subsection (b).

(2) Section 3012 of such title is amended by striking subsection (c).

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act and shall apply to individuals whose initial obligated period of active duty under section 3011 or 3012 of title 38, United States Code, as the case may be, begins on or after such date.

(b) TERMINATION OF REDUCTIONS IN PROGRESS.—Any reduction in the basic pay of an individual referred to in section 3011(b) of title 38, United States Code, by reason of such section 3011(b), or of any individual referred to in section 3012(c) of such title by reason of such section 3012(c), as of the date of the enactment of this Act shall cease commencing with the first month beginning after such date, and any obligation of such individual under such section 3011(b) or 3012(c), as the case may be, as of the day before such date shall be deemed to be fully satisfied as of such date.

(c) CONFORMING AMENDMENT.—Section 3034(e)(1) of title 38, United States Code, is amended in the second sentence by striking "as soon as practicable" and all that follows through "such additional times" and inserting "at such times".

**SEC. 6. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE.**

Section 3014 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary shall pay"; and

(2) by adding at the end the following new subsection (b):

"(b)(1) Whenever the Secretary determines it appropriate under the regulations prescribed pursuant to paragraph (6), the Secretary may make payments of basic educational assistance under this subchapter on an accelerated basis.

"(2) The Secretary may pay basic educational assistance on an accelerated basis only to an individual entitled to payment of such assistance under this subchapter who has made a request for payment of such assistance on an accelerated basis.

"(3) If an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of such assistance is made on an accelerated basis under this subsection, the Secretary shall—

"(A) pay on an accelerated basis the amount such assistance otherwise payable under this subchapter for the period without regard to the adjustment under that section; and

"(B) pay on the date of the adjustment any additional amount of such assistance that is payable for the period as a result of the adjustment.

"(4) The entitlement to basic educational assistance under this subchapter of an individual who is paid such assistance on an accelerated basis under this subsection shall be charged at a rate equal to one month for each month of the period covered by the accelerated payment of such assistance.

"(5) Basic educational assistance shall be paid on an accelerated basis under this subsection as follows:

"(A) In the case of assistance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly assistance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of assistance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the request for payment by the individual concerned; and

"(ii) in any amount requested by the individual concerned up to the aggregate amount of monthly assistance otherwise payable under this subchapter for the period of the course.

"(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational assistance on an accelerated basis under this subsection. Such regulations shall specify the circumstances under which accelerated payments may be made and include requirements relating to the request for, making and delivery of, and receipt and use of such payments."

**SEC. 6. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE BY CERTAIN MEMBERS OF THE ARMED FORCES.**

(a) **AUTHORITY TO TRANSFER TO FAMILY MEMBERS.**—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

**"§ 3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces**

"(a)(1) Subject to the provisions of this section, the Secretary concerned may, for the purpose of enhancing recruiting and retention and at that Secretary's sole discretion, permit an individual described in paragraph (2) who is entitled to basic educational assistance under this subchapter to elect to transfer such individual's entitlement to such assistance, in whole or in part, to the dependents specified in subsection (b).

"(2) An individual referred to in paragraph (1) is any individual who is a member of the Armed Forces at the time of the approval by the Secretary concerned of the individual's request to transfer entitlement to educational assistance under this section.

"(3) Subject to the time limitation for use of entitlement under section 3031 of this

title, an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

"(b) An individual approved to transfer an entitlement to basic educational assistance under this section may transfer the individual's entitlement to such assistance as follows:

"(1) To the individual's spouse.

"(2) To one or more of the individual's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(c)(1) An individual transferring an entitlement to basic educational assistance under this section shall—

"(A) designate the dependent or dependents to whom such entitlement is being transferred and the percentage of such entitlement to be transferred to each such dependent; and

"(B) specify the period for which the transfer shall be effective for each dependent designated under subparagraph (A).

"(2) The aggregate amount of the entitlement transferable by an individual under this section may not exceed the aggregate amount of the entitlement of such individual to basic educational assistance under this subchapter.

"(3) An individual transferring an entitlement under this section may modify or revoke the transfer at any time before the use of the transferred entitlement begins. An individual shall make the modification or revocation by submitting written notice of the action to the Secretary concerned.

"(d)(1) The use of any entitlement transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided in under subsection (c)(1)(B) and subject to paragraphs (3) and (4), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

"(3) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(4) The administrative provisions of this chapter (including the provisions set forth in section 3034(a)(1) of this title) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

"(e) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

"(f) The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (c)(3) and shall specify the manner of the applicability of the administrative provisions referred to in subsection (d)(4) to a dependent to whom entitlement is transferred under this section."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is

amended by inserting after the item relating to section 3019 the following new item:

"3020. Transfer of entitlement to basic educational assistance; members of the Armed Forces."

**SEC. 6. AVAILABILITY OF EDUCATIONAL ASSISTANCE BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.**

Section 3002(3) of title 38, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following:

"(C) includes—

"(i) a preparatory course for a test that is required or utilized for admission to an institution of higher education; and

"(ii) a preparatory course for test that is required or utilized for admission to a graduate school."

**PART II—OTHER EDUCATIONAL BENEFITS**

**SEC. 6. ACCELERATED PAYMENTS OF CERTAIN EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE.**

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) Whenever a person entitled to an educational assistance allowance under this chapter so requests and the Secretary concerned, in consultation with the Chief of the reserve component concerned, determines it appropriate, the Secretary may make payments of the educational assistance allowance to the person on an accelerated basis.

"(2) An educational assistance allowance shall be paid to a person on an accelerated basis under this subsection as follows:

"(A) In the case of an allowance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly allowance otherwise payable under this chapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of an allowance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the Secretary concerned receives the person's request for payment on an accelerated basis; and

"(ii) in any amount requested by the person up to the aggregate amount of monthly allowance otherwise payable under this chapter for the period of the course.

"(3) If an adjustment in the monthly rate of educational assistance allowances will be made under subsection (b)(2) during a period for which a payment of the allowance is made to a person on an accelerated basis, the Secretary concerned shall—

"(A) pay on an accelerated basis the amount of the allowance otherwise payable for the period without regard to the adjustment under that subsection; and

"(B) pay on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

"(4) A person's entitlement to an educational assistance allowance under this chapter shall be charged at a rate equal to one month for each month of the period covered by an accelerated payment of the allowance to the person under this subsection.

"(5) The regulations prescribed by the Secretary of Defense and the Secretary of Transportation under subsection (a) shall provide for the payment of an educational



assistance allowance on an accelerated basis under this subsection. The regulations shall specify the circumstances under which accelerated payments may be made and the manner of the delivery, receipt, and use of the allowance so paid.

"(6) In this subsection, the term 'Chief of the reserve component concerned' means the following:

"(A) The Chief of Army Reserve, with respect to members of the Army Reserve.

"(B) the Chief of Naval Reserve, with respect to members of the Naval Reserve.

"(C) The Chief of Air Force Reserve, with respect to members of the Air Force Reserve.

"(D) The Commander, Marine Reserve Forces, with respect to members of the Marine Corps Reserve.

"(E) The Chief of the National Guard Bureau, with respect to members of the Army National Guard and the Air National Guard.

"(F) The Commandant of the Coast Guard, with respect to members of the Coast Guard Reserve."

**SEC. 6. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF SELECTED RESERVE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.**

Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) In the case of a person who continues to serve as member of the Selected Reserve as of the end of the 10-year period applicable to the person under subsection (a), as extended, if at all, under paragraph (4), the period during which the person may use the person's entitlement shall expire at the end of the 5-year period beginning on the date the person is separated from the Selected Reserve.

"(B) The provisions of paragraph (4) shall apply with respect to any period of active duty of a person referred to in subparagraph (A) during the 5-year period referred to in that subparagraph."

**PART III—REPORT**

**SEC. 6. REPORT ON EFFECT OF EDUCATIONAL BENEFITS IMPROVEMENTS ON RECRUITMENT AND RETENTION OF MEMBERS OF THE ARMED FORCES.**

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the effects of the provisions of this subtitle, and the amendments made by such provisions, on the recruitment and retention of the members of the Armed Forces. The report shall include such recommendations (including recommendations for legislative action) as the Secretary considers appropriate.

**THURMOND (AND OTHERS)  
AMENDMENT NO. 496**

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

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

**SEC. 659. COMPUTATION OF SURVIVOR BENEFITS.**

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004."

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and in-

serting "the percent specified under subsection (a)(1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month."

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—"

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(2) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004."

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

**DORGAN (AND SMITH)  
AMENDMENT NO. 497**

Mr. LEVIN (for Mr. DORGAN for himself and Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 134, between lines 2 and 3, insert the following:

**SEC. 552. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.**

The Secretary of the Navy may award the Navy Combat Action Ribbon (established by Secretary of the Navy Notice 1650, dated February 17, 1969) to a member of the Navy and Marine Corps for participation in ground or surface combat during any period after

December 6, 1941, and before March 1, 1961 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the member has not been previously recognized in appropriate manner for such participation.

**MCCAIN (and HOLLINGS)  
AMENDMENT NO. 498**

Mr. WARNER (for Mr. MCCAIN for himself and Mr. HOLLINGS) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following:

**SEC. . COAST GUARD EDUCATION FUNDING.**

Section 2006 of title 10, United States Code, is amended—

(1) by striking "Department of Defense education liabilities" in subsection (a) and inserting "armed forces education liabilities";

(2) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) The term 'armed forces educational liabilities' means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title."

(3) by inserting "Department of Defense" after "future" in subsection (b)(2)(C);

(4) by striking "106" in subsection (b)(2)(C) and inserting "1606";

(5) by inserting "and the Secretary of the Department in which the Coast Guard is operating" after "Defense" in subsection (c)(1);

(6) by striking "Department of Defense" in subsection (d) and inserting "armed forces";

(7) by inserting "the Secretary of the Department in which the Coast Guard is operating" in subsection (d) after "Secretary of Defense";

(8) by inserting "and the Department in which the Coast Guard is operating" after "Department of Defense" in subsection (f)(5);

(9) by inserting "and the Secretary of Defense in which the Coast Guard is operating" in paragraphs (1) and (2) of subsection (g) after "The Secretary of Defense"; and

(10) by striking "of a military department." in subsection (g)(3) and inserting "concerned."

**SEC. . TECHNICAL AMENDMENT TO PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT.**

TITLE 10 AMENDMENT.—Section 2305(g) of title 10, United States Code, is amended in paragraph (1) by striking "the Department of Defense" and inserting "an agency named in section 2303 of this title".

**LANDRIEU AMENDMENT NO. 499**

Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle F, add the following:

**SEC. 582. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.**

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of the Navy as the executive agent for carrying out the defense reform initiative enterprise pilot program for military manpower and personnel information established under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2341; 10 U.S.C. 113 note).

(b) ACTION OFFICIALS.—In carrying out the pilot program, the Secretary of the Navy

shall act through the head of the Systems Executive Office for Manpower and Personnel, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

**SNOWE (AND OTHERS)  
AMENDMENT NO. 500**

Mr. WARNER (for Ms. SNOWE for herself and Mr. GORTON) proposed an amendment to the bill, S. 1059, *supra*; as follows:

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

**SEC. 705. OPEN ENROLLMENT DEMONSTRATION PROGRAM.**

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

“(g) OPEN ENROLLMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program under which covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by a designated provider consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program but without regard to the limitation in subsection (b). Any demonstration program under this subsection shall cover designated providers selected by the Department of Defense, and the service areas of the designated providers.

“(2) Any demonstration program carried out under this section shall commence on October 1, 1999, and end on September 30, 2001.

“(3) Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any demonstration program carried out under this subsection. The report shall include, at a minimum, an evaluation of the benefits of the open enrollment opportunity to covered beneficiaries and a recommendation concerning whether to authorize open enrollments in the managed care plans of designated providers permanently.”.

**DORGAN AMENDMENT NO. 501**

Mr. LEVIN (for Mr. DORGAN) proposed an amendment to the bill S. 1059, *supra*; as follows:

On page 28, below line 21, add the following:

**SEC. 143. D-5 MISSILE PROGRAM.**

(a) REPORT.—Not later than October 31, 1999, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the D-5 missile program.

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

(1) An inventory management plan for the D-5 missile program covering the life of the program, including—

(A) the location of D-5 missiles during the fueling of submarines;

(B) rotation of inventory; and

(C) expected attrition rate due to flight testing, loss, damage, or termination of service life.

(A) The cost of terminating procurement of D-5 missiles for each fiscal year prior to the current plan.

(3) An assessment of the capability of the Navy of meeting strategic requirements with a total procurement of less than 425 D-5 missiles, including an assessment of the consequences of—

(A) loading Trident submarines with less than 24 D-5 missiles; and

(B) reducing the flight test rate for D-5 missiles; and

(4) An assessment of the optimal commencement date for the development and deployment of replacement systems for the current land-based and sea-based missile forces.

The Secretary's plan for maintaining D-5 missiles and Trident Submarines under START II and proposed START III, and whether requirements for such missiles and submarines would be produced under such treaties.

**LOTT AMENDMENT NO. 502**

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill, S. 1059, *supra*; as follows:

Of the funds authorized to be appropriated in section 301(2), an additional \$10 million may be expected for Operational Meteorology and Oceanography and UNOLS.

**HUTCHISON AMENDMENT NO. 503**

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, *supra*; as follows:

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

**SEC. 1061. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW MEMBER NATIONS OF NATO.**

(a) FINDING.—Congress finds that it is in the national interests of the United States to fully integrate Poland, Hungary, and the Czech Republic, the new member nations of the North Atlantic Treaty Organization, into the NATO alliance as quickly as possible.

(b) MILITARY EDUCATION AND TRAINING PROGRAMS.—The Secretary of each military department shall give due consideration to according a high priority to the attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education schools and training programs in the United States, including the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces, and other schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

**LIEBERMAN AMENDMENT NO. 504**

Mr. LEVIN (for Mr. LIEBERMAN) proposed an amendment to the bill, S. 1059, *supra*; as follows:

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

**SEC. 717. HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT.**

(a) PURPOSE.—It is the purpose of this section to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues in a timely manner that is consistent with national policy and industry standards.

(b) DEPARTMENT OF DEFENSE CENTER FOR MEDICAL INFORMATICS AND DATA.—(1) The Secretary of Defense shall establish a Department of Defense Center for Medical Informatics to carry out a program to support the Assistant Secretary of Defense for Health Affairs in efforts—

(A) to develop parameters for assessing the quality of health care information;

(B) to develop the defense digital patient record;

(C) to develop a repository for data on quality of health care;

(D) to develop a capability for conducting research on quality of health care;

(E) to conduct research on matters of quality of health care;

(F) to develop decision support tools for health care providers;

(G) to refine medical performance report cards; and

(H) to conduct educational programs on medical informatics to meet identified needs.

(2) The Center shall serve as a primary resource for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—The Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange controlled clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

(d) ENHANCEMENT THROUGH DoD-DVA MEDICAL INFORMATICS COUNCIL.—(1) The Secretary of Defense shall establish a Medical Informatics Council consisting of the following:

(A) The Assistant Secretary of Defense for Health Affairs

(B) The Director of the TRICARE Management Activity of the Department of Defense.

(C) The Surgeon General of the Army.

(D) The Surgeon General of the Navy.

(E) The Surgeon General of the Air Force.

(F) Representatives of the Department of Veterans Affairs, whom the Secretary of Veterans Affairs shall designate.

(G) Representatives of the Department of Health and Human Services, whom the Secretary of Health and Human Services shall designate.

(H) Any additional members that the Secretary of Defense may appoint to represent health care insurers and managed care organizations, academic health institutions, health care providers (including representatives of physicians and representatives of hospitals), and accreditors of health care plans and organizations.

(2) The primary mission of the Medical Informatics Council shall be to coordinate the development, deployment, and maintenance of health care informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with other departments and agencies of the Federal Government and with the private sector. Specific areas of responsibility shall include:

(A) Evaluation of the ability of the medical informatics systems at the Department of Defense and Veterans Affairs to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(B) Coordination of key components of medical informatics systems including digital patient records both within the federal government, and between the federal government and the private sector.

(C) Coordination of the development of operational capabilities for executive information systems and clinical decision support systems within the Departments of Defense and Veterans Affairs.

(D) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(E) Refinement of methodologies by which the quality of health care provided within the Departments of Defense and Veterans Administration is evaluated.

(F) Protecting the confidentiality of personal health information.

(3) The Council shall submit to Congress an annual report on the activities of the Council and on the coordination of development,

deployment, and maintenance of health care informatics systems within the Federal Government and between the Federal Government and the private sector.

(4) The Assistant Secretary of Defense for Health Affairs shall consult with the Council on the issues described in paragraph (2).

(5) A member of the Council is not, by reason of service on the Council, an officer or employee of the United States.

(6) No compensation shall be paid to members of the Council for service on the Council. In the case of a member of the Council who is an officer or employee of the Federal Government, the preceding sentence does not apply to compensation paid to the member as an officer or employee of the Federal Government.

(7) The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Council.

(e) ANNUAL REPORT.—The Assistant Secretary of Defense for Health Affairs shall submit to Congress each year a report on the quality of health care furnished under the health care programs of the Department of Defense. The report shall cover the most recent fiscal year ending before the date of the report and shall contain a discussion of the quality of the health care measured on the basis of each statistical and customer satisfaction factor that the Assistant Secretary determines appropriate, including, at a minimum, the following:

- (1) Health outcomes.
- (2) Extent of use of health report cards.
- (3) Extent of use of standard clinical pathways.
- (4) Extent of use of innovative processes for surveillance.

(f) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized to be appropriated for the Department of Defense for fiscal year 2000 by other provisions of this Act, that are available to carry out subsection (b), there is authorized to be appropriated for the Department of Defense for such fiscal year for carrying out this subsection the sum of \$2,000,000.

#### GRAMM (AND HUTCHISON) AMENDMENT NO. 505

Mr. WARNER (for Mr. GRAMM for himself and Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, *supra*; as follows:

At the appropriate place, insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Voting Rights Act of 1999".

##### SEC. 2. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding at the end the following:

"SEC. 704.(a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia".

##### SEC. 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

#### FEINSTEIN AMENDMENT NO. 506

Mr. LEVIN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1059, *supra*; as follows:

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

##### SEC. —. SENSE OF CONGRESS REGARDING UNITED STATES-RUSSIAN COOPERATION IN COMMERCIAL SPACE LAUNCH SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should agree to increase the quantitative limitations applicable to commercial space launch services provided by Russian space launch service providers if the Government of the Russian Federation demonstrates a sustained commitment to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any ballistic missile;

(2) the United States should demand full and complete cooperation from the Government of the Russian Federation on preventing the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile; and

(3) the United States should take every appropriate measure necessary to encourage the Government of the Russian Federation to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile.

(b) DEFINITIONS.—

(1) IN GENERAL.—The terms "commercial space launch services" and "Russian space launch service providers" have the same meanings given those terms in Article I of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993.

(2) QUANTITATIVE LIMITATIONS APPLICABLE TO COMMERCIAL SPACE LAUNCH SERVICES.—The term "quantitative limitations applicable to commercial space launch services" means the quantitative limits applicable to commercial space launch services contained in Article IV of the Agreement Between the Government of the United States of America and the Government of the Russian Federa-

tion Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993, as amended by the agreement between the United States and the Russian Federation done at Washington, D.C., on January 30, 1996.

#### NICKLES AMENDMENT NO. 507

Mr. WARNER (for Mr. NICKLES) proposed an amendment to the bill, S. 1059, *supra*; as follows:

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

Of the funds in section 301a(5), 23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

#### CLELAND AMENDMENT NO. 508

Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill, S. 1059, *supra*; as follows:

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

##### SEC. 717. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and Secretary of Veterans Affairs shall carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of providing health care services and pharmacy services by means of telecommunications.

(b) SERVICES TO BE PROVIDED.—The services provided under the demonstration projects shall include the following:

- (1) Radiology and imaging services.
- (2) Diagnostic services.
- (3) Referral services.
- (4) Clinical pharmacy services.

(5) Any other health care services or pharmacy services designated by the Secretaries.

(c) SELECTION OF LOCATIONS.—(1) The Secretaries shall carry out the demonstration projects at not more than five locations selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with representatives of the academic institution or institutions with which affiliated.

(d) PERIOD OF DEMONSTRATION PROJECTS.—The Secretaries shall carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) REPORT.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

(1) a description of each demonstration project; and

(2) an evaluation, based on the demonstration projects, of the feasibility and practicability of providing health care services and pharmacy services, including the provision of such services to field hospitals of the Armed Forces and to Department of Veterans Affairs outpatient health care clinics, by means of telecommunications.

FRIST (AND SPECTER)  
AMENDMENT NO. 509

Mr. WARNER (for Mr. FRIST for himself and Mr. SPECTER) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 254, between lines 3 and 4, insert the following:

**SEC. 676. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.**

(a) PARTICIPATION AUTHORIZED.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

**“§ 3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled**

“(a) Notwithstanding any other provision of law, an individual who—

“(1) either—

“(A)(i) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

“(ii) disenrolled from participation in that program before that date; or

“(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter and has not withdrawn that election under section 3018(a) of this title as of the date of the enactment of this section;

“(2) is serving on active duty (excluding periods referred to in section 3202(1)(C) of this title in the case of an individual described in paragraph (1)(A)) on the date of the enactment of this section;

“(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

“(4) if discharged or released from active duty before the date on which the individual makes an election described in paragraph (5), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; and

“(5) during the one-year period beginning on the date of the enactment of this section, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title or withdraws the election made under section 3011(c)(1) or 3012(d)(1) of this title, as the case may be, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

is entitled to basic educational assistance under this chapter.

“(b)(1) Except as provided in paragraphs (2) and (3), in the case of an individual who makes an election under subsection (a)(5) to become entitled to basic educational assistance under this chapter—

“(A) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is—

“(i) \$1,200, in the case of an individual described in subsection (a)(1)(A); or

“(ii) \$1,500, in the case of an individual described in subsection (a)(1)(B); or

“(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect

from the individual an amount equal to the difference between the amount specified for the individual under subparagraph (A) and the total amount of reductions with respect to the individual under that subparagraph, which shall be paid into the Treasury of the United States as miscellaneous receipts.

“(2) In the case of an individual previously enrolled in the educational benefits program provided by chapter 32 of this title, the Secretary shall reduce the total amount of the reduction in basic pay otherwise required by paragraph (1) by an amount equal to so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account under section 3222(a) of this title as do not exceed \$1,200.

“(3) An individual may at any time pay the Secretary an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under this subsection and the total amount of the reductions with respect to the individual under this subsection at the time of the payment. Amounts paid under this paragraph shall be paid into the Treasury of the United States as miscellaneous receipts.

“(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from the program as of the date of such election.

“(2) For each individual who is disenrolled from such program, the Secretary shall refund—

“(A) to the individual in the manner provided in section 3223(b) of this title so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account as are not used to reduce the amount of the reduction in the individual's basic pay under subsection (b)(2); and

“(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

“(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to section 3222(c) of this title on behalf of an individual referred to in paragraph (1) shall remain in such account to make payments of benefits to the individual under section 3015(f) of this title.

“(d)(1) The requirements of sections 3011(a)(3) and 3012(a)(3) of this title shall apply to an individual who makes an election described in subsection (a)(5), except that the completion of service referred to in such section shall be the completion of the period of active duty being served by the individual on the date of the enactment of this section.

“(2) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) of this title and of subparagraphs (B), (C), and (D) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.”

(2) The table of sections at the beginning of chapter 30 of that title is amended by inserting after the item relating to section 3018C the following new item:

“3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled.”

(b) CONFORMING AMENDMENT.—Section 3015(f) of that title is amended by striking “or 3018C” and inserting “3018C, or 3018D”.

(c) SENSE OF CONGRESS.—It is the sense of Congress that any law enacted after the date of the enactment of this Act which includes

provisions terminating or reducing the contributions of members of the Armed Forces for basic educational assistance under subchapter II of chapter 30 of title 38, United States Code, should terminate or reduce by an identical amount the contributions of members of the Armed Forces for such assistance under section of section 3018D of that title, as added by subsection (a).

(DEWINE AND VOINOVICH)  
AMENDMENT NO. 510

Mr. WARNER (for Mr. DEWINE for himself and Mr. VOINOVICH) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 254, between lines 3 and 4, insert the following:

**SEC. 676. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.**

(a) IN GENERAL.—Clause (C) of the third sentence of section 3680(a) of title 38, United States Code, is amended to read as follows:

“(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between such terms does not exceed eight weeks, and (ii) both the term preceding and the term following the period are not shorter in length than the period.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

COCHRAN AMENDMENT NO. 511

Mr. WARNER (for Mr. COCHRAN) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle B, insert the following:

**SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.**

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

ROBB (AND OTHERS) AMENDMENT  
NO. 512

Mr. LEVIN (for Mr. ROBB for himself, Ms. SNOWE, Mr. BINGAMAN, Mr. LEAHY, and Mr. KERREY) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 93, between lines 2 and 3, insert the following:

SEC. 349. (a) **AUTHORITY TO MAKE PAYMENTS.**—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) **DEADLINE FOR EXERCISE OF AUTHORITY.**—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) **SOURCE OF PAYMENTS.**—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available \$40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) **AMOUNT OF PAYMENT.**—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed \$2,000,000.

(e) **TREATMENT OF PAYMENTS.**—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) **CONSTRUCTION.**—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) **RESOLUTION OF OTHER CLAIMS.**—No payments under this section or any other provision of law for the settlement of claims arising from the accident described in subsection (a) shall be made to citizens of Germany until the Government of Germany provides a comparable settlement of the claims arising from the deaths of the United States servicemen caused by the collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia, on September 13, 1997.

#### SESSIONS AMENDMENT NO. 513

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

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

#### SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) **GRADE OF CHIEF OF ARMY RESERVE.**—Section 3038(c) of title 10, United States Code, is amended by striking “major general” and inserting “lieutenant general”.

(b) **GRADE OF CHIEF OF NAVAL RESERVE.**—Section 5143(c)(2) of such title is amended by

striking “rear admiral (lower half)” and inserting “rear admiral”.

(c) **GRADE OF COMMANDER, MARINE FORCES RESERVE.**—Section 5144(c)(2) of such title is amended by striking “brigadier general” and inserting “major general”.

(d) **GRADE OF CHIEF OF AIR FORCE RESERVE.**—Section 8038(c) of such title is amended by striking “major general” and inserting “lieutenant general”.

(e) **THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.**—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking “major general” and inserting “lieutenant general”.

(f) **EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.**—Section 526(d) of such title is amended to read as follows:

“(d) **EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.**—The limitations of this section do not apply to the following reserve component general or flag officers:

“(1) An officer on active duty for training.

“(2) An officer on active duty under a call or order specifying a period of less than 180 days.

“(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.”.

(g) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

#### EDWARDS AMENDMENT NO. 514

Mr. LEVIN (for Mr. EDWARDS) proposed an amendment to the bill, S. 1059, supra; as follows:

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

#### SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

#### STEVENS AMENDMENT NO. 515

Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill, S. 1059, supra; as follows:

(1) On page 56, line 16, add “\$40,000,000”.

(2) On page 55, line 15, reduce “\$40,000,000”.

#### MCCAIN AMENDMENT NO. 516

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill, S. 1059, supra; as follows:

In section 2902, strike subsection (a).

In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2904(a)(1)(A), strike “(except those lands within a unit of the National Wildlife Refuge System)”.

In section 2904(a)(1), strike subparagraph (B).

In section 2904, strike subsection (g).

Strike section 2905.

Strike section 2906.

Redesignate sections 2907 through 2914 as sections 2905 through 2912, respectively.

In section 2907(h), as so redesignated, strike “section 2902(c) or 2902(d)” and insert “section 2902(b) or 2902(c)”.

In section 2908(b), as so redesignated, strike “section 2909(g)” and insert “section 2907(g)”.

In section 2910, as so redesignated, strike “, except that hunting,” and all that follows and insert a period.

In section 2911(a)(1), as so redesignated, strike “subsections (b), (c), and (d)” and insert “subsections (a), (b), and (c)”.

In section 2911(a)(2), as so redesignated, strike “, except that lands” and all that follows and insert a period.

At the end, add the following:

#### SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

#### SANTORUM AMENDMENT NO. 517

Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 16, line 17, strike “\$1,500,188,000” and insert “\$1,498,188,000”.

On page 17, line 18, strike “\$540,700,000” and insert “\$542,700,000”.

#### SARBANES AMENDMENT NO. 518

Mr. LEVIN (for Mr. SARBANES) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of subtitle E of title XXVIII, add the following:

#### SEC. . ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) **ONE-YEAR DELAY.**—The Secretary of the Navy may not obligate to expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) **COVERED TOWERS.**—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) **TRANSFER OF TOWERS.**—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

## SMITH AMENDMENT NO. 519

Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

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

**SEC. 1061. RECOVERY AND IDENTIFICATION OF REMAINS OF CERTAIN WORLD WAR II SERVICEMEN.**

(a) RESPONSIBILITIES OF THE SECRETARY OF THE ARMY.—(1) The Secretary of the Army, in consultation with the Secretary of Defense, shall make every reasonable effort, as a matter of high priority, to search for, recover, and identify the remains of United States servicemen of the United States aircraft lost in the Pacific theater of operations during World War II, including in New Guinea.

(2) The Secretary of the Army shall submit to Congress not later than September 30, 2000, a report detailing the efforts made by the United States Army Central Identifica-

tion Laboratory to accomplish the objectives described in paragraph (1).

(b) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State, upon request by the Secretary of the Army, shall work with officials of governments of sovereign nations in the Pacific theater of operations of World War II to overcome any political obstacles that have the potential for precluding the Secretary of the Army from accomplishing the objectives described in subsection (a)(1).

WARNER (AND LEVIN)  
AMENDMENT NO. 520

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 33, beginning on line 3, strike "that involve" and insert ", as well as for use for".

On page 278, line 4, strike "1998" and insert "1999".

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 368, line 14, strike "\$40,000,000" and insert "\$85,000,000".

On page 397, beginning on line 2, strike "readily accessible and adequately preserved artifacts and readily accessible representations" and insert "adequately visited and adequately preserved artifacts and representations".

On page 411, in the table below line 12, strike the item relating to "Naval Air Station Atlanta, Georgia".

On page 412, in the table above line 1, strike "\$744,140,000" in the amount column in the item relating to the total and insert "\$738,710,000".

On page 413, in the table following line 2, strike the first item relating to Naval Base, Pearl Harbor, Hawaii, and insert the following new item:

	Naval Base, Pearl Harbor .....	133 Units ....	\$30,168,000

On page 414, line 6, strike "\$2,078,015,000" and insert "\$2,072,585,000".

On page 414, line 9, strike "\$673,960,000" and insert "\$668,530,000".

On page 429, line 20, strike "\$179,271,000" and insert "\$189,639,000".

On page 429, line 21, strike "\$115,185,000" and insert "\$104,817,000".

On page 429, line 23, strike "\$23,045,000" and insert "\$28,475,000".

On page 509, line 10, strike "\$892,629,000" and insert "\$880,629,000".

On page 509, line 16, strike "\$88,290,000" and insert "\$100,290,000".

On page 509, between lines 16 and 17, insert the following:

Project 00-D-\_\_\_\_, Transuranic waste treatment, Oak Ridge, Tennessee, \$12,000,000.

Project 00-D-400, Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, \$1,306,000.

On page 541, line 22, strike "The" and insert "After five members of the Commission have been appointed under paragraph (1), the".

On page 542, between lines 11 and 12, insert the following:

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

On page 546, strike lines 20 through 23.

On page 547, line 1, strike "(3)" and insert "(2)".

On page 577, line 16, strike "PROJECT" and insert "PLANT".

On page 577, line 23, strike "Project" and insert "Plant".

On page 578, line 3, strike "Project" and insert "Plant".

On page 578, line 6, strike "Project" and insert "Plant".

On page 578, line 14, strike "Project" and insert "Plant".

On page 578, strike lines 17 through 21, and insert the following:

(3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of the enactment of this Act.

## SMITH AMENDMENT NO. 521

Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, between lines 11 and 12, insert the following:

**SEC. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.**

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation such as memoranda for the record after-action reports, and final itineraries, and receipts that equals over \$1000, concerning military-to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

(8) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as

a result of military-to-military contacts or exchanges between the United States and the People's Republic of China.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

## SESSIONS AMENDMENT NO. 522

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

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

**SEC. 1061. CHEMICAL AGENTS USED FOR DEFENSIVE TRAINING.**

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of lethal chemical agents transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety, and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of lethal chemical agents that are produced, acquired, or retained by the Department of Defense.

(3) The Secretary of Defense may not transfer lethal chemical agents under this section until—

(A) the Center referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary determines that the Attorney General is prepared to receive such agents.

(4) To carry out the training described in paragraph (1) and other defensive training not prohibited by the Chemical Weapons Convention, the Secretary of Defense may

transport lethal chemical agents from a Department of Defense facility in one State to a Department of Justice or Department of Defense facility in another State.

(5) Quantities of lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) NON-INTERFERENCE WITH TREATY OBLIGATIONS.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

#### VOINOVICH AMENDMENT NO. 523

Mr. WARNER (for Mr. VOINOVICH) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following new section:

#### SEC. . ORDNANCE MITIGATION STUDY.

(a) The Secretary of Defense is directed to undertake a study and is authorized to remove ordnance infiltrating the Federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99-662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

#### CONRAD (AND ASHCROFT) AMENDMENT NO. 524

Mr. LEVIN (for Mr. CONRAD for himself and for Mr. ASHCROFT) proposed an amendment to the bill, S. 1059, supra; as follows:

In title II, at the end of subtitle C, add the following:

New Mexico .....	Cannon Air Force Base .....	\$4,000,000
	Cannon Air Force Base .....	\$8,100,000

On page 417, in the table preceding line 1, strike "\$628,133,000" in the amount column of the item relating to the total and insert "\$640,233,000".

On page 418, in the table following line 5, strike the item relating to Holloman Air Force Base, New Mexico.

#### SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

#### CONRAD AMENDMENT NO. 525

Mr. LEVIN (for Mr. CONRAD) proposed an amendment to the bill, S. 1059, supra; as follows:

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

#### SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding

Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

#### HELMS (AND BIDEN) AMENDMENT NO. 526

Mr. WARNER (for Mr. HELMS, for himself and Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 153, line 19, strike "the United States" and insert "such."

On page 356, line 7, insert after "Secretary of Defense" the following: ", in consultation with the Secretary of State,".

On page 356, beginning on line 8, strike "the Committees on Armed Services of the Senate and House of Representatives" and insert "the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives".

On page 358, strike line 21 and all that follows through page 359, line 7.

#### DOMENICI AMENDMENT NO. 527

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 417, in the table preceding line 1, insert after the item relating to McGuire Air Force Base, New Jersey, the following new items:

On page 419, line 19, strike "\$628,133,000" and insert "\$640,233,000".

On page 420, line 7, strike "\$343,511,000" and insert "\$333,671,000".

On page 420, line 17, strike "\$628,133,000" and insert "\$640,233,000".

On page 418, in the table following line 5, strike "\$196,088,000" in the amount column of the item relating to the total and insert "\$186,248,000".

On page 419, line 15, strike "\$1,917,191,000" and insert "\$1,919,451,000".



On page 429, line 5, strike "\$172,472,000" and insert "\$170,472,000".

#### BINGAMAN AMENDMENT NO. 528

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 1059, supra; as follows:

On Page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

#### "TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS

##### "SEC. 2901. FINDINGS.

"The Congress finds that—

"(1) Public Law 99-606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

"(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

"(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

"(5) the public land withdrawals authorized in 1986 under Public Law 99-606 were for a period of 15 years, and expire in November, 2001; and

"(5) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99-606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

##### "SEC. 2902. SENSE OF THE SENATE.

"It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999."

#### SMITH AMENDMENT NO. 529

Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

	Nellis Air Force Base .....	\$11,600,000

On page 417, in the table preceding line 1, strike "\$628,133,000" in the amount column of the item relating to the total and insert "\$639,733,000".

On page 419, line 15, strike "\$1,917,191,000" and insert "\$1,928,791,000".

On page 419, line 19, strike "\$628,133,000" and insert "\$639,733,000".

On page 420, line 17, strike "\$628,133,000" and insert "\$639,733,000".

#### WARNER AMENDMENT NO. 531

Mr. WARNER proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of Section E of Title XXVIII insert the following:

#### SEC. . ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.

Section 2603 of the National Defense Authorization Act for Fiscal Year 1998 (PL 105-85) is amended as follows:

With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Funds received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

#### DEWINE (AND OTHERS) AMENDMENT NO. 532

Mr. WARNER (for Mr. DEWINE for himself, Mr. COVERDELL, and Mr. BINGAMAN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 62, between lines 19 and 20, insert the following:

#### SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by \$59,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) \$6,000,000 shall be available for Operation Caper Focus.

(2) \$17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) \$2,700,000 shall be available for forward looking infrared radars for P-3 aircraft.

(4) \$8,000,000 shall be available for enhanced intelligence capabilities.

(5) \$5,000,000 shall be used for Mothership Operations.

(6) \$20,000,000 shall be used for National Guard State plans.

#### THURMOND AMENDMENT NO. 533

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place insert the following:

#### SEC. . SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMEN'S FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov TU-154M aircraft collided with a United States Air Force C-141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were

On page 429, line 5, strike out "\$172,472,000" and insert in lieu thereof "\$168,340,000"

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire	NSY	Portsmouth
\$3,850,000		

On page 412, in the table line Total strike out "\$744,140,000" and insert "\$747,990,000."

On page 414, line 6, strike out "\$2,078,015,000" and insert in lieu thereof "\$2,081,865,000".

On page 414, line 9, strike out "\$673,960,000" and insert in lieu thereof "\$677,810,000".

On page 414, line 18, strike out "\$66,299,000" and insert in lieu thereof "\$66,581,000".

#### BRYAN (AND REID) AMENDMENT NO. 530

Mr. LEVIN (for Mr. BRYAN for himself and Mr. REID) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU-154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU-154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the

members of the United States Air Force killed in a collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

#### GRAMM (AND OTHERS) AMENDMENT NO. 534

Mr. WARNER (for Mr. GRAMM for himself, Mr. ASHCROFT, Mr. COVERDELL, Mr. LOTT, and Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, *supra*; as follows:

On page 387, below line 24, add the following:

#### SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as "Victory in the Cold War Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

(c) COLD WAR MEDAL.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

#### "§ 1133. Cold War medal: award

"(a) AWARD.—There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States armed forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War.

"(b) DESIGN.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the 'Victory in the Cold

War Medal'. The decoration shall be of appropriate design, with ribbons and appurtenances.

"(c) PERIOD OF COLD WAR.—For purposes of subsection (a), the term 'Cold War' shall mean the period beginning on August 14, 1945, and ending on November 9, 1989."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1133. Cold War medal: award."

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(I) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed \$15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the "Commission on Victory in the Cold War" (in this subsection to be referred to as the "Commission").

(2) The Commission shall be composed of twelve individuals, as follows:

(A) Two shall be appointed by the President.

(B) Two shall be appointed by the Minority Leader of the Senate.

(C) Two shall be appointed by the Minority Leader of the House of Representatives.

(D) Three shall be appointed by the Majority Leader of the Senate.

(E) Three shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War;

(5) The commission shall be chaired by two individuals as follows:

(A) one selected by and from among those appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (2).

(B) one selected by and from among those appointed pursuant to subparagraphs (D), and (E) of paragraph (2).

#### HARKIN (AND BOXER) AMENDMENT NO. 535

Mr. LEVIN (for Mr. HARKIN for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1059, *supra*; as follows:

In title VI, at the end of subtitle E, add the following:

#### SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a)."

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program."

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b))."

#### DOMENICI AMENDMENT NO. 536

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill, S. 1059, *supra*; as follows:

In title II, at the end of Subtitle B, add the following:

#### SEC. 216. TESTING OF AIRBLAST AND IMPROVISED EXPLOSIVES.

Of the amount authorized to be appropriated under section 201(4)—

(1) \$4,000,000 is available for testing of airblast and improvised explosives (in PE 63122D); and

(2) the amount provided for sensor and guidance technology (in PE 63762E) is reduced by \$4,000,000.

#### CONCERNING THE TENTH ANNIVERSARY OF THE TIANANMEN SQUARE MASSACRE OF JUNE 4, 1989, IN THE PEOPLE'S REPUBLIC OF CHINA

#### HUTCHINSON AMENDMENT NO. 537

Mr. HUTCHINSON proposed an amendment to the resolution (S. Res. 103) concerning the 10th anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China; as follows:

On page 3, strike line 15 and all that follows through page 4, line 5.

On page 4, line 6, strike "(C)" and insert "(A)".

On page 4, line 14, strike "(D)" and insert "(B)".

On page 4, line 19, strike "(E)" and insert "(C)".

# PRISON HEALTH CARE SERVICES LEGISLATION

## LEAHY AMENDMENT NO. 538

Mr. HUTCHINSON (for Mr. LEAHY) proposed an amendment to the bill (S. 704) to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs; as follows:

On page 8, strike lines 1 through 3 and insert the following:

“(4) the term ‘health care visit’—

“(A) means a visit, as determined by the Director, initiated by a prisoner to an institutional or noninstitutional health care provider; and

“(B) does not include a visit initiated by a prisoner—

“(i) pursuant to a staff referral; or

“(ii) to obtain staff-approved follow-up treatment for a chronic condition;

On page 8, line 20, after “services” insert “, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment”.

On page 10, line 16, strike “2 years” and insert “1 year”.

On page 10, line 21, strike “24-month” and insert “12-month”.

On page 12, strike lines 6 through 9 and insert the following:

“(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

“(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment.”

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, June 15, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on the issues related to vacating the Record of Decision and denial of a Plan of Operations for the Crown Jewel Mine in Okanogan County, Washington.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge (202) 224-6170.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, June 17, 1999, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1049, the “Federal Oil and Gas Lease Management Improvement Act of 1999”.

Those wishing to testify or 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 Dan Kish at (202) 224-8276.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on May 27, 1999 in SR-328A at 9:30 a.m. The purpose of this meeting will be to discuss “The New Petroleum: S. 935 the National Sustainable Fuels and Chemical Act of 1999.”

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

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday May 27, 1999. The purpose of this meeting will be to discuss the National Sustainable Fuels and Chemical Act of 1999.

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be authorized to meet on Thursday, May 27, 1999 at 10 a.m. on S. 761—Millennium Digital Commerce Act.

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 27, for purposes of conducting a full committee hearing which is scheduled to begin at 10 a.m. The purpose of this hearing is to consider the nomination of David L. Godwyn to be Assistant Secretary of Energy for International Affairs and James B. Lewis to be Director of the Office of Minority Economic Impact, Department of Energy.

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

### COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, May 27, 1999, beginning at 10 a.m. in room 215 Dirksen.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 27, 1999, at 2 p.m. to hold a hearing.

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

### COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on “Reauthorization for the National Endowments of the Arts and Humanities” during the session of the Senate on Thursday, May 27, 1999, at 10 a.m.

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

### SUBCOMMITTEE ON AGING

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on “Older Americans Act” during the session of the Senate on Thursday, May 27, 1999, at 2:30 p.m.

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

### SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, May 27, 1999, at 10 a.m. to hold a hearing.

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

### SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct a hearing on S. 1100, a bill to provide that the designation of critical habitat for endangered and threatened species be required as a part of the development of recovery plans for those species, Thursday, May 27, 10:30 a.m., Hearing Room (SD-406).

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

### SUBCOMMITTEE ON WATER AND POWER

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 27, for purposes of conducting a Water & Power Subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 244, a bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., for the planning and construction of the water supply system,

and for other purposes; S. 623, a bill to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; S. 769, a bill to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam; S. 1027, a bill to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy; and H.R. 459, a bill to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project.

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

#### ADDITIONAL STATEMENTS

##### NEW MILLENNIUM CLASSROOMS ACT

• Mr. ABRAHAM. Mr. President, I rise to call to the attention of the Senate a letter of endorsement given to my bill, the New Millennium Classrooms Act, by a group of 11 senior executives of Silicon Valley's leading technology and venture capital firms.

Mr. President, the New Millennium Classrooms Act, through tax-based incentives, would provide schools and companies the means by which partnerships can be created and computers, software, and related technological equipment can be brought to our schools.

Encouraging private investment and involvement, the New Millennium Classrooms Act achieves this important goal without unduly increasing Federal Government expenditures, creating yet another federal program or department and will keep control where it belongs—with the teachers, the parents, and the students.

Providing today's children with high technological equipment and software will provide them with the necessary and invaluable computer skills needed to ensure their future success and our nation's status as the technological and economic leader in the New Economy.

I ask that the letter from the Silicon Valley firms be printed in the RECORD.

The letter follows:

APRIL 15, 1999.

Hon. SPENCER ABRAHAM,  
U.S. Senate, Washington, DC.

DEAR SENATOR ABRAHAM: As senior executives of the nation's leading technology companies and venture capital firms, we write to commend you for your continued support of policies that will help to ensure our nation's technological and economic leadership. Specifically, we thank you for introducing the New Millennium Classrooms Act (S. 542), an important step toward making computers, software and the Internet available to American schoolchildren.

By relying on market-based incentives, your legislation will increase the supply of computer technology available to children in grades K-12. We are particularly supportive of enhanced provisions to encourage the donation of computers and equipment to schools that serve underprivileged students, allowing all American children the opportunity to prepare for the New Economy on equal footing. Your legislation will allow the potential of our nation's children to be fully realized in the 21st century, while maintaining fiscal responsibility.

Thank you for introducing this important legislation and for continuing your leadership on issues critical to the success of America's New Economy.

Sincerely,

Wilfred Corrigan, CEO, LSI Logic, Corp.;  
Carl Feldbaum, President, Biotechnology Industry Organization; Dr. Dwight D. Decker, President, Conexant Systems; Michael Goldberg, CEO, OnCare; Floyd Kvamme, Partner, Keiner Perkins Caufield & Byers; Willem Roelandts, CEO, Xilinx; Scott Ryles, Managing Director, Merrill Lynch; Ted Smith, Chairman, FileNet; Burt McMurtry, Partner, Technology Venture Investors; Michael Rowan, CEO, Kestrel Solutions; Dr. Henry Samuelli, CTO & Co-Chairman, Broadcom. •

##### LETTER FROM A NURSING HOME

• Mr. DURBIN. Mr. President, I rise today to share a letter I received from my constituent, Ms. Shirley Roney of Bonnie, Illinois. Ms. Roney shared with me a letter she wrote to President Clinton on behalf of her grandmother, Vaneeta Allen. This "Letter from a Nursing Home" reminds us of some of the important issues many American families face every day.

Long-term care is a serious concern for many elderly and disabled Americans. Too many of our citizens face losing everything they have worked their whole lives for, just so they can pay for nursing home care. Medicare was not designed to provide coverage for long-term care, and long-term care insurance is often unavailable due to pre-existing medical conditions, or it is out of financial reach for seniors. We must continue to explore other options to assist those like Vaneeta Allen who must rely on nursing home care.

This letter does not have all of the answers, but we will never have the answers if we lose sight of the struggles and simple dignity of people like Mrs. Allen.

I ask the letter be printed in the RECORD.

The letter follows:

MARCH 30, 1999.

DEAR PRESIDENT CLINTON: For the past four months my grandmother has been in a nursing home. This has been a very "troubling time." I have spent the past four months learning about the way we have failed to adequately provide for those who built this country.

Actually this "Letter from a Nursing Home" came to me in the middle of a sleepless night when I was struggling to figure out some way to help my mom (grandmother) keep her home. It would have broken her heart to lose her home.

It came to me that the least I could do was express her feelings in words on paper. I was

also her Power of Attorney. I wrote the letter on the 14th and before I could mail it, we, the family were called to her bedside. She died on March 18.

So I changed it from "Letter from a Nursing Home" to "Letter from Heaven" and read it as a eulogy at her funeral.

I appreciate the way you have always during your presidency tried to guarantee the rights our fathers fought for to all Americans.

SHIRLEY RONEY.

##### LETTER FROM A NURSING HOME

MARCH 14, 1999.

President WILLIAM J. CLINTON,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: My name is Vaneeta Allen. I will be 93 years of age on August 11, 1999, and for most of my adult life, I have lived independently in a house I have owned.

My dad was a sharecropper. When I was a child, we never owned our own home. It was my dream to own a home when I grew up. I was the second of nine surviving children, the first girl. I wanted to be a schoolteacher but had to quit school at 13 to go to work to help support myself and my brothers and sisters. The year was 1919.

When my children were little we lived through the Great Depression and we celebrated when Franklin D. Roosevelt raised the minimum wage so we could make as much as \$1 a day in the factory.

And finally, we bought for \$5 an acre a little farm southwest of Bonnie and moved ourselves and our two surviving children into a 2-room house. We built on two bedrooms and a bathroom and a kitchen. There, we, my husband and I, spent our working years. The year was 1941.

And we sent our son and son-in-law off to war. There in that home I stood with my ears to the radio listening to the troop movements as our sons marched across Europe, afraid we would lose our sons and maybe our country. Our sons saved our country. And my son came home, but our son-in-law was nearly killed in the Philippines and spent the rest of his short life as a totally disabled veteran in and out of veterans' hospitals. Our son was killed in a car crash on April 12, 1951, at 25 years of age.

Our family bought its citizenship with blood shed on two foreign soils. But it was the price of liberty. We taught our grandchildren, half of whom were fatherless and half of whom were the children of a totally disabled father that the great price they had paid was not in vain.

We taught them about the greatness of America and how all men and women could live free.

In the early 60s, we were forced to sell our farm to the government so they could build Rend Lake there. It was the end of our farming years anyway and we needed to move away from the farm. But our grandchildren cried because they didn't want to leave that farm.

We built and moved into a home in Bonnie, a mile and a half from our farm. And there we, my husband and I, lived together until his death in 1981, and I lived until late October 1998, when I was hospitalized after a fall and nearly died.

Now they tell me I cannot live independently. But I dream every day of going home just one more time. Now, not by choice, I am living in a nursing home. I have a nice room and I am surrounded by others who are just like me. But those of us who still are of sound mind want just to go home again.

When my husband and I retired, we thought we had adequate savings. But inflation and high medical costs have taken all of

my savings. Perhaps I lived too long, but still I want to live.

Last year my total income from social security was \$6,984, but I managed to keep my home and pay my bills with that. The only other income I had was less than \$100 from renting some land. This year my monthly income from social security per month is \$582. My checkbook total is now around \$1500.

The cost of the nursing home is about \$92 per day much of which goes to medical costs, not for expensive paid help. If anything, there needs to be more money for paid help.

I have been given two options to pay—either sell my home and give up any hope of ever returning or get Public Aid Assistance. In the hope of returning home, I applied for Public Aid. Since my total income is \$582 month, out of that I must pay, to keep my home, electricity and gas \$74, water and sewer \$25, trash pick up \$15, house insurance (\$367 per year) or \$32 per month. I also have paid and want to continue to pay \$103 per month for a medicare supplement.

That leaves \$334 out of my social security to pay the nursing home. And you know what is worse of all, I am made to feel like a failure because I cannot pay out of pocket \$36,000 to \$40,000 a year for a nursing home. And there are thousands, maybe millions of me throughout this country.

Once we could borrow money on just our good names. Now our homes have become the price of our aged care. Soon I fear there will be a "For Sale" sign in my front yard and the inexpensive treasures of my life will be divided or discarded.

I take no comfort in that I am just one of many of this nation's older citizens who once put a strap around our waist, put our hands to the plow and took this great agricultural nation from a horsepowered economy to the richest most plentiful nation in the world who can put a man on the moon at will.

Must we, the elderly, who helped build this country, have to live to see ourselves stripped of our most prized possessions, our homes, our dignity, our freedom and our pride?

I know that you and Congress are about to embark on a debate on Social Security and Medicare and other issues that affect those of us who still survive though in our 90's. I hope these debates will go beyond just economics and statistics and look into the faces of those of us who make up this population. We are more than statistics. We all have a story to tell. Once we were all children. Most of us have children and grandchildren and great grandchildren.

Once you wrote in a letter to my granddaughter Shirley Roney "I have worked throughout my life to empower people who historically have been excluded from political, economic and educational opportunities. I remain committed to achieving that goal."

In that particular letter you were speaking of racial relations. I believe you when you say you have done these things. I hope that in the remaining two years of your presidency, you will be able to finish what you have started in the areas of empowering all people who have been excluded from the opportunities for which our sons fought to guarantee to all Americans.

God Bless,

VANEETA ALLEN.●

#### CELLULAR TELECOMMUNICATIONS SAFETY WEEK

● Mr. ASHCROFT. Mr. President, in recent years the advent of the wireless phone began an extraordinary advance in the cellular telecommunications in-

dustry. As a result the cellular phone has become an accessory and a necessity in the modern technological world we currently live in. It has revolutionized communication, and has helped individuals to constantly stay connected. Today, there are over an estimated 200 million wireless phone users around the world. The wireless telephone gives individuals the powerful ability to communicate—almost anywhere, anytime.

With the ability of having a cellular phone comes responsibility. As National Wireless Safety Week comes to a conclusion, we must recognize the dangers of having and using cellular telephones, especially when driving. We must also recognize the benefits of having these phones in situations where they are desperately needed. Today, there are over 98,000 emergency calls made daily by people using wireless phones—saving lives, preventing crimes and assisting in emergency situations. Furthermore, according to a recent government study, decreasing notification time when accidents occurs saves lives—a wireless phone is a tool to reduce such a time.

The Cellular Telecommunications Industry Association (CTIA) is the international organization of the wireless communications industry for wireless carriers and manufactures. It is also the coordinator of Wireless Safety Week, and promotes using phones to summon assistance in emergency situations to save lives. It also promotes the concept that when driving a car, safety is one's first priority. The CTIA has six simple rules to driving safely while using a wireless phone, including:

Safe driving is one's first responsibility. Always buckle up; keep your hands on the wheel and your eyes on the road.

Make sure that one's phone is positioned where is easy to see and easy to reach. Be familiar with the operation of one's phone so that one is comfortable using it on the road.

Use the speed dialing feature to program in frequently called numbers. Then one is able to make a call by touching only one or two buttons. Most phones will store up to 99 numbers.

When dialing manually without using the speed dialing feature first, dial only when stopped. If one cannot stop, or pull over, dial a few digits, then survey traffic before completing the call.

Never take notes while driving. Pull off the road to a safe spot to jot something down.

Be a wireless Samaritan. Dialing 9-1-1 is a free call for wireless subscribers, use it to report crimes in progress or other potentially life-threatening emergencies, accidents, or drunk driving.

In a recent national poll, it was found that over 60 percent of wireless phone users have called for help in cases of car trouble, medical emergency, or to report a drunk driving crime. Close to 90 percent of wireless phone users polled said safety and secu-

rity were the best reasons for owning a wireless phone.

Mr. President. The bottom line is that individuals need to assume responsibility while behind the wheel of a car. No telephone call is important enough to risk the safety of the driver, passengers, and others on the road. Cellular phones can be a distraction while one is driving a car. I urge drivers to use common sense when driving, and ask that drivers continue to act as good Samaritans. I also want to recognize the efforts of the Cellular Telecommunications Industry Association, and congratulate them for a successful Wireless Safety Week.●

#### TRIBUTE TO BOB CLARKE

● Mr. LEAHY. Mr. President, today I rise to recognize Bob Clarke, who has served for nearly 15 years as President of Vermont Technical College in Randolph. Under Bob's leadership, VTC has seen its annual budget quadruple, its annual donations have increased twelve-fold, and VTC's standing in the community has grown immensely.

Bob brought to VTC a new perspective for technical education. He has established unique relationships between VTC and the high-tech community. Currently, Vermont Technical College is providing training to employees of companies such as IBM, BF Goodrich Aerospace, and Bell Atlantic. In addition, Bob has listened to the concerns of small businesses in the state. When Vermont faced a shortage of trained auto mechanics, he established a training program in automotive technology. His willingness to listen to the needs of the business community has resulted in increased opportunities for VTC students and alumni alike, and VTC has created a qualified pool of applicants to meet the growing needs of Vermont's high-tech industry.

Over the years, I have worked closely with Bob and VTC on issues including education, workforce retraining and business development. I have been most impressed with Bob's innovation in addressing the evolving needs of the business community. His work is truly inspiring and the results have been felt across the state. Bob has truly raised the bar for technical colleges around the country.

An article recently appeared in the Vermont Sunday Magazine which details Bob's accomplishments during his tenure as President of Vermont Technical College. I ask that this article be printed in the RECORD.

The article follows:

[From Vermont Sunday Magazine, May 23, 1999]

CUTTING-EDGE CLARKE  
(By Jack Crowl)

Bob Clarke doesn't exactly fit the central-casting image of a New England college president. He doesn't have an Ivy League degree; in fact he doesn't have a traditional academic Ph. D. at all. Neither does he have a particularly deferential air toward the life

of the mind, nor the aversion to cozy relationships with businesses that many academic leaders fear might skew their priorities and jeopardize their independence.

Instead, the president of Vermont Technical College is best known for his impish grin, the twang in his speech—he's from the Eastern Shore of Maryland—a love of fast cars, and a passion for hard work and getting things done. Pass him on the street unknowingly and you'd likely say, "That guy must be a salesman."

Which he is. Largely by selling himself and his institution to a bevy of businesses, Clarke has transformed that small and sleepy two-year, engineering-technology school into a statewide dynamo with substantial influence in the highest circles of industry, education, and government.

In his nearly 15 years as head of VTC, Clarke has seen its annual budget grow from about \$5 million to more than \$21 million, plus more than \$13 million in new or renovated buildings and facilities. Additionally, the college has spent more than \$750,000 a year over the past decade on new equipment and for several years has boasted of a totally "wired" campus for the information age.

Gifts and grants that once amounted to a paltry \$25,000 a year now total \$3 million annually. And the endowment fund, which didn't even exist when Clarke arrived in 1984, now amounts to about \$3.6 million. VTC employs nearly 500 people and offers two-year associate degrees in 18 different technical areas, plus two recently added bachelor's degrees.

But Clarke's contributions to Vermont are more significant than simply the upgrading of a single institution, important as that may be. In the process of selling VTC, he's also been selling the concept of higher education to more and more people. He's played a big role in changing the tenor of public discussion about the importance of higher education and helped move the debate from the theoretical realm of ideas to the practical world of jobs and profits.

At meetings large and small throughout the state, Clarke continually chants his twin mantras about the importance of technology in our modern society and the crucial role that higher education plays in a healthy economy because of that. "We have to have higher education as the centerpiece of our economic development plans or we're going to be in trouble when the next recession hits," he says.

Clarke was a member of Vermont's Higher Education Financing Commission, which last winter urged substantial increases in state funds for colleges and students, and whose recommendations have been taken seriously by the governor and legislature. He brought Massachusetts economist Paul Harrington, an adherent of using occupational-education programs to help boost the economy, to the attention of the panel. Harrington's ideas were important in its deliberations.

Some traditional academic types are somewhat dismissive of Clarke in private, calling him a "showboat" or an "empire builder." But he has big fans in business and government, and he has converted some of his harshest critics over the years. "If a college president's job is to promote the institution and raise money, then by God, he does the job well," says Russ Mills, a longtime VTC faculty member and former president of the state-college faculty union. "He does a good job of making the college indispensable to the business community," he adds.

And Clarke's boss, Chancellor Charles Bunting of the state-college system, calls the VTC president "an outstanding model of leadership."

Robert G. Clarke was born in Lewes, Del. (best known in the mid-Atlantic area as the

terminus of a ferry line across Delaware Bay from Cape May, N.J.), but his family soon moved further south on the Eastern Shore to the tiny Maryland town of Snow Hill. After high school, he spent two years at nearby Salisbury State College, where he met his future wife.

He then joined the Air Force, where he spent seven years, picking up along the way a bachelor's degree in occupational education from Southern Illinois University and a master's degree in the same field from Central Washington State College.

In 1978, Clarke joined the faculty of Northampton Community College in Bethlehem, Penn., where in six years, he rose to Dean of Business, Engineering and Technology while also earning a doctorate in Higher Education Administration and Supervision at Lehigh University.

In 1984, VTC was in the doldrums. Its enrollment was declining. No new buildings had been built in 12 years. It had no endowment and few private gifts. The Vermont State College trustees tapped the 33-year-old Clarke, giving him the charge to rescue the college and lead it to new heights. The rest, as they say, is history.

Last fall, the state Chamber of Commerce honored Clarke as the 1998 Vermont Citizen of the Year and the accolades flew fast and furiously. Vermont's entire congressional delegation, state and college officials, and businesspeople of all stripes joined in paeans to Clarke's hard work, vision, and leadership. He was called, in no particular order, "A man who fixes things;" "A man in a hurry;" and "Not just a man with a plan, but a man who gets things done."

Said Gov. Howard Dean, who presented the award: "Bob Clarke was talking about workplace investments and public-private partnerships before anybody else knew what they were." And, he added, "What I know best about (him) is his ubiquity. I've never been to any meeting about education and jobs, in my 7½ years as governor, that he or someone who works for him wasn't either at the meeting or was next on the appointment list."

In his acceptance speech, Clarke noted that it was relatively rare for both an educator and a non-native-Vermonter to receive the coveted award, and that he was awed to be mentioned in the company of the other honorees—most of them governors, statesmen, or captains of industry. He unsurprisingly reviewed his college's accomplishments and thanked his colleagues. But he ended on a different, bolder note. "Much still needs to be done," he said. "Consider that:

"Vermont ranks 49th among the states in per capita support of higher education.

"Unlike most states, Vermont's two-year colleges receive no local support.

"Vermont has no post-secondary vocational education system.

"There is a tremendous state need for workforce education and training.

"There is a shortage of skilled Vermonters to fill high-paying jobs."

At the end of the banquet, the Chamber of Commerce's chair, Millie Merrill, announced that the organization's board that day had unanimously and strongly endorsed the concept of additional funds for higher education. When Clarke arrived the next morning at a meeting of the Higher Education Financing Commission, the assembled college presidents and state legislators gave him a standing ovation.

The chief feather in Clarke's off-campus cap is the IBM Educational Consortium, under which VTC, in partnership with the University of Vermont and the other state colleges, manages all employee education and training for the state's largest private

employer. The consortium has 22 full-time employees on-site at IBM. Gov. Dean lauds it as "a model program, not only for the state but for the whole country."

Landing the IBM contract was a major coup for Clarke and VTC. The big computer manufacturer has for many years taken great pride in running its own training department, and it took some serious horse-trading and a trial period before IBM officials agreed to turn over all their training to the consortium.

In many other places, a small two-year college would be expected to be only a junior partner in such an arrangement, not the organizer. But, says Clarke, with obvious pride: "We do education and training. We're good at it. Often businesses are not. That's why I job out my campus food service and bookstore operations to outside experts."

That's not, of course, VTC's only business-training contract. Clarke has developed a slew of them, and he's been willing and able to make special arrangements for companies with different needs whenever traditional training programs seem unlikely to work. Two examples:

He's delivering a program that leads to a two-year degree in engineering technology on the premises of BF Goodrich Aerospace in Vergennes. In that partnership, Goodrich executives are working with the VTC faculty to develop the curriculum, and faculty members travel across the state to teach the courses.

He's arranged for selected Bell Atlantic employees, who are scattered all over the state, to come to the VTC campus in central Vermont once a week to work toward a degree in telecommunications technology. The telephone company orchestrates the work schedules of student-employees to accommodate the program.

Clarke likes to point out that "90 per cent of Vermont companies have fewer than 20 employees. We need better training not linked to specific programs." So in 1992, the college took over the Vermont Small Business Development Center, which had been housed at the University of Vermont. Since then, it has served more than 7,000 clients, providing small Vermont companies with counseling, training, help in marketing and financial management, and assistance in finding money for startups or expansion. As part of its outreach program, the center maintains offices at five different sites around the state.

The center helps put on trade shows and seminars and works in conjunction with other colleges, state agencies, trade associations, and the federal Small Business Administration (which provides most of its operating funds).

It also maintains an environmental assistance program, which conducts workshops and confidential environmental assessments for businesses that Clarke maintains might be reluctant to deal directly with government agencies, which have the power to levy penalties for rules violations.

Vermont Interactive Television is another pioneering Clarke innovation. Headquartered on the VTC campus in Randolph, it coordinates 12 sites around the state, where businesses, government officials, educators, and non-profit organizations can conduct meetings, training, and hear and see what folks at the other sites are saying and doing, all without the costly statewide travel that can be onerous or even dangerous during winter.

VIT has been in operation for more than 10 years. It has a contract with the state for meetings and training, and it collects user fees for non-state-government meetings. Individual sites donate the use of their facilities. A 1996 study reported that the state government was saving some 55 percent on

meetings conducted over VIT instead of having employees travel around the state to one central location. Many committees of the state legislature conduct public hearings via interactive television, so they can collect input from citizens without forcing them to travel to Montpelier.

A more recent innovation is the Vermont Manufacturing Extension Center, a joint venture among VTC, the state's Department of Economic Development, and a couple of units of the U.S. Department of Commerce. In three years, this center has worked with more than 500 Vermont manufacturers in projects involving a number of trade associations, colleges, and other non-profit organizations.

The center has been in the forefront of efforts to raise Vermonters' awareness about the potential problems of Y2K or the Millennium Bug, which could cause most computers to malfunction on Jan. 1, 2000, because they may not be able to recognize the date. VMEC is closely affiliated with the state's Y2K Council and it's working with manufacturers to identify and head off any computer problems that could occur.

Whenever his institution lacks the expertise to pull off a full-fledged training program on its own, Clarke develops partnerships with other post-secondary institutions. Too many exist to name here, but VTC currently has 18 such joint projects with the University of Vermont alone.

Meanwhile, back on the campus, Clarke encourages innovation, but he runs a tight ship. Too tight for some faculty members, who over the years have chafed at the directions he wants to take the school, the speed with which he likes to make changes, and his impatience with those who disagree with him.

Early in his tenure, one teacher who was vocally less than enthusiastic about Clarke's plans did not have his contract renewed, despite the strong support of the rest of the faculty, who felt he was an outstanding teacher. Incensed, the faculty called for Clarke's resignation by a two-to-one margin. Clarke refused to resign, and he was wholeheartedly backed by the state-college trustees. That ended the faculty rebellion, but left many teachers with a long-simmering dislike and distrust of the president.

Some faculty leaders now argue that Clarke has changed since that confrontation. They think he's a bit more fair-minded and can now consider others' points of view, even when he disagrees with them. "He's developed a delicate touch in personnel matters," says Russ Mills, the veteran faculty member, who thinks that, if confronted with the same situation again, Clarke would react differently today.

Nonetheless, there's no question that Clarke likes to be in control of what's happening on his campus. Even today, he boasts that he personally interviews all finalists for campus jobs.

A quick review of several campus innovations by Clarke and his academic colleagues offers some idea of the breadth of his interests and concerns:

Several years ago, the college took over the state's training programs for Licensed Practical Nurses. It continued to offer the standard one-year program at four sites throughout the state, but added a second year for students interested in becoming Registered Nurses. And it offers academic credit for its programs, so that nursing students who wish to get bachelor's degrees can transfer to a four-year institution.

In 1989, the Vermont Academy of Science and Technology was founded. Under that program, gifted Vermont high-school students can enroll at VTC and simultaneously complete their final year of high school and

their first year of college work. VTC is accredited as a private high school for that purpose. Students who complete that year's work can continue there or transfer to another college.

The college plays host every summer to a Women-in-Technology program. About 250 young women spend a week on campus, where they engage in classes, seminars and workshops with female scientists and engineers, as a way of providing role models and encouraging more young women to consider careers in science and technology.

The Vermont Automobile Dealers' Association, worried about a critical shortage of auto technicians who can deal with the technology of modern cars, built and equipped an automotive technology center on the VTC campus, so that the college could add a two-year degree program in automotive technology. It now also provides scholarships for auto tech students.

Clarke seems to be willing to talk with just about any interest group that could conceivably help his institution. He once struck a deal with the state to buy a farm adjacent to the campus where officials wanted to locate a veterans' cemetery. He agreed to manage the cemetery—and VTC still does—in order to get the remainder of the land for campus expansion.

Not all such proposals come to fruition, however. Clarke offered land to the Woodstock-based Vermont Institute of Natural Science when it was looking for a new home last year (it decided to move elsewhere) and he had serious negotiations with Gifford Hospital in Randolph (where he once served on the board) to establish a nursing home that didn't work out, either. It was during that time, when negotiations were also under way for an early-childhood education program, that one faculty wag observed at a VTC meeting: "Now we can have it all—cradle to grave, without leaving campus."

What's next on the agenda for Clarke? For starters, he says he's committed to staying in Vermont. He admits that when he first took the job, he viewed it as a stepping stone, but he says the people here have been so welcoming and unlike the flinty New Englander stereotype, that he and his wife Glenda have fallen in love with the state and plan to stay. The college provides housing on the campus for the president, so the Clarkes built a "weekend" home in Addison, near Lake Champlain.

On the college front, he's planning more relationships with businesses. He's working to develop one with IDX, the Burlington-based medical-software company, which recently announced an expansion. He hopes to provide a six-month program of technical training to liberal-arts graduates.

Clarke also wants to assist Vermont businesses to get into what he calls "e-commerce," selling their wares over the Internet. "We know the technology and we can help," he says. "Most businesses are barely scratching the surface."

And he wants to encourage the state to come up with a coordinated effort to deal with vocational-technical education.

He applauds the efforts of the Higher Education Financing Commission on which he sat, but feels the key to having its recommendations work is a multi-year commitment by the state. For example, he notes that the new Trust Fund just passed by the Legislature is about \$8 million to start and its use is limited to the earnings from the amount.

"It's an important first step," he says, "but one that will have marginal impact until it grows." For each of the state colleges, the fund will produce about \$20,000 a year for scholarships as it now stands. He's disappointed, however, that there are no

"workforce development" funds. Most states provide funds for training and re-training workers, but in Vermont the cost must be borne entirely by the companies.

Unless, of course, some clever entrepreneur somewhere—someone like Bob Clarke—can find the money and the backing to put a package together.●

#### HONORING COLORADO STATE SENATOR TILMAN BISHOP

● Mr. ALLARD. Mr. President, I'd like to take a moment to honor an individual who, for so many years, has exemplified the notion of public service and civic duty and an individual the western slope of Colorado will find difficult to replace.

Senator Tilman Bishop, a true Colorado native, represented Colorado's 7th District in the Colorado State Senate for 24 years and before that, 4 years in the Colorado House of Representatives. From 1993 to 1998 he also served as president pro tem of the senate. His years of service rank him 4th in the State's history for continuous years of service and he is the longest serving senator from the western slope of Colorado.

Senator Bishop has, for decades, selflessly given of himself and has always placed the needs of his constituents before his own. I had the honor of serving with Senator Bishop in the Colorado State Senate from 1983 to 1990 and have always valued his advice and counsel.

The numerous honors and distinction that Senator Bishop has earned during his years of outstanding service exemplify his dedication to the legislature and his constituents. Senator Bishop's wisdom and knowledge will be sorely missed.

Senator Bishop's tenure in the State legislature ended in 1998. There are too few people in elected office today who are prepared to serve in the selfless and diligent manner of Tilman Bishop. His constituents owe him a debt of gratitude and I wish him and his wife Pat the best in their well-deserved retirement.●

#### TRIBUTE TO TONY BURNS OF FLORIDA

● Mr. GRAHAM. Mr. President, I rise today to salute a special milestone involving one of America's premier business and civic leaders, Mr. Anthony "Tony" Burns of Miami, Florida.

A quarter-century ago, Tony Burns began his career with Ryder System, Inc. in 1974, as the Director of Planning and Treasurer. Under his guidance, Ryder expanded to become the largest truck leasing and rental company in the world, and the largest public transit management company in the United States. Now serving as Chairman, President and Chief Executive Officer, Tony celebrates his 25th anniversary with the firm on June 3, 1999.

While elevating Ryder's corporate status, Tony has helped lead the effort to make the workplace more family



friendly. He has implemented programs such as Kids' Corner, the Diversity Council, and a flextime policy to allow parents greater schedule flexibility.

In addition, Tony Burns personifies community involvement, including service to the Boy Scouts of America.

Mr. President, as we approach a new millennium and look back on the all-but-completed Twentieth Century, we are reminded of the importance of the dedicated people who strive to improve both their workplace and their community. I commend Tony Burns for his business acumen, his leadership, and his commitment to his company and the south Florida community. As he prepares to celebrate his 25th anniversary with Ryder, I ask you to join me and his many friends in extending congratulations and best wishes.●

ON BEHALF OF THE LATE JIM BETHEL, DEAN EMERITUS OF THE UNIVERSITY OF WASHINGTON'S COLLEGE OF FOREST RESOURCES

● Mr. GORTON. Mr. President, I rise to acknowledge the passing of an eminent teacher, scientist and academic administrator in my state. On Tuesday, May 18, Jim Bethel, Dean Emeritus of the University of Washington's College of Forest Resources, died in a Seattle hospital.

Dean Bethel was one of the Nation's most prominent and influential forestry leaders and was recognized both nationally and internationally. During his 17-year tenure as Dean from 1964 to 1981, he was a principal architect of creative educational innovations and related research programs that have endured in one way or another to this day. Furthermore, his extensive experience and leadership in international forestry affairs has contributed greatly to the College's involvement in international academic and research activities.

As an administrator, Dean Bethel set an undeniably high standard for his successors, faculty and administrators to emulate. Dean Bethel was responsible for initiating the College's pulp and paper program and the Center for Quantitative Science. Under his leadership, the College was repeatedly ranked among the top five forestry institutions in the U.S. Incidentally, while Dean, Bethel never gave up teaching two undergraduate courses, conducting personal research and advising graduate students.

Bethel received a BS degree from the University of Washington and advanced degrees at Duke University. In fact, he was one of the first individuals to be granted a Doctor of Forestry. Bethel held faculty appointments at Pennsylvania State University and Virginia Polytechnic University. During a 10-year stint at North Carolina State University, he was Professor and the Director of the Wood Products Laboratory and acting Dean of the Graduate School. He worked at the National

Science Foundation for three years prior to becoming the Associate Dean of the Graduate School at the University of Washington. He also served as Professor and subsequently the Dean of the College of Forest Resources.

Several organizations recognized Bethel's scientific contribution: he was elected fellow of the Society of American Foresters, the American Association for the Advancement of Science and the International Academy of Wood Sciences. He served on various boards and was a consultant to the National Academy of Sciences. Bethel also served on the President's Council on Environmental Quality. He was one of the founders of the Forest Products Research Society.

Bethel has significantly influenced the lives of many professional foresters. Perhaps his greatest and most enduring professional legacy are his graduate students who went on to responsible and successful positions, and the impressive list of professional journal articles and books.

Dean Bethel will be missed by those concerned about the scientific stewardship of forest resources in my State and the world.●

#### PLIGHT OF THE KURDISH PEOPLE

Mr. DODD. Mr. President, I rise today out of concern for the plight of the Kurdish people living in Northern Iraq and Eastern Turkey. They have been victims of some of the most egregious human rights abuses in recent years including brutal military attack, random murder, and forced exile from their homes. While American efforts in Northern Iraq have greatly improved the plight of the Kurds, there is certainly much room for improvement both there and in Turkey.

In 1988, the world was stunned by the horrific pictures of the bodies of innocent Kurds disfigured by the effects of a poison gas attack by Saddam Hussein. We may never know exactly how many people died in that particular attack due to Saddam Hussein's efforts to cover up his culpability. The number of victims, however, is most likely in the thousands.

This was certainly not Iraq's first deplorable attack on the Kurds and, sadly, it was not destined to be the last. Yet, this attack continues to represent a stark milestone in the long list of deplorable deeds Saddam Hussein has perpetrated against his own people.

In recent years, however, the United States has come to the aid of the Kurds of Northern Iraq. At the conclusion of the Gulf War, the United States and our allies established "no-fly" zones over Northern and Southern Iraq. These zones, plus the damage the Iraqi military sustained during Operation Desert Storm, have mercifully curtailed Saddam Hussein's ability to attack the Kurds in Northern Iraq. Mr. President, the men and women of the United States Air Force who risk Iraqi

anti-aircraft fire over Iraq each day in order to enforce these no-fly zones deserve our support and commendation. Not only do their efforts protect nations throughout the region and around the world from Saddam Hussein's aggression, but their daily flights serve as sentries against human rights abuses.

Mr. President, the United States has taken other, more direct actions to help the Kurds of Northern Iraq. Following the Gulf War, the United States Agency for International Development worked to provide important humanitarian assistance to Iraqi Kurds. When Iraqi incursions into the region once again threatened the lives of thousands of innocent civilians, the United States worked to evacuate more than 6,500 people to the safety of Guam. Many were later granted asylum in the United States.

Our relationship with the Kurdish people of Northern Iraq is not a one-way street. More than 2,000 of the Kurds who the United States evacuated in 1996 were either employees of American relief agencies or family members of those employees. Others have provided invaluable intelligence information to the United States.

As I mentioned earlier, many Kurds also live in Eastern Turkey. A minority of Turkish Kurds have taken up arms against the democratically elected Turkish government in a bid for independence. Unfortunately, both sides in this internal conflict are guilty of human rights abuses against innocent Kurdish civilians.

The Kurdistan Workers Party, or PKK, has devolved into a terrorist organization targeting not only Turkish military and police forces but innocent Kurdish civilians as well. While reliable estimates of the number of victims are extremely hard to come by, it is clear that thousands, probably tens of thousands, have died at the hands of the PKK.

As is often the case, neither side in the dispute holds a monopoly on human rights abuses. The PKK's actions unquestionably demand a response from the Turkish government. Rather than a measured and targeted response, however, Turkey has declared a state of emergency in a large portion of Eastern Turkey, directly affecting more than 4 million of its citizens.

Under the state of emergency, Turkey has severely rationed food, leading to great hardship amongst innocent civilians. In addition, Turkey has forced hundreds of thousands of people out of their homes, leaving more than 2,600 towns and villages mere ghost towns.

These actions are all aimed at suppressing the PKK's terrorism. Yet, the government has actively targeted not only known terrorists but those believed to agree with the PKK's goal of independence—although perhaps not their methods—as well. Even those who support neither the PKK's goals nor their means suffer at the hands of the Turkish military and police forces.

Thus, Turkey's Kurdish population is under attack from both sides without any place to hide.

Turkey is both a democracy and an important ally of the United States. In Kosovo and Bosnia, Turkey has stood firmly with other NATO members against human rights abuses. In recent weeks, Turkey has opened its borders to tens of thousands of innocent Kosovars desperate to escape Slobodan Milosevic's murderous rampage. Turkey, along with our other NATO allies, deserves a great deal of credit for its principled stand in the Balkans. In fact, Turkey has allowed the United States to enforce the no-fly zone over Northern Iraq from our air force base on Turkish soil.

Yet, it would be inappropriate for us to overlook Turkey's human rights abuses against its own people simply because of its commendable actions elsewhere. Mr. President, the intentional murder of innocent non-combatants is an anathema to the United States regardless of where it occurs or who the perpetrator is. Thus, the PKK's efforts to intimidate others by random murder, certainly not indicative of all Kurds, deserves our condemnation as does Turkey's abuse of its own innocent citizens in the pursuit of terrorists.

Mr. President, we must never let our nation's commitment to the protection of human rights lapse. As we sit here today, the human rights of an entire race of people in Turkey and Iraq are under assault. I urge my colleagues to join me in condemning these abuses. •

#### TRIBUTE TO COGGESHALL ELEMENTARY SCHOOL ON ITS 100TH ANNIVERSARY

• Mr. REED. Mr. President, I rise to congratulate Coggeshall Elementary School of Newport, Rhode Island, which this year celebrates its 100th anniversary.

Coggeshall has seen much since it opened to students in 1899. It has seen the rise of the automobile, the invention of the airplane, and the emergence of the Internet. It has weathered the great hurricanes of 1938 and 1954. It was around for 5 Boston Red Sox World Series wins and all the summers and autumns of bitter defeat since the last in 1918. Coggeshall has seen its graduates serve in two World Wars. It has seen its female students earn the right to vote.

Since Coggeshall opened its doors, the sound barrier and the four minute mile were broken, Charles Lindburg traversed the Atlantic, Neil Armstrong walked on the moon, and Rosa Parks ignited the Civil Rights movement.

Mr. President, Coggeshall Elementary has not only experienced history, it has shaped it. Coggeshall and its teachers have had an impact on generations of Newport's students. The school's influence is certain to reach far into the future.

I want to take this opportunity to commend Coggeshall Elementary for

its continuing legacy to Rhode Island—its students.

Recently, Jessica Perry, a fifth grade student at Coggeshall, penned a history of the school. I ask unanimous consent that her paper be printed in the RECORD, and I urge my colleagues to join me in congratulating Coggeshall Elementary on its 100th anniversary.

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

#### HISTORY OF COGGESHALL ELEMENTARY SCHOOL

(By Jessica Perry, Grade 5)

Coggeshall Elementary School was built beginning 1898. It opened to students in 1899. This year Coggeshall will be celebrating its 100th anniversary.

When Coggeshall was first opened there was a boys and girls entrance, boys had to go in one door and the girls had to go in the other door. Boys and girls almost always rode their bicycles so they had a bike room. Where the library is now is where the boys bike room was located. Where the kitchen is now was the girls bike room. There was no office. There were only four classrooms each on the 1st and 2nd floor.

The school had been open for a short period of time in the spring of 1899. June 24, 1899 was the formal dedication. The keys were given to mayor Boyle and Superintendent of Schools Baker. At the same time there was a graduation of Miss Gilpan's class. The girls wore white dresses and the stage was decorated with flowers. Lots of important people were there. Children sang and read their essays they had written, the newspaper said the school was the best constructed building of its kind they had ever seen. They said it had "tinted walls, high ceilings and pleasant prospects." Mr. Denniston and Mr. Belle donated the flag and flag pole.

From 1936-1971 there was a half-day kindergarten class as well as grades one to six. In the fall of 1976 grade six was moved to the Sullivan School. Now the sixth grade is located at the Thompson Middle School. Coggeshall has always had a kindergarten class until 1981. There was no kindergarten that year. In 1982 the kindergarten came back. It left again in 1990 for one year. In 1996 an all day kindergarten was begun at the school.

Throughout the years changes have been made to the school. There are new chimneys, we added a fire escape, new school sign, parking lot, new windows and shrubs. There are also telephone poles, electric wires and cars that were not here in 1899!

Since 1936 there have been 12 principals, the principal that was here the longest is Mary Ryan. She stayed for 14 years! The principal that stayed the shortest is Dr. Mary Koring. She worked here for only one year. In the early years the principals Charles Carter, Irvin Henshaw, and Leo Connerton was the principal of Sheffield School and Coggeshall School. After the 1950's the principal was only in charge of Coggeshall School. Mr. Borgueta is the Superintendent of Schools now and Mr. Frizelle is the principal. •

#### "NATIONAL SMALL BUSINESS WEEK

• Mr. GRAMS. Mr. President, I rise today to pay tribute to America's small businesses—the backbone of our nation's vibrant economy. As my colleagues may know, this week is recognized as "National Small Business Week."

As a former small businessman, I believe small businesses have always been one of the leading providers of jobs throughout our communities. Today, there are over 24 million small businesses that serve as the principal source of new jobs, employing more than 52 percent of the private workforce.

In particular, I am very proud of the tremendous growth in women-owned businesses over the last several years. According to the National Foundation for Women Business Owners, there are more than 166,000 women-owned businesses in my home state of Minnesota, employing 349,800 people and generating \$42.3 billion in sales. Between 1987 and 1996 the number of women-owned businesses increased dramatically, by over 73 percent.

Mr. President, one of the unique aspects of Minnesota's small business community is the large number of high-tech companies throughout our state. I certainly envision an important role for small, high-technology businesses in meeting the nation's science and technology in the years ahead. Small businesses account for 28 percent of jobs in high-technology sectors and represent 96 percent of all exporters, underscoring the important role the small business community will have toward developing a 21st century economy that is globally and technologically driven.

During "National Small Business Week," I am proud to share with my colleagues the special recognition recently granted by the Small Business Administration to two dedicated Minnesotans: Comfrey Mayor Linda Wallin and Ms. Supenn Harrison, a restaurateur in Minneapolis.

Mr. President, in 1997 several communities in Minnesota were threatened by terrible tornadoes and floods. Almost immediately, Mayor Wallin provided courageous leadership to protect the community of Comfrey from this dangerous natural disaster. In addition to establishing a command center to coordinate efforts to rebuild and provide relief to residents, Mayor Wallin secured assistance from the SBA to rebuild a civic center, a new library, and an elementary school. This year, the SBA has honored her with the "Phoenix Award" for those who have displayed confidence, optimism, and love of community while surmounting near disaster.

Ms. Supenn Harrison, a successful CEO of Sawatdee, a Thai restaurant in Minneapolis, represents the finest of Minnesota's small business owners. Ms. Harrison is Minnesota's 1999 honoree as one of the fifty finalists to be considered for the National Small Business Person of the Year. Ms. Harrison's investment in her company and employees through constant efforts to update equipment, implement new marketing strategies, and encourage high employee morale underscores her commitment to a strong economy.

Mr. President, I am honored to recognize the contributions of Minnesota's

small business community during "National Small Business Week." I look forward to working with my colleagues to promote an economic climate where small businesses can succeed through federal regulatory relief, tax reduction, a skilled workforce, and free trade policies.●

#### POLICE OFFICER PERRIN LOVE

● Mr. HOLLINGS. Mr. President, I rise today to pay tribute to the heroism of Officer Perrin Love, a private in the Charleston Police Department. Officer Love died a tragic death last Saturday morning, when he was accidentally shot by his partner while pursuing an armed suspect.

Hard-working, dedicated, and courageous, Police Officer Perrin Love was a credit to the Force and the City of Charleston. All who knew him liked and respected him, and though he was only a rookie, everyone on the Charleston Police Force believed he had a bright future as a law enforcement officer. Officer Love graduated first in his class from the Police Academy in Portland, Oregon, and had earned high marks for his performance on the Charleston Force. He earned his first stripe earlier than most new officers on the Charleston Force.

Public service and devotion to duty were the hallmarks of Perrin Love's life. Before becoming a police officer, he served with distinction in the United States Navy. As the Charleston Post and Courier wrote in its memorial to Officer Love: "Officer Perrin 'Ricky' Love was doing exactly what he wanted when he died Friday. He was wearing a uniform, serving the public, and enforcing laws he believed in."

Mr. President, men and women like Officer Love are a credit to their families, to their uniforms, and to this nation. Law officers like Perrin Love always give me hope for our future. These brave souls continue to patrol our cities, enforce our laws, and protect our lives and property at great risk, asking nothing in return except the privilege to wear their uniforms and the knowledge that they have the hard-won respect of their neighbors and their peers.

According to his fellow officers, Officer Love embodied all the qualities one wants in an officer of the law: he was brave and dedicated to serving his fellow citizens and the law, but he also loved his community and worked hard to establish good relations with everyone on his beat. His tragic death is a blow to his family, to his fellow officers, and to the City of Charleston.

I join all the people of Charleston in mourning his passing and expressing my most sincere condolences to his sister, Jennifer Love, and his parents, Joshua and Nancy Love. I hope the knowledge that the entire community laments the loss of such an honorable and admirable man as Officer Love will be of some small comfort to them in their time of grief.●

#### TRIBUTE TO TEN YEARS OF SERVING THE SOUTH'S FINEST BARBEQUE

● Mr. COVERDELL. Mr. President, I rise today to commend Mr. Oscar Poole, affectionately known as "Colonel" in the north Georgia town of Ellijay, who on June 4th will be celebrating his tenth year of business as one of our great state's foremost authorities on barbecue. Throughout his ten years of service in this little town resting in the scenic foothills of the Appalachian Mountains, Colonel Poole has served customers both far and wide, from nearly every state in the Union, and more than several countries.

The grassy embankment behind this now landmark establishment, pays tribute to the many thousands of customers that have passed through the town of Ellijay to eat the Colonel's barbecue. The embankment, referred to as the "Pig Hill of Fame," is covered by nearly 4,000 personalized, painted, and pig shaped signs. Individuals, families, tour groups, friends, Sunday school classes, and celebrities have each had pigs erected to memorialize their visit to one of the South's greatest places for barbecue. In fact, I am fortunate enough to have a sign in my name on this famed hill. As many in the South know, politics and barbecue go hand in hand. Therefore, it comes as no surprise to learn that governors, congressmen, Senators, statesmen, and even Presidential candidates have made the voyage to Colonel Poole's.

Colonel Poole's reputation supersedes our state's boundaries. On three separate occasions he was the highlight of Capitol Hill. On his first trip to Washington, the Colonel arrived at the steps of the Capitol in his large yellow PigMobile and in his colorful and patriotic suit to deliver his hickory smoked pork to the entire Georgia delegation and their staffs. Much to the dismay of some in the delegation, word about real Georgia barbecue got around Washington so fast that the Colonel's rations, enough for 450 people, quickly ran out. On another occasion, I had the opportunity to serve what may be one of Georgia's finest kept secrets to several of my friends and colleagues here in the Senate who meet for a weekly lunch.

While most know the Colonel as a barbecue maestro, he is a wearer of many hats. His customers know he is also a pianist. Others know of him as a preacher. This man with a big heart is all of these things and more.

Inside his tin covered, pine wood restaurant the Colonel plays classical music, show tunes, and almost every customer request. Having learned to play the piano at an early age, Mr. Poole has long since appreciated his gift as a musician. His ability to play was good enough to put himself through the Methodist seminary where he was ordained a minister.

His work in the Church, as a preacher and a missionary, took him to many

rural communities here in the South and to developing countries like Brazil. It was this sort of compassion that enabled a north Georgia gentleman named Wendell Cross to approach the Colonel for instruction on how to read. Mr. Cross, a sixty year old man, had spent his entire life not knowing how to read. That was until Mr. Poole took him under his wing and worked with him on a daily basis for nearly twelve months. Eventually Mr. Cross learned to read. The story of compassion and friendship received nationwide media coverage and was shown on the popular "Today Show."

More importantly, two days before the tenth anniversary of his business, Colonel Poole will be celebrating his 49th, I repeat, 49th year of marriage to his lovely wife, Edna Poole. This is a milestone that anyone would be extremely proud, and I am happy to report that the Poole's will have four sons—Michael, Greg, Keith, and Darwin—to help them celebrate this milestone.

Once again, Mr. President, I would like to commend Colonel Oscar Poole on his tenth year of business and his 49th year of marriage. During this time when there are discussions of the direction of today's culture, Colonel Poole is an example of how leading one's life by a core set of good, American values—faith, family, and country—will result in a life of many successes.●

#### WELCOME TO EDRINA AND LISELA DUSHAJ

● Mr. MOYNIHAN. Mr. President, it is with great pleasure that I rise today to tell the story of the Dushaj family. Several years ago Pranvera and Zenun Dushaj left their native Albania and were granted political asylum in the United States. They settled in the Bronx, New York where they found a place to live and both found jobs. Unfortunately, at the time they left Albania they could not bring their two young daughters, Edrina and Lisela, with them. They had to stay behind with their grandmother.

As soon as they were eligible, the Dushaj family applied for permission to bring their children to the United States. The family came to my office last year seeking assistance in getting the I-730 petitions approved. Last fall, the Immigration and Naturalization Service granted the petitions for both daughters.

All was set. The Dushaj children could now join their parents in this country. All they needed were immigrant visas, but therein lay the problem. Because of recent fighting and the threat of terrorist activity, consular services at our Embassy in Albania were all but shut down, providing only emergency services to American citizens. The embassy was no longer able to process the needed visas.

I note that this was occurring this March just as the conflict with Serbia was coming to a head. The Dushaj children were stuck in Albania and their

parents were quite concerned. To make matters worse, they lived in Bijram-Curri, a city in the Tropoja region which is less than half an hour from the Kosovo border.

Albanians were being instructed to contact the American Embassy in Italy or Greece to obtain visas. This presented a problem for the Dushaj family. With the start of the NATO bombing campaign, it became nearly impossible to get from Albania to Italy, either by sea or air, and anti-American demonstrations outside our embassy in Athens made the Dushaj family reluctant to send their four and six year old daughters to Greece.

Fortunately, Zenun Dushaj has a cousin in Turkey and my office was able to work with the Dushaj family to have our embassy in Ankara accept jurisdiction in this matter. In April, Edrina and Lisela left Albania. Soon thereafter, they arrived at our embassy in Ankara where they applied for immigrant visas. They filled out the proper forms, underwent the necessary medical exams, provided the necessary documentation, and shortly thereafter their visa applications were processed.

I am very happy to report that on May 21, the Dushaj children landed in New York and were reunited with their parents. Pranvera and Zenun could not be more thrilled as their family starts a new life together in America. I am also proud that like so many immigrants before them, they will start that life in New York.

Many thanks are owed to Marisa Lino, our Ambassador in Albania, who I know is working under very trying conditions, and especially to Jacqueline Ratner, our Consul in Turkey. Ms. Ratner not only recognized that this was a situation where she could make something good happen, she followed up and shepherded the Dushaj children through the application process. I have no doubt that it was her fine work that made this happy outcome possible.

I also note the courage, ingenuity, and tenacity of the Dushaj parents and all their relatives in Albania and Turkey. They fought to bring these children to this country and no matter how desperate things looked, they never gave up hope. Most of all Mr. President, I would just like to say to Edrina and Lisela, welcome to America.●

#### 1998 NATIONAL GUN POLICY SURVEY OF THE NATIONAL OPINION RESEARCH CENTER

● Mr. LAUTENBERG. Mr. President, the National Opinion Research Center at the University of Chicago recently released an informative survey which documents the attitudes of Americans on the regulation of firearms. I think that my colleagues will find the results of this survey to be valuable, and I ask that an executive summary of the survey be printed in the RECORD.

The summary follows:

#### 1998 NATIONAL GUN POLICY SURVEY OF THE NATIONAL OPINION RESEARCH CENTER RELEASED MAY 6, 1999

##### EXECUTIVE SUMMARY

Results from a national survey indicate strong public support—including substantial majorities among gun owners—for legislation to regulate firearms, make guns safer, and reduce the accessibility of firearms to criminals and children.

Key findings of the 1998 National Gun Policy Survey include:

- Three-fourths of gun owners support mandatory registration of handguns, as does 85 percent of the general public.

- Government regulation of gun design to improve safety gets support from 63 percent of gun owners and 75 percent of the general public.

- Two thirds of gun owners and 80 percent of the general public favor mandatory background checks in private handgun sales, such as gun shows.

The survey was conducted by the National Opinion Research Center at the University of Chicago in collaboration with the Johns Hopkins Center for Gun Policy and Research with funding from the Joyce Foundation. The third in a series of surveys of American attitudes toward gun policies, it shows a continuation of an upward trend in public support for more control over firearms and more attention to making all firearms safer.

Other key findings include:

- Three quarters of those surveyed want Congress to hold hearings to investigate the practices of the gun industry, similar to the hearings held on the tobacco industry..

- Sixty percent of Americans want licenses to carry concealed weapons to be issued only to those with special needs, e.g., private detectives. And 83 percent of the public believes that public places, including stores, theaters and restaurants, should be able to prohibit patrons from bringing guns on the premises.

- Americans strongly support measures to keep guns from lawbreakers. 90 percent favor preventing those convicted of domestic violence from buying guns, 81 percent would stop gun sales to those convicted of simple assault, and 68 percent to those convicted of drunk driving.

- People are willing to pay higher taxes for measures to reduce gun thefts and root out illegal gun dealers, and they express a willingness to pay higher prices for guns that are designed for greater safety.

- Sixty-nine percent of those surveyed opposed importing guns from a country where those guns could not be legally sold. A total of 55 percent are against all gun imports.

Nearly nine out of ten Americans believe that all new handguns sold should be childproof, that is, designed so that a child's small hands cannot fire them.

Eighty percent of the people asked say owners should be liable for injuries if a gun is not stored to prevent misuse by children.

When asked if there should be a mandatory background check and a five-day waiting period in order to purchase a gun, 82 percent of the people owning a gun, as well as 85 percent of the general public, agreed that position was a good idea.

Nearly one out of ten adults report having carried a handgun away from home during the last months. About half of those did not have a permit for doing so, and about half of the handguns were loaded.

Just under half of adults who own a handgun obtained the gun through a "less regulated source," defined as pawnshops, private sales, gifts and inheritances.

The data were collected in the fall of 1998, before the recent school shootings in Colorado and Georgia, but following similar high-

ly publicized shootings in Arkansas, Kentucky and Oregon. The telephone survey of 1,200 U.S. adults has a margin of error of three percent. The final report is entitled "The 1998 National Gun Policy Survey of the National Opinion Research Center: Research Findings."

Affiliated with the University of Chicago, NORC has conducted national surveys in the public interest for over 55 years. As a pioneer in the field of survey research, NORC is noted for the high quality of its survey designs, methods, and data.

The Johns Hopkins Center for Gun Policy and Research, established in 1995, is dedicated to preventing gun-related deaths and injuries. Located in The Johns Hopkins School of Public Health, the Center applies a science-based, public health approach to gun violence. It provides accurate information on firearm injuries and gun policy; develops, analyzes, and evaluates strategies to prevent firearm injuries; and conducts public health and legal research to identify gun policy needs.

Based in Chicago with assets of \$947 million, the Joyce Foundation supports efforts to strengthen public policies in ways that improve the quality of life in the Great Lakes region. Since 1993, it has granted over \$13 million to support public health approaches to reduce gun violence.

Full results of the survey are posted on the NORC web site at: <http://www.norc.uchicago.edu/>●

#### A LIFETIME OF TEACHING

● Mr. TORRICELLI. Mr. President, I rise today to recognize Dr. Joseph A. Klingler as he retires after 36 years of service to the students and families of my hometown, Franklin Lakes, New Jersey. He served as a teacher, a principal, a mentor, and a leader in the educational field.

Throughout his thirty-one years, Dr. Klingler has shown unparalleled support and caring for his pupils. He provided each school he taught at with a unique personality that demonstrates caring, respect, interest in others, and academic challenge. He always encouraged his students to take an active role in school, whether academically, athletically, or through community activities. Because of his encouragement, staff members applied for mini-grants which contributed to the success of several middle school activities such as the Show Choir, FAYM, and the Drama Club. Dr. Klingler understands the importance of parents becoming involved in their children's school and has formed a close alliance with the PTA.

Dr. Klingler shaped our definition of a middle school, with mission statements, team concepts, and quality programs. He was active in local and national education associations. He chaired the FLOW area Regional Education Council several times, and participated in the national program for evaluating elementary schools. He is a member of Phi Delta Kappa, the National Professional Educational Fraternity, the American Association of School Administrators, the National Association of Elementary School Principals, the New Jersey Principals and Supervisors Association, and the National Mathematics Teachers Association.

Dr. Klingler has served as a role model for community activities, coaching baseball in the local recreation program, volunteering at the Bergen Community Regional Blood Center, participating in the Environmental Commission Clean-Up Day, and chairing the Franklin Lakes Juvenile Committee. He encouraged his students to take an active role in their community.

As one of his former students I was directly influenced by his teaching and leadership. I would like to take this opportunity to thank Dr. Klingler for his years of service to all his students in Franklin Lakes. He will be dearly missed, but I am certain that the values he instilled in his students will live on.●

#### TRIBUTE TO ST. PHILOMENA SCHOOL: 1999 U.S. DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL

● Mr. REED. Mr. President, I rise today to recognize the achievement of St. Philomena School of Portsmouth, Rhode Island, which was recently honored as a U.S. Department of Education Blue Ribbon School.

It is a highly regarded distinction to be named a Blue Ribbon School. Through an intensive selection process beginning at the state level and continuing through a federal Review Panel of 100 top educators, 266 of the very best public and private schools in the nation were identified as deserving this special recognition. These schools are particularly effective in meeting local, state, and national goals. However, this honor signifies not just who is best, but what works in educating today's children.

Now, more than ever, it is important that we make every effort to reach out to students, that we truly engage and challenge them, and that we make their education come alive. That is what St. Philomena School is doing. St. Philomena is a kindergarten through eighth grade school that emphasizes student achievement.

Since opening in 1953, much has changed for St. Philomena. For a brief time, it offered a comprehensive education from elementary through high school. But since the late 1960s, St. Philomena has focused exclusively on elementary education, and its students have benefitted from this wise decision. While the school has grown in size—adding four new buildings to its facilities, its administration and faculty have taken a personalized approach to each student's education.

Mr. President, St. Philomena is dedicated to the highest standards. It is a school committed to a process of continuous improvement not only for students but for teachers as well. Indeed, St. Philomena's teachers hone their skills as educators by continuously pursuing educational opportunities of their own.

Mr. President, the Blue Ribbon School initiative shows us the very

best we can do for students and the techniques that can be replicated in other schools to help all students succeed. I am proud to say that in Rhode Island we can look to a school like St. Philomena. Under the leadership of its principal, Sister Ann Marie Walsh, its capable faculty, and its involved parents, St. Philomena School will continue to be a shining example for years to come.●

#### TRIBUTE TO MAJ. GEN. DAVID W. GAY

● Mr. DODD. Mr. President, I rise today to pay tribute to Major General David W. Gay, the Adjutant General of the Connecticut National Guard. General Gay will retire on June 1st, so this is an appropriate time to recognize his nearly 40 years of service to the National Guard and to recount his achievements during his seven years as head of Connecticut's Guard forces.

Members of General Gay's Air National Guard component—the 103rd Air Control Squadron—will soon travel from Orange, Connecticut to Italy in support of NATO operations in Kosovo. Like the nearly 5,000 National Guard members throughout the nation who have answered the call and are now overseas supporting the NATO mission, those men and women from Orange were engaged in their normal day-to-day lives one week and found themselves working in a massive, full-time military operation the next week. Such a scenario is not uncommon in the National Guard. Whether it is a military operation, a natural disaster, or civil unrest, our citizen soldiers in the Guard stand ready to put aside their private lives and report to their duty station, be it at home or abroad.

General Gay has dedicated his career to serving this country with a willingness to be called upon at any time to defend this nation and our way of life. He began his military service as a Marine in 1953. In 1960, he enlisted as a full-time member of the Connecticut National Guard, and, in 1962, he received his commission as a Second Lieutenant. His steady rise through the ranks led to command assignments in the Connecticut National Guard's artillery and infantry branches. In 1992, General Gay was appointed Adjutant General of the Connecticut National Guard, a position he has now held for seven years. During his career, the General earned two of the most prestigious awards this nation gives to its military officers—the Legion of Merit and the National Guard Bureau's Eagle Award.

Beyond his duties as Adjutant General, ranking member of the Governor's Military Staff and commissioner of the State Military Department, General Gay has committed himself and his troops to taking positive action to improve the communities of Connecticut. Most noteworthy are the host of youth programs that began under General Gay's tenure. Many of them are a part

of the Drug Demand Reduction Program which brings National Guard personnel into the community to serve as role models for children, to encourage youth to excel in school, and to convince kids to avoid drugs. The various and ingenious offshoots of the program, including Take Charge, Character Counts Coalition, Safeguard Retreat, Aviation Role Models for Youth, and Say "Nay" To Drugs have swept the state. Last year alone, under General Gay's able leadership, those programs touched nearly 20,000 children in 88 towns across Connecticut.

Furthermore, General Gay serves as president of the Nutmeg State Games which feature Connecticut's finest young amateur athletes. Beyond his own time, he has committed the resources of the Guard to support the Games thereby enhancing the experience for athletes and spectators alike. Just as important, the General has promoted an excellent working relationship between the Guard and Connecticut's employers through the ESGR, or Employer Support of the Guard and Reserve. When personnel may be called upon in times of crisis to leave their jobs for months on end, strong bonds with affected employers are critical. The General has made it a priority to strengthen those bonds. Additionally, to assist federal and state agencies in training personnel, he initiated the Community Learning and Information Network which allows employees of such agencies to take advantage of the Guard's computer distance learning tools. Over the years, the Network classes have enabled numerous employees to acquire the desired training at minimal cost to government agencies.

General Gay's commitment to the community has been recognized by several awards and accolades, a Leadership Award from Eastern Connecticut State University and a Character Counts Centers of Influence Award top the list. I have deeply enjoyed working with the General over the past several years and look forward to continuing our relationship as he becomes the Chair of Connecticut's Y2K task force. I also give my best wishes to his wife, Nancy, and their three children, David, Jennifer, and Stephen.●

#### TRIBUTE TO JAMES K. KALLSTROM

● Mr. BIDEN. Mr. President, I want to say a few words today about a man who is one of America's finest civil servants and a man who I am proud to call a friend, Jim Kallstrom.

Jim Kallstrom had an illustrious career with the Federal Bureau of Investigation ("FBI"), one in which he played a major role in building up the Bureau's counter-terrorism capabilities. Jim Kallstrom led the successful FBI investigations into the World Trade Center bombing and the intended bombing of the Lincoln Tunnel. Those investigations broke the back of one of the most violent terrorist groups ever

to operate in this country. Their speedy conclusion also did much to reassure the American public in the wake of the World Trade Center bombing, and they sent a message to terrorists around the world that no person or group can expect to get away with terrorist actions in the United States.

Assistant FBI Director for the New York Metropolitan Area, Jim Kallstrom led the Bureau's largest field office. He supervised agents handling many of the FBI's most sensitive criminal, counterintelligence and counterterrorist cases. He was, and is, a vigorous investigator—truly a cop's cop—and an effective administrator.

One of Jim Kallstrom's best known accomplishments—and his most controversial role—was his direction of the investigation of the TWA Flight 800 explosion of July 17, 1996. My colleagues will remember that 230 people died in that crash and that there was immediate and great suspicion that this was the result of a terrorist or criminal act. There was also a recurrent allegation that the U.S. armed forces had accidentally shot down the aircraft and were trying to cover up their role. That allegation was utterly false, but it acquired a life of its own despite the facts. It was, in fact, one of the first cases of a rumor spread and perpetuated by the Internet.

In the initial days of this case—as the desperate search for any survivors turned into a continuing and heroic mission to retrieve and identify the hundreds of bodies, and as a raft of local and federal agencies converged to handle a multitude of tasks—Jim Kallstrom stepped in and imposed order on the incipient chaos. Over the coming weeks and months, it was the determination and competence of Jim Kallstrom that reassured the American people and gave us all confidence that no stone would be left unturned in the search for any criminal evidence.

In recent weeks, one of my colleagues has raised the possibility that Jim Kallstrom, in the course of pursuing his counterterrorist investigation to the fullest, may have delayed or tried to delay the transmission to the National Transportation Safety Board of a report by the Bureau of Alcohol, Tobacco and Firearms ("BATF") that concluded that the TWA Flight 800 explosion appeared to be caused by a mechanical flaw in the center fuel tank.

Mr. Kallstrom denies that allegation. He insists that he forwarded the BATF report to the National Transportation Safety Board within a few days of receiving it. He admits that he was angry that BATF would issue its conclusions while the counterterrorist and criminal investigation was still ongoing.

I do not know whether Mr. Kallstrom delayed transmission of the BATF report, although I note that two FBI officials testified that he did not. What I do know is that Mr. Kallstrom was performing most admirably in a situation fraught with challenges.

Let me emphasize those challenges. Millions of Americans drew the initial

conclusion that this explosion was caused either by a bomb or by a missile. There was an urgent need not only to conduct a thorough investigation into that possibility, but also to demonstrate to the American people that the United States Government was doing everything humanly possible to bring any perpetrators to justice, while still doing anything humanely possible to meet the needs of hundreds of bereaved families and showing proper respect for the dead.

This was no easy task, and no small one, either. Jim Kallstrom assumed those duties and brought the TWA Flight 800 investigation to a successful conclusion. I say "successful" very purposely, for the investigation did not fail to uncover any terrorist or criminal act. Rather, it eliminated those possibilities and gave the American people confidence that the explosion was instead a tragic accident.

Some have expressed concern that the FBI might have unwittingly delayed necessary action to correct safety flaws in U.S. commercial aircraft. I understand this concern and I would agree that recommendations of the National Transportation Safety Board have not been given sufficient attention by the Federal Aviation Administration. But safety board officials apparently reached the same conclusion as BATF weeks earlier, and they reportedly do not believe that any delay in receiving the BATF report hindered their ability to persuade the FAA to take corrective action.

Some people feel that the FBI was too determined to find evidence of a terrorist or criminal act. I don't doubt for a moment that some investigators found Jim Kallstrom rather intimidating in his determination to find any such evidence. The bad news is that Jim Kallstrom is sometimes intimidating. The good news is also that Jim Kallstrom is sometimes intimidating. He gets the job done. He also projects confidence and determination. That is what was needed of the head of the FBI's New York office, and that is what was needed by the head of the TWA Flight 800 investigation.

I am sorry if some investigators felt that Jim Kallstrom stepped on their toes. But I am happy as can be that he was the man to whom our nation turned when a conspicuously thorough investigation was needed—so as to catch and convict the murderers if there were any, and otherwise to give us complete confidence that the Flight 800 explosion was truly an accident. Jim Kallstrom accomplished that feat, and we are all in his debt for his tremendous service to his country. ●

#### SECTION 201 TRADE ACTION FILED BY THE DOMESTIC LAMB INDUSTRY

● Mr. CRAIG. Mr. President, during the last 2 weeks, we have been hearing from our colleagues concerned about the lamb industry in the United States

and the Section 201 trade action filed by them. I would like to join them in commenting on the situation and dispel some myths and confusion surrounding the Section 201 trade action filed by a coalition representing the domestic lamb industry.

The case now lies before the President, and I urge him to impose strong, effective restrictions that will curb the devastating surge of imports that has swamped the domestic lamb market and now threatens to drown an entire industry.

Some worry the nations of Australia and New Zealand may retaliate against the United States if we take action to protect our domestic industries. They won't because they can't—not for at least three years. That is because of the laws that govern the Section 201 case—laws that, let me be clear about this, are and have been a part of every single trade treaty this nation has signed since the Trade Act of 1974. That means all signatories to GATT also signed onto the Section 201 provisions.

Importers say they have not done anything unfair. The U.S. lamb industry never said they had. Frankly, the Section 201 rules don't pertain to unfair trading. It is never alleged, never argued, never considered. The only things that matter in a Section 201 case are whether imports have risen drastically over the recent time period.

There is also the question of harm. A section 201 case is a lot tougher to prove than dumping, or subsidies, or yes, unfair trading. The domestic industry is required to prove that imports are a "substantial cause" of significant injury or threat of significant injury.

You will hear arguments from importers about how their actions aren't to blame. About how their price undercutting, their deliberate decision to swamp the market with cheap, imported product, in the face of ample notice of the harm being done, isn't to blame for the financial ruin now snaking its way through the domestic lamb industry.

The International Trade Commission heard those arguments. They heard all about the Wool Act, about the coyotes, about grazing fees and organization. They heard it all, and those six Commissioners rejected those arguments. They rejected them when the Commission unanimously ruled that imports threaten the domestic lamb industry with irreparable harm. After that ruling, those arguments by importers are not a factor in this case.

You will also hear talk of cooperation. Of how the New Zealand and Australian industries want to work with the domestic industry. Let me ask you, why are we hearing about cooperation now? Where was the importers' cooperation when fourth-generation ranches faced bankruptcy? When processors were losing accounts left and right to cheap imports? When the leaders of the domestic industry publicly announced their intention to file the Section 201 trade case?



Nowhere, is the answer. As the domestic industry reeled under the unrelenting wave of cheap, imported lamb, the importers have been busy breaking records. Month after month in 1998, the imports flooded the domestic market, shattering records. When it ended, a record-making 70.2 million pounds of imported lamb had saturated the American market. But the importers are not finished yet. Even as the ITC conducted hearings, the level of imports were rising—in the first three months of 1999 alone, imports are up nine percent over 1998 levels, and an astonishing 34 percent above 1997 levels. If this pace keeps up, the record-making import levels of 1998 will be shattered, as will domestic sheep industry.

I urge the President to curb this devastating surge of cheap imports. The domestic industry won a fairly fought legal case governed by laws embedded in this nation's trade treaties. To do anything less than ordering strong, effective trade restrictions would signal to industries in the United States and abroad that our laws will not be enforced.

As I said before, the case now lies before the President. I urge him to act on the unanimous recommendation by the International Trade Commission for four full years of trade restrictions. This follows ITC's unanimous conclusion that the domestic lamb industry is seriously threatened by the deluge of imports that has swamped the U.S. marketplace and now absorbs one-third of all American lamb consumption.

The six Commissioners were unanimous in their recommendation for trade restriction, but offered three options on how it should be applied. The ITC's options range from a straight quota to a straight tariff to a tariff-rate quota.

The importers have already identified the one ITC recommendation which would do nothing to stop their already disastrous effect on the marketplace. A report of an interview with Australian Trade Minister Tim Fischer identified the ITC's tariff-rate quota as likely to have "minimal effect on present Australian exports."

Minimal effect. Esteemed colleagues, we did not create the 201 provision in our trade laws to have "minimal effect." We did not create a provision that is tougher to prove than dumping, than unfair trading. We created the 201 provision as a just way for a domestic industry that has been injured or threatened by imports to turn to its government for help.

The ITC offered three recommendations. The U.S. lamb industry has studied those recommendations and found the "common ground" among them.

The industry needs strong, effective relief. Here is what they are asking for:

A two-tier, four year tariff rate quota program with tariffs both below and above a set level of imports. In year one, tariffs would be 22 percent on lamb meat imports up to 52 million pounds, with a 42 percent tariff on imported

lamb beyond the 52 million pound mark.

Year two calls for a 20 percent tariff up to 56 million pounds, and a 37.5 percent tariff above the 56 million.

Year three involves a 15 percent tariff up to 61 million pounds and a 30 percent tariff above the 61 million pounds.

Year four, the final year, calls for a 10 percent below-quota tariff up to 70 million pounds and an above quota tariff 20 percent above the 70 million pounds.

I join my colleagues in urging the President to order this request into action. It provides desperately needed, strong, effective relief to both curb this unprecedented, record-breaking, surge of imports and the devastating price undercutting that accompanies it.

This case is important for this nation's agriculture community. It's being watched throughout our rural towns, farms and ranches. If the President does not implement an effective remedy for the lamb industry, which has followed our laws and proved its case, an unmistakable signal would be sent to agriculture and rural interests throughout the United States.●

#### YOUNG MARINES

● Mr. DOMENICI. Mr. President, in the aftermath of the tragedy at Columbine High School, and in the midst of our debate on Juvenile Justice issues, I am proud to offer tribute to the youth group known as the Young Marines. The Young Marines is the official youth program of the Marine Corps League and the focal point for the Marine Corps Youth drug demand reduction effort. Its mission is to promote the mental, moral, and physical development of young Americans. All of its activities emphasize the importance of honesty, courage, respect, loyalty, dependability, and a sense of devotion to God, community, and family.

After World War II, members of the Marine Corps League discussed the possibility of establishing a Marine Corps League Youth program as a civic project for detachments and to create interest in the League. For historical purposes, the birth of the Young Marines was in Waterbury, Connecticut in 1958. The official charter was issued on 17 October 1965 and thereafter the program spread throughout the country.

In this age where the youth of America has been labeled as troubled or misguided, their detractors fail to notice that there are groups and organizations which do take the time to participate in the lives of our youth, to guide them in a world that is full of distractions, and of glorified violence. It makes me very proud to be able to identify an organization whose goals are to promote the mental, moral, and physical development of its members, to instill in its members the ideals of honesty, fairness, courage, to stimulate an interest in, and respect for, academic achievement and the history and traditions of the United States of

America. The Young Marines work to promote physical fitness through the conduct of physical activities, including participation in athletic events and close order drill. Any maybe what is most important, the Young Marines stress a drug-free lifestyle through a continual drug prevention education program.

Much has been said about the troubles of today's youth, and recent events have illustrated what can happen when teens consider themselves outsiders or without purpose or guidance. I think it's time that we give the recognition and respect to the groups and the youth who do participate in these groups, that which they deserve. I believe that the guidance that groups such as the Young Marines provide is more effective than any legislation can possibly be. And maybe we can start producing real role models that teens can relate to, instead of offering them the glorification of violence and drug use which is so prevalent in the movies and on television. I welcome the opportunity to extend my support to the young people of New Mexico who are participants in this vital program. I firmly believe the experience as Young Marines will greatly contribute to their future success.●

#### TRIBUTE TO AUSTIN T. SMYTHE

● Mr. ABRAHAM. Mr. President, I rise to join the Chairman of the Budget Committee, Senator PETE DOMENICI, in recognizing Mr. Austin Smythe's service to the United States Senate. At the end of this week, Austin will join the private sector after 15 years as a key staff member of the Senate Budget Committee.

As a member of the Senate Budget Committee over the past 5 years, my staff and I have had the pleasure of working with Austin on a variety of budget-related issues. He has been extremely helpful to this Senator, offering his invaluable advice and expertise in the drafting of several bills and amendments that I have sponsored or cosponsored, most recently the Mandates Information Act and the Social Security Preservation and Debt Reduction Act. As Senator DOMENICI said in his statement, Austin is "a Senator's dream staffer"—extremely knowledgeable, hard-working, dedicated, and able to distill complex topics in terms even Senators can understand.

We will miss Austin Smythe's contribution to the U.S. Senate and to the Nation and wish him success in his new endeavors.●

#### MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1999

Ms. SNOWE. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 17, H.R. 435.

The PRESIDING OFFICER. The clerk will report.



The legislative clerk read as follows:

A bill (H.R. 435) to make miscellaneous and technical changes to various trade laws, and for other purposes.

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

AMENDMENT NO. 481

(Purpose: To provide a substitute amendment)

Ms. SNOWE. Mr. President, Senator ROTH has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE], for Mr. ROTH, proposes an amendment numbered 481.

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

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

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

Ms. SNOWE. I ask unanimous consent the amendment be agreed to.

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

The amendment (No. 481) was agreed to.

Ms. SNOWE. I ask unanimous consent the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

The bill (H.R. 435), as amended, was considered read a third time and passed.

Mr. ROTH. Mr. President, the Senate today passed the Miscellaneous Trade and Technical Corrections Act of 1999. This bill, which my friend Senator MOYNIHAN cosponsored, is similar to legislation that the Committee on Finance had reported out last year.

This legislation consists of over 150 provisions temporarily suspending or reducing the applicable tariffs on a wide variety of products, including chemicals used to make anti-HIV, anti-AIDS and anticancer drugs, pigments, paints, herbicides and insecticides, certain machinery used in the production of textiles, and rocket engines.

In each instance, there was either no domestic production of the product in question or the domestic producers supported the measure. By suspending or reducing the duties, we can enable American firms that use these products to produce goods in a more cost efficient manner, thereby helping create jobs for American workers and reducing costs for consumers.

The bill also contains a number of technical corrections and other minor modifications to the trade laws that enjoy broad support. One such measure would help facilitate Customs Service clearance of athletes that participate in world athletic events, such as the upcoming Women's World Cup. Another measure corrects certain outdated references in the trade laws.

For each of the provisions included in this bill, the House and Senate solicited comments from the public and from the administration to ensure that there was no controversy or opposition. Only those measures that were non-controversial were included in the bill.

I thank my colleagues, particularly Senator MOYNIHAN, for helping move this legislation. I am delighted that we were able to pass these commonsense measures that will provide real benefits for the American people.

Mr. MOYNIHAN, Mr. President, my great thanks to the Chairman of the Finance Committee for his efforts in bringing this legislation, the Miscellaneous Trade and Technical Corrections Act of 1999, to a successful conclusion. The technical work on this bill began 15 months ago, culminating in the Finance Committee's approval of the package last September. For reasons unrelated to the substance of the bill, the Senate was unable to complete work on the measure last year.

The Chairman made this the first order of business for the Finance Committee in the 106th Congress, and, accordingly, the Committee ordered this package of temporary duty suspensions and Customs provisions reported on January 21, 1999. Of particular importance to New Yorkers, the bill will authorize the United States Customs Service to station inspectors in a number of Canadian airports, to "preclear" passengers in advance of their arrival in New York, thus helping to reduce congestion at JFK International Airport. Passengers cleared in Canada can be routed through LaGuardia, where no further Customs formalities will be required. Passengers on flights routed through JFK will face shorter Customs processing times since many of the flights that would otherwise be routed through JFK will instead be directed to LaGuardia. Arriving in New York should become just a little easier.

The bill also suspends the duties on the personal effects of athletes participating in the Women's World Cup soccer games, their coaches and their families. The games will begin June 19, 1999. In addition, H.R. 435 reduces the tariffs that New York companies must pay on certain imported components not produced in the United States, such as high-purity glass and a number of synthetic organic chemicals used to manufacture rubber products, produce aircraft coatings, and inhibit corrosion on rail cars.

The Senate has now given its unanimous consent and the measure will return to the House for final approval. It is my hope that the House will take up the matter as soon as it returns from the Memorial Day recess.

#### TENTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of

S. Res. 103 and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 103) concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China.

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

AMENDMENT NO. 537

Mr. HUTCHINSON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. HUTCHINSON) proposes an amendment numbered 537:

AMENDMENT NO. 537

(Purpose: To improve the resolution)

On page 3, strike line 15 and all that follows through page 4, line 5.

On page 4, line 6, strike "(C)" and insert "(A)".

On page 4, line 14, strike "(D)" and insert "(B)".

On page 4, line 19, strike "(E)" and insert "(C)".

Mr. HUTCHINSON. Mr. President, I rise today in support of S. Res. 103, a resolution concerning the 10th anniversary of the Tiananmen Square Massacre on June 4, 1989. This bipartisan resolution expresses sympathy for the families of those killed in the Tiananmen protests, and calls on the government of China to live up to international standards by releasing prisoners of conscience, ending harassment of Chinese citizens, and ratifying the International Covenant on Civil and Political Rights.

Mr. President, we must never forget. For the past ten years, the Tiananmen Square massacre has been a dark cloud hanging over China. Hundreds of democracy activists still languish in prison for their involvement in the demonstrations of 1989. We must not forget because to this very day, the U.S. is dealing with a regime that will not release these prisoners of conscience.

The Beijing protests began in April 1989 as a call for the government to explain itself—to explain its 1987 dismissal of Hu Yaobang, an official who had been sympathetic to students demanding political reform in 1986. The demonstrators, students and workers, asked that the government take action against corruption. Their demands eventually came to include freedom of the press, more money for education, and democratic reforms. Students of Beijing University and 40 other universities, as well as Beijing residents, protested in and around Tiananmen Square. They held hunger strikes and defied martial law. They were met with brutal repression.

Mr. President, we must never forget that heroic young man who stood in the path of a column of PLA tanks.

We must never forget the brave men like Wang Dan who spent years in prison for daring to exercise his inalienable right to self-expression.

We must never forget those students who were so inspired by our own experiment in self-government that they erected a 37 foot model of our statue of liberty.

We must never forget those who still languish in prison in China today for their democratic aspirations, for their religious convictions, for their desire to be free.

We must never forget men like Wang Wenjiang and Wang Zechen, members of the Chinese Democracy Party, detained for circulating a petition calling for a reassessment of the Tiananmen verdict. We must not forget prodemocracy activist, Yang Tao, who was arrested for planning a commemoration to mark the 10th anniversary of Tiananmen Square. We must not forget Jiang Qisheng, taken from his home in Beijing on May 18th for urging Chinese to light candles in commemoration of those killed in Tiananmen Square.

According to the Wall Street Journal, over 50 dissidents have been detained in the days leading up to the 10th anniversary of the Tiananmen Square massacre, and at least fourteen are still being held.

The Chinese government knows what it has done and it is afraid—afraid of its own people. Otherwise, these series of arrests would not occur.

This resolution asks the Chinese government to face reality, to listen to its people, to release prisoners of conscience.

On June 3, 1989, police officers attacked students with tear gas, rubber bullets, and electric truncheons. People's Liberation Army (PLA) officers armed with AK-47s opened fire on the innocent people who would dare stand in their way. They sent convoys of tanks to Tiananmen Square to absolutely crush the demonstrators. Their armored vehicles rammed the Goddess of Democracy, a 37 foot plaster likeness of the Statue of Liberty, knocking it down, flattening it beneath their steel treads. They killed a symbol of democracy and massacred their own people. On June 4, the PLA and security forces killed 1,500 and wounded 10,000. By June 7, the Chinese Red Cross reported 2,600 people aspiring to democracy dead. In the end, the Chinese government killed and wounded thousands of demonstrators. They imprisoned thousands more for their participation.

The simple fact is that the Chinese government is a totalitarian regime. President Clinton would do well to recognize this simple fact and recognize the failures of his engagement policy, rather than simply decrying any criticism as isolationism. If the hundreds of prisoners of conscience still languishing in prison today is not telling enough of the character of this regime, then perhaps the Chinese reaction to the embassy bombing is.

NATO's bombing of the Chinese embassy in Belgrade was a tragic accident. And the Chinese people had a reason to be upset. But there was no accident in the Chinese government's con-

trol of the media and manipulation of Chinese citizens to stir up anti-American sentiment. The Chinese government blocked reports of President Clinton's repeated apologies for the bombing. They bused students out from universities to orchestrated protests, pelting rocks at the U.S. embassy in Beijing, holding Ambassador Sasser and his staff hostage in the embassy, burning the American consulate in Chengdu.

It was no accident that after several days, the Chinese government made sure that the protests came to an end when they were no longer useful for the government's purposes.

Ethan Gutmann, a television producer living in Beijing, witnessed the protests.

"After a while, when the chanting lost its steam, the megaphone leader would strike up a short sing-along of the national anthem. This was the signal to leave, to shuffle along and give the next university its chance to demonstrate. The cycle continued, fresh waves of students, monotony. Several British journalists discussed the numbers." They felt it was low, about 3,000; in a kind of Chinese scarf trick, the same student groups kept reappearing after an hour or so. The students, when isolated and interviewed, were naively forthcoming; the university authorities had told them to come, told them to make banners, arranged the buses. The whole demonstration was canned . . ."

It was no accident that the Chinese government played the victim, trying to squeeze the Administration for concessions, trying to get the U.S. to exclude Taiwan from any defense umbrella in Asia.

It was no accident that the Chinese government called off its human rights dialogue and nonproliferation talks.

Mr. President, the moral high ground that the Chinese regime attempted to seize from the accidental bombing has no equivalency to its own treatment of its citizens, to the massacre of the students in Beijing ten years ago.

We must never forget the nature of the regime in China. The leaders may be different, but the treatment of Chinese citizens is the same.

Even this week, pro-democracy activist, Yang Tao, was arrested for planning a commemoration to mark the 10th anniversary of Tiananmen Square.

This week it was reported that police took Jiang Qisheng (chee sheng) from his home in Beijing on May 18 for urging Chinese to light candles in commemoration of those killed in Tiananmen Square.

I urge all of my colleagues to join with me in supporting this bipartisan resolution—to recognize this regime for what it truly is and to never forget the tragedy that occurred ten years ago on June 3 and June 4, 1989.

Mr. FEINGOLD. Mr. President, I thank the Senator from Arkansas again for his leadership on this critical issue.

S. Res. 103 marks the 10th anniversary of the Tiananmen Square mas-

sacre, when a still unknown number of Chinese—some say hundreds, others, thousands—died at the hands of the People's Liberation Army.

Despite the significance of this tragedy, China's leaders remain unwilling to re-examine the events of June 4, 1989. Indeed, they would like nothing more than to have Tiananmen fade from the world's memory.

But today, the memory of Tiananmen remains vivid in our minds. In particular, we remember one man who defined the spirit of the day as he stood, with only freedom at his side, and faced down an army tank. We saw him then, and as we think of Tiananmen Square today, we see him still.

The memory of Tiananmen refuses to fade because the human rights situation in China remains abysmal. According to Amnesty International more than 200 individuals may remain in Beijing prisons for their role in the 1989 demonstrations. And hundreds, if not thousands, of individuals continue to be detained or imprisoned for their political or religious beliefs.

We face many issues with China—the recent embassy bombing, accession to the WTO, charges of espionage—but we can not let these issues silence our voices on the subject of human rights.

China's human rights practices continue to be abhorrent, and we should not allow recent events to diminish our continued vigilance on such practices.

It is noteworthy that the recent demonstrations in China against the United States are perhaps the largest since the Tiananmen Square protests exactly 10 years ago. It is ironic that public protest is OK when it serves the government's interest, and not OK when it threatens the government's hold on power.

In fact, since the end of the bombing-related anti-U.S. demonstrations, China has resumed its crackdown on dissidents who could attempt to commemorate the anniversary of the Tiananmen Square massacre.

The failure to adopt a resolution condemning China's human rights practices at last month's UN Commission on Human Rights makes it all the more urgent that we continue to demand improvements in China's policies.

We cannot betray the sacrifices made by those who lost their lives in Tiananmen Square by tacitly condoning through our silence the abuses that continue to this day.

This resolution reminds the leaders in Beijing that we will not forget what was done 10 years ago and will not look the other way when they again deny the Chinese people their rights.

Until we see genuine progress on human rights, the memory of Tiananmen Square will continue to haunt us.

We must not forget. And we must never let the rulers in Beijing forget.

Mr. HUTCHINSON. Mr. President, I want to speak briefly in support of S.

Res. 103, a resolution concerning the tenth anniversary of the Tiananmen Square massacre which occurred on June 4, 1989. This bipartisan resolution expresses sympathy for the families of those killed in the peaceful protests, calls on the Government of China to live up to international standards by releasing prisoners of conscience, ending the harassment of Chinese citizens, and calls upon the Chinese Government to ratify the International Covenant on Civil and Political Rights.

We must never forget the heroic young man who stood in the path of a column of PLA tanks 10 years ago. We must never forget the brave men like Wang Dan, who spent years in prison for daring to exercise his inalienable rights to self-expression. We must never forget those students who were so inspired by our own experiment in self-government and freedom and democracy that they erected a 37-foot model of our Statue of Liberty. We must never forget those who still languish in prison in China today, simply because they have democratic aspirations, because they have religious convictions, because they have a desire to be free.

We must never forget men like Wang Wenjiang and Wang Zechen, members of the Chinese Democracy Party, who were detained for circulating a petition calling for a reassessment of the Tiananmen verdict. We must never forget pro democracy activist Yang Tao arrested for planning a commemoration tomorrow of the tenth anniversary of the Tiananmen Square massacre. We must not forget Jiang Qisheng, who was taken from his home in Beijing on May 18 for urging the Chinese to light candles in commemoration of those killed in the massacre ten years ago. For asking for a peaceful memorial, the lighting of candles, he has been arrested.

According to the Wall Street Journal today, over 50 dissidents have been detained in recent days leading up to the tenth anniversary of the Tiananmen Square massacre, and at least 14 are currently being held. The Chinese government knows what it has done. It is afraid of its own people. Otherwise, these series of arrests would not have occurred. This resolution asks the Chinese government to face reality, listen to its people, and to release prisoners of conscience.

Mr. President, I am just afraid that in the midst of all of our talk of the espionage of the Chinese government—which well we should pay attention to—with all of the talk of the unfortunate, tragic bombing of the Chinese embassy, with all of the talk about accession of China to the WTO and a permanent normal trading status for China, we will forget that there are tens of thousands today who are oppressed, and hundreds remain in prison, and there are multitudes who desire freedom and want a better political system for their country, who want democracy, and I am afraid they will be

forgotten in all of the milieu concerning our relationship with China.

So this resolution calls upon us to remember. And I will—if no one else does—offer this resolution year after year. It is a special anniversary. It is the tenth anniversary of the tragedy that occurred.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and finally, that any additional statements appear at this point in the RECORD.

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

The amendment was agreed to.

The resolution (S. Res. 103), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas the United States was founded on the democratic principle that all men and women are created equal and entitled to the exercise of their basic human rights;

Whereas freedom of expression and assembly are fundamental human rights that belong to all people and are recognized as such under the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas the death of the former General Secretary of the Communist Party of the People's Republic of China, Hu Yaobang, on April 15, 1989, gave rise to peaceful protests throughout China calling for the establishment of a dialogue with government and party leaders on democratic reforms, including freedom of expression, freedom of assembly, and the elimination of corruption by government officials;

Whereas after that date thousands of prodemocracy demonstrators continued to protest peacefully in and around Tiananmen Square in Beijing until June 3 and 4, 1989, when Chinese authorities ordered the People's Liberation Army and other security forces to use lethal force to disperse demonstrators in Beijing, especially around Tiananmen Square;

Whereas nonofficial sources, a Chinese Red Cross report from June 7, 1989, and the State Department Country Reports on Human Rights Practices for 1989, gave various estimates of the numbers of people killed and wounded in 1989 by the People's Liberation Army soldiers and other security forces, but agreed that hundreds, if not thousands, were killed and thousands more were wounded;

Whereas 20,000 people nationwide suspected of taking part in the democracy movement were arrested and sentenced without trial to prison or reeducation through labor, and many were reported tortured;

Whereas human rights groups such as Human Rights Watch, Human Rights in China, and Amnesty International have documented that hundreds of those arrested remain in prison;

Whereas the Government of the People's Republic of China continues to suppress dissent by imprisoning prodemocracy activists, journalists, labor union leaders, religious believers, and other individuals in China and Tibet who seek to express their political or religious views in a peaceful manner; and

Whereas June 4, 1999, is the tenth anniversary of the date of the Tiananmen Square massacre: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses sympathy to the families of those killed as a result of their participation

in the democracy protests of 1989 in the People's Republic of China, as well as to the families of those who have been killed and to those who have suffered for their efforts to keep that struggle alive during the past decade;

(2) commends all citizens of the People's Republic of China who are peacefully advocating for democracy and human rights; and

(3) condemns the ongoing and egregious human rights abuses by the Government of the People's Republic of China and calls on that Government to—

(A) release all prisoners of conscience, including those still in prison as a result of their participation in the peaceful prodemocracy protests of May and June 1989, provide just compensation to the families of those killed in those protests, and allow those exiled on account of their activities in 1989 to return and live in freedom in the People's Republic of China;

(B) put an immediate end to harassment, detention, and imprisonment of Chinese citizens exercising their legitimate rights to the freedom of expression, freedom of association, and freedom of religion; and

(C) demonstrate its willingness to respect the rights of all Chinese citizens by proceeding quickly to ratify and implement the International Covenant on Civil and Political Rights which it signed on October 5, 1998.

#### AMENDING THE OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1379 and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1379) to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to an emergency supplemental appropriation for international narcotics control and law enforcement assistance.

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

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 1379) was read the third time, and passed.

#### DESIGNATING JUNE 5, 1999, AS "NATIONAL RACE FOR THE CURE DAY"

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 110, submitted earlier by Senator HUTCHISON, for herself and others.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 110) designating June 5, 1999, as "National Race for the Cure Day"

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

Mrs. HUTCHISON. Mr. President, this resolution, submitted by Senator FEINSTEIN and I, commemorates the Tenth Anniversary of the National Race for the Cure. We are pleased to be joined by over 40 other Senators, including Majority Leader LOTT and Minority Leader DASCHLE.

Mr. President, on June 5, 1999, the National Race for the Cure will take place in Washington, D.C. This will be the Tenth Anniversary of this Race—that has drawn national attention and thousands of volunteers and runners.

All are united by one goal—to eradicate breast cancer from our lives.

The Resolution we are introducing today will designate June 5th as National Race for the Cure Day.

This Race has very special meaning for me. The Race for the Cure was started by the Susan G. Komen Foundation which is located in my hometown, Dallas, Texas.

The Susan G. Komen Foundation was founded in 1982 by Nancy Brinker. The Foundation honors her sister, Susan Komen, who tragically died of breast cancer at the young age of 36. Nancy promised herself that she would fulfill Suzy's plea to help others confronted with this disease.

The mission of the Foundation is to eradicate breast cancer as a life-threatening disease by advancing research, education, screening and treatment.

Nancy Brinker's pledge to her sister has grown to be a major factor in fighting breast cancer. The Foundation has 35,000 volunteers and 106 offices across the United States.

The Komen Foundation's Grant Program is regarded as one of the most innovative in funding breast cancer research today. The Komen Foundation has financed 325 grants at 72 institutions in 25 states.

The Foundation's most public event, however, has become the Race for the Cure. The Race for the Cure has become the largest series of Five Kilometer Runs in the world.

The Race series stated as one event in Texas with 800 participants. But, this year, there will be 98 races across the United States with over 700,000 people participating.

The Komen Foundation and the Race for the Cure have raised over \$136 million for breast cancer research.

On June 5th, the National Race for the Cure will celebrate its tenth anniversary. It is the largest of the Races across the U.S. In fact, there are more than 50,000 entrants already signed up for this race.

This resolution commemorates the Tenth Anniversary and it designates June 5th as National Race for the Cure Day.

Mr. President, I think it is fitting that the Senate recognize this unique day.

Breast cancer is the leading cause of death of women between the ages of 35 and 54. A woman in the United States will be diagnosed with breast cancer every three minutes, and every 12 minutes a woman will die of breast cancer.

The Race for the Cure is one day, when Americans of all walks of life, can come together united in a great cause to wipe out this terrible disease.

Mr. President, I would urge the Senate to adopt this resolution. Is also want to thank the numerous other Senators that were part of this effort. Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, today I am pleased to cosponsor with Senators KAY BAILEY HUTCHISON, PETE DOMENICI and CONNIE MACK a resolution commending the Susan G. Komen Breast Cancer Foundation and the Komen National Race for the Cure for their commitment to eradicating breast cancer. June 5 will be the Komen National Race for the Cure Day and this resolution urges the President to issue a proclamation calling upon the American people to observe the day with appropriate activities.

Washington, D.C., will host the Race and there will be 98 races across the country will over 700,000 people participating.

There are 2.6 million women in this country living with breast cancer and more than 178,000 women will be diagnosed with breast cancer. Over 43,000 will die.

Diagnostic tools for breast cancer are very limited. Treatments for breast cancer are at best imperfect. We don't know how to prevent it. We don't know how to cure it. We need to redouble our effort to stop breast cancer now.

Congress is taking some steps. During the FY 2000 appropriations process, I hope we can increase researching funding for all cancers. We must pass legislation, such as S. 784 which I have sponsored, to require Medicare coverage of routine costs of clinical research trials and S. 6, to require private insurance coverage of the routine costs of clinical research trials. We should enact legislation assuring access to specialists and coverage of second opinions. We should pass Medicaid coverage for women who are screened by CDC's breast and cervical cancer program but have no way to pay for treatment when they learn they have cancer.

I call on my colleagues to join us in supporting the 10th anniversary Race by supporting this resolution and sending it to the President. As new understandings of cancer emerge almost weekly, we must do all we can to support increased research and access to services to end this scourge.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 110) was agreed to.

The preamble was agreed to.

The Resolution, with its preamble, is as follows:

S. RES. 110

Whereas breast cancer is the leading cause of death for women between the ages of 35 and 54;

Whereas every 3 minutes a woman will be diagnosed with breast cancer and every 12 minutes a woman will die of breast cancer;

Whereas the Komen National Race for the Cure is celebrating its 10th Anniversary during 1999;

Whereas the Komen National Race for the Cure Series, an event of the Susan G. Komen Breast Cancer Foundation, is the largest series of 5 kilometer races in the world;

Whereas there will be 98 Komen National Race for the Cure events throughout the United States during 1999; and

Whereas the Susan G. Komen Breast Cancer Foundation and the Komen National Race for the Cure Series has raised an estimated \$136,000,000 to further the mission of eradicating breast cancer as a life-threatening disease by advancing research, education, screening, and treatment: Now, therefore, be it

*Resolved,*

#### SECTION 1. COMMEMORATION AND DESIGNATION.

The Senate.—

(1) commemorates the 10th Anniversary of the National Race for the Cure;

(2) designates June 5, 1999, as "National Race for the Cure Day"; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

#### DESIGNATING JUNE 6, 1999, AS "NATIONAL CHILD'S DAY"

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 111, introduced earlier today by Senator GRAHAM and others.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 111) designating June 6, 1999, as "National Child's Day."

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

Mr. GRAHAM. Mr. President, this resolution designates the first Sunday of June as National Child's Day.

Our children are our future. Over 5 million children, however, go hungry at some point each month. There has been a 60 percent increase in the number of children needing foster care in the last ten years. Many children today face crises of grave proportions, especially as they enter their adolescent years.

The designation of National Child's Day helps us to focus on our children's needs and recognize their accomplishments. It encourages families to spend more quality time together and highlights the special importance of the child in the family unit.

In these crucial times, it is important that we show our support for the youth of America. It is our hope that this simple resolution will foster family togetherness and ensure that our

children receive the attention they need and deserve.

I urge my colleagues to join me in designating the first Sunday in June as National Child's Day.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the Record.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place as if read.

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

The resolution (S. Res. 111) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 111

Whereas June 6, 1999, the first Sunday in the month, falls between Mother's Day and Father's Day;

Whereas each child is unique, a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child's life;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities;

Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate the children will emphasize to the people of the United States the importance of the role of the child within the family and society: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 6, 1999, as "National Child's Day"; and

(2) requests the President to issue a proclamation calling on the people of the United

States to observe the day with appropriate ceremonies and activities.

#### DESIGNATING JUNE 5, 1999, AS "SAFE NIGHT USA"

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 112, introduced earlier today by Senator FEINGOLD.

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

The clerk will report.

The legislative clerk read as follows:  
A resolution (S. Res. 112) to designate June 5, 1999, as "Safe Night USA."

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

Mr. FEINGOLD. Mr. President, I rise today to introduce a resolution designating June 5, 1999, as "Safe Night USA." Safe Night USA is an exciting program that is helping reduce youth violence, as well as drug and alcohol abuse, in my home state of Wisconsin and around the nation.

Safe Night is a low cost, high-profile way to focus national attention on the importance of providing young people with safe alternative activities and tools for conflict resolution, anger management and mediation. I am proud to report Mr. President that Safe Night first began in 1994 in Milwaukee, Wisconsin and in 1999 all fifty states, Puerto Rico, and the Virgin Islands will participate in this exciting program.

Mr. President, Olusegun Sijuwade, a Milwaukee Health Department educator and former police officer, developed Safe Night in response to more than 300% increase in violent death and injury in Milwaukee between 1983 and 1993. The Safe Night program in Wisconsin began with 4,000 youth in Milwaukee and by 1996 involved more than 10,000 participants in over 100 sites spread across the state. And now, on June 5, 1999, a million kids are expected to participate in Safe Night programs in 1,200 sites across the country.

Mr. President, as you know, last week Congress debated and voted on the Juvenile Justice bill. The resolution I am introducing today is indeed timely and an appropriate response to the juvenile crime statistics we were reminded of last week. These include the over 220,000 juveniles arrested last year for drug abuse and the over 1,000,000 juvenile victims of a violent crime. I believe community-based violence prevention models, like Safe Night USA, are extremely important to stem the rise in juvenile crime. By educating youth, community leaders and parents, Safe Night promotes secure environments for kids and families while reducing the alienation that so often leads to violent crime and substance abuse.

Very simply, Mr. President, Safe Night brings community partners together to provide a place for youth to have fun during high-risk evening hours, with three ground rules; no

guns, no drugs and no fighting allowed. A typical Safe Night consists of a party, planned by kids and adults in the community, including police officials, church leaders, doctors, teachers, parents, and other volunteers. Held at a school, a church, or a community center, a Safe Night event could have a dance with a disc jockey, an athletic event, or a large dinner, usually interspersed with targeted violence-reduction activities. These activities include role playing, trust-building games, and other methods of teaching kids stress management and alternatives to violence.

Safe Night USA 1999 will occur in both rural and urban areas. The Public Broadcasting Service (PBS) and the Black Entertainment Television (BET) Network will broadcast the events nationally. The following community partners have joined with Safe Night USA: the Corporation for Public Broadcasting, National Civics League, 100 Black Men of America, the Resolving Conflict Creatively Center and Educators for Social Responsibility, American Academy of Pediatrics, Boys and Girls Clubs of America, Community Anti-Drug Coalitions of America and the National 4-H Youth Council.

Mr. President, it is critical that both families and communities understand that we are not powerless to help prevent destructive behaviors, such as drug abuse, in our children. Safe Night USA helps develop a strong, committed partnership between schools, community and families to foster a drug-free and violence-free environment for our youth. I believe Mr. President that Safe Night USA is a wise investment up front—it is a simple idea that works—and I am proud that it originated in my home state of Wisconsin. I thank my colleagues for their cooperation in passing this resolution and I wish the 10,000 local Safe Night USA events great success on June 5, 1999, as they join in one nationwide effort to combat youth violence and substance abuse.

I yield the floor.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto appear in the RECORD at the appropriate place as if read, without intervening action.

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

The resolution (S. Res. 112) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 112

Whereas over 1,500,000 people, 220,000 of them juveniles, were arrested last year for drug abuse;

Whereas over 1,000,000 juveniles were victims of violent crimes last year;

Whereas local community prevention efforts are vital to reducing these alarming trends;

Whereas Safe Night began with 4,000 juvenile participants in Milwaukee during 1994 in

response to a 300 percent increase in violent death and injury in that city between 1983 and 1993;

Whereas Safe Night involved over 10,000 Wisconsin participants and included 100 individual Safe Nights throughout Wisconsin in 1996;

Whereas Safe Night has been credited as a factor in reducing the teenage homicide rate in Milwaukee by 60 percent in just the first 3 years of the program.

Whereas Wisconsin Public Television, the Public Broadcasting Service, Black Entertainment Television, the National Latino Children's Institute, the National Civics League, 100 Black Men of America, the Resolving Conflict Creatively Center and Educators for Social Responsibility, the Boys and Girls Club of America, the Community Anti-Drug Coalitions of America, the National 4-H Youth Council, Public Television Outreach, and the American Academy of Pediatrics have joined with Safe Night USA to lead this major violence prevention initiative;

Whereas community leaders, including parents, teachers, doctors, religious officials, and business leaders, will enter into partnership with youth to foster a drug-free and violence-free environment on June 5, 1999;

Whereas this partnership combines stress and anger management programs with dances, talent shows, sporting events, and other recreational activities, operating on only 3 basic rules: no weapons, no alcohol, and no arguments.

Whereas Safe Night USA helps youth avoid the most common factors that precede acts of violence, provides children with the tools to resolve conflict and manage anger without violence, encourages communities to work together to identify key issues affecting teenagers, and creates local partnerships with you that will continue beyond the expiration of the project; and

Whereas June 5, 1999, will witness over 10,000 local Safe Night activities joined together in one nationwide effort to combat youth violence and substance abuse: Now, therefore, be it

*Resolved,*

#### SECTION 1. DESIGNATION.

The Senate—  
(1) designates June 5, 1999 as "Safe Night USA"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

#### SEC. 2. TRANSMITTAL OF RESOLUTION

The Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Safe Night USA.

#### FEDERAL PRISONER HEALTH CARE COPAYMENT ACT OF 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 97, S. 704.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 704) to amend title 18, United States Code, to combat the over-utilization of prison health care services and control rising prisoner health care costs.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Prisoner Health Care Copayment Act of 1999".

#### SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

##### "§ 4048. Fees for health care services for prisoners

"(a) DEFINITIONS.—In this section—

"(1) the term 'account' means the trust fund account (or institutional equivalent) of a prisoner;

"(2) the term 'Director' means the Director of the Bureau of Prisons;

"(3) the term 'health care provider' means any person who is—

"(A) authorized by the Director to provide health care services; and

"(B) operating within the scope of such authorization;

"(4) the term 'health care visit' means a visit, as determined by the Director, by a prisoner to an institutional or noninstitutional health care provider; and

"(5) the term 'prisoner' means—

"(A) any individual who is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or

"(B) any other individual, as designated by the Director, who has been charged with or convicted of an offense against the United States.

"(b) FEES FOR HEALTH CARE SERVICES.—

"(1) IN GENERAL.—The Director, in accordance with this section and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee for health care services provided in connection with each health care visit requested by a prisoner.

"(2) EXCLUSION.—The Director may not assess or collect a fee under this section for preventative health care services, as determined by the Director.

"(c) PERSONS SUBJECT TO FEE.—Each fee assessed under this section shall be collected by the Director from the account of—

"(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or

"(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

"(d) AMOUNT OF FEE.—Any fee assessed and collected under this section shall be in an amount of not less than \$2.

"(e) NO CONSENT REQUIRED.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section.

"(f) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(1) the account of the prisoner is insolvent; or

"(2) the prisoner is otherwise unable to pay a fee assessed under this section.

"(g) USE OF AMOUNTS.—

"(1) RESTITUTION TO SPECIFIC VICTIMS.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution.

"(2) ALLOCATION OF OTHER AMOUNTS.—Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

"(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

"(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

"(h) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of the Federal Prisoner Copayment Act of 1999, and annually thereafter, the Director shall submit to Congress a report, which shall include—

"(1) a description of the amounts collected under this section during the preceding 24-month period; and

"(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of health care visits by prisoners."

(b) CLERICAL AMENDMENT.—The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"4048. Fees for health care services for prisoners."

#### SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

Section 4013 of title 18, United States Code, is amended by adding at the end the following:

"(c) HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.—

"(1) IN GENERAL.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

"(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government;

"(B) the fee—

"(i) is authorized under State law; and

"(ii) does not exceed the amount collected from State or local prisoners for the same services; and

"(C) the services—

"(i) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;

"(ii) are provided at the request of the prisoner; and

"(iii) are not preventative health care services.

"(2) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this subsection may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(A) the account of the prisoner is insolvent; or

"(B) the prisoner is otherwise unable to pay a fee assessed under this subsection."

AMENDMENT NO. 538

(Purpose: To clarify certain provisions)

Mr. HUTCHINSON. Mr. President, Senator LEAHY has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. HUTCHINSON), for Mr. LEAHY, proposes an amendment numbered 538.

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

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

The amendment is as follows:

On page 8, strike lines 1 through 3 and insert the following:

"(4) the term 'health care visit'—

"(A) means a visit, as determined by the Director, initiated by a prisoner to an institutional or noninstitutional health care provider; and



"(B) does not include a visit initiated by a prisoner—

"(i) pursuant to a staff referral; or  
 "(ii) to obtain staff-approved follow-up treatment for a chronic condition;

On page 8, line 20, after "services" insert "emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment".

On page 10, line 16, strike "2 years" and insert "1 year".

On page 10, line 21, strike "24-month" and insert "12-month".

On page 12, strike lines 6 through 9 and insert the following:

"(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

"(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment."

Mr. LEAHY. I want to thank Senator JOHNSON for his leadership on this matter and for bringing this matter to my attention. Vermont does not have a copayment requirement for prisoners' health care so the problems that his Marshal had brought to his attention last year, were not matters that had arisen in Vermont.

I also want to thank those at the Department of Justice who have made suggestions to improve the proposals on this subject over the last couple of years. I am glad the I have been able to contribute constructively to that process of improvement over the past weeks and again today.

A most important part of this bill is its protection against prisoners being refused treatment based on an inability to pay. I am glad to see my suggestion that the protection of section 2(f) in this regard be included in section 3 of the bill, as well, be incorporated in the substitute amendment accepted by the Judiciary Committee and reported to the Senate. I thank the Department of Justice for having included this suggestion in its recent April 27 letter.

Today we make additional improvements to the bill to ensure that it can serve the purposes for which it is intended. In particular, I have suggested language to make clear that since the goal of the bill is to deter prisoners from seeking unnecessary health care, copayment requirements should not apply to prisoner health care visits initiated and approved by custodial staff, including staff referrals and staff-approved follow-up treatment for a chronic condition. In addition, the amendments I have suggested adds to those health care visits excluded from the copayment requirement visits for emergency services, perinatal care, diagnosis or treatment of contagious diseases, mental health care and substance abuse treatment. Like preventative care, all these types of health care for prisoners should be encouraged and not discouraged by a copayment requirement. It would be harmful to custodial staff and detrimental the long term interests of the public to create artificial barriers to these health care services.

Finally, I have suggested that we review this new program and its impact next year rather than delaying evaluation for the 2-year period initially provided by the bill. The bill constitutes a shift in federal corrections and custodial policy and it is appropriate that the impact of these changes be evaluated promptly and adjusted as need be.

I continue to be concerned that we are imposing an administrative burden on the Bureau of Prisons greatly in excess of any benefit the bill may achieve. I wonder about alternatives to cut down on unnecessary health care visits besides the imposition of fees, many of which may go uncollected. The contemplated \$5 a visit fee for prisoners compensated at a rate as low as 11 cents an hour seems excessive, but that is how the BOP wishes to proceed.

I also fear that the effort will lead to extensive litigation to sort out what it means and how it is implemented. As we impose duties and limitations on correctional authorities, that is one of the consequences of such duties.

I will be interested to see whether funds end up being received by victims of crime either with respect to restitution orders or by the Victims of Crime Fund through the elaborate mechanisms created by this legislation. I hope that victims will benefit from its enactment as opposed to experiencing another false promise. In this regard, I wonder why there is no benefit to victims from the fees collected from federal prisoners held in nonfederal institutions. If our policy is to benefit victims, the ownership of the facility ought not deter that policy. Surely the copayment fee is not designed as payment for the health care treatment itself or even payment for the administrative overhead of the system.

Despite my concerns, this bill does have the support of the BOP and U.S. Marshals Service. Just as I facilitated the bill being reported from this Committee, today I am acting to allow the Senate to pass an improved version of the bill.

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

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

The bill was read the third time.

The bill (S. 704), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

#### REFERRAL OF S. 438

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 438, "To provide for the settlement of water rights claims of the Chippewa Cree Tribe of the Rocky

Boy's Reservation, and for other purposes," that the measure be referred to the Committee on Indian Affairs and that at such time as the Committee on Indian Affairs reports the measure, it be referred to the Committee on Energy and Natural Resources for a period not to exceed 60 calendar days and that if the Committee on Energy and Natural Resources has not reported the measure prior to the expiration of the 60-calendar-day period, the Energy Committee be discharged from further consideration of the measure and that the measure then be placed on the calendar.

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

#### RECESS FILING

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees have from 11 a.m. until 1 p.m. on Wednesday, June 2, in order to file legislative matters.

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

#### SCHEDULE ANNOUNCEMENT

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will begin the DOD appropriations bill on Monday, June 7, and hopefully will complete action on that bill by close of business on Tuesday, June 8. In addition, on Monday, it will be the leader's intention to move to proceed to S. 1138, the new compromised Y2K bill on Monday and file a cloture motion on the motion for a cloture vote on Wednesday, June 9.

Also, on Tuesday, June 8, it will be the leader's intention prior to the recess or adjournment that evening to move to proceed to the lockbox issue and file a cloture motion on that matter for a cloture vote on Thursday, June 10. Members who have an interest in the important Social Security savings bill should plan to participate in that debate Tuesday evening and Tuesday night.

Needless to say, when the Senate reconvenes following the Memorial Day recess, there will be a tremendous amount of legislation needing passage by the Senate. Therefore, the leader wishes all Members a safe and restful Memorial Day and looks forward to the cooperation of all Members when the Senate reconvenes.

#### ORDERS FOR MONDAY, JUNE 7, 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 noon on Monday, June 7. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time



for the two leaders be reserved for their use later in the day. I further ask unanimous consent that the Senate be in a period of morning business for 2 hours equally divided between the majority leader, or his designee, and the Democratic leader, or his designee.

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

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that at 2 p.m. on Monday, the Senate begin consideration of S. 1122, the Department of Defense appropriations bill.

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

#### PROGRAM

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will be in a period of morning business from 12 noon until 2 p.m. on Monday. Following morning business, the Senate will begin consideration of the Department of Defense appropriations bill, with the expectation of completing the bill early in the week. Therefore, Senators should be prepared to offer amendments to the bill as early as possible next week.

#### ORDER FOR ADJOURNMENT

Mr. HUTCHINSON. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the provisions of S. Con. Res. 35, following the remarks of Senator LANDRIEU.

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

#### DOD AUTHORIZATION

Ms. LANDRIEU. Mr. President, I rise after this very long but, I think, good debate on the defense authorization bill to thank the distinguished chairman of our committee, the Senator from Virginia, and our ranking member, the Senator from Michigan, for their hard work on this bill. I have to add all the staff that worked very hard too.

It is a huge authorization, as you know, Mr. President. It represents 16 percent of the total expenditures of our Government, for the Department of Defense. We fund and try to prepare for the finest military and strongest military operations in the world; over a million men and women—1.4 million active-duty men and women. This bill has provided, because of the hard work on both sides of the aisle, some significant and much-needed increases to support our men and women, to help our forces be even more ready, more professional, better trained and better prepared for all the new threats that we face in the world today.

So I thank them for their work, and acknowledge that in this bill that received an overwhelming vote, we had one of the largest increases of expenditures for the readiness of those active

forces, pay provisions to help make the salaries more competitive with the booming economy we are currently enjoying here in the United States.

Thanks to the leadership of our great colleague from Georgia, Senator CLELAND, we were able to add some additional funding for GI benefit expansions, the first in over two generations, so the men and women in our armed services can share those benefits with their spouses and their children, improving educational opportunities across the board.

There are many other provisions funding the increase in technology, the first downpayment on our missile defense system, which has come a little bit too late for some and right on time for others. I think it is the right step for our Nation.

I join my colleagues in thanking the leadership that has brought this bill to final passage today. There is more work to be done. There were some disappointments, obviously some shortcomings, but no piece of legislation is perfect. We will have opportunities to work in the future, as this Congress progresses.

Because the floor was so busy earlier today I waited until now to take this opportunity, but I did not want this day to end without noting the historic event that took place today with the indictment of Yugoslavian President Milosevic by the International War Crime Tribunal. As was recorded earlier, Justice Louise Arbour announced that he and his four deputies and military leaders have in fact been indicted for the atrocities they have committed. This body passed almost unanimously—it was unanimously for those present—a resolution earlier this week, urging the Tribunal to act, saying the United States will put up what resources are necessary to make sure justice is done; that not only can war criminals be identified, but cases can be built in the proper and legal way so they can be successfully prosecuted for what has occurred.

I was particularly moved by an article I plan to pass around to the Members of the Senate and to send to family and supporters around the Nation, written by Carol Williams of the Los Angeles Times. That reported in horrific detail some of the crimes being committed against the Kosovars. What was particularly troubling in this article was her focus on the systematic use of rape as a weapon of war.

She recounted in great detail the experiences of a group of young women, young girls—very young, 12, 13, 14 and 15—who had been violated over and over again; sometimes, as she outlined in this article, within hearing distance—but not sight or comfort—of parents. In this particular part of the world, though, what makes this doubly horrific and horrifying and tough is that victims of rape often accuse themselves, as if they themselves committed the crime. There is shame that is brought, in this particular culture,

to them and to their families. So after having barely lived, surviving this ordeal, they are then turned away, in many instances, from their fathers, their mothers, their brothers, their sisters.

So there is a tremendous injustice that is occurring. Many of the women in the Senate talked at great length today about this and were joined by our colleagues in various meetings throughout the day.

I just want to say, as we break for this Memorial Day, that while we may take a few days of rest from our work, as one Senator, I am prepared to come back and daily, weekly, monthly and for years if necessary, continue to come to this floor and talk about war crimes and justice and holding people accountable. Had we done a better job of this in Bosnia, I think we could have perhaps prevented the atrocities we are seeing in Kosovo today.

I hope the international community in every way—whether it is a large country or small country, and the people in the United States—will let their elected officials know we want these war criminals prosecuted, we want justice brought to these families, and we want the resources and the comfort and counseling available to these young women—women of all ages—who have lived through the horror and the terror of what has been wrought in that part of the world.

Thank God we live in this country. It is not perfect, terrible things have happened, but I can say on the eve of this Memorial Day recess how proud I am and mindful and grateful of the great sacrifice that has been made by men and women in uniform who have given their lives so that we, in this country, can live in relative peace and prosperity without fear of being pulled from our homes at night, having our homes burned and our family members violated or executed.

We have gone through periods of history of which we are not proud. But I am proud of the work this Congress does in putting forth legislation and finances to support efforts that are so important, like the one in which we are engaged. We will not stop until we have a military victory. We will not stop until the diplomatic means have been accomplished. We will not stop until we have been able to help the Kosovars move back into their nation and help this part of Europe join the mainstream of Europe so they can live in peace, prosperity, and democracy and, finally, until justice is done to the women, children, and families who have been so barbarically handled in the last several months.

Again, I thank the leadership for their good work on this legislation. I thank the Chair.

ADJOURNMENT UNTIL MONDAY,  
JUNE 7, 1999

The PRESIDING OFFICER. Under the previous order, the Senate stands

in adjournment, in accordance with the provisions of S. Con. Res. 35, until Monday, June 7, 1999, at 12 noon.

Thereupon, the Senate, at 8:36 p.m., adjourned until Monday, June 7, 1999, at 12 noon.

#### NOMINATIONS

Executive nominations received by the Senate May 27, 1999:

##### THE JUDICIARY

Charles R. Wilson, of Florida, to be United States Circuit Judge for the Eleventh Circuit, vice Joseph W. Hatchett, retired.

Patricia A. Coan, of Colorado, to be United States District Judge for the District of Colorado vice Zita A. Weinshienk, retired.

Dolly M. Gee, of California, to be United States District Judge for the Central District of California vice John G. Davies, retired.

William Joseph Haynes, Jr., of Tennessee, to be United States District Judge for the Middle District of Tennessee vice Thomas A. Higgins, retired.

Victor Marrero, of New York, to be United States District Judge for the Southern District of New York vice Sonia Sotomayor, elevated.

Fredric D. Woocher, of California, to be United States District Judge for the Central

District of California vice Kim McLane Wardlaw, elevated.

##### DEPARTMENT OF THE TREASURY

Larry L. Levitan, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years. (New Position)

Steve H. Nickles, of North Carolina, to be a Member of the Internal Revenue Service Oversight Board for a term of four years. (New Position)

Robert M. Tobias, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years. (New Position)

James W. Wetzler, of New York, to be a Member of the Internal Revenue Service Oversight Board for a term of three years. (New Position)

Karen Hastie Williams, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of three years. (New Position)

##### U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

J. Brady Anderson, of South Carolina, to be Administrator of the Agency for International Development, vice J. Brian Atwood.

##### DEPARTMENT OF STATE

Donald Keith Bandler, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary

of the United States of America to the Republic of Cyprus.

Johnnie Carson, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

Bismarck Myrick, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

M. Osman Siddique, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.