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Senate

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

PRAYER

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

Almighty God, today as we celebrate Flag Day, we repledge allegiance to our flag and recommit ourselves to the awesome responsibilities You have entrusted to us. May the flag that waves above this Capitol remind us that this is Your land. We thank You for outward symbols of inner meaning that remind us of Your blessings. The sight of our flag stirs our patriotism and dedication. It reminds us of Your providential care through the years, of our blessed history as a people, of our role in the unfinished and unfolding drama of the American dream, and of the privilege we share by living in this land.

Thank You, Lord, that our flag also gives us a bracing affirmation of the unique role of the Senate in our democracy. In each age, You have called truly great men and women to serve as leaders. May the Senators experience fresh strength and vision as You renew in them the drumbeat of Your Spirit, calling them to march to the cadence of Your righteousness. We pledge allegiance to the high calling of keeping this land one Nation under You, our God.

Today on the 225th birthday of the United States Army we join with all Americans in thanking You for the patriotism, faithfulness, and bravery of the men and women of the Army throughout the years. Dear God, You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Smith of New Hampshire modified amendment No. 3210, to prohibit granting security clearances to felons.

Warner/Dodd amendment No. 3267, to establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the leadership determined the Senate will return to consideration of this very important piece of legislation. I shall now read the order that was devised by the leaders.

Today, the Senate will immediately resume consideration of S. 2549, the Department of Defense authorization bill. As a reminder, there are an overwhelming number of amendments in order. In an effort to complete action on the bill, those Senators with amendments are encouraged to work with the bill managers during today's session.

Of course—I think I am joined by my distinguished ranking member—we desire to try our very best to continue to consider only those amendments that are actually germane to the purpose of this bill. That is my hope. Votes are expected throughout the day, and Senators will be notified as votes are scheduled.

Senators should be aware that consideration of the Transportation appropriations bill may begin as early as the leadership determines. Hopefully, also, last night we agreed among the leadership to vote on the nominee for the Department of Energy, General Gordon. There will be some announcement to that effect later today.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. WARNER. Yes. I want to finish up.

Mr. BYRD. Did not the clerk read ''a bill making appropriations''? Did not the clerk read ''a bill making appropriations'' being the business before the Senate?

The PRESIDING OFFICER. The bill is to authorize appropriations.

Mr. BYRD. Parliamentary inquiry: What is the business before the Senate?

The PRESIDING OFFICER. S. 2549 is the bill before the Senate. It is to authorize appropriations.

Mr. WARNER. I thank our distinguished colleague.

It had been my hope to lay aside the Smith amendment to which is attached the McCain amendment regarding campaign finance issues. I have been advised there is an objection to laying that aside. There is a possibility that objection could be raised solely for the purpose of the managers of the bill, Mr. LEVIN and myself, proceeding to clear amendments that have been agreed to on both sides. I am just not at the moment able to assure the Senate that is in place.

The PRESIDING OFFICER. The Senator from Nevada.

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

Mr. DODD. Mr. President, for clarification——

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

The PRESIDING OFFICER. Does the Senator withhold his request?

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

The PRESIDING OFFICER. A quorum call has been requested.

Mr. WARNER. I urge us to proceed with the quorum call.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, we have had a discussion with the leaders on the other side of the aisle. I think there is a consensus that with the current objection to laying aside the Smith-McCain legislative package, which is the pending business, together with the Warner-Dodd amendment, which also needs a UC to lay aside, we cannot do either of those at this time. So the consensus is we go into a period of morning business, and at the hour of 11 o'clock the Senator from Virginia be recognized.

The PRESIDING OFFICER. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Reserving the right to object, at the hour of 11 o'clock we would then return to the consideration of the matter that is now pending?

Mr. WARNER. Right, and that I be recognized.

Mr. LEVIN. And that the Senator from Virginia be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, it is my understanding, of course—and I think it is our understanding collectively—that for the next 1 hour and 15 minutes, until 11 o'clock, there would be no substantive legislative issues that would be introduced in any manner.

Mr. WARNER. That is correct. I understand that is under the rules guaranteed. We should, I think to accommodate our distinguished colleagues who have been waiting——

Mr. REID. We should get that.

Mr. WARNER. Get the order entered. I was going to include a specific time for the President pro tempore, the former distinguished majority leader, and such others who want to be recognized during morning business.

Mr. President, I ask unanimous consent that 6 minutes be allocated to the distinguished senior Senator from South Carolina and——

Mr. REID. Twenty minutes.

Mr. WARNER. Twenty minutes be allocated to our distinguished colleague, Senator BYRD, and then the morning would flow in morning business until 11 o'clock.

Mr. REID. And all the reservations that were announced would be subject to the unanimous consent request that has been propounded?

Mr. WARNER. That is correct.

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

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from South Carolina, Mr. THURMOND, is recognized.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak in morning business for 6 minutes.

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

COMMEMORATION OF FLAG DAY, JUNE 14, 2000

Mr. THURMOND. Mr. President, 223 years ago today, the United States was engaged in its war for independence. I note that the American Continental Army, now the United States Army, was established by the Continental Congress, just 2 years earlier on June 14, 1775. I express my congratulations to the United States Army on its 225th birthday.

At the start of that war, American colonists fought under a variety of local flags. The Continental Colors, or Grand Union Flag, was the unofficial national flag from 1775–1777. This flag had thirteen alternating red and white stripes, with the English flag in the upper left corner.

Following the publication of the Declaration of Independence, it was no longer appropriate to fly a banner containing the British flag. Accordingly, on June 14, 1777, the Continental Congress passed a resolution that ''the Flag of the United States be 13 stripes alternate red and white, and the Union be 13 stars white in a blue field representing a new constellation.''

No record exists as to why the Continental Congress adopted the now-familiar red, white and blue. A later action by the Congress, convened under the Articles of Confederation, may provide an appropriate interpretation on the use of these colors. Five years after adopting the flag resolution, in 1782, a resolution regarding the Great Seal of the United States contained a statement on the meanings of the colors: red—for hardiness and courage; white—for purity and innocence; and blue—for vigilance, perseverance, and justice.

The stripes, symbolic of the thirteen original colonies, were similar to the five red and four white stripes on the flag of the Sons of Liberty, an early colonial flag. The stars of the first national flag after 1777 were arranged in a variety of patterns. The most popular design placed the stars in alternating rows of three or two stars. Another flag placed twelve stars in a circle with the thirteenth star in the center. A now popular image of a flag of that day, although it was rarely used at the time, placed the thirteen stars in a circle.

As our country has grown, the Stars and Stripes have undergone necessary modifications. Alterations include the addition, then deletion, of stripes; and the addition and rearrangement of the field of stars.

While our Star-Spangled Banner has seen changes, the message it represents is constant. That message is one of patriotism and respect, wherever the flag is found flying. Henry Ward Beecher, a prominent 19th century clergyman and lecturer stated, ''A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, and the history which belong to the nation that sets it forth.''

Old Glory represents the land, the people, the government and the ideals of the United States, no matter when or where it is displayed throughout the world—in land battle, the first such occurrence being August 16, 1777 at the Battle of Bennington; on a U.S. Navy ship, such as the *Ranger*, under the command of John Paul Jones in November 1777; or in Antarctica, in 1840, on the pilot boat *Flying Fish* of the Charles Wilkes expedition.

The flag has proudly represented our Republic beyond the Earth and into the heavens. The stirring images of Neil Armstrong and Edwin Aldrin saluting the flag on the moon, on July 20, 1969 moved the Nation to new heights of patriotism and national pride.

Today we pause to commemorate our Nation's most clear symbol—our flag. An early account of a day of celebration of the flag was reported by the Hartford Courant suggesting an observance was held throughout the State of Connecticut, in 1861. The origin of our modern Flag Day is often traced to the work of Bernard Cigrand, who in 1885 held his own observance of the flag's birthday in his one-room schoolhouse in Waubeka, WI. This began his decades-long campaign for a day of national recognition of the Flag. His advocacy for this cause was reflected in numerous newspaper articles, books, magazines and lectures of the day. His celebrated pamphlet on ''Laws and Customs Regulating the Use of the Flag of the United States'' received wide distribution.

His petition to President Woodrow Wilson for a national observance was rewarded with a Presidential Proclamation designating June 14, 1916 as Flag Day. On a prior occasion President Wilson noted:

> Things that the flag stands for were created by the experiences of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under the flag.

Flag Day was officially designated a national observance by a Joint Resolution approved by Congress and the President in 1949, and first celebrated the following year. This year then marks the 50th anniversary of a Congressionally designated Flag Day.

It is appropriate that we pause today, on this Flag Day, to render our respect and honor to the symbol of our Nation, and to review our commitment to the underlying principles it represents. Today, let us reflect on the deeds and sacrifices of those who have gone before and the legacy they left to us. Let us ponder our own endeavors and the inheritance we will leave to future generations.

Finally, as we commemorate the heritage our flag represents, may we as a nation pledge not only our allegiance, but also our efforts to furthering the standards represented by its colors—courage, virtue, perseverance, and justice. Through these universal concepts, We the People can ensure better lives for ourselves and our children, for these are the characteristics of greatness. In doing so, we can move closer to the goal so well stated by Daniel Webster at the laying of the cornerstone of the Bunker Hill Monument on June 17, 1825. On that occasion he said:

Let our object be our country, our whole country, and nothing but our country. And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of Wisdom, of Peace, and of Liberty, upon which the world may gaze with admiration forever.

I have long supported legislation which imposes penalties on anyone who knowingly mutilates, defaces, burns, tramples upon, or physically defiles any U.S. flag. I have also supported a constitutional amendment to grant Congress and the States the power to prohibit the physical desecration of the U.S. flag. I regret that earlier this year this Senate failed to adopt a Resolution for a flag protection Constitutional amendment.

I am pleased that last year the Senate adopted a Resolution to provide for a designated Senator to lead the Senate in reciting the Pledge of Allegiance to the Flag of the United States. This has added greatly to the opening of the Senate each day.

Mr. President, today I encourage my colleagues and all Americans to take note of the history and meaning of this 14th day of June. We celebrate our Flag, observing its 223rd birthday, and the 225-year-old Army which has so proudly and valiantly defended it and our great Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank Mr. WARNER, the distinguished senior Senator from Virginia, and Mr. HARRY REID, the distinguished Senator from Nevada, for accommodating the President pro tempore, Mr. THURMOND, and me at this time.

PRESIDENTIAL POWER

Mr. BYRD. Mr. President, on Friday, June 9, I noted with particular interest the headline in The Washington Post which read, ''Bush Aims at 'Discord' in Capital.'' Not surprisingly, candidate Bush's solution to too much partisanship in Washington is to increase the power of the Presidency.

We have heard that before. We have heard it from the current President, and we have heard it from previous Presidents. But now we hear it again. Imagine that. The solution to too much partisanship in Washington is to increase the power of the President.

Now imagine that! Among the ''power grabs'' the candidate advocates are biennial budgeting, a congressional budget resolution which would have to be signed by the President—get that—a version of the line-item veto—how preposterous—and a commission to recommend ''pork-barrel projects for elimination.'' What a joke.

While I readily agree with candidate Bush that there is too much partisanship in Washington, and have said so repeatedly for years, the solutions candidate Bush proposes will do absolutely nothing to eliminate partisanship. In the highly unlikely event that any of these proposals will ever be enacted, their most likely impact would be to hand the next President a club with which to beat into submission members of Congress who might not be leaning the President's way on key issues of importance to him.

None of these reported Bush solutions to disharmony in Washington are new, nor are they ''news.'' Every President in recent history has tried to wrest more power from the people's duly elected representatives and transfer it to the executive branch. The net effect of all such transfers would be that unelected executive-branch bureaucrats, and, the President, who is not directly elected by the people either, would enjoy an increased advantage in forcing their agenda on this Nation.

Make no mistake about it. The carefully crafted constitutional checks and balances between the branches of Government can slowly be subverted over time by just such proposals as these, which candidate Bush has made. While I agree that the climate in Washington these days is less than inspiring, the cure must never be to advocate a weakening of the constitutional checks and balances under the false colors of constructive reform.

Take, for instance, Mr. Bush's proposal to have a commission recommend certain pork-barrel projects for elimination. This is an idea which, conceptually, goes straight at the heart of representative democracy and at its most important tool, the power of the purse. It is a proposal which exposes an absolute ignorance and disregard of the constitutional grant of spending power to the representatives—and I am one of them—of the 50 States. Moreover, when examined closely, the arrogance of such an approach is close to appalling.

To suggest that an appointed commission could somehow understand the needs of the 50 States in terms of public works better than the men and women who are sent here to represent those States, defies logic and denigrates the people's judgment in the choice of their own Members of Congress. Imagine a commission that would be set up to make judgments about appropriations concerning infrastructure, about bridges, roads, highways, canals, harbors, rivers in this country. That is why the people sent us here; that is our responsibility. No member of a commission can possibly understand the needs of the State I represent—I defy anyone to contend otherwise—and have been proud to represent for 54 years, better than I, and others in the West Virginia delegation. No commission can tell me or tell the people of West Virginia what they need by way of infrastructure, so-called ''pork barrel'' projects. The same can be said about the Members from other States. I defy anyone to claim that sort of wisdom to the satisfaction of myself or the citizens of my State. Such a claim would be sheer and utter nonsense!

I realize that the term ''pork-barrel'' has become symbolic in modern parlance of everything that is wrong with Government. But, in fact, one man's ''pork-barrel'' project is another man's essential road, another constituency's essential road or bridge or dam. What is totally forgotten is that many of these so-called ''pork barrel'' projects are the sort of infrastructure improvements which, State by State, combine to help to make this country the economic power house that it has become. Now, Webster debated with Hayne in 1830. That has all been plowed over by Webster at that time.

It is easy to oppose infrastructure projects in another Member's state. I wouldn't do it unless there was outright fraud involved. It is easy to claim that if a project does not benefit me or my State, then it must be wasteful. Of course, when it comes down to it, they don't benefit me personally. They benefit the people I represent. But, the Members of Congress on both sides of the aisle generally grant each other the expertise to know what is essential for their own State's well-being. I believe that I would be a poor judge, indeed, of what is good for California or New Mexico or Arizona, and so I generally rely on the Members of those States when it comes to projects which they deem important.

I also assume that the elected representatives of those states have the wisdom and integrity not to advocate foolish or wasteful endeavors. Federal dollars are and have been scarce for years. Congressional spending is watched closely by representatives of the media and by the voters who send us here. What is not watched so closely by the media or the voters who send us here or the voters who indirectly send the topmost occupant of the White House to his position is executive branch spending. Although the voters may be only dimly aware of waste and duplication vigorously advocated and defended each year by the executive

branch, I can assure everyone within the sound of my voice and everyone watching through the electronic eye that it exists in the executive branch.

Talk about pork barrel; take a look at the executive branch! A more useful commission might be one that is charged to look at executive branch excesses and report yearly to the Congress.

How about that? Let the candidates for the Presidency and Vice Presidency take that on. Let both candidates, Mr. Bush and Mr. GORE, take that on. Look at the executive branch, see what the excesses are there, weed out the pork barrel.

As for any attempt to negate the decisions of the people's duly elected representatives through any form of line-item veto process, I assure the new President—and I don't know who will be the new President just yet, but I can assure the new President, whether he be a Republican or a Democrat, whether he be Mr. Bush or Mr. GORE—it doesn't make any difference to me in this respect—whichever party he may represent, that that proposal concerning a line-item veto will encounter a solid stonewall from this Senate, as it has always encountered such a wall.

We slew that dragon once in the courts, didn't we? Yes, we slew that dragon in the courts. Thank God for the Supreme Court of the United States, certainly in that incidence. We slew that dragon once in the courts, and it will raise its ugly head again only with very great difficulty. Any proposal which seeks to bury a dagger in the heart of the most powerful check which the Constitution provides on an overreaching President will encounter serious opposition right here on this floor, and right here at this desk. Amen! May God continue to give me the voice with which to speak and the legs on which to stand to fight this dragon, wherever it may appear.

The power over the purse—a power derived through centuries of struggle and bloodshed—a power that protects the people of this Nation from the whims of a fool or knave in the White House—has been bequeathed to the people's branch in our national charter. It is not there through any accident. It is there through no luck of the draw. It is there because the framers understood the lessons of history and had the wisdom to know that a King or a President must be made controllable by the people in this most fundamental, this most basic way.

By its very nature, any proposal which hands to the President an easy means by which to threaten a Member with the cancellation or redirection of moneys for that Member's State, after those moneys have been appropriated in law by the Congress, gives the President undue and unwise leverage over Members of Congress in a way that completely alters the nature of the separation of powers.

Ask any Governor or former Governor who has had the tool of a line-item veto at his disposal what he found to be its principal value. You will probably get an answer that indicates that the major usefulness of the line-item veto is a means to bully certain uncooperative members of the State legislature. I urge candidate Bush and I urge candidate GORE and all of their advisers to read afresh article I of the U.S. Constitution. Read it again. Pay particular attention to it. The intent of the framers is crystal clear.

As for biennial budgeting, at the moment, I am not so sure about that. With respect to biennial appropriations, however, I am very sure. I would be very opposed to that. I fear that with biennial budgeting there may be some unintended consequences. With respect to biennial appropriations, I still fear that the consequences of such a change might ultimately mean massive supplemental appropriations bills to cover contingencies which no human mind can predict, such as earthquakes, floods, droughts, wars, or recessions.

While biennial appropriations are always touted for their supposed natural byproduct—more oversight—I believe that, in the real world, the kind of massive supplemental appropriations bills which will likely occur as a result of any such biennial appropriations, if we ever reach that point, will receive very little in the way of thorough oversight.

In truth, most of our serious budget problems derive not from yearly appropriations, but from the ever-growing mandatory spending and entitlement programs. Dealing with politically difficult entitlement and mandatory spending reform demands the kind of study, analysis, consensus, leadership, and courage that no process tinkering can replace. One thing I have learned after 48 years in this town is that when hard decisions press down on politicians, process reform often becomes the solution of choice.

I also noted in the same Post article—and I must admit with some amusement—that while candidate Bush decries polling, he appears to have been paying at least some modicum of attention to the polls, else how would he know that ''Americans look upon the spectacle in Washington and they do not like what they see''? I am quoting from the reported story. Perhaps he has found some direct way to channel the viewpoints of the people, but I rather think he has been doing a little poll watching of his own.

The trouble with election year poll watching is that it makes us politicians think we have to instantly respond, either to get a headline or get a vote. As one might expect, these quickie candidate responses are often neither very responsive nor very wise.

No, the climate in Washington today cannot be improved by any such commission, as has been recommended, or any budget process change, or any power grab by the executive branch. The problems here have to do in part with this being an election year and in part with more fundamental matters. If we in this body could just begin to do away with the simplicity of labeling each other as devils, and each other's proposals as ruinous to the Republic and, instead, worked to promote a freer, less rancorous exchange of debate and discussion on this floor, I believe that much of the pointless partisanship might begin to dissipate.

The partisanship we all complain about is born, at least partially, from the frustration of not being permitted to adequately and openly debate issues and ideas important to our constituencies and to the Nation.

I believe that once we begin to do what our people sent us here to do, which is grapple with the nation's challenges, exchange views, and learn and profit from those exchanges, we will see a return of most of the lost public confidence which may have been reflected in somebody's polls. Legislating in a Republic—and it is a republic, not a democracy. I want to say that again. We pledge allegiance to the flag of the United States of America and to the Republic—not to the democracy.

Well, legislating in a republic can never be a totally neat, efficient, and tidy endeavor. In a nation as large and diverse as our own, which bears heavy responsibilities both domestically and internationally, the way to wisdom usually lies in the often tedious, rarely orderly, free flow of informed debate. Consensus is what we need to aim for, and consensus is best built by an airing of views. The Framers knew this and gave the Congress the power to legislate, tax and appropriate because of that fundamental understanding. But, absolutely basic to that kind of informed discussion and debate is respect among those of us charged with conducting it, for the motives, experience, expertise, and opinions of our colleagues on both sides of the aisle. Regrettably no shop-worn set of budget process changes can mandate that. And the American people should view with an especially jaundiced eye any finger wagging presidential candidate with an agenda all his own who wants to transfer power to himself in order to quiet congressional ''discord.''

Mr. President, I ask unanimous consent to print the June 9, 2000 Washington Post article.

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

[From the Washington Post, June 9, 2000]

BUSH AIMS AT ''DISCORD'' IN CAPITAL

(By Dana Milbank)

KNOXVILLE, TN, JUNE 8.—Texas Gov. George W. Bush today offered a broad plan to take the partisan poison out of Washington—in large part by transferring power from Congress to the president.

The GOP presidential candidate pointed to the budget and confirmation battles of the last decade that have left scars on Republicans and Democrats and have turned off many Americans.

''If the discord in Washington never seems to end, it's because the budget process never seems to end,'' Bush told about 600 people in

brilliant sunshine outside the Knoxville Civic Auditorium. He decried an environment of ''too much polling and not enough decisionmaking.''

''Americans look upon the spectacle of Washington and they do not like what they see,'' Bush declared. ''I agree with them. It's time for a change.''

Bush proposed revamping the federal budget process to shift budget-making from an annual to a biennial exercise and to require the president and Congress to agree on spending targets early in the process, to prevent government shutdowns.

Bush also said he would target wasteful spending by restoring a version of the line-item veto and installing a commission to recommend pork-barrel projects for elimination, a nod to one of the favored issues of his former rival Sen. John McCain (R-Ariz.). In addition, he proposed soothing partisan tensions by calling on Congress to approve the next president's executive and judicial nominations within 60 days.

Even on their day of bipartisanship, Bush and his supporters took a couple of partisan shots. ''All we have heard from my opponent are the familiar exaggerations and scare tactics,'' Bush told the crowd in Vice President Gore's home state. ''Proposals he disapproves of are never just arguments; they're 'risky schemes.' This kind of unnecessary rhetoric is characteristic of the tone in Washington, D.C. It's the 'war room' mentality.''

Gov. Don Sundquist (R) introduced Bush by saying of his proposals: ''You're right on every one and Gore is wrong.''

The likeliest opponents of Bush's proposals are members of Congress in both parties, particularly those in charge of spending legislation. Many of Bush's proposals—biennial budgeting, the line-item veto, the anti-pork commission and limiting the confirmation process—amount to a transfer of power from the legislative to the executive branch. When the House recently attempted to add a biennial budgeting proposal to a budget reform measure, 42 Republicans joined a large number of Democrats in killing it.

The Clinton administration has supported the line-item veto and biennial budgeting, and Gore advisers said most of the rest of Bush's proposals are unobjectionable. But Chris Lehane, Gore's spokesman, sought to undermine Bush's credibility as a reformer. He said that Bush promised to create an office overseeing the reform of Texas government but that, ''to date, no such office has been put together.''

This is the second time this spring Bush has focused a major speech on changing the tone of Washington. While some of the details in today's speech will resonate more with political insiders, the overall message, as with his earlier remarks at a GOP fundraiser in Washington, is aimed at a broader audience.

''I recognize it's a little dry, but it's a necessary reform,'' Bush told the crowd. ''If anybody pays attention, people in Washington will pay attention.'' He added: ''I don't see this resonating with intensity across America.''

Bush said he got encouraging responses from McCain and Senate Budget Committee Chairman Pete V. Domenici (R-N.M.).

House and Senate members said Bush's ideas would get a respectful hearing on Capitol Hill, although proposals requiring Congress to relinquish power over the nation's purse strings likely would encounter resistance. As for Bush's call for cracking down on pork-barrel spending, Rep. David L. Hobson (R-Ohio), a senior member of the Appropriations Committee, said: ''In the abstract it sounds good, but in the real world of government there's always going to be some of that.''

Today's speech is part of a package of reform proposals. On Friday, Bush will speak about cutting the budget and making government services more efficient. Among other things, he will propose devoting the off-year in the biennial budget process to examining which government programs should be eliminated.

Biennial budgeting, used in about 20 states, including Texas and Virginia, would free lawmakers to devote more time to other duties. Bush also would write the budget in non-election years to reduce partisan tensions. He told reporters aboard his campaign plane that his proposals would ''contribute to fiscal sanity.'' However, Bush advisers acknowledged, it would be easy for Congress to pass supplemental spending measures, even in non-budget years.

As part of Bush's budgeting proposal, he would require a joint budget resolution to be signed by the president to provide a framework. If Congress and the president couldn't agree, they would use the president's budget or the previous year's, whichever were lower, to prevent a government shutdown. A similar process was used with continuing budget resolutions in the 1980s. The anti-shutdown provision is the one proposal that could draw serious objections from Gore. One Democrat argued that it would ''put Congress on autopilot.''

Bush's line-item veto provision seeks to avert the pitfalls that caused a similar measure passed by Congress to be struck down by the Supreme Court. Instead of giving the president the power to cancel spending outright, it would allow him not to release certain funds. This is similar to the ''impoundment'' power used by presidents until Watergate-era reforms took it away because of President Nixon's zealous use of it.

In his speech, Bush decried the ''unreasonable delay and unrelenting investigation'' in the approval of presidential nominations, an implicit rebuke of Senate Republicans. But he did not recommend that the Senate act on President Clinton's long-delayed appointments.

Bush said the 60-day provision should apply to whoever is the next president. But he seemed to have a pretty good idea of who that will be. ''As president, I'm here in Knoxville, Tennessee,'' he said at one point during his speech.

Mr. BYRD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. L. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, is it the case we are in a period of morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, let me have consent for as much time as I consume in morning business.

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

SANCTIONS ON FOOD AND MEDICINE

Mr. DORGAN. Mr. President, while we are waiting for the managers of the Defense authorization bill to continue—I understand they are trying to work out some arrangements on the bill itself—I wanted to make a couple of comments about an issue I intend to raise as an amendment on the Defense authorization bill. At the risk of being repetitious, which I think is probably advantageous in this Chamber, I want to speak again about the issue of using sanctions that are now being employed by the United States of America on the sale or shipment of food and medicine to other countries. Those sanctions are wrong. We ought not use sanctions on the shipment of food and medicine to other countries. Yet we are, so far, unable to repeal sanctions on the shipment of food and medicine.

We almost got it repealed last year. Seventy Senators voted to repeal the use of sanctions by the United States on the shipment of food and medicine to other countries—70 Senators voted for that—but we went into a conference and we were hijacked, literally legislatively hijacked by the Members of the House. So we still have sanctions on the shipment of food and medicine to many parts of the world.

I also have included this year in the Agriculture appropriations bill, a repeal of the use of sanctions for food and medicine shipments. That appropriations bill will come to the floor of the Senate at some point. But I understand, procedurally, the legislative leaders can hijack it once again with a number of parliamentary approaches. I may very well be in a situation where I, Senator GORTON, who cosponsored the bill in the Appropriations Committee, Senator ASHCROFT, and others, would have a wide majority of Senators and Representatives who believe the sanctions that exist on the shipment of food and medicine to other countries in the world should be repealed. But despite the fact we perhaps have 60, 70, or 80 percent of the entire Congress who believe that, we have been unable to get it done. For that reason, I intend to offer it as an amendment on the Defense authorization bill.

Let me describe just a bit what this issue is. First of all, this is very unfair to America's family farmers. I represent a farm State. Our family farmers are told you should have the freedom to farm. That is the title of the farm bill we have—Freedom to Farm. That all sounds good except farmers don't have the freedom to sell. Our farmers raise grain and they can't sell it in Cuba, they by and large haven't been able to sell it in Iran, they can't sell it in Libya, Iraq, Sudan, North Korea—why? Because we believe these countries are operating outside the international norms. We don't like these countries. We don't like what Cuba does. We don't like the behavior of Libya or Iraq or North Korea. So we say we are going to have a set of sanctions to penalize these countries—economic sanctions. That is fine with me. I am all for creating economic sanctions to try to hurt Saddam Hussein.

But I would say this: Everybody in this Chamber knows when you take

aim at a dictator by imposing sanctions on food and medicine, you aim at the dictator and you hurt hungry people; you aim at a dictator and you hurt sick people; you aim at a dictator and you hurt poor people. It is true in every one of these countries. Sanctions are fine, but we ought never include sanctions on the shipment of food and medicine.

This country needs to understand that and learn that. The legislation I have introduced with my colleagues, Senator GORTON from the State of Washington, Senator ASHCROFT, Senator DODD, and others, is very simple. It says all current sanctions on the shipment of food and medicine shall be abolished within 180 days—gone. This country will not use food and medicine as a weapon.

Second, no President will be able to impose sanctions on the shipment of food and medicine unless he comes to the Congress and gets an affirmative vote by the Congress to do so. In other words, this ends the sanctions on the shipment of food and medicine.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. DORGAN. Of course, I am happy to yield.

Mr. WARNER. This is a subject in which I have been heavily involved, as have others. Senator DODD and I on repeated occasions have put legislation up, I presume comparable to what the Senator has in mind. I clearly associate myself with the Senate's goals.

As a matter of fact, on the authorization bill for the Department of Defense, there is a Warner-Dodd amendment which asks for the appointment of a commission, to be appointed by President Clinton, drawing on nominees from not only the President but the majority, the Democratic leader, and others in the Congress, to begin to focus on a broad range of policy considerations with regard to the relationship between the United States and Cuba. So I am highly supportive. I have listened to the Senator enumerate a few Senators, and with a lack of humility I ask my name be included among those who strongly support, as I have now for 2 years, with Senator DODD and others, the lifting of particulars. If we are to make any inroads on the Government in Cuba, it has to be done people to people. What better way than food and medicine because if there is anything that does not have the taint of politics, it should be food and medicine. So I commend my colleague.

Mr. DORGAN. The Senator from Virginia, of course, has been involved in this issue. I certainly agree the embargo has not worked. I mean, 40 years of embargo with respect to Cuba, speaking only now of Cuba, ought to tell us that when a policy doesn't work, you should change the policy—especially that portion of the policy that deals with food and medicine. It is immoral, in my judgment, for this country to use food as a weapon. It is not only unfair to our farmers—I have talked about that at some length— It is unfair to say to farmers we have the freedom to farm but not the freedom to sell. But it is immoral for this country to use food as a weapon. I want to change it.

The Senator from Virginia described the support for this. I don't know if he heard me say I intend to offer it as an amendment on the Defense authorization bill. That will not be deemed a great pleasure by the Senator from Virginia, I am sure, but the only opportunity I have to get this done is to put it in legislation that is going to go to the President.

The legislative leaders have the opportunity in the appropriations process to strip this from the appropriations bill. They did it last year and they are going to do it this year. This year I am not going to sit back and say: That's fine; we do all this work and we get rid of the food and medicine sanctions in appropriations, only to have you hijack it in conference or with some parliamentary procedure, and at the end of the day this country still prevents the sale of food and medicine to the poor people in Cuba and Iraq and Libya. That is not something I am willing to accept. It is not going to happen anymore.

I mentioned previously I sat in a hospital in Havana, Cuba, last year when I visited Havana—sat in a hospital in an intensive care room and watched a 12-year-old boy in a coma. His mother, at a bedside vigil, was holding this boy's hand—and in an intensive care room—there was no beeping going on because there was no machinery or equipment there. This hospital had no equipment for a young boy in a coma in intensive care. The doctor at that hospital said, ''We are out of 250 different kinds of medicine; we don't have it. We are just out of it.''

And our country says we cannot move medicine to Cuba? We cannot sell medicine to Cuba? We can't sell food to Cuba? It doesn't make any sense to me.

I have been to many of the poor countries around the world. I do not want to be a part of a government that says we want to continue to use food as a weapon; we want to continue to use food and medicine as weapons. That is fundamentally wrong. It is a wrong-headed public policy.

Again, I say to the Senator from Virginia, I do not think he heard me. He has been a strong supporter of these issues. I have great respect for him. He will not be pleased that I intend to offer this as an amendment to the Defense authorization bill at some point. I feel I must do that because it is the only way we will get it done. The legislative leaders intend to strip this out of the appropriations process. The only opportunity for the Members of the House and Senate to express their will is to put this in a bill that is going to be signed by the President.

Do I understand the managers wish to do some business?

Mr. REID. If the Senator will be kind enough to withhold, without losing his right to the floor, we have a unanimous consent agreement we would like to have entered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. WARNER. As in executive session, I ask unanimous consent the Senate, at 11 a.m., immediately proceed to consider the following nomination on Executive Calendar: The nomination of Gen. John Gordon to be Under Secretary for Nuclear Security, Department of Energy, with the time until 11:30 to be equally divided between myself and the ranking member.

I further ask unanimous consent that a vote occur at 11:30 this morning on confirmation of the nomination of General Gordon, the motion to reconsider be laid on the table, any statements relating to the nomination appear in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

I further ask unanimous consent that no later than July 12, 2000, the Senate proceed to executive session for the consideration of Calendar No. 473, the nomination of Madelyn Creedon to be Deputy Administrator for Defense Programs, National Nuclear Security Administration. I further ask consent that there be 2 hours for debate, equally divided in the usual form. I finally ask consent that following the use or yielding back of the time, the Senate proceed to a vote on the confirmation of the nomination, the President be notified of the Senate's action immediately following the vote, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection, Mr. President. We support this.

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

Mr. WARNER. Mr. President, just further administrative observation by myself, I thank the distinguished colleagues on the other side for trying to work it out such that at some point this morning Senator LEVIN and I may move to consideration of 40 or more cleared amendments on the Defense authorization bill. I know every effort is being made to achieve that procedural opportunity.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, that effort would be made, as I understand it, immediately following the vote on the confirmation of General Gordon. I am just wondering if that is accurate, so we can inform our colleagues who have an interest in this that the effort which the Senator from Virginia, the manager of the bill, has just described would occur immediately following the vote on the confirmation of General Gordon.

Mr. WARNER. Mr. President, the Senator is correct.

Mr. President, I ask for the yeas and nays on the Gordon nomination at this point.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, I apologize to my friend from North Dakota. I hope during the next hour and 15 minutes we can also make some progress toward getting rid of a number of the amendments, in addition to those cleared. I hope we can move in an orderly fashion to dispose of the Smith amendment, as amended. We can move forward and give Senator DODD an opportunity to move forward with what he desires to do.

In effect, I hope we can do more than just deal with cleared amendments. The arrangement between Senators LOTT and DASCHLE is that we would have the right on a subsequent piece of legislation to legislate. That is what we want to do. We have cooperated. We have moved expeditiously in getting rid of that very large Defense appropriations bill in a matter of a day and a half. I hope in the next hour and a half we are able to come up with a formula whereby we move to the legislative authorization bill and do some legislating.

Mr. WARNER. Mr. President, I will consult with my distinguished leader on that subject.

Mr. DORGAN. I wonder if the Senator from Virginia will yield for a question.

Mr. WARNER. Yes.

Mr. DORGAN. Mr. President, I agree with the comments that were made, and I know the desire is to move the Defense authorization bill forward with some dispatch. I indicated previously that I intend to offer an amendment dealing with sanctions on food and medicine. There are national security issues which have compelled us to impose sanctions, which include food and medicine, on countries.

We have debated this at great length. We had 70 votes for this policy last year in the Senate. Seventy percent of the Senate said they want to strip out food and medicine sanctions. We also have this in our appropriations bill, but I understand the legislative leadership is going to strip it out, and they have the capability from a parliamentary standpoint to do that.

The only option for those of us who want to get this policy done is to put it in a bill that is amendable, like this bill. It is my intention to offer an amendment. I will accept a short time limit when I do so. It is not my intention to hold things up. This has been debated at great length, and 70 percent of the Senators said we want to end sanctions on food and medicine with respect to sanctions that exist around the world.

Mr. WARNER. Mr. President, I advise my distinguished colleague of the following situation: One of the amendments pending at the desk is a Warner-Dodd amendment which establishes a Presidential commission to examine the overall policy between the United States and Cuba. It is my intention, if the parliamentary situation develops and I can do this, to ask that that amendment be withdrawn.

I do that with the greatest reluctance, but I have an obligation as manager of this very critical piece of legislation, the annual authorization for the Armed Forces of the United States, to compromise in my own objectives. One of them, of course, is to support the Senator's goals and to support the establishment of a commission. I have to do that because two colleagues, very respectfully, in a very friendly and forthright manner, told me that if the Warner-Dodd amendment remains on the authorization bill, we can anticipate—and I use the magic words—a prolonged debate on the Warner-Dodd amendment. That prolonged debate, I have to interpret, is a means by which to deprive the ability of the managers to move forward in an expeditious manner on the authorization bill.

In recognition of that, I have indicated to my two distinguished colleagues and good friends that I am going to withdraw my amendment, if I can, from a parliamentary standpoint. I can only anticipate those two Members, and indeed probably others, will indicate to the managers that should the distinguished colleague from North Dakota desire to offer that amendment, whether it is today or at some future time that will be available, we can anticipate prolonged debate on the armed services authorization bill. That is as much as I can say at this point in time.

Mr. DORGAN. Mr. President, I understand that. The two managers, Senator WARNER and Senator LEVIN, are doing a remarkable job of trying to move this legislation forward. It is not my intent to cause difficulties, but I do not want one or two Senators holding up the will of 70 percent of the Senate, saying this country ought not use food and medicine in sanctions anymore.

If I were assured by somebody that the efforts we have underway—Senator ASHCROFT, myself, Senator GORTON, Senator DODD, and others—to strike these sanctions of food and medicine in other pieces of legislation that are coming to the floor were somehow protected, that would be one thing. It is quite clear to me, and the leadership said to me publicly: We intend to dump them; it does not matter how many people support it, we intend to dump them, get rid of them.

The only opportunity I have is to force my way into this bill. If we have an up-or-down vote on this, 70 percent of the Senate and 70 percent of the House says this country will never use sanctions on the shipment of food and medicine, which is wrong, and the only chance I have to do that is on a piece of legislation such as this.

As my colleague knows, we seldom have a piece of legislation on the floor that is open for amendment. This one is. I give the Senator my assurance that we do not need long debate on this at all. We can debate this in a very short order because we had extensive debate last year. Seventy Senators said let us not any longer use food and medicine on sanctions.

Mr. WARNER. The distinguished Senator knows the rules of the Senate, and further I sayeth not.

Mr. LEVIN. Mr. President, I wonder if my friend from North Dakota will yield.

First, I join Senator WARNER in thanking him for allowing, with such graciousness, as always, the interruption of his presentation.

Secondly, he has a very important amendment. It is an amendment on which this Senate has voted, and this vehicle is a perfectly legitimate vehicle for legislation. It is one of the few opportunities we have for legislation. It is because there are such few opportunities that it has attracted this many potential amendments. I do not think anyone needs to apologize for that.

Senator WARNER—the way he works so well—and I will attempt to work with him and attempt to accommodate Senators who wish to offer amendments to this legislation. They need no apologies. We will try to work through it.

I thank the Senator from North Dakota for not just intending to offer an important amendment again, but being willing to take a very short time agreement on it, which means we can move the bill along.

Mr. WARNER. Mr. President, my good friend from Michigan and I have a responsibility to get the bill passed. I have been discouraging, as best I can, colleagues from bringing to the floor amendments which are not clearly germane to the central purposes of the annual authorization bill.

I hope I am not interpreting his comments as inviting, in contrast to my discouraging, such amendments. It is going to take a joint effort.

I commend our distinguished colleague, Senator REID of Nevada. He has been most helpful, and Senator LOTT on my side has supported me in trying to get this bill moving. As a matter of fact, Senator LOTT has given us this time this morning. He has represented to me he will try henceforth to give us time in between appropriations bills, which understandably is the prime function of the Senate.

Please, let us not encourage matters by way of amendment which are not clearly germane to this bill.

Mr. LEVIN. If my good friend will yield for a comment on that, I happen to share with him the desirability of moving this bill, but I also understand the need of colleagues to offer legislation in the Senate. That is why we are here.

The way I would accomplish the goal which the good Senator from Virginia has just laid out—a goal I share—would be to encourage colleagues who feel strongly about amendments, as the

Senator from North Dakota does, and understandably so, to agree to short time agreements. The shorter the time agreement we can get on some of these amendments, particularly amendments which have been debated for a long time before, is a way in which we can expedite the passage of the bill, and that is the way in which I think effectively we can do that.

Mr. WARNER. We ought to conclude this saying no matter how laudatory it is to get short time agreements, practically speaking I can think of several amendments on our side which will not be given short time agreements on the other side and reciprocally is the situation. We ought to stick to the premise of bringing up those matters that are germane.

Mr. LEVIN. I can think of amendments on both sides that could require extensive debate, but there may be occasions where cloture is an appropriate way in this Senate. We have rules for that. With some of these amendments which have been waiting to be offered for so many months, I think the best way to do it is deal with them within the rules of the Senate. Happily, this is not one of those amendments. We should not in any way suggest the amendment of the Senator from North Dakota is involved in that particular issue. He is willing to take a short time agreement. I think we ought to put that in the bank, get this amendment up early, and dispose of it.

Mr. WARNER. Mr. President, given the shortness of the hour, we should yield the floor so our colleague can finish. Perhaps there are others who wish to speak, too.

SANCTIONS IN FOOD AND MEDICINE—Continued

Mr. DORGAN. Mr. President, if I might continue, let me again speak of my admiration for the two managers. This isn't a case, however, of being either encouraged nor discouraged with respect to amendments. It is about the rules of the Senate. And I know the rules. I have the right to offer the amendment, and I will do that, but I will do that with consideration to the two managers, understanding that they have a job to do to try to get this bill out. So I will do it in a manner that says, let's have a reasonable time agreement.

But this is about national security. The reason we have imposed sanctions on other countries is because we have national security interests about the behavior of these countries. And if, in the interest of national security, we have said this country shall continue to impose sanctions on the shipments of food and medicine, then I say this country is wrong, and we must change the law.

We had been close to changing the law last year but failed, because there are only a few people—a handful of people; determined people—in the Congress who insist that they want to continue using food and medicine as a weapon.

The absurdity of it, of course, is that Saddam Hussein has never missed a meal. Does anybody think Saddam Hussein has ever missed breakfast because we are not able to send much food to Iraq? Does anybody think that Fidel Castro has missed dinner because we have imposed sanctions on the shipment of food to Cuba? If either of them take medication, do you think they miss their daily dose of medication because we have sanctions? Of course they have not missed either dinner or medication. Saddam Hussein and Fidel Castro do just fine, thank you.

It is hungry people, sick people, and poor people who live in their countries who are injured by this. It is not the best of America to say we want to include sanctions on the shipment of food and medicine to other parts of the world because we are concerned about the behavior of their leaders. That is not the best of what America has to offer.

There are a couple of reasons I have to describe this issue in such repetitive terms. One is, I represent a farm State. Our family farmers say all the time: You tell us to go operate in the open market, to produce our grain and then go sell it in the open market. We have these folks who created this farm program called Freedom to Farm, but some of them have forgotten there also ought to be a freedom to sell. What about the ability to sell that grain to these countries?

There are $7.7 billion in agricultural sales—nearly 11 percent of all the wheat purchases in the world—by the countries with which we have sanctions. So we say to farmers: You have the freedom to farm, but you do not have the freedom to sell. You cannot move your wheat to Cuba. We will let Cuba buy its wheat from other countries—from Europe, from Canada, from Argentina. They all sell, but the United States will not.

Farmers have the legitimate right to ask the question: Why? Why would you do this to family farmers? Why would you penalize family farmers by making so much of the world's wheat market and so much of the world's grain market off limits to family farmers?

This chart shows a list of farm groups that support lifting the sanctions on food and medicine. It is a list that includes virtually all of them. I do not know of any farm group that thinks this policy is smart, thoughtful, or reasonable. Every farm organization in the country representing family farmers believes we ought to discontinue using food as a weapon.

What about medicine? Dr. Patricia Dawson, a breast surgeon from Seattle, WA, Providence Hospital, says:

> The embargo appears to have a disproportionate impact on women and children by limiting access to new medications and technology.

In every one of these countries with which we have sanctions, I bet you will find a disproportionate impact on women and children. If anyone has the time, go talk to Congressman TONY HALL who went to North Korea and came back and made the report about hunger and malnutrition in North Korea. See what is going on in that country. Then ask yourself: Does it make any sense at all for this country to withhold food shipments to North Korea, or anywhere for that matter? The answer is a resounding no, of course not.

As I indicated when I started, there are two reasons for me to believe so strongly about this. One, this country has developed a policy that is wrong at its core. It is wrong for America. It is wrong for our family farmers. It is morally wrong, in my judgment, for a country that is the breadbasket of the world and produces such a prodigious amount of food to be telling other countries that, by the way, we will use our food in a punitive way if you do not behave. Mr. or Mrs. Leader of Another Country, we will decide that food is off limits to those who want to purchase commodities for your country.

What on Earth could provoke a country such as ours to believe that is a smart, sensible, or reasonable policy? It is not reasonable. It is not moral.

From a more selfish standpoint, I would say it is not fair to our family farmers. This morning someplace in my home State of North Dakota there is a family farmer who is driving a load of grain to a country elevator someplace. When that farmer gets to the country elevator, that farmer is going to be told that the food he produced—starting in the spring, gassing up the tractor, plowing a straight furrow, planting some seeds, and hoping and praying that seed is going to grow; and when it grows, finally being able to come out with a combine and harvesting the crop, and putting it in the bin, and then putting it in the truck, and then the elevator—that farmer is going to be told at the elevator that the food he produced from the work he did has no value; that food is food that does not have much value for the world at all.

So the price is collapsed. And the farmer scratches his or her head and says: I don't understand that. We have more than half a billion people going to bed with an ache in their belly because they didn't have enough to eat yesterday. Every single minute, up to eight children, die—every single minute—because of the winds of hunger around the world. Yet our farmers are told somehow their food does not have value, and those poor people who live in these countries—Cuba, Iran, Libya, North Korea, Sudan, and Iraq—are told American food, by the way, is off limits to you because we do not like the way your leaders behave.

So you poor folks in those unfortunate countries, you can't do much to kick Saddam Hussein out of Iraq, but we can prevent you from having access to American food. You can't even buy it.

That is just wrongheaded public policy. I intend to change it. As I indicated, Senator GORTON from Washington cosponsored the amendment I offered on the Agriculture appropriations bill. Senator ASHCROFT offered a nearly identical amendment on the floor of the Senate last year. The Senate will be dealing with this.

Finally, as I conclude, I say to those Senate leaders who believe they are going to be able to strip it out of the legislation this year, strip it out of the appropriations bill where I added it to the Agriculture appropriations bill, I am not going to let you do that. You might have the capability of stripping it out of that bill. I have the capability and the right on the floor of the Senate to add it to this bill.

Some say they don't want to do it because it does not pertain just to defense. It pertains to national security. I have a right under the rules to add it. I have to get a vote on it, but I have every right to offer it as an amendment. I intend to offer it. I will accept a short time agreement, but I intend that this Congress, with a wide majority of Senators and Representatives, will support this. I intend that this Congress will not be hijacked by a handful of legislative leaders who are trying to protect a dinosaur of a policy that represents the worst of America—the use of food and medicine as a weapon in economic sanctions.

So if we have not gotten a decade past that mentality then something is fundamentally wrong with this country. This country should stand up for its family farmers, first, to say that you have the freedom to sell; and, second, it ought to stand up as a world leader to say that we will not use food as a weapon. Poor people around the world, people who live in countries that need our food, have the right to buy it, have the right to expect it, and have the right to have access to it under a range of programs. This country should no longer penalize those poor people and those hungry people.

I came to the floor as I saw there was a morning business opportunity just to say to the two managers—I like them, they are good friends; and they will grit their teeth and wring their hands and mop their brows—but I intend to offer this amendment. I have a right to do so.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF GENERAL JOHN A. GORDON, U.S. AIR FORCE, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the nomination of Gen. John A. Gordon, which the clerk will report.

The legislative clerk read the nomination of Gen. John A. Gordon, United States Air Force, to be Under Secretary for Nuclear Security, Department of Energy.

The PRESIDING OFFICER (Mr. HUTCHINSON). Who yields time?

If no one yields time, time will be charged equally to both sides.

The distinguished Senator from Virginia.

Mr. WARNER. I thank the Chair. Under that ruling, without objection on my part, time will be charged equally to both sides.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, momentarily, we will vote on the nomination of a very distinguished citizen of our country. I want to elaborate in these few minutes about his distinguished career.

We know he has been nominated to be the first Under Secretary for Nuclear Security, as well as the first administrator of the National Nuclear Security Administration at the Department of Energy. We are all familiar with General Gordon's record. He took on many challenging assignments over these years in the Department of Defense and currently is Deputy Director for the Central Intelligence Agency.

I would like to go back and give a brief history of the establishment of the National Nuclear Security Administration and the position for which General Gordon has been nominated.

The Administration was established by title 32 of the National Defense Authorization Act for fiscal year 2000. That consolidated all of the national security functions of the Department of Energy under a single, semi-autonomous organizational unit. This reorganization represents the most significant reorganization of the Department of Energy in more than 20 years.

The Congress did not take this action lightly. We established this new entity in response to a multitude of reports and assessments which called for changes in the Department of Energy's ''dysfunctional'' organization structure. The reports include the 1997 ''120-day study'' issued by the Institute for Defense Analysis, the 1999 Chiles Commission report, and the 1999 Foster Panel report—just to mention a few. However, the most compelling report was issued by President Clinton's Foreign Intelligence Advisory Board in June 1999. That bipartisan report stated that:

. . . real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management.

The President's Foreign Intelligence Advisory Board went on to make the following recommendations to the President and Congress, (1) create a new semi-autonomous agency and (2) streamline the management of the DOE weapons labs management structure by abolishing ties between the weapons labs and all DOE regional, field and site offices, and all contractor intermediaries. The committee was very careful to fully implement the President's Foreign Intelligence Advisory Board's bipartisan recommendations, exactly as they were presented to President Clinton.

The overarching goal was to establish, for the first time in many years, a clear chain of command for the Department's national security programs. Some disagree with the final product, but I believe we accomplished that goal. It is now time for General Gordon to make this new entity work.

I have been trying for some weeks to get this nomination up. Just think: Last year, we passed structural reforms. It was signed into law by the President. And here we are almost a year later—just today—about to confirm the President's nominee to head this new entity.

We have vested a considerable amount of authority in the Administrator of the National Nuclear Security Administration; that is, General Gordon. We trust that he will use it in the best of U.S. national security.

I have come to know this fine man very well over the months that I have worked with him in connection with this nomination. I can tell the Senate without any equivocation that I do not know of a more qualified person, a man whose background, whose achievements, whose every step in life better qualifies him, including a character I think that is beyond question, to take on this important responsibility.

With regard to some details about him, the general entered the Air Force through the Reserve Officer Training Corps Program in 1968.

His early assignments were in research and development and acquisition where he was involved in improving the Minuteman Intercontinental Ballistic Missile—ICBM—and in developing and acquiring the Peacekeeper ICBM. He served with the U.S. Department of State in the politico-military affairs. Later, he commanded the 90th Strategic Missile Wing, the only Peacekeeper ICBM unit. He served in the National Security Council in the areas of defense and arms control, including oversight and completion of START II negotiations. The general then became senior member of the staff of the Secretary of Defense, and later the Director of Operations, Air Force Space Command, responsible for overseeing

and developing policy and guidance for the command's operational missions.

Mr. President, I ask unanimous consent to have printed in the RECORD the biography of General Gordon.

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

BIOGRAPHY—GENERAL JOHN A. GORDON

General John A. Gordon is deputy director of central intelligence, Central Intelligence Agency, Washington, D.C.

The general entered the Air Force through the Reserve Officer Training Corps program in 1968. His early assignments were in research, development and acquisition where he was involved in improving the Minuteman Intercontinental Ballistic Missile (ICBM) and in developing and acquiring the Peacekeeper ICBM. He was a long-range planner at Strategic Air Command and served with the U.S. State Department in politico-military affairs. Later, he commanded the 90th Strategic Missile Wing, the only Peacekeeper ICBM unit. He has served with the National Security Council in the areas of defense and arms control, including the oversight and completion of the START II negotiations. The general then became a senior member of the secretary of defense's staff and later, the director of operations, Air Force Space Command, responsible for overseeing and developing policy and guidance for the command's operational missions. He also has served as special assistant to the Air Force chief of staff for long-range planning, where he was responsible for restarting and integrating a long-range planning process into the Air Force. Prior to assuming his current position, he was associate director of central intelligence for military support, Central Intelligence Agency.

EDUCATION

1968 Bachelor of science degree with honors in physics, University of Missouri, Columbia.

1970 Master of science degree, Naval Postgraduate School, Monterey, Calif.

1972 Master of arts degree in business administration, New Mexico Highlands University, Las Vegas.

1975 Squadron Officer School, by correspondence.

1978 Air Command and Staff College, by correspondence.

1986 Air War College, Maxwell Air Force Base, Ala.

ASSIGNMENTS

1. July 1968–June 1970, graduate student, Naval Postgraduate School, Monterey, Calif., and Wright-Patterson Air Force Base, Ohio.

2. June 1970–June 1974, physicist, Air Force Weapons Laboratory, Kirtland Air Force Base, N.M.

3. June 1974–April 1976, research associate at DOE, Sandia Laboratories, Albuquerque, N.M.

4. April 1976–February 1979, long-range planner, Headquarters Strategic Air Command, Offutt Air Force Base, Neb.

5. February 1979–August 1980, staff officer, research and development, Headquarters U.S. Air Force, Washington, D.C.

6. August 1980–May 1982, executive assistant to the undersecretary of the Air Force, Washington, D.C.

7. May 1982–January 1983, deputy director, Office of Policy Analysis, Department of State, Washington, D.C.

8. January 1983–July 1985, office director for strategic nuclear policy, and director for defense and arms control matters, Bureau of Politico-Military Affairs, Department of State, Washington, D.C.

9. July 1985–July 1986, student, Air War College, Maxwell Air Force Base, Ala.

10. July 1986–June 1987, assistant deputy commander for maintenance, 44th Strategic Missile Wing, Ellsworth Air Force Base, S.D.

11. June 1987–May 1989, vice commander, then commander, 90th Strategic Missile Wing, Francis E. Warren Air Force Base, Wyo.

12. May 1989–January 1993, special assistant to the president for national security affairs and senior director for defense policy and arms control, National Security Council, Washington, D.C.

13. January 1993–June 1994, deputy undersecretary of defense and chief of staff for policy, Department of Defense, Washington, D.C.

14. June 1994–September 1995, director of operations, Headquarters Air Force Space Command, Peterson Air Force Base, Colo.

15. September 1995–September 1996, special assistant to the chief of staff for long-range planning, Headquarters U.S. Air Force, Washington, D.C.

16. September 1996–October 1997, associate director of central intelligence for military support, Central Intelligence Agency, Washington, D.C.

17. October 1997–present, deputy director of central intelligence, Central Intelligence Agency, Washington, D.C.

MAJOR AWARDS AND DECORATIONS

Defense Distinguished Service Medal with oak leaf cluster.
Defense Superior Service Medal.
Legion of Merit.
Defense Meritorious Service Medal.
Meritorious Service Medal with oak leaf cluster.
Air Force Commendation Medal.

EFFECTIVE DATES OF PROMOTION

Second Lieutenant Jun 4, 1968.
First Lieutenant Dec 4, 1969.
Captain Jun 4, 1971.
Major Sep 1, 1979.
Lieutenant Colonel Nov 1, 1981.
Colonel Dec 1, 1985.
Brigadier General Jun 1, 1992.
Major General May 25, 1995.
Lieutenant General Sep 20, 1996.
General Oct 31, 1997.
(Current as of September 1998).

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Chair.

Mr. President, I join with Senator WARNER in supporting the President's nomination of Gen. John Gordon to be the Under Secretary for Nuclear Security in the Department of Energy, and the first administrator of the new National Nuclear Security Agency in the Department of Energy.

General Gordon is an excellent choice to fill this very demanding position. General Gordon has served his country for more than 30 years, most recently as the Deputy Director of the Central Intelligence Agency. He was recommended for this position by a panel of highly qualified experts headed by former Deputy Secretary of Energy Charles Curtis.

It is hard to imagine an individual with more experience than General Gordon with all aspects of the nuclear forces of the United States. During his long and distinguished career in the United States Air Force, General Gordon worked in the research and development of nuclear weapons programs as a physicist and technician; he is familiar with the operational requirements of our nuclear forces from his tours of duty with U.S. strategic missile forces, including service as vice commander and commander of a Strategic Missile Wing; and he worked at the highest policy levels of the Executive Branch during his four years on the National Security Council as special assistant to the President for national security affairs and senior director for defense policy and arms control.

Upon confirmation, General Gordon will take on one of the most challenging assignments in the federal government. The Administrator of the new National Nuclear Security Administration is responsible for maintaining the safety and reliability of our nation's nuclear warheads; for addressing security problems that continue to undermine public confidence in the Department of Energy; for managing the Department of Energy laboratories; and for cleaning up some of the worst environmental problems in the country.

Moreover, the Administrator will face these assignments as the head of an agency so plagued with ''convoluted, confusing and contradictory'' reporting channels that the President's Foreign Intelligence Advisory Board last year characterized the entire Department of Energy as a ''dysfunctional'' organization. Although I believe that some of the legislation Congress has passed and is currently considering will make General Gordon's job harder and not easier, I pledge to work with General Gordon, Secretary Richardson and my colleagues in the Congress to do everything I can to give General Gordon the support he will need to be successful in this demanding job.

I think all of us appreciate General Gordon's willingness to serve his country on this continuing basis and to take on a very difficult assignment.

I yield the floor.

Mr. ALLARD. Mr. President, I rise today to show my support for General John Gordon to be the Director of the National Nuclear Security Administration or the NNSA. But before I do that, I need to mention a related item, the lack of security protections at the Los Alamos lab.

On Monday, June 12, the New York Times reported that computer hard drives containing valuable nuclear weapons data and other highly sensitive information were found missing from the Los Alamos National Laboratory on May 7th. These classified hard drives were stored in locked containers in a vault at the weapons X Division at the lab. The containers were found but the hard drives are gone. According to reports, the material missing is American nuclear weapons data that the Nuclear Emergency Search Team needs to disarm nuclear devices during emergencies. Also missing is the intelligence information on the Russian nuclear weapons program. To make matters worse, the Lab did not begin an intensive search until May 24. I realize that a fire was raging in the area and

that people were focused on that, but to wait that long makes little sense. I understand that the law now requires that any such incident must be reported to the Department of Energy within 8 hours. Finally, DOE headquarters was informed of the missing data on June 1.

While it may seem premature to speculate foul play, I must say that neither DOE nor the Administration have a strong track record in the area of safeguards and security. Unfortunately, this is not the first incident of lax security during this Administration.

Here are just a few of the reported incidents.

March 1999—It was determined that the Chinese had penetrated Los Alamos Laboratory and stole our nuclear secrets.

Last December—A Russian diplomat is ordered to leave after a microphone transmitter is discovered on the 7th floor of the State Department, only a short walk from the office of Secretary Albright.

Then there is the case of the missing laptops at the State Department and the situation with the former CIA Director John Deutch, who since has lost all his clearances, of mishandling classified information.

While not all these cases are related to the newly created NNSA, they do show that a new attitude and new ethic must be incorporated into this Administration. We have had too many problems at too many places.

That is why I am glad that General Gordon is finally being voted on by this Senate. I am sorry that this vote took so long to take place. This vote was objected to by some who wanted to get a better deal on a few items in the Defense authorization bill relating to the NNSA. It was my belief there would be obstacles in this job, but I never believed it would happen before he got to the NNSA. However, now that the objection to General Gordon's nomination has been lifted, we can finally move this nomination. Gen. Gordon's position is far too valuable to be made a political pawn and the latest incident at Los Alamos proves that.

Also, I let him know that I don't expect miracles, I just expect our national security be treated as such. No longer should science and personnel matters out rank security. We must change this culture and I believe that General Gordon is the right person for this job. I want to thank General Gordon for his dedication and commitment to his country and for serving in this new position.

Lastly, Mr. President, I look forward to the hearings on the latest incident at the lab. For too long I have heard this administration crowing that they are taking care of the security problems, but this latest incident shows that their actions don't match their words. While this administration crowed they attempted to undermine what Congress had done last year to strengthen security in the Department of Energy through amendments in the Strategic Subcommittee of the Armed Services Committee. As chairman of that committee I was appalled at the action of Democrat members of the committee as well in their attempts to stop the nomination of General Gordon. We must and will get to the bottom of our nation's security problems.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

All time having expired, the question is, Will the Senate advise and consent to the nomination of Gen. John A. Gordon, United States Air Force, to be Under Secretary for Nuclear Security, Department of Energy? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 128 Ex.]

YEAS—97

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Roth
Bryan	Hatch	Santorum
Bunning	Helms	Sarbanes
Burns	Hollings	Schumer
Byrd	Hutchinson	Sessions
Campbell	Hutchison	Shelby
Chafee, L.	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stevens
Coverdell	Kerrey	Thomas
Craig	Kerry	Thompson
Crapo	Kohl	Thurmond
Daschle	Kyl	Torricelli
DeWine	Landrieu	Voinovich
Dodd	Lautenberg	Warner
Domenici	Leahy	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	
Edwards	Lincoln	

NOT VOTING—3

Moynihan	Reed	Rockefeller

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. LOTT. Mr. President, we are discussing an agreement as to how to proceed. We need to actually get it typed up where everybody can review it. I say to Senator DASCHLE, I will make some remarks commending the gentleman's movement to South Carolina. I thought he might want to join me in that. I will take some leader time to do that while we get the final look at the agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

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

HONORING JIM TALBERT'S RETIREMENT FROM SENATE

Mr. LOTT. Mr. President, let me make a very important correction. The gentleman I am going to speak about briefly is going to be moving to South Dakota, not South Carolina. He obviously likes cooler weather and not hot weather. He deserves to be able to go wherever he chooses after the great service he has provided to the Congress.

I want to take a moment to say goodbye on behalf of the Senate to a man we know quite well. I know Senator DASCHLE is going to join me in this and make some comments, either in a few minutes or later. I am talking about Jim Talbert, who is Superintendent of the Senate's Periodical Press Gallery and is retiring this week after 32 years of service.

Jim and I came to the House of Representatives in the same year, 1968. He was hired in the House Daily Press Gallery, and I was hired as an aide to then-Congressman Bill Colmer, chairman of the Rules Committee. Twenty-three years and five Speakers later, Jim crossed the DMZ in the Capitol to the Senate to be Superintendent of the Periodical Press Gallery.

Early on, Jim figured out what it took to get things done around here: know the rules. He knew them. That is why he became such a valuable resource. His expertise on congressional procedure is widely recognized and consulted by rookie reporters, veteran correspondents, and, yes, even by an occasional Senator or House Member who knows that he spent those many years in the House. His generosity in sharing his knowledge and time has brought him a great many friends on the second and third floors of this Capitol.

I have a letter from the Executive Committee of Correspondents that describes in the reporters' words all Jim has accomplished on their behalf in the Senate. I ask unanimous consent that that letter be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
SENATE PERIODICAL PRESS GALLERY,
Washington, DC, June 7, 2000.

JIM TALBERT,
Superintendent, Senate Periodical Press Gallery, U.S. Senate, Washington, DC.

DEAR JIM: The Executive Committee of Correspondents conveys its gratitude on behalf of the more than 250 publications and 1,700 reporters who benefited from your nine years as superintendent of the United States Senate Periodical Press Gallery.

The transformation you have made running the press gallery has been nothing short of historic. The gallery has never operated in a more professional manner. The gallery staff was never better educated about the legislative process nor more knowledgeable of what is happening at any given moment on the Senate floor. Reporters never had a better opportunity of snagging a seat and testimony at a crowded hearing. Functions such as accrediting reporters and publications never operated in a more even-handed, efficient manner.

During your tenure, there was never a doubt that a reporter calling the gallery to ask about pending legislation would get an immediate and informed answer.

You deserve credit for what you have accomplished. You also earn our praise for leaving in your wake a highly trained and motivated staff. The personal zeal you displayed in understanding the often complicated legislative process was infectious and you were a good teacher.

While replacing Jim Talbert is out of the question, since you certainly are one of a kind, the mark you leave on the gallery will remain long after you enter your well-deserved retirement. The seeds you sowed will help reporters covering Congress for years to come.

We wish you and Judy a happy retirement to South Dakota filled with good health and mild winters.

Sincerely,

RICK MAZE,
Chairman.
CHERYL BOLEN,
Secretary-Treasurer.
RICHARD E. COHEN.
JAY CARNEY.
HEIDI GLENN.
AMY BORRUS.
TIM CURRAN.

Mr. LOTT. While Jim no longer will be toiling with us every day, he is keeping his favorite jobs: husband, father, and grandfather. I am a little envious, to tell the truth. He and his wife, Judy, whom he met while working in the Capitol, are moving to her native South Dakota.

It is typical of Jim that he didn't want a big bang, a big fuss over his departure. But we couldn't let him go without first wishing him well and saying, ''Thanks, Jim. You have earned it.''

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I join the majority leader in his commendation of an extraordinary part of this wonderful institution. Jim Talbert, as the majority leader has indicated, is retiring at the end of this week as the Superintendent of the Senate Periodical Press Gallery. He is one of hundreds of members of our Capitol family whom C–SPAN viewers never see but without whom this institution would simply not function. He has served Congress with distinction for 32 years.

Born on February 22, 1943, in Washington, D.C., he has resided here all of his life. He graduated from the University of Maryland with a degree in journalism in 1964 and began his career on Capitol Hill in 1966, covering politics for the Timmons News Service.

In 1968, he joined the House Daily Press Gallery where he worked for 23 years. Much to our good fortune, he came to the Senate in 1991 as the Superintendent of the Senate Periodical Press Gallery. The periodical gallery is one of three press galleries in the Senate. It is the nerve center for Capitol Hill reporters representing national and local magazines and newsletters. More than 1,700 journalists representing 250 different news organizations are credentialed to use the Periodical Press Gallery to file stories, stay in contact with home offices, and get information on Senate activities. As head of the periodical gallery, Jim approves credentials for reporters covering Capitol Hill. He acts as a liaison between the press and Senate staff and keeps up-to-the-minute information on what is happening on the Senate floor.

Reporters do not turn to Jim simply for information about where a press conference is being held or when a bill might be coming to the floor. They also depend on his vast knowledge of Senate history and legislative procedure to make sense of our sometimes confusing parliamentary rules. He is a professional, an efficient and fair-minded person in carrying out all of his duties. He is also generous and always has a humorous story to share.

While his departure will have reporters scrambling to find a good source on Senate procedure, he can leave knowing that the periodical gallery staff he has worked so hard to train is committed to maintaining his same high standards.

Besides his retirement, Jim will celebrate another happy milestone this year. In 1995, Jim was diagnosed with throat cancer. In his 5-year fight to beat cancer, he endured several rounds of radiation treatment and surgery and missed only 1 month of work. Recently, Jim was declared cancer free.

Finally, I always sensed that there was something unusually wise about Jim. That hunch was confirmed recently when I learned that he and his wife, Judy, will be moving to her hometown, Brookings, SD, home of South Dakota State University. I can't think of a better place to retire. I am glad to call them constituents and look forward to seeing them many times in my State and now their State.

I wish Jim and Judy well. Jim has served this Senate with dedication and distinction. I look forward to being able to serve with him, for a change, as his Senator. I wish him and Judy all of the best as they begin their new life in South Dakota.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senator from Virginia be recognized to offer a series of cleared amendments to the pending DOD authorization bill, and following the disposition of the 41-plus cleared amendments, the DOD authorization bill be laid aside and that the Senate then turn to the House Transportation appropriations bill and the Senate bill be immediately offered as an amendment in the nature of a substitute.

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

Mr. LOTT. Mr. President, I also had intended to ask consent that when the Senate resumes the DOD bill, the Smith amendment be laid aside and Senator DODD be recognized to offer his amendment regarding a Cuba commission. I am informed that Senator MCCAIN would object to that, but I assure Senator DASCHLE and Senator DODD and Senator MACK and Senator LEVIN and Senator WARNER, everybody, we will keep working to see if we can get this done. I think that is what we should do.

We are going to go back to DOD authorization in the morning in some form. Everybody is wanting to get in line or get their position first, or they don't want us to allow that second-degree slot to be opened, I guess, to the Smith amendment. Others want it to be open. It is kind of complicated. A lot of Senators are invoking their rights. They have a right to do that.

I do plead with the Senate, Republicans and Democrats, to work with us to try to get our appropriations bills done. I am going to continue to try to keep my word. Senator DASCHLE is working with me, and Senators are cooperating on both sides to come back to make progress on the Department of Defense authorization bill.

We were prepared to go to the Murray amendment, which is germane to the Defense bill. It is a Defense amendment. But I believe Senator FEINGOLD or somebody objected to that. We will keep working here. I think we can work through this in a way that will allow us to come back to the Defense authorization bill and deal with Defense-related amendments, which is what I prefer. It is our national security we are talking about. But there are amendments that Senators on both sides of the aisle want to offer that are not germane. We will try to find an orderly way in which to do that.

At this point, I am advised that there will be objections on this side on one approach and on that side on another approach. Let's keep working to find a way to get this done.

Mr. DASCHLE. Mr. President, I just urge the cooperation of all Senators. The only way this dual track is going to work is if we can accommodate each other's needs. That is what generated our agreement to address both bills in this fashion. Senators on both sides want to be accommodated. They have amendments to offer. This allows for that process to continue—to allow amendments on Defense authorization

in the morning up until early afternoon, and then to take up appropriations in the afternoon—so that we can work through the appropriations bills that we know we must get done.

We will be unable to go to appropriations bills in the future if we can't continue to accommodate each other's needs. I think this is working well. I hope we can continue to work well to work off the list of amendments. Senator REID does his magic with our list, and I know we have our colleagues on the other side who are attempting to do the same there. But we ought to have these votes and debates. I think it is good for the country and good for the institution to be able to have the opportunity to debate some of these issues. That is what we are doing, and that is why you see the cooperation you have this week.

I yield the floor.

Mr. LOTT. Mr. President, one of the reasons Senator DASCHLE and I decided to try to proceed on this dual track, trying to work on the Defense authorization bill in the morning and appropriations bills in the afternoon—it was Senator DASCHLE's suggestion that we do that for the very purpose we are achieving here. It keeps people focused. Out of sight, out of mind. If we were not trying to come back to DOD authorization, everybody would go off to committee hearings and other work and would not focus on trying to get an orderly way to do it. So while it is not agreed to yet, it is exactly what we had in mind—to make everybody understand we are going to keep trying to do the Transportation appropriations bill, and we are going to focus on amendments and try to get order and process to go back to the Department of Defense authorization.

JOHN WARNER and Senator LEVIN, the two managers of this legislation, are trying very hard to find a way to work through this maze that they are faced with to get a Defense authorization bill for the national security of our country. Senator WARNER, working with others, has 41 amendments that we can clear. At that rate, in 2 or 3 days, maybe we can eliminate a couple hundred amendments. So we will keep trying to do that.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

AMENDMENTS NOS. 3382 THROUGH 3424, EN BLOC

Mr. WARNER. Mr. President, I send a series of amendments to the desk en bloc, and I ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes amendments numbered 3382 through 3424, en bloc.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

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

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments (Nos. 3382 through 3424), were agreed to en bloc as follows:

AMENDMENT NO. 3382

(Purpose: To clarify the duties of the Chief of Naval Research as the Navy's manager of research funds)

On page 353, between lines 15 and 16, insert the following:

SEC. 914. MANAGEMENT OF NAVY RESEARCH FUNDS BY CHIEF OF NAVAL RESEARCH.

(a) CLARIFICATION OF DUTIES.—Section 5022 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after paragraph (1) of subsection (a) the following:

''(b)(1) The Chief of Naval Research is the head of the Office of Naval Research.''; and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) CHIEF AS MANAGER OF RESEARCH FUNDS.—The Chief of Naval Research shall manage the Navy's basic, applied, and advanced research funds to foster transition from science and technology to higher levels of research, development, test, and evaluation.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking ''(a)(1)'' and inserting ''(a)''.

AMENDMENT NO. 3383

(Purpose; To provide, with an offset, $5,000,000 for research, development, test, and evaluation Defense-wide for the Strategic Environmental Research and Development Program (PE603716D) for technologies for the detection and transport of pollutants resulting from live-fire activities)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. TECHNOLOGIES FOR DETECTION AND TRANSPORT OF POLLUTANTS ATTRIBUTABLE TO LIVE-FIRE ACTIVITIES.

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), the amount available for the Strategic Environmental Research and Development Program (PE6034716D) is hereby increased by $5,000,000, with the amount of such increase available for the development and test of technologies to detect, analyze, and map the presence of, and transport of, pollutants and contaminants at sites undergoing the detection and remediation of constituents attributable to live-fire activities in a variety of hydrogeological scenarios.

(c) ADDITIONAL REQUIREMENT.—Performance measures shall be established for the technologies described in subsection (b) for purposes of facilitating the implementation and utilization of such technologies by the Department of Defense.

(d) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby decreased by $5,000,000, with the amount of such decrease applied to Combat Vehicle and Automotive Advanced Technology (PE603005A).

AMENDMENT NO. 3384

(Purpose: To increase by $45,000,000 the amount authorized to be appropriated for environmental restoration of formerly used defense sites and reduce defense-wide operations and maintenance accounts by $45,000,000 for mobility enhancements)

On page 55, strike lines 13 and 14, and insert the following:

(18) For Environmental Restoration, Formerly Used Defense Sites, $231,499,000.

On page 54, line 16, strike ''$11,973,569,000'' and insert ''$11,928,569,000''.

AMENDMENT NO. 3385

(Purpose: To set aside for weatherproofing of facilities at Keesler Air Force Base, Mississippi, $2,800,000 of the amount authorized to be appropriated for the Air Force for operation and maintenance)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. WEATHERPROOFING OF FACILITIES AT KEESLER AIR FORCE BASE, MISSISSIPPI.

Of the total amount authorized to be appropriated by section 301(4), $2,800,000 is available for the weatherproofing of facilities at Keesler Air Force Base, Mississippi.

AMENDMENT NO. 3386

(Purpose: To remove the inclusion of housing in the determining of income eligibility for WIC support for members of the Armed Forces overseas)

On page 239, after line 22, insert the following:

SEC. 656. DETERMINATIONS OF INCOME ELIGIBILITY FOR SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1060a(c)(1)(B) of title 10, United States Code, is amended by striking the second sentence and inserting the following: ''In the application of such criterion, the Secretary shall exclude from income any basic allowance for housing as permitted under section 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)).''.

Mr. HARKIN. Mr. President, I am offering a bipartisan amendment with my distinguished colleagues, Mr. LUGAR and Mr. LEAHY. This amendment would simply change the rules on eligibility of overseas troops for the supplemental nutrition program to be the same as the rules for troops in the United States. It corrects an inequity that would otherwise harm thousands of our troops overseas.

We have had much discussion of the disgrace that some of our men and women in uniform, who are risking their lives to serve our nation, have to rely on welfare to feed their families. Thousands of our troops are eligible for food stamps and WIC, the supplemental nutrition program. This is an outrage, and I will continue to work to increase the pay of our enlisted men and women, the real solution to this problem.

But it is even more outrageous that some of our troops who need this assistance cannot get it, just because of where they are stationed. WIC is administered by the States. Since our troops overseas are not in a State, in the past they have not received any

support from WIC. When they are stationed here, they can get the food they need to feed their families; they get transferred overseas, and suddenly they are ineligible, and the assistance on which they have come to rely disappears. No wonder it's so hard to convince them to sign up for another tour.

Last year this body passed an amendment I proposed to end this unfairness by having the Defense Department provide WIC assistance to troops overseas. The amendment simply required the Defense Department to set up a WIC program similar to those run by the states that would serve Department personnel who are overseas. The Department is proceeding to implement that program. In fact the Department is uniquely situated to efficiently run such a program because of the network of medical treatment facilities and commissaries that is already in place. But in conference a significant change was made to the provision. A sentence was added that requires the Department to include the value of on-base housing in calculating income to determine eligibility for the program. That one sentence knocked more than half of those who should be eligible from the program.

It also failed to correct the fundamental unfairness. The regulations governing WIC specifically prohibit states from counting in-kind housing and other in-kind assistance in appplicants' income when determining eligibility. They bar states from doing what we required the Pentagon to do. That makes no sense. It means that people who were receiving food stamps in the U.S. still may be kicked out of the program when their period of eligibility is up, even though their income and expenses have not changed, just because they were transferred out of the country. And when my staff talked with the Defense Department officials who are setting up the program, they agreed that the rules should be changed so that eligibility overseas would match eligibility in the U.S.

So this amendment strikes the one sentence, leaving the overall principle that the Secretary of Defense should seek to apply the eligibility rules in the regulations governing state implementation of WIC.

Those regulations leave one ambiguity, however. I have talked about in-kind housing, that is housing on military bases. Troops who live off-base instead receive a basic housing allowance to help them pay for their own housing. As directed in the Child Nutrition Act of 1966, the rules on WIC state that states have the choice in determining income eligibility of whether to count the basic housing allowance received by military personnel living off the base. I understand that as of 1994, the last time states were surveyed, not one of the fifty states had chosen to include the housing in income. That only makes sense. It would be patently unfair to let troops living on-base receive support, but withhold it from troops living off-base whose real income is no higher. In fact the troops off-base usually have higher expenses because the housing allowance usually does not fully cover their housing expense.

So this amendment directs the Secretary of Defense to follow the current practice of the states in excluding the basic allowance for housing when determining income eligibility. Thus it would allow the Secretary to restore full fairness by treating troops overseas the same as troops at home, and troops who live on-base the same as troops who live off-base. And most importantly it would allow thousands of troops to receive the food they need to keep their families healthy.

I thank my colleagues on both sides of the aisle for their favorable consideration and am glad that this correction has been accepted as a manager's amendment.

AMENDMENT NO. 3387

(Purpose: To improve access to health care under the TRICARE program by prohibiting a requirement for statements of nonavailability or preauthorization for certain services under that program)

On page 251, between lines 6 and 7, insert the following:

SEC. 714. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary inform the primary care manager of the beneficiary of any health care received from a civilian provider or in a specialized treatment facility.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary demonstrates significant cost avoidance for specific procedures at the affected military medical treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military medical treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 2001.

AMENDMENT NO. 3388

(Purpose: To modify the time for use by members of the Selected Reserve of entitlement to certain educational assistance)

On page 239, following line 22, add the following:

SEC. 656. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (a) of section 16133 of title 10, United States Code, is amended by striking ''(1) at the end'' and all that follows through the end and inserting ''on the date the person is separated from the Selected Reserve.''.

(b) CERTAIN MEMBERS.—Paragraph (1) of subsection (b) of that section is amended in the flush matter following subparagraph (B) by striking ''shall be determined'' and all that follows through the end and inserting ''shall expire on the later of (i) the 10-year period beginning on the date on which such person becomes entitled to educational assistance under this chapter, or (ii) the end of the 4-year period beginning on the date such person is separated from, or ceases to be, a member of the Selected Reserve.''.

(c) CONFORMING AMENDMENTS.—Subsection (b) of that section is further amended—

(1) in paragraph (2), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)(1)'';

(2) in paragraph (3), by striking ''subsection (a)'' and inserting ''subsection (b)(1)''; and

(3) in paragraph (4)—

(A) in subparagraph (A), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)(1)''; and

(B) in subparagraph (B), by striking ''clause (2) of such subsection'' and inserting ''subsection (a)''.

AMENDMENT NO. 3389

(Purpose: To treat as veterans individuals who served in the Alaska Territorial Guard during World War II)

On page 239, following line 22, add the following:

SEC. 656. RECOGNITION OF MEMBERS OF THE ALASKA TERRITORIAL GUARD AS VETERANS.

(a) IN GENERAL.—Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f) Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 656(b) of the National Defense Authorization Act for Fiscal Year 2001 shall be considered active duty for purposes of all laws administered by the Secretary.''.

(b) DISCHARGE.—(1) The Secretary of Defense shall issue to each individual who served as a member of the Alaska Territorial Guard during World War II a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

(2) A discharge under paragraph (1) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that paragraph.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any individual for any period before the date of the enactment of this Act by reason of the enactment of this section.

AMENDMENT NO. 3390

(Purpose: To extend to members of the National Guard and other reserve components not on active duty the entitlement to receive special duty assignment pay)

On page 220, between lines 13 and 14, insert the following:

SEC. 622. ENTITLEMENT OF MEMBERS OF THE NATIONAL GUARD AND OTHER RESERVES NOT ON ACTIVE DUTY TO RECEIVE SPECIAL DUTY ASSIGNMENT PAY.

(a) AUTHORITY.—Section 307(a) of title 37, United States Code, is amended by inserting after ''is entitled to basic pay'' in the first

sentence the following: '', or is entitled to compensation under section 206 of this title in the case of a member of a reserve component not on active duty,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

Mr. FEINGOLD. Mr. President, today I offer an amendment that will restore a measure of pay equity for our nation's Guardsmen and Reservists. I offered this same amendment last year to S. 4, the military pay increase bill, and it was adopted by voice vote.

I understand that this amendment is acceptable to the managers on both sides, and I thank the chairman and the ranking member of the Armed Services Committee for their continuing cooperation on this important issue.

Mr. President, the men and women who serve in the Guard and Reserves are cornerstones of our national defense and domestic infrastructure, and they deserve to be adequately and equitably compensated for their dedicated service to this country.

The Guard and Reserve are integral parts of overseas missions, including recent and ongoing missions in places, including Iraq and the Balkans. According to statements by Department of Defense officials, Guardsmen and Reservists will continue to play an increasingly important role in our national defense strategy as they are called upon to shoulder more of the burden of military operations both at home and abroad. The National Guard and Reserves deserve the full support they need to carry out their duties.

Mr. President, my amendment would correct special duty assignment pay inequities between the Reserve components of our Armed Forces and their active duty counterparts. These inequities should be address to take into account the National Guard and Reserves' increased role in our national security, especially on the front lines.

My amendment allows a Guardsmen or Reservist who is entitled to basic pay and is performing a special duty to be paid special duty assignment pay.

Right now, Guardsmen and Reservists are getting shortchanged despite the vital role they play in our national defense. The special duty assignment pay program ensures readiness by compensating specific soldiers who are assigned to duty positions that demand special training and extraordinary effort to maintain a level of satisfactory performance. The program, as it stands now, effectively reduces the ability of the National Guard and Reserve to retain highly dedicated and specialized soldiers.

The special duty assignments pay program provides an additional monthly financial incentive paid to enlisted soldiers and airmen who are required to perform extremely demanding duties that require an unusual degree of responsibility. These special duty assignments include certain command sergeants major, guidance counselors, retention non-commissioned officers (NCO's), drill sergeants, and members of the Special Forces. These soldiers, however, do not receive special duty assignment pay while in on IDT status (drill weekends).

I am pleased that the underlying bill as reported by the Armed Services Committee contains a provision that increases the maximum rate for special duty assignment pay from $275 per month to $600 per month. This modest increase, coupled with my amendment, will help to ensure that our Guardsmen and Reservists are fairly compensated for their service.

This is especially important since National Guard and Reserve members give up their civilian salaries during the time they are called up for, or volunteer for, active duty.

Mr. President, as the U.S. military prepares to face the challenges of the next century and beyond, the National Guard and Reserves will be called more frequently to active duty for domestic support roles and various peacekeeping efforts abroad. They will also be vital players on special teams trained to deal with emerging threats, including the possibility of the deployment of weapons of mass destruction within our own borders. According to many military experts, this represents a more salient threat to the United States than the threat of a ballistic missile attack that many of our colleagues have spent so much time addressing.

Mr. President, I have had the opportunity to see some of these soldiers off as they embarked on these missions and have welcomed them home upon their return. I am struck by the courage and professionalism they displayed as they prepare to meet these varied assignments. In Wisconsin, the State Guard provides vital support during natural disasters and state emergencies, including floods, ice storms, and train derailments.

We have a duty to honor the service of our National Guardsmen and Reservists. One way to do that is to equitably compensate them for their service.

Again, I thank the managers of the bill for their courtesy and for their cooperation on this important amendment.

AMENDMENT NO. 3391

(Purpose: To authorize the expansion of service areas for transferees of former uniformed services treatment facilities that are included in the uniformed services health care delivery system)

On page 270, between lines 16 and 17, insert the following:

SEC. 744. SERVICE AREAS OF TRANSFEREES OF FORMER UNIFORMED SERVICES TREATMENT FACILITIES THAT ARE INCLUDED IN THE UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

Section 722(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended—

(1) by inserting ''(1)'' after ''(e) SERVICE AREA.—''; and

(2) by adding at the end the following:

''(2) The Secretary may, with the agreement of a designated provider, expand the service area of the designated provider as the Secretary determines necessary to permit covered beneficiaries to enroll in the designated provider's managed care plan. The expanded service area may include one or more noncontiguous areas.''.

AMENDMENT NO. 3392

(Purpose: To refine and advance Federal acquisition streamlining)

In section 801(a), strike ''The Secretary of Defense shall ensure that, not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation is revised'' and insert ''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 (41 U.S.C. 405 and 421) shall be revised''.

At the end of title VIII, add the following:

SEC. 814. REVISION OF THE ORGANIZATION AND AUTHORITY OF THE COST ACCOUNTING STANDARDS BOARD.

(a) ESTABLISHMENT WITHIN OMB.—Paragraph (1) of subsection (a) of section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422) is amended by striking ''Office of Federal Procurement Policy'' in the first sentence and inserting ''Office of Management and Budget''.

(b) COMPOSITION OF BOARD.—Subsection (a) of such section is further amended—

(1) by striking the second sentence of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Board shall consist of five members appointed as follows:

''(A) A Chairman, appointed by the Director of the Office of Management and Budget, from among persons who are knowledgeable in cost accounting matters for Federal Government contracts.

''(B) One member, appointed by the Secretary of Defense, from among Department of Defense personnel.

''(C) One member, appointed by the Administrator, from among employees of executive agencies other than the Department of Defense, with the concurrence of the head of the executive agency concerned.

''(D) One member, appointed by the Chairman from among persons (other than officers and employees of the United States) who are in the accounting or accounting education profession.

''(E) One member, appointed by the Chairman from among persons in industry.''.

(c) TERM OF OFFICE.—Paragraph (3) of such subsection, as redesignated by subsection (b)(2), is amended—

(1) in subparagraph (A)—

(A) by striking '', other than the Administrator for Federal Procurement Policy,'';

(B) by striking clause (i);

(C) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(D) in clause (ii), as so redesignated, by striking ''individual who is appointed under paragraph (1)(A)'' and inserting ''officer or employee of the Federal Government who is appointed as a member under paragraph (2)''; and

(2) by striking subparagraph (C).

(d) OTHER BOARD PERSONNEL.—(1) Subsection (b) of such section is amended to read as follows:

''(b) SENIOR STAFF.—The Chairman, after consultation with the Board, may appoint an executive secretary and two additional staff members without regard to the provisions of

title 5, United States Code, governing appointments in the competitive service and in senior-level positions. The Chairman may pay such employees without regard to the provisions of chapter 51 (relating to classification of positions), and subchapter III of chapter 53 of such title and section 5376 of such title (relating to the rates of basic pay under the General Schedule and for senior-level positions, respectively), except that no individual so appointed may receive pay in excess of the maximum rate of basic pay payable for a senior-level position under such section 5376.''.

(2) Subsections (c) and (d)(2), and the third sentence of subsection (e), of such section are amended by striking ''Administrator'' and inserting ''Chairman''.

(e) COST ACCOUNTING STANDARDS AUTHORITY.—(1) Paragraph (1) of subsection (f) of such section is amended by inserting '', subject to direction of the Director of the Office of Management and Budget,'' after ''exclusive authority''.

(2) Paragraph (2)(B)(iv) of such subsection is amended by striking ''more than $7,500,000'' and inserting ''$7,500,000 or more''.

(3) Paragraph (3) of such subsection is amended, in the first sentence—

(A) by striking ''Administrator, after consultation with the Board'' and inserting ''Chairman, with the concurrence of a majority of the members of the Board''; and

(B) by inserting before the period at the end the following: '', including rules and procedures for the public conduct of meetings of the Board''.

(4) Paragraph (5)(C) of such subsection is amended to read as follows:

''(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 a level in the executive agency as follows:

''(i) The senior policymaking level, except as provided in clause (ii).

''(ii) The head of a procuring activity, in the case of a firm, fixed price contract or subcontract for which the requirement to obtain cost or pricing data under subsection (a) of section 2306a of title 10, United States Code, or subsection (a) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b) is waived under subsection (b)(1)(C) of such section, respectively.''.

(5) Paragraph (5)(E) of such subsection is amended by inserting before the period at the end the following: ''in accordance with requirements prescribed by the Board''.

(f) REQUIREMENTS FOR STANDARDS.—(1) Subsection (g)(1)(B) of section 26 of the Office of Federal Procurement Policy Act is amended by inserting before the semicolon at the end the following: '', together with a solicitation of comments on those issues''.

(g) INTEREST RATE APPLICABLE TO CONTRACT PRICE ADJUSTMENTS.—Subsection (h)(4) of such section is amended by inserting ''(a)(2)'' after ''6621'' both places that it appears.

(h) REPEAL OF REQUIREMENT FOR ANNUAL REPORT.—Such section is further amended by striking subsection (i).

(i) EFFECTS OF BOARD INTERPRETATIONS AND REGULATIONS.—Subsection (j) of such section is amended—

(1) in paragraph (1), by striking ''promulgated by the Cost Accounting Standards Board under section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168)'' and inserting ''that are in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001''; and

(2) in paragraph (3), by striking ''under the authority set forth in section 6 of this Act'' and inserting ''exercising the authority provided in section 6 of this Act in consultation with the Chairman''.

(j) RATE OF PAY FOR CHAIRMAN.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Chairman, Cost Accounting Standards Board.''.

(k) TRANSITION PROVISION FOR MEMBERS.—Each member of the Cost Accounting Standards Board who serves on the Board under paragraph (1) of section 26(a) of the Office of Federal Procurement Policy Act, as in effect on the day before the date of the enactment of this Act, shall continue to serve as a member of the Board until the earlier of—

(1) the expiration of the term for which the member was so appointed; or

(2) the date on which a successor to such member is appointed under paragraph (2) of such section 26(a), as amended by subsection (b) of this section.

SEC. 815. REVISION OF AUTHORITY FOR SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) PILOT PROJECTS UNDER THE PROGRAM.—Section 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1492) is amended—

(1) in subsection (a), by striking ''subsection (d)(2)'' and inserting ''subsection (d)''; and

(2) by striking subsection (d) and inserting the following:

''(d) PILOT PROGRAM PROJECTS.—The Administrator shall authorize to be carried out under the pilot program—

''(1) not more than 10 projects, each of which has an estimated cost of at least $25,000,000 and not more than $100,000,000; and

''(2) not more than 10 projects for small business concerns, each of which has an estimated cost of at least $1,000,000 and not more than $5,000,000.''.

(b) ELIMINATION OF REQUIREMENT FOR FEDERAL FUNDING OF PROGRAM DEFINITION PHASE.—Subsection (c)(9)(B) of such section is amended by striking ''program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—'' and inserting ''program definition phase—''.

SEC. 816. APPROPRIATE USE OF PERSONNEL EXPERIENCE AND EDUCATIONAL REQUIREMENTS IN THE PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES.

(a) AMENDMENT OF 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 (41 U.S.C. 405 and 421) shall be amended to address the use of personnel experience and educational requirements in the procurement of information technology services.

(b) CONTENT OF AMENDMENT.—The amendment issued pursuant to subsection (a) shall—

(1) provide that a solicitation of bids on a performance-based contract for the procurement of information technology services may not set forth any minimum experience or educational requirement for contractor personnel that a bidder must satisfy in order to be eligible for award of the contract; and

(2) specify—

(A) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may set forth any such minimum requirement for that purpose; and

(B) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may not set forth any such minimum requirement for that purpose.

(c) CONSTRUCTION OF REGULATION.—The amendment issued pursuant to subsection (a) shall include a rule of construction that a prohibition included in the amendment under paragraph (1) or (2)(B) does not prohibit the consideration of the experience and educational levels of the personnel of bidders in the selection of a bidder to be awarded a contract.

(d) GAO REPORT.—Not later than 1 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—

(1) executive agency compliance with the regulations; and

(2) conformity of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

(e) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term ''performance-based contract'' means a contract that includes performance work statements setting forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(3) The term ''information technology'' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

At the end of subtitle A of title X, insert the following:

SEC. 1010. TREATMENT OF PARTIAL PAYMENTS UNDER SERVICE CONTRACTS.

For the purposes of the regulations prescribed under section 3903(a)(5) of title 31, United States Code, partial payments, other than progress payments, that are made on a contract for the procurement of services shall be treated as being periodic payments.

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. 2549. Our amendment includes language which would (1) express a government-wide preference for performance-based service contracting; (2) move the Cost Accounting Standards (CAS) Board out of the Office of Federal Procurement Policy, making it a separate office within the Office of Management and Budget, and conform the delegation of authority levels relating to the CAS with those for the Truth in Negotiations Act; (3) extend the authority of certain pilot programs under the Clinger-Cohen Act of 1996; (4) prohibit the use of mandatory minimum educational and experience requirements on performance-based service contracts and certain other contracts; and (5) ensure that the implementing regulations

of the Prompt Payment Act treat partial payments on contracts for services as periodic payments covered by the Act. 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 REGARDING THE THOMPSON-LIEBERMAN-WARNER-LEVIN PROCUREMENT STREAMLINING AMENDMENT

1. Performance-based service contracting

The amendment would make government-wide a provision included in section 801 of the bill, which establishes a preference for performance-based service contracting. Successful performance of services contracts throughout government can be ensured by establishing clear goals which give vendors the flexibility to propose different approaches, while giving the government a firm basis for cost and quality comparison.

2. Organization of the Cost Accounting Standards Board

The Cost Accounting Standards (CAS standards) are a set of 19 accounting principles developed and maintained by the Cost Accounting Standards Board (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-price contracts to cost-type contracts.

Currently, the CAS Board is located in the Office of Federal Procurement Policy (OFPP) and chaired by the Administrator of OFPP. Concerns have been raised that OFPP's broader procurement policy mission has distracted past Administrators from the task of maintaining the CAS standards. In order to ensure that the CAS standards receive the focused attention of qualified accounting professionals, the amendment would remove the CAS Board from OFPP and make it an independent board within the Office of Management and Budget.

The amendment would retain the CAS Board's ''exclusive authority'' to make, promulgate, amend, and rescind cost accounting standards and interpretations thereof. Because of the need for consistent cost accounting standards for all government contracts, no other Federal agency is authorized to issue cost accounting standards or regulations. However, the amendment would make the CAS Board's authority ''subject to the direction of the Director of the Office of Management and Budget'' in recognition of the existing relationship of the CAS Board with the Director of OMB and the requirement that federal rules and regulations be adopted by an officer with the authority to take such action.

Further, the amendment clarifies the level to which Federal agencies may delegate authority to waive the applicability of CAS standards in certain circumstances, to conform to waiver authority under the Truth in Negotiations Act and ensure that the same official may waive the requirements of both statutes in cases where it makes sense to do so.

3. Revision of authority for solutions-based contracting pilot program

The amendment would amend section 5312 of the Clinger-Cohen Act, the solutions-based contracting pilot program, to remove detailed statutory requirements concerning the development of a pilot plan, including the requirement to form a public-private working group. The elimination of this requirement is intended to avoid concerns raised regarding which private industry specialists would participate on working groups and the extent to which it would be appropriate for such participants to compete for later solutions-based contracts. The provision also would eliminate a requirement to fund the awardee's efforts during the program definition phase and instead leave this decision to the contracting officer's discretion on a case-by-case basis.

4. Appropriate use of personnel experience and educational requirements in the procurement of information technology services

Many in the information technology industry have argued that minimum education or experience requirements included in agency solicitations for information technology services are contributing to the serious worker shortage by requiring contractors to use more highly trained and educated workers to perform some services required by government contracts that could be done just as well by less educated or experienced workers. They argue that these mandatory minimum requirements are often included in information technology service contracts without regard to whether it is necessary to perform the work and that it drives up the cost of contracts.

The amendment would prohibit the use of minimum experience or educational requirements for contractor personnel in performance-based services contracts. Minimum experience requirements are inappropriate for such contracts, which are supposed to be awarded on the basis of measurable outcomes. The provision would also require the issuance of regulations on the appropriate use of minimum experience or educational requirements for other services contracts other than performance-based contracts.

It is the sponsors' view that this amendment will have no negative impact on Federal employees performing similar information technology work for the Federal government.

5. Treatment of partial payments under service contracts

When the Prompt Payment Act was amended in 1988, Congress recognized the failure of Federal agencies to implement the requirement in the Act to pay, during the contract period, for the periodic delivery of supplies or the periodic performance of services if permitted by the contract. As a result, the Act was amended to require that periodic payments were covered by the Act's requirement that agencies pay interest on late payments.

The amendment would clarify that partial payments, other than progress payments, made under service contracts are periodic payments for purposes of the Prompt Payment Act and that interest must be paid on such partial payments which are not paid timely.

AMENDMENT NO. 3393

(Purpose: To increase by $2,500,000 the amount provided for the Army for operation and maintenance for the ceremonial rifle program; and to offset that increase by reducing by $2,500,000 the amount provided for operation and maintenance, Defense-wide, for spectrum database upgrades)

On page 54, line 11, strike ''$19,028,531,000'' and insert ''$19,031,031,000''.

On page 54, line 11, strike ''$11,973,569,000'' and insert ''$11,971,069,000''.

AMENDMENT NO. 3394

(Purpose: To set aside up to $1,000,000 for the support of programs to promote informal region-wide dialogues on arms control and regional security issues for Arab, Israeli, and United States officials and experts)

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. SUPPORT OF CONSULTATIONS ON ARAB AND ISRAELI ARMS CONTROL AND REGIONAL SECURITY ISSUES.

Of the amount authorized to be appropriated by section 301(5), up to $1,000,000 is available for the support of programs to promote informal region-wide consultations among Arab, Israeli, and United States officials and experts on arms control and security issues concerning the Middle East region.

AMENDMENT NO. 3395

(Purpose: To amend title 10, United States Code, to authorize the United States Air Force Institute of Technology)

On page 353, between lines 15 and 16, insert the following:

SEC. 914. UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) AUTHORITY.—(1) Part III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following:

''CHAPTER 904—UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

''Sec.
''9321. Establishment; purposes.
''9322. Sense of the Senate.

''SEC. 9321. ESTABLISHMENT; PURPOSES.

''(a) ESTABLISHMENT.—There is a United States Air Force Institute of Technology in the Department of the Air Force.

''(b) PURPOSES.—The purposes of the Institute are as follows:

''(1) To perform research.

''(2) To provide advanced instruction and technical education for employees of the Department of the Air Force and members of the Air Force (including the reserve components) in their practical and theoretical duties.

''SEC. 9322. SENSE OF THE SENATE REGARDING THE UTILIZATION OF THE AIR FORCE INSTITUTE OF TECHNOLOGY.

''(a) It is the sense of the Senate that in order to insure full and continued utilization of the Air Force Institute of Technology, the Secretary of the Air Force should, in consult with the Chief of Staff of the Air Force and the Commander of the Air Force Materiel Command, review the following areas of organizational structure and operations at the Institute:

''(1) The grade of the Commandant

''(2) The chain of command of the Commandant of the Institute within the Air Force

''(3) The employment and compensation of civilian professors at the Institute

''(4) The processes for the identification of requirements for advanced degrees within the Air Force, identification for annual enrollment quotas and selection of candidates

''(5) Post graduation opportunities for graduates of the Institute

''(6) The policies and practices regarding the admission of

''(A) officers of the Army, Navy, Marine Corps, and Coast Guard;

''(B) employees of the Department of the Army, Department of the Navy, and Department of Transportation;

''(C) personnel of the armed forces of foreign countries;

''(D) enlisted members of the Armed Forces of the United States; and

''(E) others eligible for admission.''

AIR FORCE INSTITUTE OF TECHNOLOGY

Mr. DEWINE. Mr. President, the amendment I have offered is designed

to ensure the continued viability of and effectiveness in a vital Air Force asset—the Air Force Institute of Technology, known as AFIT. AFIT, located at Wright-Patterson Air Force Base in Dayton, Ohio, provides defense-focused graduate and continuing education, research, and consultation to the Air Force and the Department of Defense.

The U.S. Army established AFIT in 1919, as the Air School of Application. This school, located at historic McCook field in Dayton, Ohio, provided technical training to pilots. In 1926, the Army Air Corps relocated the engineering school to Wright Field. In 1947, when the Air Force became a separate service, the school assumed its current name. Under the guidance of Theodore Von Karman, AFIT developed a graduate education program to support the vision of a technologically superior Air Force.

Today, the AFIT Graduate School of Engineering and Management offers Masters of Science degrees in 20 areas of defense-focused specialization, and Doctors of Philosophy (PhD) in 13 of these areas. At any one time, AFIT has 400 full-time graduate students, including officers and civilians from the Air Force, sister services, and allied and foreign services. International students from more than 50 countries have participated since 1961, and 21 international students are currently enrolled. AFIT has awarded more than 13,000 Masters and 300 PhD degrees since it became accredited in 1954. Among AFIT's illustrious graduates are 11 current and former astronauts, including Steve Lindsay, the pilot of the shuttle mission of our former colleague, retired Senator John Glenn.

Mr. President, AFIT is critical to the Air Force's long-term ability to retain technological superiority. AFIT trains the mid-career officers and civilians required to provide the expertise necessary to act as informed, technically astute buyers in our acquisition corps and skilled innovators in our laboratories. AFIT graduates eventually progress through their careers to become senior level leaders with the technical backgrounds needed to provide the vision for the Air Force to retain its ability to provide air superiority well into this century. I have long said that Wright-Patterson is the brain power behind our air power. AFIT is the source of a great deal of that air power.

Despite this past success, AFIT's future is uncertain. AFIT's Board of Visitors completed a troubling report on the long-term viability of the school. The report states that the Institute is ''in passive, but inexorable shutdown mode'' due to an attitude of ''studied inaction by the Air Force at all levels.'' In response to this report, I joined with Senator VOINOVICH and Congressmen HOBSON and HALL in a letter to Air Force Secretary Peters, calling on the Air Force to respond to the Board of Visitors' disturbing findings. The amendment I have offered today is designed to reinforce the importance of AFIT by giving it a statutory designation in the U.S. Code. My amendment also contains a sense of the Senate that details the issues that need to be reviewed by the Air Force leadership if AFIT is to continue to be a significant contributor to our nation's aeronautical dominance.

Mr. President, I urge my colleagues to support this important amendment.

AMENDMENT NO. 3396 TO AMENDMENT NO. 3237

(Purpose: To make a technical correction)

On page 2, line 15, strike ''$1,500,000'' and insert ''$1,500,000''.

AMENDMENT NO. 3397

(Purpose: To increase the TRICARE maximum allowable charge for physicians in rural States, and to require a report on nonparticipation of physicians in TRICARE in rural States)

On page 251, between lines 6 and 7, insert the following:

SEC. 714. ENHANCEMENT OF ACCESS TO TRICARE IN RURAL STATES.

(a) HIGHER MAXIMUM ALLOWABLE CHARGE.—Section 1079(h) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraphs (2) and (3)'' in the first sentence and inserting ''paragraphs (2), (3), and (4)'';

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) The amount payable for a charge for a service provided by an individual health care professional or other noninstitutional health care provider in a rural State for which a claim is submitted under a plan contracted for under subsection (a) shall be equal to 80 percent of the customary and reasonable charge for services of that type when provided by such a professional or other provider, as the case may be, in that State.

''(B) A customary and reasonable charge shall be determined for the purposes of subparagraph (A) under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries. In prescribing the regulations, the Secretary may also consult with the Administrator of the Health Care Financing Administration of the Department of Health and Human Services.''; and

(4) by adding at the end the following:

''(6) In this subsection the term 'rural State' means a State that has, on average, as determined by the Bureau of the Census in the latest decennial census—

''(A) less than 76 residents per square mile; and

''(B) less than 211 actively practicing physicians (not counting physicians employed by the United States) per 100,000 residents.''.

(b) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which physicians are choosing not to participate in contracts for the furnishing of health care in rural States under chapter 55 of title 10, United States Code.

(2) The report shall include the following:

(A) The number of physicians in rural States who are withdrawing from participation, or otherwise refusing to participate, in the health care contracts.

(B) The reasons for the withdrawals and refusals.

(C) The actions that the Secretary of Defense can take to encourage more physicians to participate in the health care contracts.

(D) Any recommendations for legislation that the Secretary considers necessary to encourage more physicians to participate in the health care contracts.

(3) In this subsection, the term ''rural State'' has the meaning given that term in section 1079(h)(6) of title 10, United States Code (as added by subsection (a)).

Mr. MURKOWSKI. Mr. President, I commend Chairman WARNER for the significant improvements he and his committee have proposed for the TRICARE system. However I am concerned that the current proposals do not address access problems in rural states, and I am offering this amendment to alleviate this problem.

Military healthcare is one of the most important quality of life issues for my constituents. I have heard countless times how civilian doctors are refusing to see TRICARE patients because of the extremely low rates at which they are reimbursed. Because an adequate civilian healthcare provider network is required to supplement the military healthcare system, especially in rural states, TRICARE is failing to provide the kind of healthcare our service members, retirees and their dependents deserve.

In rural states like my home state of Alaska, this is a huge problem. Medical costs are much higher than average, and there are fewer doctors. Having fewer doctors to compete with reduces physicians' incentive to accept the extremely low pay from TRICARE. In fact, in Alaska, doctors who see TRICARE patients are paid less than when they see Medicaid patients.

Frankly, I am very concerned that the government would consider those who serve in our armed forces as less worthy of quality care than welfare recipients. When doctors refuse to see TRICARE beneficiaries and their dependents, they are forced to pay for their care themselves, or go without it all together. I have heard too often from Alaskans in the military who are frustrated that they cannot receive care because doctors cannot afford to see them. I would like to read the following letter from one of my constituents and ask unanimous consent that it be entered into the RECORD.

The Department of Defense has the authority to raise the rates they pay doctors if they decide that a region has access problems. In fact, they are in the process of doing this in parts of Alaska. However they have excluded Anchorage, the largest city in the state. This is where the largest portion of beneficiaries live, and where the largest access problem exists. It is clear to me that the Department of Defense is not properly assessing where access is a problem. Because of this, it is time for Congress to act.

My amendment will raise the rates the Department of Defense pays to civilian doctors who see TRICARE patients. It also calls on the Department of Defense to conduct a study assessing access problems in rural states, and present Congress ways to solve these problems.

When men and women in the armed services, retirees and their dependents are refused treatment by civilian doctors, it has a direct effect on morale. They begin to think twice when it comes time to reenlist or leave. I am sure they are not recommending service to the young people in their family and community. With our current recruitment and retention problems in the military, I think it is our responsibility in the Senate to give TRICARE beneficiaries the kind of high quality healthcare they have earned through their dedication to this nation.

I urge my colleagues to accept this important amendment.

AMENDMENT NO. 3398

(Purpose: To extend the authority of the Federal Government to conduct public interest law enforcement conveyances of surplus property)

At the appropriate place, insert the following:

SEC. . IMPROVING PROPERTY MANAGEMENT.

(a) IN GENERAL.—Section 203(p)(1)(B)(ii) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)(ii)) is amended by striking ''July 31, 2000'' and inserting ''December 31, 2002''.

(b) CONFORMING AMENDMENT.—Section 233 of Appendix E of Public Law 106–113 (113 Stat. 1501A–301) is repealed.

Mr. FEINGOLD. Mr. President, I thank the bill's managers, the Senior Senator from Virginia, Mr. WARNER, and the Senior Senator from Michigan, Mr. LEVIN, for assisting me with this amendment. I also deeply appreciate the efforts of the Senator from Tennessee, Mr. THOMPSON, who joins me as a co-sponsor of this amendment, and of his staff who assisted my staff in developing an acceptable final version.

This amendment extends the authority of the General Services Administration to convey surplus property to local governments for law enforcement purposes for two years until the end of December 2002. This amendment will help a number of communities across the country seeking to use surplus property to protect their citizens and provide safe, secure facilities for their police departments. Without this amendment, the authority to convey surplus property for law enforcement purposes would expire at the end of July, 2000. Communities that want to use the GSA process, and have counted upon doing so, to negotiate the use of property for law enforcement purposes at a reduced cost would have been shut out in the matter of a few weeks.

In fact, Mr. President, I have just such a situation in my own home state. The City of Kewaunee, Wisconsin wants to acquire the city's Army Reserve Center, which is a former federal armory building. The City intends to use the property as a municipal building in which they would house their police force and other municipal offices.

Congress has specified a number of public purpose uses for which property can be transferred to local governments at a reduced cost. The Federal Property and Administrative Services Act allows property to be transferred to public agencies and institutions at discounts of up to 100 percent of fair market value for a number of purposes: public health or educational uses, public parks or recreational areas, historic monuments, homeless assistance, correctional institutions, port facilities, public airports, wildlife conservation, and self-help housing. This type of transfer is called a public interest conveyance.

I strongly believe that law enforcement is an important public purpose for which surplus property should be used. Moreover, in fairness to local communities with tight budgets, Congress needs to preserve this option for communities that are counting on being able to use this authority.

Again, I am delighted that the bill managers have decided to accept this amendment, and I hope that this provision will be retained in Conference.

AMENDMENT NO. 3399

(Purpose: To require a report on the status of domestic preparedness against the threat of biological terrorism)

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON THE STATUS OF DOMESTIC PREPAREDNESS AGAINST THE THREAT OF BIOLOGICAL TERRORISM.

(a) REPORT REQUIRED.—Not later than March 31, 2001, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report on domestic preparedness against the threat of biological terrorism.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) The current state of United States preparedness to defend against a biologic attack.

(2) The roles that various Federal agencies currently play, and should play, in preparing for, and defending against, such an attack.

(3) The roles that State and local agencies and public health facilities currently play, and should play, in preparing for, and defending against, such an attack.

(4) The advisability of establishing an intergovernmental task force to assist in preparations for such an attack.

(5) The potential role of advanced communications systems in aiding domestic preparedness against such an attack.

(6) The potential for additional research and development in biotechnology to aid domestic preparedness against such an attack.

(7) Other measures that should be taken to aid domestic preparedness against such an attack.

(8) The financial resources necessary to support efforts for domestic preparedness against such an attack.

(9) The beneficial consequences of such efforts on—

(A) the treatment of naturally occurring infectious disease;

(B) the efficiency of the United States health care system;

(C) the maintenance in the United States of a competitive edge in biotechnology; and

(D) the United States economy.

AMENDMENT NO. 3400

(Purpose: To authorize a land conveyance, former National Ground Intelligence Center, Charlottesville, Virginia)

On page 545, following line 22, add the following:

PART IV—OTHER CONVEYANCES

SEC. 2876. LAND CONVEYANCE, FORMER NATIONAL GROUND INTELLIGENCE CENTER, CHARLOTTESVILLE, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Administrator of General Services may convey, without consideration, to the City of Charlottesville, Virginia (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 any improvements thereon, formerly occupied by the National Ground Intelligence Center and known as the Jefferson Street Property.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Administrator determines that the conveyance on that basis would be in the best interests of the United States.

(c) PURPOSE OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be for the purpose of permitting the City to use the parcel, directly or through an agreement with a public or private entity, for economic development purposes.

(d) REVERSIONARY INTEREST.—If, during the 5-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the Administrator determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, may upon the election of the Administrator revert to the United States, and upon such reversion the United States shall have the right of immediate entry onto the property.

(e) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance authorized by subsection (a) shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(f) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Administrator makes the conveyance authorized by subsection (a) the City conveys any portion of the parcel conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Administrator makes the conveyance authorized by subsection (a) without consideration.

(3) The Administrator shall deposit any amounts paid the United States under this subsection into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). Any amounts so deposited shall be available to the Administrator for real property management and related activities as provided for under paragraph (2) of that section.

(g) 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 Administrator. The cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance as the Administrator considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3401

(Purpose: To authorize a land conveyance, Army Reserve Center, Winona, Minnesota)

On page 539, between lines 7 and 8, insert the following:

SEC. 2836. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Winona State University Foundation of Winona, Minnesota (in this section referred to as the ''Foundation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Winona, Minnesota, containing an Army Reserve Center for the purpose of permitting the Foundation to use the parcel for educational purposes.

(b) 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 Foundation.

(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. 3402

At the appropriate place, insert the following:

SEC. . 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.

AMENDMENT NO. 3403

(Purpose: To modify the basic allowance for housing)

On page 206, between lines 15 and 16, insert the following:

SEC. 610. BASIC ALLOWANCE FOR HOUSING.

(a) APPLICABILITY OF LOW-COST AND NO-COST REASSIGNMENTS TO MEMBERS WITH DEPENDENTS.—Subsection (b)(7) of section 403 of title 37, United States Code, is amended by striking ''without dependents''.

(b) ALLOWANCE WHEN DEPENDENTS ARE UNABLE TO ACCOMPANY MEMBERS.—Subsection (d) of such section is amended by striking paragraph (3) and inserting the following:

''(3) In the case of a member with dependents who is assigned to duty in an area that is different from the area in which the member's dependents reside—

''(A) the member shall receive a basic allowance for housing as provided in subsection (b) or (c), as appropriate;

''(B) if the member is assigned to duty in an area or under circumstances that, as determined by the Secretary concerned, require the member's dependents to reside in a different area, the member shall receive a basic allowance for housing as if the member were assigned to duty in the area in which the dependents reside or at the member's last duty station, whichever the Secretary concerned determines to be equitable; or

''(C) if the member is assigned to duty in that area under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment and the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned, the member shall receive a basic allowance for housing as if the member were assigned to duty at the member's last duty station.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2000, and shall apply with respect to pay periods beginning on and after that date.

AMENDMENT NO. 3404

(Purpose: To authorize the acceptance and use of gifts from the Air Force Museum Foundation for the construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio)

On page 546, after line 13, add the following:

SEC. 2882. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF THIRD BUILDING AT UNITED STATES AIR FORCE MUSEUM, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) ACCEPTANCE AUTHORIZED.—(1) The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private non-profit foundation, gifts in the form of cash, Treasury instruments, or comparable United States Government securities for the purpose of paying the costs of design and construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio. The building is listed as an unfunded military construction requirement for the Air Force in the fiscal year 2002 military construction program of the Air Force.

(2) A gift accepted under paragraph (1) may specify that all or part of the amount of the gift be utilized solely for purposes of the design and construction of a particular portion of the building described in that paragraph.

(b) DEPOSIT IN ESCROW ACCOUNT.—The Secretary, acting through the Comptroller of the Air Force Materiel Command, shall deposit the amount of any cash, instruments, or securities accepted as a gift under subsection (a) in an escrow account established for that purpose.

(c) INVESTMENT.—Amounts in the escrow account under subsection (b) not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Comptroller of the Air Force Materiel Command, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the account.

(d) UTILIZATION.—(1) Amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to a particular portion of the building described in subsection (a) shall be utilized by the Comptroller of the Air Force Materiel Command to pay the costs of the design and construction of such portion of the building, including progress payments for such design and construction.

(2) Subject to paragraph (3), amounts shall be payable under paragraph (1) upon receipt by the Comptroller of the Air Force Materiel Command of a notification from an appropriate officer or employee of the Corps of Engineers that such amounts are required for the timely payment of an invoice or claim for the performance of design or construction activities for which such amounts are payable under paragraph (1).

(3) The Comptroller of the Air Force Materiel Command shall, to the maximum extent practicable consistent with good business practice, limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(e) LIMITATION ON CONTRACTS.—The Corps of Engineers may not enter into a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to such portion of the building are sufficient to cover the amount of such contract.

(f) LIQUIDATION OF ESCROW ACCOUNT.—(1) Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary of the Air Force shall terminate the escrow account under subsection (b).

(2) Any amounts in the account upon final payment of invoices and claims as described in paragraph (1) shall be available to the Secretary for such purposes as the Secretary considers appropriate.

AMENDMENT NO. 3405

(Purpose: To require a GAO review of the AH–64 program of the Army)

On page 123, between lines 12 and 13, insert the following:

SEC. 377. REVIEW OF AH–64 AIRCRAFT PROGRAM.

(a) REQUIREMENT FOR REVIEW.—The Comptroller General shall conduct a review of the Army's AH–64 aircraft program to determine the following:

(1) Whether any of the following conditions exist under the program:

(A) Obsolete spare parts, rather than spare parts for the latest aircraft configuration, are being procured.

(B) There is insufficient sustaining system technical support.

(C) The technical data packages and manuals are obsolete.

(D) There are unfunded requirements for airframe and component upgrades.

(2) Whether the readiness of the aircraft is impaired by conditions described in paragraph (1) that are determined to exist.

(b) REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the review under subsection (a).

AMENDMENT NO. 3406

(Purpose: To make available, with an offset, an additional $2,500,000 for research, development, test, and evaluation for the Army for Countermine Systems (PE602712A) for research in acoustic mine detection)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. ACOUSTIC MINE DETECTION.

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $2,500,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Countermine Systems (PE602712A) is hereby increased by $2,500,000, with the amount of such increase available for research in acoustic mine detection.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby decreased by $2,500,000, with the amount of such decrease to be applied to Sensor Guidance Technology (PE603762E).

AMENDMENT NO. 3407

(Purpose: To permit the lease of the Naval Computer Telecommunications Center, Cutler, Maine, pending its conveyance)

On page 543, between lines 19 and 20, insert the following:

(e) LEASE OF PROPERTY PENDING CONVEYANCE.—(1) Pending the conveyance by deed of the property authorized to be conveyed by subsection (a), the Secretary may enter into one or more leases of the property.

(2) The Secretary shall deposit any amounts paid under a lease under paragraph (1) in the appropriation or account providing funds for the protection, maintenance, or repair of the property, or for the provision of utility services for the property. Amounts so deposited shall be merged with funds in the appropriation or account in which deposited, and shall be available for the same purposes, and subject to the same conditions and limitations, as the funds with which merged.

AMENDMENT NO. 3408

(Purpose: To modify the authorized conveyee of certain land at Ellsworth Air Force Base, South Dakota)

On page 543, strike line 20 and insert the following:

PART III—AIR FORCE CONVEYANCES

SEC. 2861. MODIFICATION OF LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) MODIFICATION OF CONVEYEE.—Subsection (a) of section 2863 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010) is amended by striking ''Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the 'Corporation')'' and inserting ''West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation')''.

(b) CONFORMING AMENDMENTS.—That section is further amended by striking ''Corporation'' each place it appears in subsections (c) and (e) and inserting ''Foundation''.

PART IV—DEFENSE-AGENCIES CONVEYANCES

AMENDMENT NO. 3409

(Purpose: To consent to the retransfer by the Government of Greece to USS LST Ship Memorial, Inc., of an alternative LST excess to the needs of the Government of Greece)

At the end of title XII, add the following:

SEC. ___. AUTHORITY TO CONSENT TO RETRANSFER OF ALTERNATIVE FORMER NAVAL VESSEL BY GOVERNMENT OF GREECE.

Section 1012 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 740) is amended—

(1) in subsection (a), by inserting after ''HS Rodos (ex-USS BOWMAN COUNTY (LST 391))'' the following: '', LST 325, or any other former United States LST that is excess to the needs of that government''; and

(2) in subsection (b)(1), by inserting ''retransferred under subsection (a)'' after ''the vessel''.

AMENDMENT NO. 3410

(Purpose: To require a report on the establishment of a global missile launch early warning center)

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON GLOBAL MISSILE LAUNCH EARLY WARNING CENTER.

Not later than March 15, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of establishing a center at which missile launch early warning data from the United States and other nations would be made available to representatives of nations concerned with the launch of ballistic missiles. The report shall include the Secretary's assessment of the advantages and disadvantages of such a center and any other matters regarding such a center that the Secretary considers appropriate.

AMENDMENT NO. 3411

(Purpose: To require a GAO review of the working-capital fund activities of the Department of Defense, including the use of carryover authority between fiscal years)

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. MANAGEMENT REVIEW OF WORKING-CAPITAL FUND ACTIVITIES.

(a) COMPTROLLER GENERAL REVIEW REQUIRED.—The Comptroller General shall conduct a review of the working-capital fund activities of the Department of Defense to identify any potential changes in current management processes or policies that, if made, would result in a more efficient and economical operation of those activities.

(b) REVIEW TO INCLUDE CARRYOVER POLICY.—The review shall include a review of practices under the Department of Defense policy that authorizes funds available for working-capital fund activities for one fiscal year to be obligated for work to be performed at such activities within the first 90 days of the next fiscal year (known as ''carryover''). On the basis of the review, the Comptroller General shall determine the following:

(1) The extent to which the working-capital fund activities of the Department of Defense have complied with the 90-day carryover policy.

(2) The reasons for the carryover authority under the policy to apply to as much as a 90-day quantity of work.

(3) Whether applying the carryover authority to not more than a 30-day quantity of work would be sufficient to ensure uninterrupted operations at the working-capital fund activities early in a fiscal year.

(4) What, if any, savings could be achieved by restricting the carryover authority so as to apply to a 30-day quantity of work.

AMENDMENT NO. 3412

(Purpose: To impose requirements for the implementation of the Navy-Marine Corps Intranet)

Beginning on page 295, after line 22, insert the following:

(e) PHASED IMPLEMENTATION TO COMMENCE DURING FISCAL YEAR 2001—The Secretary of the Navy shall commence a phased implementation of the Navy-Marine Corps Intranet during fiscal year 2001. For the implementation in that fiscal year—

(1) not more than fifteen percent of the total number of work stations to be provided under the Navy-Marine Corps Intranet program may be provided in the first quarter of such fiscal year; and

(2) no additional work stations may be provided until—

(A) the Secretary has conducted operational testing of the Intranet; and

(B) the Chief Information Officer of the Department of Defense has certified to the Secretary that the results of the operational testing of the Intranet are acceptable.

(f) IMPACT ON FEDERAL EMPLOYEES.—The Secretary shall mitigate any adverse impact of the implementation of the Navy-Marine Corps Intranet on civilian employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the Navy-Marine Corps Intranet program by—

(1) developing a comprehensive plan for the transition of such employees to the performance of other functions within the Department of the Navy;

(2) taking full advantage of transition authorities available for the benefit of employees;

(3) encouraging the retraining of employees who express a desire to qualify for reassignment to the performance of other functions within the Department of the Navy; and

(4) including a provision in the Navy-Marine Corps Intranet contract that requires the contractor to provide a preference for hiring employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the contract.

AMENDMENT NO. 3413

(Purpose: To enhance authorities relating to education partnerships to encourage scientific study)

On page 53, after line 23, add the following:

SEC. 243. ENHANCEMENT OF AUTHORITIES REGARDING EDUCATION PARTNERSHIPS FOR PURPOSES OF ENCOURAGING SCIENTIFIC STUDY.

(a) ASSISTANCE IN SUPPORT OF PARTNERSHIPS.—Subsection (b) of section 2194 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting '', and is encouraged to provide,'' after ''may provide'';

(2) in paragraph (1), by inserting before the semicolon the following: ''for any purpose and duration in support of such agreement that the director considers appropriate''; and

(3) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any defense laboratory equipment (regardless of the nature of type of such equipment) surplus to the needs of the defense laboratory that is determined by the director to be appropriate for support of such agreement;''.

(b) DEFENSE LABORATORY DEFINED.—Subsection (e) of that section is amended to read as follows:

''(e) In this section:

''(1) The term 'defense laboratory' means any laboratory, product center, test center, depot, training and educational organization, or operational command under the jurisdiction of the Department of Defense.

''(2) The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).''.

AMENDMENT NO. 3414

(Purpose: To make available, with an offset, an additional $5,000,000 for research, development, test, and evaluation for the Army for Concepts Experimentation Program (PE605326A) for test and evaluation of future operational technologies for use by mounted maneuver forces)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. OPERATIONAL TECHNOLOGIES FOR MOUNTED MANEUVER FORCES.

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Concepts Experimentation Program (PE605326A) is hereby increased by $5,000,000, with the amount of such increase available for test and evaluation of future operational technologies for use by mounted maneuver forces.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby decreased by $5,000,000, with the amount of such decrease to be applied to Computing Systems and Communications Technology (PE602301E).

AMENDMENT NO. 3415

(Purpose: To provide for the development of a Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia)

On page 546, following line 13, add the following:

SEC. 2882. DEVELOPMENT OF MARINE CORPS HERITAGE CENTER AT MARINE CORPS BASE, QUANTICO, VIRGINIA.

(a) AUTHORITY TO ENTER INTO JOINT VENTURE FOR DEVELOPMENT.—The Secretary of the Navy may enter into a joint venture with the Marine Corps Heritage Foundation, a not-for-profit entity, for the design and construction of a multipurpose facility to be used for historical displays for public viewing, curation, and storage of artifacts, research facilities, classrooms, offices, and associated activities consistent with the mission of the Marine Corps University. The facility shall be known as the Marine Corps Heritage Center.

(b) AUTHORITY TO ACCEPT CERTAIN LAND.—(1) The Secretary may, if the Secretary determines it to be necessary for the facility described in subsection (a), accept without compensation any portion of the land known as Locust Shade Park which is now offered by the Park Authority of the County of Prince William, Virginia, as a potential site for the facility.

(2) The Park Authority may convey the land described in paragraph (1) to the Secretary under this section without regard to any limitation on its use, or requirement for its replacement upon conveyance, under section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)) or under any other provision of law.

(c) DESIGN AND CONSTRUCTION.—For each phase of development of the facility described in subsection (a), the Secretary may—

(1) permit the Marine Corps Heritage Foundation to contract for the design, construction, or both of such phase of development; or

(2) accept funds from the Marine Corps Heritage Foundation for the design, construction, or both of such phase of development.

(d) ACCEPTANCE AUTHORITY.—Upon completion of construction of any phase of development of the facility described in subsection (a) by the Marine Corps Heritage Foundation to the satisfaction of the Secretary, and the satisfaction of any financial obligations incident thereto by the Marine Corps Heritage Foundation, the facility shall become the property of the Department of the Navy with all right, title, and interest in and to facility being in the United States.

(e) LEASE OF FACILITY.—(1) The Secretary may lease, under such terms and conditions as the Secretary considers appropriate for the joint venture authorized by subsection (a), portions of the facility developed under that subsection to the Marine Corps Heritage Foundation for use in generating revenue for activities of the facility and for such administrative purposes as may be necessary for support of the facility.

(2) The amount of consideration paid the Secretary by the Marine Corps Heritage Foundation for the lease under paragraph (1) may not exceed an amount equal to the actual cost (as determined by the Secretary) of the operation of the facility.

(3) Notwithstanding any other provision of law, the Secretary shall use amounts paid under paragraph (2) to cover the costs of operation of the facility.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the joint venture authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3416

(Purpose: To require a the Army National Guard to carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. DEMONSTRATION PROJECT FOR INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of the National Guard Bureau, shall carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet.

(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

(2) subject to subsection (c), provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

(c) AVAILABILITY OF ACCESS AND SERVICES.—Under the demonstration project, Internet access and services shall be available to the following:

(1) Personnel and elements of governmental emergency management and response entities located in communities served by the demonstration project.

(2) Members and units of the Army National Guard located in such communities.

(3) Businesses located in such communities.

(4) Personnel and elements of local governments in such communities.

(5) Other appropriate individuals and entities located in such communities.

(d) REPORT.—Not later than February 1, 2005, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities under the demonstration project and include any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

(e) FUNDING.—(1) The amount authorized to be appropriated by section 301(10) for operation and maintenance of the Army National Guard is hereby increased by $15,000,000.

(2) Of the amount authorized to be appropriated by section 301(10), as increased by paragraph (1), $15,000,000 shall be available for the demonstration project required by this section.

(3) It is the sense of Congress that requests of the President for funds for the National Guard for fiscal years after fiscal year 2001 should provide for sufficient funds for the continuation of the demonstration project required by this section.

AMENDMENT NO. 3417

(Purpose: To authorize, with an offset, $300,000 for research, development, test, and evaluation Defense-wide for Generic Logistics Research and Development Technology Demonstrations (PE603712S) for air logistics technology)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. AIR LOGISTICS TECHNOLOGY.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Generic Logistics Research and Development Technology Demonstrations (PE603712S) is hereby increased by $300,000, with the amount of such increase available for air logistics technology.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by $300,000.

AMENDMENT NO. 3418

(Purpose: To authorize the President to award a gold medal on behalf of Congress to General Wesley K. Clark, United States Army, in recognition of his outstanding leadership and service during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro))

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AWARD OF CONGRESSIONAL GOLD MEDAL TO GENERAL WESLEY K. CLARK.

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

(1) While serving as Supreme Allied Commander in Europe, General Wesley K. Clark demonstrated the highest degree of professionalism in leading over 75,000 troops from 37 countries in military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) General Clark's 34 years of outstanding service as an Army officer gave him the ability to effectively mobilize and command multinational air and ground forces in the Balkans.

(3) The forces led by General Clark succeeded in halting the Serbian government's human rights abuses in Kosovo and permitted a safe return of refugees to their homes.

(4) Under the leadership of General Clark, NATO forces launched successful air and ground attacks against Serbian military forces with a minimum of losses.

(5) As the Supreme Allied Commander in Europe, General Clark continued the history of the American military of defending the rights of all people to live their lives in peace and freedom, and he should be recognized for his tremendous achievements by the award of a Congressional Gold Medal.

(b) CONGRESSIONAL GOLD MEDAL.—

(1) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to General Wesley K. Clark, in recognition of his outstanding leadership and service as Supreme Allied Commander in Europe during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) DESIGN AND STRIKING.—For the purpose of the presentation referred to in paragraph (1), the Secretary of the Treasury (hereafter in this section referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of

the gold medal struck pursuant to subsection (b) under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this section.

(2) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under subsection (c) shall be deposited in the Numismatic Public Enterprise Fund.

AMENDMENT NO. 3419

(Purpose: To conform the requirement for verbatim records of the proceedings of special courts-martial to the increased punishment authority of special courts-martial)

On page 200, after line 23, insert the following:

SEC. 566. VERBATIM RECORDS IN SPECIAL COURTS-MARTIAL.

(a) WHEN REQUIRED.—Subsection (c)(1)(B) of section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by inserting after ''bad-conduct discharge'' the following: '', confinement for more than six months, or forfeiture of pay for more than six months''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of April 1, 2000, and shall apply with respect to charges referred on or after that date to trial by special courts-martial.

AMENDMENT NO. 3420

(Purpose: To require the Secretary of Defense to prescribe policies and procedures for Department of Defense decisionmaking on actions to be taken in cases of false claims submitted to the Department of Defense)

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING IN CASES OF FALSE CLAIMS.

(a) POLICIES AND PROCEDURES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe policies and procedures for Department of Defense decisionmaking on issues arising under sections 3729 through 3733 of title 31, United States Code, in cases of claims submitted to the Department of Defense that are suspected or alleged to be false.

(b) REFERRAL AND INTERVENTION DECISIONS.—The policies and procedures shall specifically require that—

(1) an official at an appropriately high level in the Department of Defense make the decision on whether to refer to the Attorney General a case involving a claim submitted to the Department of Defense or to recommend that the Attorney General intervene in, or seek dismissal of, a qui tam action involving such a claim; and

(2) before making any such decision, the official determined appropriate under the policies and procedures take into consideration the applicable laws, regulations, and agency guidance implementing the laws and regulations, and an examination of all of the available alternative remedies.

(c) REPORT.—(1) Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report on the Qui Tam Review Panel, including its status.

(2) For the purposes of paragraph (1), the Qui Tam Review Panel is the panel that was established by the Secretary of Defense for an 18-month trial period to review extraordinary cases of qui tam actions involving false contract claims submitted to the Department of Defense.

AMENDMENT NO. 3421

(Purpose: Expressing the sense of the Senate that long-term economic development aid should be immediately provided to assist communities rebuilding from Hurricane Floyd)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) during September 1999, Hurricane Floyd ran a path of destruction along the entire eastern seaboard from Florida to Maine;

(2) Hurricane Floyd was the most destructive natural disaster in the history of the State of North Carolina and most costly natural disaster in the history of the State of New Jersey;

(3) the Federal Emergency Management Agency declared Hurricane Floyd the eighth worst natural disaster of the past decade;

(4) although the Federal Emergency Management Agency coordinates the Federal response to natural disasters that exceed the capabilities of State and local governments and assists communities to recover from those disasters, the Federal Emergency Management Agency is not equipped to provide long-term economic recovery assistance;

(5) it has been 9 months since Hurricane Floyd and the Nation has hundreds of communities that have yet to recover from the devastation caused by that disaster;

(6) in the past, Congress has responded to natural disasters by providing additional economic community development assistance to communities recovering from those disasters, including $250,000,000 for Hurricane Georges in 1998, $552,000,000 for Red River Valley Floods in North Dakota in 1997, $25,000,000 for Hurricanes Fran and Hortense in 1996, and $725,000,000 for the Northridge Earthquake in California in 1994;

(7) additional assistance provided by Congress to communities recovering from natural disasters has been in the form of community development block grants administered by the Department of Housing and Urban Development Administration;

(8) communities affected by Hurricane Floyd are facing similar recovery needs as have victims of other natural disasters and will need long-term economic recovery plans to make them strong again; and

(9) on April 7, 2000, the Senate passed amendment number 3001 to S. Con. Res. 101, which amendment would allocate $250,000,000 in long-term economic development aid to assist communities rebuilding from Hurricane Floyd, including $150,000,000 in community development block grant funding and $50,000,000 in rural facilities grant funding.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) communities devastated by Hurricane Floyd should know that, in the past, Congress has responded to natural disasters by demonstrating a commitment to helping affected States and communities to recover;

(2) the Federal response to natural disasters has traditionally been quick, supportive, and appropriate;

(3) recognizing that communities devastated by Hurricane Floyd are facing tremendous challenges as they begin their recovery, the Federal agencies that administer community and regional development programs should expect an increase in applications and other requests from these communities;

(4) community development block grants administered by the Department of Housing and Urban Development, grant programs administered by the Economic Development Administration, and the Community Facilities Grant Program administered by the Department of Agriculture are resources that communities have used to accomplish revitalization and economic development following natural disasters; and

(5) additional community and regional development funding, as provided for in amendment number 3001 to S. Con. Res. 101, as passed by the Senate on April 7, 2000, should be appropriated to assist communities in need of long-term economic development aid as a result of damage suffered by Hurricane Floyd.

AMENDMENT NO. 3422

(Purpose: To amend S. 2549, to provide for the coverage and treatment of unutilized and underutilized plant-capacity costs of United States arsenals when making supplies and providing services for the United States Armed Forces)

At the end of title III, subtitle D insert the following:

SEC. . UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS OF UNITED STATES ARSENALS.

(a) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—S. 2549 is amended by adding the following:

(b) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

(1) The Secretary shall submit to Congress each year, together with the President's budget for the fiscal year beginning in such year under section 1105(a) of title 31, an estimate of the funds to be required in the fiscal year in order to cover the costs of operating and maintaining unutilized and underutilized plant capacity at United States arsenals.

(2) Funds appropriated to the Secretary for a fiscal year for costs described in paragraph (1) shall be utilized by the Secretary in such fiscal year only to cover such costs.

(3) Notwithstanding any other provision of law, the Secretary shall not include unutilized or underutilized plant-capacity costs when evaluating an arsenal's bid for purposes of the arsenal's contracting to provide a good or service to a United States government organization. When an arsenal is subcontracting to a private-sector entity on a good or service to be provided to a United States government organization, the cost charged by the arsenal shall not include unutilized or underutilized plant-capacity costs that are funded by a direct appropriation.

(c) DEFINITION OF UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS.—For purposes of this section, the term ''unutilized and underutilized plant-capacity cost'' shall mean the cost associated with operating and maintaining arsenal facilities and equipment that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities and equipment are not used or are used only 20% or less of available work days.

Mr. FITZGERALD. Mr. President, this is an amendment that corrects a flaw in Department of Defense procurement rules that has increased military costs and had a severe impact on this nation's arsenals. Recently implemented rules requires U.S. arsenals to overstate their true cost of supplying goods and services to the military. As a result, arsenals have been losing bids

on contracts under competitive bidding procedures, even when use of an arsenal would lead to lower overall costs for the Department of Defense. This quirk in the rules has not only increased Department of Defense expenditures; it has also led to severe underutilization of the arsenals, threatening the viability of an invaluable national resource.

Under Defense Working Capital Fund procurement rules, which were implemented in 1996, government-owned military suppliers are required to charge the military the full cost of any good or service that they supply to the Armed Forces. The idea behind these rules was to discourage overconsumption of goods and services by the military, and to promote cost transparency—to make it clear to the government how much it was paying to have a good or service supplied by a government-owned facility. Individual military departments were encouraged to seek the lowest price available for goods and services—and to allow private companies to compete with government-owned facilities for military contracts.

Unfortunately, the DWCF rules also include a number of provisions that place domestic facilities at a substantial disadvantage to their private competitors. The domestic suppliers are required to include a number of items in their contract bids that are unrelated to their marginal cost of actually supplying a good or and service to the military. For example, suppliers are now required to bill their net capital investment costs in a given year to all of their customers in that year—even if the equipment that was purchased has no relation to the customers' contracts. More severe for the arsenals is the DWCF rules' treatment of reserve capacity. All U.S. arsenals are required to maintain excess capacity, in order to be able to ramp up production immediately in the event of a war or military crisis. This unused plant capacity is something that no private business would maintain—a private business would simply sell off or lease out its unused assets. And the costs of maintaining this capacity are substantial. But DWCF rules, as they presently exist, require the arsenals to include reserve capacity costs in their bids when they compete with private companies for military contracts.

The results of this system have been predictable. Arsenals have repeatedly lost work to private companies, even when the true marginal cost of having the work performed by an arsenal is less than the price charged by a private contractor. Moreover, the United States government ends up paying for the arsenals' unused capacity anyway—either through higher costs on other arsenal contracts, or through accumulated operating deficits built up by the arsenals. Though the individual military department saves money when its purchasing agents buy from a private contractor instead of an arsenal, when those purchasing decisions are driven by avoidance of reserve capacity costs, the military as a whole loses. The government pays for reserve capacity anyway, and the military pays more to have the work done by a private company that the true marginal cost of having it done by an arsenal.

These conclusions are confirmed by a 1999 Department of Defense report on the DWCF system. The Defense Working Capital Fund Task Force's Issue Paper emphasizes that under the current system, though immediate purchasers may pay a lower price, ''the DoD will ultimately pay twice for maintaining both the essential organic capability as well as contracting out'' for the good or service. The DWCF rules' overpricing of arsenal services not only ''encourage[] behavior that is not optimal for the military as a whole,'' it also leads to an increasing disparity between military and private suppliers that ''results in an increasing abandonment of DWCF services.''

For these reasons, I introduce the present amendment. This amendment provides for direct funding of unused plant-capacity costs at United States arsenals. By removing these reserve-capacity costs from arsenal bid prices, the amendment would allow arsenals to compete on an equal footing with private companies. And by allowing arsenal prices to reflect true marginal costs, it would not only bring more business to the arsenals; it would save money for the government. No longer would military purchasers be discouraged from using an arsenal when its actual marginal costs—those that would be charged by a private business—are less than the prices charged by a private contractor. And finally, direct funding would promote the goal of cost transparency—the original goal of the DWCF system. Separately budgeting for reserve capacity—while also allowing arsenal prices to reflect the true costs of providing goods and services.

Finally, I wish to emphasize that allowing the arsenals to fall into disuse would be a grave loss for the United States military. In my home state of Illinois, the Rock Island Arsenal has long been an important military resource. It is a proven, cost-effective producer of high-quality military equipment. It has also served as a valuable supplier of last resort, providing mission-critical parts and services to the Department of Defense when private contractors have lacked capacity or breached their contracts. The arsenal has been called on to provide M16 gun bolts when a private contractor defaulted on a contract. It has also produced mission-critical shims and pins for the Apache helicopter when outside suppliers were unable to meet the Army's deadline.

The U.S. government acquired Rock Island, which lies in the Mississippi River between Illinois and Iowa, in 1804. The first U.S. military base on the island was Fort Armstrong, established in 1816. In 1862, Congress passed a law that established the Rock Island Arsenal. Construction of the first manufacturing buildings began in 1866 and finished with the last stone shop in 1893.

In the late 1980s, the Department of Defense invested $222 million in Rock Island Arsenal's capabilities. The arsenal is now the Department of Defense's only general-purpose metal manufacturing facility, providing forging, sheet metal, and welding and heat treating operations that cover the entire range of technologically feasible processes. The Rock Island Arsenal also has a machine shop capable of specialized operations such as gear cutting, die sinking, and tool making; a paint shop certified to apply chemical agent resistant coatings to items as large as tanks; and a plating shop that can apply chrome, nickel, cadmium, and copper and can galvanize, parkerize, anodize, and apply oxide finishes.

Direct budgeting of unused plant capacity will allow arsenals' bids to reflect their true marginal costs of production and service, thereby increasing efficient use of the arsenals, reducing costs for the Department of Defense as a whole, and preserving an invaluable military resource.

AMENDMENT NO. 3423

At the appropriate place, insert the following:

SEC. . REGARDING LAND CONVEYANCE, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, to the city of Jacksonville, North Carolina (City), all right, title and interest of the United States in and to real property, including improvements thereon, and currently leased to Norfolk Southern Corporation (NSC), consisting of approximately 50 acres, known as the railroad right-of-way, lying within the City between Highway 24 and Highway 17, at the Marine Corps Base, Camp Lejeune, North Carolina, for the purpose of permitting the City to develop the parcel for initial use as a bike/green way trail.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall reimburse the Secretary such amounts (as determined by the Secretary) equal to the costs incurred by the Secretary in carrying out the provisions of this section, including, but not limited to, planning, design, surveys, environmental assessment and compliance, supervision and inspection of construction, severing and realigning utility systems, and other prudent and necessary actions, prior to the conveyance authorized by subsection (a). Amounts collected under this subsection shall be credited to the account(s) from which the expenses were paid. Amounts so credited shall be merged with funds in such account(s) and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(c) CONDITION OF CONVEYANCE.—The right of the Secretary of the Navy to retain such easements, rights of way, and other interests in the property conveyed and to impose such restrictions on the property conveyed as are necessary to ensure the effective security, maintenance, and operations of the Marine Corps Base, Camp Lejeune, North Carolina, and to protect human health and the environment.

(d) DESCRIPTION OF THE PROPERTY.—The exact acreage and legal description of the

real property authorized to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3424

(Purpose: To authorize, with an offset, $1,450,000 for a contribution by the Air National Guard to construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming)

On page 503, between lines 5 and 6, insert the following:

SEC. 2602. AUTHORIZATION FOR CONTRIBUTION TO CONSTRUCTION OF AIRPORT TOWER, CHEYENNE AIRPORT, CHEYENNE, WYOMING.

(a) INCREASE IN AMOUNT AUTHORIZED FOR AIR NATIONAL GUARD.—The amount authorized to be appropriated by section 2601(3)(A) is hereby increased by $1,450,000.

(b) OFFSET.—The amounts authorized to be appropriated by section 2403(a), and by paragraph (2) of that section, are each hereby reduced by $1,450,000. The amount of the reduction shall be allocated to the project authorized in section 2401(b) for the Tri-Care Management Agency for the Naval Support Activity, Naples, Italy.

(c) AVAILABILITY OF FUNDS FOR CONTRIBUTION TO TOWER.—Of the amounts authorized to be appropriated by section 2601(3)(A), as increased by subsection (a), $1,450,000 shall be available to the Secretary of the Air Force for a contribution to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

(d) AUTHORITY TO MAKE CONTRIBUTION.—The Secretary may, using funds available under subsection (c), make a contribution, in an amount considered appropriate by the Secretary and consistent with applicable agreements, to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

Mr. WARNER. Mr. President, I understand under the unanimous consent request, the Senate is ready to turn to the consideration of the Transportation bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, I inform the Senate that we are currently under a unanimous consent request whereby the authorization bill for Defense is laid aside and we are going to the question of the Transportation appropriations.

Am I not correct in that?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. The reason for the quorum call is to accommodate the chairman of the Subcommittee on Appropriations who will be here, as I understand it, momentarily.

Senator LEVIN and I have just had the opportunity to talk on the telephone with the Secretary of Energy. It had been our intention and the Committee on Armed Services is currently scheduled to have a hearing at 9:30 tomorrow morning on the problems associated with the missing disks at the Los Alamos Laboratories.

In view of the fact that at least one committee—the Energy Committee, and I think to some extent the Intelligence Committee—are conducting the hearing on this subject now, and basically the same witnesses would be involved, Senator LEVIN and I are of the opinion that time should be given for the Secretary of Energy and/or his staff to make certain assessments, and then we would proceed to address these issues in our committee.

I point out that our committee has explicit jurisdiction over these problems under the Standing Rules of the Senate. Nevertheless, other committees are looking at the situation. Secretary Richardson has agreed to appear as a witness before our committee, together with General Habinger, Ed Curran, and the Lab Director of Los Alamos. We will have that group of witnesses on Wednesday morning beginning at 9:30.

Senator LEVIN and I wish to notify Senators that we are rescheduling the hearing for tomorrow morning until 9:30 next Wednesday morning.

I ask Senator LEVIN if he wishes to add anything.

Mr. LEVIN. Mr. President, only that John Brown is the fourth witness who will be invited. He is the Director at the Los Alamos Lab.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent, notwithstanding the agreement in place, that there now be a period for morning business with the time between now and 2 p.m. equally divided between the two leaders, and that at 2 p.m. the Senate turn to the Transportation appropriations bill.

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

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

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call.

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

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

FLAG DAY 2000

Mr. BYRD. Mr. President, today is the 223rd anniversary of the adoption, by the Continental Congress meeting in Philadelphia, of a resolution establishing a new symbol for the new nation that was then in its birth throes. The resolution, passed on June 14, 1777, was a model of simplicity, specifying only ''that the flag be 13 stripes alternate red and white; that the union be 13 stars, white in a blue field, representing a new constellation.'' Although the flag reputedly stitched by Betsy Ross arranged the stars in a full circle, other versions of this first flag placed the stars in a half circle or in rows, as the resolution did not state how the new constellation was to be configured.

This first flag, like the Constitution to follow it in 1787, was not entirely new, but rather predicated on flags that had come before it. An English flag, known as the Red Ensign, flew over the thirteen colonies from 1707 until the Revolution. The body of this flag was red, with a Union Jack design in the upper left corner composed of the combined red-on-white Cross of St. George, patron of England, and the white-on-blue diagonal cross of St. Andrew, patron of Scotland. The Red Ensign was the merchant flag of England, reinforcing for the colonists and their status as an unequal and lesser partner in their relationship with Mother England.

The Grand Union flag that first succeeded the Red Ensign was raised on January 1, 1776, approximately a year after the American Revolution had begun, over George Washington's headquarters in the outskirts of Boston. The Grand Union flag retained the Union Jack in the upper left corner, but the solid red body of the English trade flag was now broken by six white stripes. However, the stripes alone did not represent enough of a separation from England, and, a year later, the patron saints of England and Scotland were removed from the flag, to be replaced by the ''new constellation,'' more representative of the new nation which was then decisively vying for freedom.

In the ensuing years, stars and stripes were added to the flag, reflecting the growth of the young nation. The flag flying over Fort McHenry during the naval bombardment of September 13 and 14, 1814, that inspired Francis Scott Key to compose the immortal words that became our national anthem, contained fifteen stars and fifteen stripes. By 1818, the number of stars had climbed to twenty, while the number of stripes had shrunk back to the more manageable thirteen. On April 4, 1818, Congress adopted another resolution to specify that the number of stripes on the flag would forever remain at thirteen, representing the original thirteen colonies, while a star would be added to the flag for each new state to join the union.

Henry Ward Beecher once said:

A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, the history which belongs to the Nation that sets if forth.

Certainly, knowing the history and evolution of the American flag from the Red Ensign, through the Grand Union flag, to the Stars and Stripes,

one can see clearly into the early history of our nation. The symbolism of the flag also echoes the principles of our government, with each state represented by its own star in the constellation, equal to all the other stars, and each one a vital part of the constellation as a whole.

I think that it is also reflective of our nation of free people that the idea for Flag Day arose, not from a Governmental decree, but from the people. The idea of an annual day to celebrate the Flag is believed to have originated in 1885, when B.J. Cigrand, a school teacher from Fredonia, WI, arranged for pupils of Fredonia's Public School District 6 to celebrate June 14 as ''Flag Birthday.'' Over the following years, Mr. Cigrand advocated the observance of June 14 as ''Flag Birthday'' or ''Flag Day'' in magazine and newspaper articles, as well as public addresses.

In 1889, George Balach, a kindergarten teacher in New York City, planned Flag Day ceremonies for the children in his school. His idea of observing Flag Day was subsequently adopted by the State Board of Education of New York. In 1891, the Betsy Ross House in Philadelphia held a Flag Day celebration, and in 1892, the New York Society of the Sons of the Revolution held similar festivities.

The Sons of the Revolution in Philadelphia, and the Pennsylvania Society of Colonial Dames of America, further encouraged the widespread adoption of Flag Day, and on June 14, 1893, in Independence Square in Philadelphia, Flag Day exercises were conducted for Philadelphia public school children. The following year, the Governor of New York directed that American flags be flown on all public buildings on June 14, while in Chicago, more than 300,000 children participated in that city's first Flag Day celebration.

On May 30, 1916, President Woodrow Wilson established by proclamation the first official Federal Flag Day on June 14. On August 3, 1949, President Harry S Truman signed an Act of Congress designating June 14 of each year as National Flag Day.

So now, thanks to the inspiration of a pair of elementary school teachers who had the vision to bring to life a vivid bit of history for their young students, we are reminded to look out our windows for a bright bit of cloth floating on the breeze, and to recall the struggle that created it, and the great country which it represents so ably and so proudly. There is just nothing like it, nothing like the Stars and Stripes. For in that couple of yards of fabric, we can see the origin of our Nation, its beginnings. We can see the bit of British history that we all share, whether or not any English blood actually flows in our veins. It is in the very shape of our flag, with its red field split by white stripes of separation, in the white stars on a blue field supplanting the British crosses. We can sense the oppression of that unequal partnership. We can feel the frustration of being a subject colony in those white stripes that separate and break up the red field of the British trade flag. And, we can sense the purpose and optimism of the new nation, so eloquently portrayed by the ''new constellation'' of white stars against a deep blue sky.

I am proud to follow in the footsteps of B.J. Cigrand and George Balach, and pay homage to this anniversary date. I hope that my colleagues and those who are listening and watching through those electronic eyes, might offer their own salutes to the flag today, and resolve to celebrate today or future Flag Days by unfurling their own flags and flying them proudly. In my own house, over in McLean, I fly the flag when I am there and can watch the flag and take it down if raindrops start to fall. I hope that more Americans, and more American children, might be inspired by the sight of that flag and might do likewise, and that they might learn the history of their flag, and learn to honor and cherish and respect it, on Flag Day and every day.

I close with the stirring words of Henry Holcomb Bennett, who wrote ''The Flag Goes By:''

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!

Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by:

Sea-fights and land-fights, grim and great,
Fought to make and to save the State;
Weary marches and sinking ships;
Cheers of victory on dying lips:

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right and law,
Stately honor and reverend awe;

Sign of a nation great and strong
To ward her people from foreign wrong:
Pride and glory and honor, all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high:
Hats off!
The flag is passing by!

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Kansas.

INTERNATIONAL TRAFFICKING OF YOUNG GIRLS

Mr. BROWNBACK. Mr. President, while we are in this morning business period, I want to take a few minutes to advise the body about a bill that has cleared through the House and we have held two hearings on in the Foreign Relations Committee and one I hope we are going to be able to clear through here and pass into law during this session.

It is a bill dealing with one of the darker sides of the globalization of the world's economy that has occurred around us. Globalization of the world's economy has been, by and large, a very good thing, a positive thing for growth and opportunity, but it also has a seamier side to it. One of the seamier issues that is coming to light now is the international trafficking of primarily young girls in the sex trade, or as its known, international sex trafficking.

One is astounded by the level at which this is occurring today around the world. By our own Government's numbers, approximately 600,000 primarily young girls are trafficked from one country to the next for the business of prostitution.

There are about 50,000 girls who are, against their will, trafficked into the United States each year into this terrible sort of activity.

In January of this year, I was in Nepal and visited a home where girls who have returned from this terrible trafficking of human individuals live. What I saw there was a ghastly sight. There were young girls, 16, 17, 18 years of age, most of whom had been tricked out of their villages in Nepal and promised a job at a carpet factory or a job as a housekeeper in Katmandu—sometimes in Bombay, India these girls took the job offered, not having any other economic opportunities available to them. Once taking the job and moving out of their villages and away from their families they were forced into a brothel. They were locked in a room, beaten, starved, and submitted to the sex trade, at times being subjected to as many as 30 clients a night.

I saw them after they had escaped. Or in this case, there was a nongovernmental organization, private sector group that was actually organized to try to return the young girls to Nepal. Once they were freed and got back to Nepal, most of these girls returned only to die. Two-thirds of them come back with such things as AIDS or tuberculosis. They are coming back to die.

It is a disgusting, terrible thing that is taking place. We held two hearings in the Senate Foreign Relations Committee. We have had witnesses before the committee who had been forced into this trade, tricked into it, deceived into it, or thought they were going to do something else, and were ultimately trafficked into different places around the world.

Dr. Laura Lederer of Johns Hopkins University has spent several years tracking this flow. The committee heard from women from Eastern Europe and Europe who had been trafficked into Israel, people who had been trafficked throughout Asia and then

into the United States from Mexico. Most of the trafficking into the United States occurs from Asia.

They described the conditions surrounding their being bought and sold. After they are forced into one brothel, if the brothel owner wants somebody else, they will sell this person to another brothel. They told us $7,000, $8,000 will exchange hands for the sale of human flesh from one place to another—all against this person's will. They hated the conditions that they were in, and yet they found themselves unable to escape.

This bill that I mention has passed the House of Representatives. It is a bipartisan bill that Congressmen CHRIS SMITH and SAM GEJDENSON have pushed to get passed through the House of Representatives.

Senator WELLSTONE and I have the Senate version of this bill. While ours is a different bill, there are a lot of similarities with the House bill—which is at the desk. We are seeking to get it passed, we hope by unanimous consent, by this body because the issue is so terrible, so disgusting, and awful. We need to put some focus on this and have some remedies to it.

Increasingly, you are seeing international organized crime groups getting involved in the trafficking of human flesh. Apparently, they believe this is a business they can be successful at, that unlike drugs, it does not involve as many criminal activities because much of this has not been criminalized. They are saying it is a situation where they can resell their ''property.'' Unlike drugs they sell once, they can sell human flesh multiple times.

It is just a ghastly, terrible thing that is taking place. Organized crime is increasing its activity in this arena, trafficking. We need to step up and address it.

The bill we have put forward would allow the prosecution of people who traffic in human flesh and increase the criminal penalties for doing such. It would provide visas for people who are trafficked into this country, so they can stay and provide evidence, testifying against those who have trafficked them into this country.

This bill would provide some help to the countries they come from by providing educational assistance to work with those governments, to work with people that are in-country to work against this sort of activity, and to provide more information to people that sex trafficking is going on on an expanded, global scale. Nearly some 600,000 people a year are trafficked in human flesh. Much of this happens in the United States, 50,000 people are trafficked into the United States on an annual basis.

I will happily provide to any offices interested in this issue the hearing record Senator WELLSTONE and I have compiled on this bill, so Members can look into this issue. If they seek to make modifications to improve the bill, our office will be open to work with any office so we can reach unanimous consent on this important issue. It is something we need to and can address. The Administration wants this addressed as well and is working with us to make that happen. The focus on this issue is increasing. In fact, you may have seen one of the recent news reports about this hideous practice.

I am hopeful the time is coming where this body will address this, that it will not get held hostage to any other legislative matter that might be having problems. I am hopeful that we see this as clearly something we can address and that needs to be addressed. I will be bringing to the Senate individual stories of people who have been trafficked because they really tell the terrible plight.

One lady testified in our committee who was trafficked out of Mexico who thought she was going to get a job washing dishes at a restaurant in Florida. She agreed to having somebody take her across the border illegally. Once in the United States, she was their hostage, she was their slave, if we want to put it in those gross types of terms. They said: Instead of being a dishwasher, you will be a prostitute for us. We are going to move you around in trailers to use, and we will subject you to 30 clients a day and, after that is done, to the owners of this brothel as well.

This was the testimony of a witness who reported on activities occurring in this country within the past several years. It is occurring on a large scale. We need to address it; we need to deal with it.

GAMBLING ON INTERCOLLEGIATE ATHLETICS

Mr. BROWNBACK. Mr. President, another issue I am hopeful of getting in front of the Senate this year is a bill to ban gambling on intercollegiate athletics.

Yesterday the House held a hearing in the Commerce Committee and a markup on a bill to ban gambling on intercollegiate athletics in the United States. There is only one State in which that can occur today. It is in Nevada. There is clearly a problem we need to address. We have had more points shaving scandals in collegiate sports in the decade of the 1990s than all prior decades combined. There is about $1 billion a year bet on our student athletes. It has been a big problem on our college campuses and is growing. We have one State where it is still legal. In all the rest of the States, this is illegal. In order to deal with the problem of collegiate gambling, we need to make the gambling on our kids illegal. Again, currently it is legal in only one State, and that is Nevada.

The NCAA is a strong supporter of banning gambling on college sports as are all the coaches. Yesterday, the House Judiciary Committee heard from Tubby Smith from the University of Kentucky and Lou Holtz, football coach. Both testified strongly in favor of this bill. They want to get this gambling influence contained at the collegiate level.

I am hopeful we will reach agreement to have a vote on this issue sometime before the legislative year expires.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, are we in morning business at this time?

The PRESIDING OFFICER. The Senator is correct. The Senate is in morning business until 2 o'clock.

Mr. MURKOWSKI. I ask unanimous consent that I may speak 7 or 8 minutes at this time.

The PRESIDING OFFICER. Without objection, it so ordered.

LOS ALAMOS SECURITY

Mr. MURKOWSKI. Mr. President, a few days ago, June 12, we were advised of a security incident associated with our Los Alamos National Laboratory in New Mexico. The particular notification initially came out in a press release from Los Alamos, unlike a press release from the Department of Energy. It specifically stated that the Los Alamos National Laboratory announced a joint Department of Energy-Federal Bureau of Investigation inquiry underway into the missing classified information at the DOE Laboratory. The information was stored on two hard drives. It was an electronic transfer. These two hard drives were unaccounted for.

This is a serious matter, to say the least. The press release indicated that at this point there is no evidence that suggests espionage involved in this incident.

Today we had an opportunity to hold a joint hearing between the Intelligence Committee, chaired by Senator SHELBY, and the Energy and Natural Resources Committee, which I chair. It was rather enlightening because the Secretary of Energy was not there, although he was invited. The significance of what we learned was that no one bears the ultimate responsibility. The Department of Energy suggests that they designated certain people to bear this responsibility. There was a process and procedure underway, but circumstances associated with the disastrous fire, the need for evacuation and other factors, all led to the missing documentation and the two hard drives.

I can generalize and suggest that, well, our national security to a degree went up in smoke at the time of the disastrous fires in New Mexico. You can lose your car keys, but you don't lose these hard drives.

What we are talking about is the very highest security interests of this Nation. Missing on the hard drives is the highly sensitive information that covers not only the Russian nuclear weapons programs but how we arm and disarm nuclear devices. Imagine what

this would mean if it fell into the hands of terrorists. They could theoretically steal a nuclear device and either arm it or disarm it. That is the kind of information for which we cannot account.

Earlier today this body voted 97–0 to confirm the new czar, Gen. John Gordon, who has been waiting since May for confirmation. It had been held up by Members on the other side who had a hold on his nomination. The question of responsibility is a reasonable one. We had the assurance of the Secretary of Energy that he bore the responsibility for security in the laboratories after we had the Wen Ho Lee incident. That was widely publicized; it was widely debated. Not only that, at that time, Members will recall, there was a special commission set up. This commission came as a result of a report from the House. That report ultimately resulted in the appointment of a former respected Senator, Warren Rudman, who has since retired. The purpose of that report was to analyze the security at the laboratories at that particular time.

I will read a couple of inserts and findings from that report because I think they bear on the credibility of what we are hearing from the Department of Energy. One of the findings stated:

> More than 25 years worth of reports, studies and formal inquiries—by executive branch agencies, Congress, independent panels, and even the DOE itself—have identified a multitude of chronic security and counterintelligence problems at all of the weapons labs.
>
> Critical security flaws . . . have been cited for immediate attention and resolution . . . over and over and over . . . ad nauseam.

They haven't been corrected.

Further, the report again was the Rudman report. The open-source information alone on the weapons laboratories overwhelmingly supports a troubling conclusion: Their security and counterintelligence operations have been seriously hobbled and relegated to low-priority status for decades.

That, again, is associated with the Wen Ho Lee security breach.

Finally, Senator Warren Rudman indicates:

> The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.

Well, we heard this morning that the Secretary is going to appoint—or has appointed—our respected colleague, Senator Howard Baker, and a very distinguished House Member, Lee Hamilton, to give a report on the findings as to the security adequacy at the labs. Well, I welcome this in one sense, and I reflect on it with some question in another, because clearly what Senator Rudman recommended in his report, ''Science at its Best; Security at its Worst'' was not followed by the Department of Energy.

The action taken by both the Senate and the House in the manner in which we proceeded with legislation to authorize an energy czar was objected to by the Secretary of Energy through the entire process, almost to the point of eluding congressional intent in the law, and the fact that others felt inclined to hold up his nomination until the vote today, 97–0. I think that reflects on the squeaky wheel theory. The wheel squeaks enough today, and we finally put our czar, Gen. John Gordon, in a responsible position.

But the barn door has been left open, and it is inconceivable to me that we have not had adequate explanations of how this could occur. You can go to the library and get a card, take out a book, and they know who took out the book. If you are overdue, you pay a penalty. But not in the Department of Energy secured area. They have their so-called nest people who have access to this. It is estimated that that number is 86 or so. They take this material in and out.

What happened is rather interesting on this particular day, according to the testimony we had. I will leave you with this concluding thought: On May 7, the fire was moving toward the laboratory. The obligation of this nest group is to ensure that if the laboratories were to fall victim to the fire so that no one could get in for a period of time, they would have these hard drives available if somewhere there were a nuclear device that was prepared to or exposed somewhere to go off, that this team could take this technology on these two hard drives and go off and disarm them. They had that obligation. So they proceeded to go into the secured area and they asked permission and got permission from one of the deputies to enter. They went to remove the two hard drive disks, and they found that they were gone; they weren't there.

Now, what they did is rather interesting. They didn't notify their senior officials. They simply moved over to another shelf where a duplication of these hard drives was available and they took those. Then, after the fire, they went back and searched the place, could not find it, and finally they reported it, I think, on May 24. It was a timeframe from May 7, when the fire started, and on May 24 a team went back and searched again, and then at about the end of May, they called the DOE and in early June the story broke.

Those are the facts up until now. When you hear the explanations, you just shake your head and say, how could this happen? And then, of course, the questions we have are: Who might have this information? If they had it, what might they be able to do with it?

Some of these questions have to be responded to in a secure environment because of the national security interest. Some have said, well, the appropriators didn't give them enough money to ensure a foolproof system. They asked for $35 million and I think they got $7 million. It doesn't take $7 million to put in a foolproof checkout system. They don't even have cameras in these secured areas. They don't know who is going in and out—other than they have to have a certain security clearance to go in. But there is no checkout system. It is unbelievable.

We need answers and we are going to pursue this matter. As a consequence of the situation to date, clearly, the DOE and the labs have not been under control. I hope now that we have cleared the nomination, with the vote of 97–0, of the National Nuclear Security Administrator, that process can get underway. But there are a lot of questions that remain. The two missing hard drives contain secrets about every nuclear weapon in the world—just not ours. We should pursue this matter because clearly the buck has to stop somewhere.

When Congressmen NORM DICKS and CHRISTOPHER COX in their report concluded that China had design information—the Wen Ho Lee case—that should have been enough. The report by Senator Warren Rudman should have been an alarm, and the action by the Senate and the House to establish the energy czar should have been enough. But it wasn't. Today, as I said, the squeaky wheel got some grease. We have Gen. John Gordon in the position, but we have a lot of questions unanswered and a lot of people who assured us that they bore the responsibility that everything was under control. We found out today that it isn't.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

THE SITUATION AT LOS ALAMOS LABORATORIES

Mr. CRAIG. Mr. President, I, too, was attending the joint committee hearing this morning on the situation at the laboratories at Los Alamos that FRANK MURKOWSKI chaired, along with RICHARD SHELBY.

I must tell you that it was shocking and angering to watch an administration that recognized a problem and failed to do anything about it—or very little—and then to ignore a Congress that recognized the problem after extensive hearings and which passed legislation last year into law; and we have a Secretary of Energy who ignored it and openly denied that he would do it. And then for the Secretary not to show up this morning at a hearing—I am not sure how we respond to it.

But I will tell you how the American people ought to respond to it. They ought to say: Mr. Secretary, you have failed and you have failed us in the security of our country. We ask that we find someone better to serve in that capacity.

That is what the American people ought to be saying. And I hope they will.

THE RIGHT TO SELF-DEFENSE

Mr. CRAIG. Mr. President, I have come to the floor for the next few minutes to talk about something that is

very important to our country. Last week, I rose in defense of the second amendment to our Constitution. Why? Because it is under relentless attack at this moment by our colleagues on the other side of the aisle. It is under relentless attack by the White House and has been now for nearly 8 solid years. They want to deny that there is a second amendment, or that there are legitimate rights under that amendment, and they simply want to control or shape what many Americans believe to be their constitutional right under the second amendment, and that is the right to own a firearm in this Nation.

The second amendment reads:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

It is a simple amendment, but, oh, what a powerful force it brings; and, oh, what important emotions it engenders in our country.

The enemies of the right to keep and bear arms tell us that because the word ''militia'' is present, the second amendment only protects the right of the Government to keep and bear arms.

If anyone in this body is a student of American history and understands the thinking of our Founding Fathers, they recognize their hostility toward a central government and their willingness to control a central government and give the citizens the greater expression of freedom but, most importantly, power over that central government.

Somehow, our colleague would like to ignore those thoughts and the mind set and the belief of the framers of our Constitution. But let me tell you that our framers knew what they were talking about. They said, ''A well regulated Militia'' means, in the words of George Mason, ''the whole people''—''the whole people'' was the regulation militia—''except a few public officers.''

So never mind their restrictive reading of the Constitution. I think our scholars of history have widely recognized and rejected the idea that there is a narrow interpretation.

They tell us the second amendment only protects hunting and sport shooting. Read the Constitution. It is so very clear. It doesn't even mention the words ''hunting and sport shooting.'' I don't believe the term ''sport shooting'' was something used in those days. Hunting certainly was perceived to be a right, and even a responsibility, and a necessary tool of many families to put food on the table.

They cite Supreme Court cases—such as United States v. Miller—that state the second amendment protects private ownership of military-style weapons; then they try to ban private ownership of military-style weapons. How can you use the argument to argue its purpose and then turn and try to do quite the opposite?

I will simply point out for a few brief moments this afternoon the real inconsistencies in the argument that is presented by my colleagues on the other side and the blatant ignoring of our Constitution by the White House. But then those of us who are observers of the White House are not terribly surprised by that.

Am I being harsh? I don't think so, Mr. President. I think I am being very clear in what I say.

Senate gun controllers have said they do not want to confiscate the guns of Americans. But then other leaders in other countries—including Great Britain, Nazi Germany, Cambodia, Australia, Cuba, and Soviet Georgia—have said the same, and they would only license and register, and not confiscate. And, of course, they did license, they did register, and then they confiscated.

With my time remaining, let me point to a few examples as to why our Government said there was a right and why our Founding Fathers said under our Constitution there is a right.

Every 13 seconds, the stories I am about to tell you are repeated across this Nation. Every 13 seconds in America, someone uses a gun—not to kill someone else, but to stop a crime, to protect their property, to protect their life. Every 13 seconds across America, our citizens do what our Founding Fathers knew they must do as a free citizen; that is, protect themselves in the right of self-defense. That is so much what our second amendment is about.

Let me tell you about this lady, whom I show here on the chart, from Spring Hill, FL, May 24 of this year. It says: ''A pistol-packing grandmother with a license to carry calmly approached a man with a knife who was scuffling with employees at a Wal-Mart and ordered him to drop'' the knife. He dropped the knife. She held him at bay. They called the cops, and the cops arrested him.

Thank you, grandma, for being willing to defend your rights and the integrity of others.

Let me talk about someone who invaded the home of one of our citizens in Benton Harbor in Berrien County.

Prosecutor Jim Cherry announced Thursday he will not file homicide charges against a man who shot and killed Rodney Lee Moore last month at a Benton Harbor housing complex.

Why? Because this man was defending his life and defending the life of his family. He had been attacked. He had been injured. And yet, he struggled, he found his gun, and he protected his person by taking the intruder's life.

That is the right of a free citizen in a free society—to defend oneself and one's property.

One more example. I know there are other colleagues on the floor who wish to speak on other issues. But it is an important example.

It was the night of January 31 of this year in Apache Junction, AR, 25 miles from Phoenix. It began when a woman was getting into her SUV in a Wal-Mart parking lot in nearby Chandler. She was approached by a man riding a bicycle. He pulled out a gun, forced her into her SUV, and made her drive to an isolated area 15 miles away. He raped her. Then he abandoned her in the desert.

According to the Chandler Police Department sergeant, Ken Phillips, ''He left her in a desert area and starts to drive away, but turns around, comes back, and he shoots her twice.'' The woman, suffering from bullet wounds in her face, her chest, and her arm, was miraculously able to walk a quarter of a mile for help.

This dangerous criminal then drove his victim's SUV to the home of his former boss, Jeff Tribble. In that home, Mr. Tribble, his 28-year-old wife Bricie, and their 9-year-old nephew resided. The criminal broke into their house. What happened? Sergeant Phillips said that this gentleman's wife, Mr. Tribble's wife, got her gun and shot the criminal twice—once in the face and once in the chest—and he dropped dead. Then she called 911 to report the shooting of an intruder who had just hours before raped and shot another person.

Those are the stories that are not being told to America today. And they happen every 13 seconds across our Nation. Two and one-half million Americans annually use the second amendment right to protect themselves, their property, their children, and their spouses. That is the right of a free citizen. That is why the second amendment is in the Constitution.

I do not in any way by these statements fail to recognize the tragedies that occur when a gun is misused in our society. It is misused much too often. But it is time we speak out.

I have said several times to those who may be listening or who might read my statement to call me or write me. Tell me about your story. Tell me about what happened in your community. Literally, citizens are now doing that. Tell me about the right of the free citizen to protect themselves and their property.

It is very simple. It is, LARRY CRAIG, U.S. Senator, Washington, DC, 20510.

I would like to hear from you. I think it is time America is heard, about how other Americans use their sacred right of the second amendment to protect themselves and their loved ones.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

UNITED STATES NONMILITARY ARSENALS

Mr. FITZGERALD. Mr. President, thank you very much.

I take this opportunity to thank my colleagues on the Armed Services Committee, Chairman WARNER, and also the ranking member, Senator LEVIN, for the amendment I offered, that they have accepted, I am told. My amendment addresses the situation with our Nation's military arsenals.

We have the Rock Island arsenal in Rock Island, IL. It lies on an island in the Mississippi River between the border of Illinois and Iowa. The Rock Island Arsenal dates back to just about

the time of the Civil War. It has been producing outstanding equipment, with outstanding personnel, to our Nation's military for well over 100 years.

A few years ago, the military changed its procurement rules to require our Nation's arsenals, when they were bidding on a contract, to provide military hardware to our Army or Defense Department. It requires them to submit bids that not only include their marginal cost for producing the product but, in fact, requires them to add into their bid the entire overhead.

This new policy which the Defense Department established a few years ago has actually been harming taxpayers. Why, someone might ask, has that been harming taxpayers? What has been happening, as our Nation's arsenals—and there are three in this country; in addition to one in Illinois, there is one in New York and also one in Arkansas—go to bid on projects to provide supplies to the military, and they have to not only state their cost of building those supplies, they also have to add in the cost of their overhead. That means in analyzing those bids, the military is always going to prefer the bid of the private contractor.

In fact, our arsenals have been losing business from the U.S. Government. This has been harming taxpayers. The reason it has been harming the taxpayers is because once we pay the private contractor to build the weapon or perform on the contract, we are still paying to keep the arsenals open. So the taxpayers wind up paying twice for the project.

For example, a few years ago the military requested a new Light Towed Howitzer. They wound up giving the bid to a British defense firm. The Rock Island Arsenal lost out on the bid. The Government paid the British defense firm to start on the contract, but meanwhile, the Government and the taxpayers are still paying to keep the arsenals open.

My amendment is designed to correct this flaw which is wasting taxpayers' money. From now on, under this amendment, when domestic organic arsenals in this country bid on a military project, they will be able to state their incremental cost for building the product, if it is a Howitzer or other weapon for the military. This way, it will be more fair to the arsenals. They will be able to bid their actual cost and the playing field won't be tilted in favor of the private contractors.

Actually, the Department of Defense convened a defense working capital fund task force a couple of years ago that noted that the taxpayers were being billed twice for these military contractors; that it didn't make any sense. In fact, that issue paper which came out on February 25, 1999, and was issued by the defense working capital fund task force, concluded that

> [T]he Department of Defense will ultimately pay twice for maintaining the essential organic capabilities as well as contracting out for the goods or services.

It went on to say that these rules cause an artificial, a fictitious bookkeeping entry that overprices the arsenal services and not only encourages behavior that is not optimal for the military as a whole, but also leads to an increasing disparity between military and private suppliers that ''results in an increasing abandonment of arsenal services.''

Mr. President, I compliment the members of the Armed Services Committee and Chairman WARNER and also the ranking member for accepting my amendment. We should be able to help our Nation's arsenals and particularly the Rock Island Arsenal in Rock Island, IL, as well as save the taxpayers of this Nation some of their hard-earned money.

The PRESIDING OFFICER. The Senator from Nebraska.

HAPPY BIRTHDAY, UNITED STATES ARMY

Mr. HAGEL. Mr. President, I rise today to wish the United States Army happy birthday. It was 225 years ago today, in 1775, that the Continental Army of the United States was formed. That Continental Army of the United States has had a rich, important impact on our country.

Millions of men and women over the last 225 years have served in the senior branch of services of our military forces of the U.S. Army. The Army is interwoven into the culture of America. Those who have had the great privilege of serving in this country in the U.S. Army understand that. It may have been a little difficult during basic training for some, but as we progressed through basic training and became Army men and women, formed, shaped, and molded from raw recruiting into something that America could be proud of, and we could be proud of ourselves, that touch, that impact, that molding, that shape, has defined our country, has defined our culture, and has, in fact, defined the world. The U.S. Army has had an incredible effect on our country and the world for the better.

''Duty, honor, country'' is the motto of the U.S. Army. It is America. It is who we are. Not one generation of Americans who have served in the U.S. Army have gone untouched by not only what America is about but what the Army is about. It is a shaping and molding that has touched lives in ways that are hard to explain, just as the Army has touched our national life and made the world more secure, more prosperous, and a better world for all mankind.

On this 225th birthday of the U.S. Army, as an old infantry-man who served in the U.S. Army, I say happy birthday to the veterans of this country. We recognize and acknowledge and pay tribute to those generations who have served before some of us had the opportunity to serve a newer Army.

It is the Army that has laid the foundation for our services today and for a stronger America. To that, we say, again, happy birthday and thank you, in the great rich tradition of the U.S. Army.

Mr. President, we say ''hoo-ha.''

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I take a few moments to commend the Senator from Nebraska for his remarks. I think he speaks for most of us, if not all of us. He speaks eloquently in congratulating the Army. That is something we shouldn't forget: The role of the Army, what the Army stands for, what the Army has done, often at a tremendous price, as we know. We shouldn't forget that.

I commend the Senator from Nebraska for his remarks.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 7475) making appropriations for the Department of Transportation and related agencies for the fiscal year September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the language of S. 2720 is before the Senate as amendment No. 3426.

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

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the pending business before the Senate is the House bill, is that right, or the Senate bill?

The PRESIDING OFFICER. The House bill, with the Senate language as an amendment.

Mr. SHELBY. We have some procedural obstacles to clear, is my understanding here. In the meantime, what I will do is go ahead and make my opening statement.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, chairman STEVENS and the leader asked us to move quickly on this year's Transportation appropriations bill, and I'm happy to say that with the assistance of the senior Senator from New Jersey, we have reported a bill for the Senate's consideration. I am speaking of the Senate bill now. Considering that the Senate approved the Transportation appropriations bill in September last year, I suppose that presenting this bill during the second full week in June would qualify as moving more quickly this year.

I commend Senator STEVENS and Majority Leader LOTT for pushing this agenda.

Both Senator LAUTENBERG and I strongly support this package, though

neither one of us agrees with every decision and funding level that is included in the bill and report. However, this bill contains the essential elements of a Transportation appropriations bill that meets the challenge of adequately funding the Transportation programs within the budget constraints that we have set for Federal spending in fiscal year 2001.

I will spend a few minutes on the bill funding summary.

The bill provides a total of $54.7 billion, which is $4.7 billion more than the fiscal year 2000 enacted level. Because the firewalled highway and transit programs account for most of this growth—not to mention the increases in aviation capital investment anticipated in FAIR–21 that this body approved just a few months ago—we have been left with no choice but to constrain the growth in the FAA and Coast Guard operations accounts and Coast Guard capital account. Nevertheless, I am confident that, with responsible management, the funding levels for FAA operations and for the Coast Guard are adequate to meet the challenges of safely and effectively managing the nation's airways and the execution of the Coast Guard missions.

I note that the administration requested 15 percent growth in the Coast Guard operations account and 12 percent in the FAA operating expenses account. The bill before you today directly provides 9 percent growth in both those operating accounts with an additional 4 percent potential growth available to the FAA operations account if necessary to maintain aviation safety at the discretion of the Secretary of Transportation and the FAA Administrator.

That is a lot of money—and a great deal of growth under the budgetary constraints we are operating under. At the same time, the funding levels in our bill require the Secretary to balance the critical needs of both the Coast Guard and the FAA as he (or she) manages the Department. My concern is not that we haven't provided enough resources. My concern is that they won't be administered with an eye towards saving the taxpayers money or toward seeking efficiencies in program execution.

We have rejected the administration's proposal to divert highway funds in Revenue Aligned Budget Authority—or RABA—to other programs. This unrealistic proposal raised expectations, but is nothing more than a case of the administration wanting to say they support the highway firewalls while proposing to spend the money on nonhighway activities. You can't have it both ways.

We have also rejected the administration's proposal to levy new user fees. Three years ago during my first year as chairman of the Transportation subcommittee, we said no to the administration's new user-fee taxes, 2 years ago, we said no again to the new and improved user-fee taxes from the administration, and last year, we again said no thanks to the newly reconstituted user-fee tax proposal from the administration. Guess what? This is my fourth year as chair of the Transportation appropriation subcommittee, and the President's budget again includes $1.3 billion in new user-fees taxes—I am starting to recognize a pattern. Is anyone in the administration listening to what Congress is saying about new user-fee taxes?

Along these lines, I would note that the shortfalls that the administration will complain about in the FAA operations account in this bill are far short of the user-fee proposals that they have proposed for the FAA, not to mention the Coast Guard. If the administration would refrain from submitting budgets with new user-fee taxes as a budget gimmick that they know will never be enacted to hide other non-transportation spending, it would make all our jobs a lot easier to meet realistic targets and expectations for these operations accounts.

The bill before you meets the TEA-21 firewall levels for highway and transit investment. In highways, the RABA funding has all been distributed to the states in accordance with each state's share of the program consistent with last year's Senate appropriations bill. In short, every states gets more highway funds through the approach taken in the bill before you. I urge every Senator to refer to the table I will insert in the RECORD to see the total highway funds that will be available for highway construction in his or her state through the approach we propose.

The transit new starts and bus projects are not earmarked, which is the way the Senate has handled these programs the last 2 years. This is an approach that has worked well for the Defense appropriations process with respect to the National Guard equipment account, and I believe that it is a good model for balancing congressional and administration priorities in the allocation of discretionary transit projects.

The bill provides $4.4 billion for the activities of the U.S. Coast Guard, and, as I mentioned earlier, there is an 9 percent increase for the operating expenses of the Coast Guard. I think we can all agree that it is essential to provide the Coast Guard with the resources they need to continue their tradition of maritime search and rescues, protecting the environment and our coastlines, and enforcing our laws on the seas.

There are a few general provisions that I would draw to your attention. One requires the administration to submit with their budget request an accounting of what programs are to be cut if the Congress does not choose to enact the next complement of new user-fee tax-budget gimmicks.

Although there are other issues that will be discussed during consideration of this bill, I will note one now. That issue is the national ''.08'' blood alcohol content provision. Senator LAUTENBERG, who is managing his last Transportation appropriations bill this year, makes a compelling case for why the states should adopt ''.08''. This language was included in the bill at his request and will vote to support its inclusion the bill the Senate passes. I urge you to look at it and consider it carefully.

The bill before the Senate sets the stage well for a conference with the House. The House 302b for Transportation appropriations has substantially more budget resources than the bill before us today. As a result, the House passed bill is higher in a number of accounts than the bill before the Senate today. Notably, the Coast Guard has $150 million more in the Operating Expenses account, $100 million more in the AC&I account—the Coast Guard's capital improvement account, and the FAA operations account is $200 million higher than the Senate bill. We have included a number of flexibility provisions for the Secretary of Transportation and for the FAA administrator to soften the impact of those cuts from the President's budget request, but the fact remains that we are below the House appropriated levels in those accounts in particular. In addition, there are a number of specific projects or procurements that are included in the House bill that are not in ours, and a number of initiatives in our bill that are not in the House-passed bill. I believe that we can resolve all of these issues in conference to the satisfaction of both bodies and present a conference report that the President will sign.

We know of a few amendments to the bill and we would encourage those Members who have amendments to come to the floor to offer them or to see if they can be accepted. We want to work with Members where possible and will seek time agreements on amendments so we can move the bill.

Mr. President, I also would be remiss if I did not note my colleague, Senator LAUTENBERG, has joined us. He is the former chairman of this subcommittee and is now the ranking Democrat. I have enjoyed working with him on this subcommittee. This will be the last Transportation bill he will help manage. I can tell my colleagues that he has rendered a great service to his State and to the country. He has been a lot of help to me as I have worked through this process, the same road which he has been down many more times.

Before yielding the floor, I ask unanimous consent that a list of revenue aligned budget authority be printed in the RECORD.

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

REVENUE ALIGNED BUDGET AUTHORITY

[In thousands of dollars]

STATE	Admin. Distr.	TEA–21 Distr.	Full RABA committee recommendation
Alabama	41,620	56,296	60,784
Alaska	24,403	33,019	35,733
Arizona	33,982	45,989	49,705
Arkansas	27,252	36,857	39,629
California	192,556	260,472	281,963
Colorado	23,972	32,437	35,005
Connecticut	31,060	42,018	45,543
Delaware	9,079	12,289	13,269
District of Columbia	8,094	10,950	11,865
Florida	98,866	133,774	144,775
Georgia	72,971	98,720	106,972
Hawaii	10,580	14,312	15,525
Idaho	15,797	21,359	23,146
Illinois	69,077	93,428	101,422
Indiana	48,609	65,756	71,291
Iowa	24,576	33,244	36,048
Kansas	23,951	32,399	35,139
Kentucky	36,905	49,925	54,114
Louisiana	32,778	44,332	48,127
Maine	10,896	14,739	15,782
Maryland	33,696	45,585	49,396
Massachusetts	38,389	51,919	55,894
Michigan	67,305	91,044	98,737
Minnesota	30,608	41,395	44,962
Mississippi	25,698	34,763	37,696
Missouri	50,947	68,911	74,579
Montana	20,374	27,577	29,776
Nebraska	15,929	21,557	23,296
Nevada	14,846	20,089	21,736
New Hampshire	10,601	14,335	15,483
New Jersey	55,014	74,409	80,765
New Mexico	20,219	27,353	29,641
New York	105,420	142,576	154,827
North Carolina	57,943	78,390	84,939
North Dakota	13,438	18,187	19,651
Ohio	71,674	96,952	105,159
Oklahoma	31,735	42,934	46,417
Oregon	25,248	34,140	36,537
Pennsylvania	102,976	139,222	149,607
Rhode Island	12,276	16,612	17,868
South Carolina	34,553	46,751	50,215
South Dakota	14,918	20,176	21,440
Tennessee	47,385	64,099	69,511
Texas	156,693	212,010	229,231
Utah	16,581	22,429	24,333
Vermont	9,372	12,682	13,715
Virginia	53,715	72,671	78,633
Washington	36,508	49,378	53,607
West Virginia	23,057	31,172	33,944
Wisconsin	40,737	55,111	59,726
Wyoming	14,316	19,373	20,846
Total	2,089,193	2,826,115	3,058,000

ESTIMATED FISCAL YEAR 2001 DISTRIBUTION OF OBLIGATION LIMITATION AND REVENUE ALIGNED BUDGET AUTHORITY (RABA)

States	Obligation limitation [1]	RABA	Total
Alabama	$478,393,294	$60,783,866	$539,177,160
Alaska	273,338,905	35,732,730	309,071,635
Arizona	386,599,345	49,704,732	436,304,077
Arkansas	312,654,965	39,628,622	352,283,587
California	2,211,981,611	281,962,890	2,493,944,501
Colorado	275,490,135	35,004,926	310,495,061
Connecticut	353,217,355	45,542,794	398,760,149
Delaware	103,731,809	3,268,662	117,000,471
District of Columbia	93,741,325	11,865,040	105,606,365
Florida	1,121,666,241	144,774,894	1,266,441,135
Georgia	832,178,590	106,971,898	939,150,488
Hawaii	121,240,964	15,525,466	136,766,430
Idaho	181,168,531	23,146,002	204,314,533
Illinois	795,299,213	101,421,628	896,720,841
Indiana	555,444,640	71,291,154	626,735,794
Iowa	283,379,331	36,047,704	319,427,035
Kansas	276,678,619	35,139,478	311,818,097
Kentucky	423,684,551	54,114,368	477,798,919
Louisiana	376,584,623	48,126,804	424,711,427
Maine	124,948,152	15,782,338	140,730,490
Maryland	386,612,173	49,395,874	436,008,047
Massachusetts	440,827,553	55,894,124	496,721,667
Michigan	770,487,758	98,736,704	869,224,462
Minnesota	352,733,729	44,961,774	397,695,503
Mississippi	295,425,345	37,695,966	333,121,311
Missouri	585,613,867	74,578,504	660,192,371
Montana	230,749,423	29,775,746	260,525,169
Nebraska	183,090,968	23,295,844	206,386,812
Nevada	169,145,618	21,736,264	190,881,882
New Hampshire	121,821,196	15,482,654	137,303,850
New Jersey	632,567,758	80,764,838	713,332,596
New Mexico	231,198,136	29,641,194	260,839,330
New York	1,211,655,529	154,826,540	1,366,482,069
North Carolina	662,205,968	84,939,008	747,144,976
North Dakota	153,765,807	19,650,708	173,416,515
Ohio	823,947,807	105,158,504	929,106,311
Oklahoma	364,937,744	46,417,382	411,355,126
Oregon	291,813,790	36,536,984	328,350,774
Pennsylvania	1,190,371,427	149,606,534	1,339,977,961
Rhode Island	139,958,730	17,867,894	157,826,624
South Carolina	393,474,564	50,215,418	443,689,982
South Dakota	171,367,488	21,439,638	192,807,126
Tennessee	544,746,298	69,511,398	614,257,696
Texas	1,785,645,239	229,230,738	2,014,875,977
Utah	190,699,752	24,332,506	215,032,258
Vermont	107,423,888	13,715,130	121,139,018
Virginia	615,042,972	78,633,412	693,676,384
Washington	421,802,708	53,606,740	475,409,448
West Virginia	267,976,665	33,943,800	301,920,465
Wisconsin	465,112,354	59,725,798	524,838,152
Wyoming	163,917,007	20,846,386	184,763,393
Subtotal	23,947,561,460	3,058,000,000	27,005,561,460
Allocation Program [2]	2,656,244,540		2,656,244,540
Total	26,603,806,000	3,058,000,000	29,661,806,000

[1] Includes Special Limitation (Minimum Guarantee, Appalachian Development Highway, High Priority Projects).

[2] Includes Territorial High Priority Projects.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair. Mr. President, first, Senator SHELBY, with whom I have worked a number of years on more than one committee, has established a working relationship that, frankly, I treasure as one of the best I have had since I have been in the Senate. We rarely agree on policy differences, but one thing we do agree on is that we have respect for one another. We listen and try to resolve our differences.

As everyone knows, the way we finally resolve differences is the majority says this is what we are going to do, I concur, and we go ahead and do it.

It has been a pleasure working with Senator SHELBY and members of the subcommittee over these past few years. This is my last Transportation appropriations bill. I look forward to reaching agreement among our colleagues and sending the bill to the House, resolving whatever differences there might be, and the President signing it into law while there is still time before we have an omnibus appropriations bill before us.

This is a decent bill. It was reported out of the Appropriations Committee yesterday by a unanimous vote. I thank Senator SHELBY for his leadership and skill in maneuvering around the number of obstacles that invariably come up and still not have people angry or unwilling to discuss their issues.

During yesterday's markup, a number of amendments were adopted that I believe improve our initial subcommittee product. I, therefore, rise in strong support of the bill and encourage my colleagues to support it as well. Everybody is not going to get what they want in the bill. Senator SHELBY does not even though he is the chairman. I am the ranking member and I do not get what I want, for sure. I would have permitted Senator SHELBY to be even more generous than he has been. That is his choice. He treated me and the members of the committee fairly.

Over the last 14 years, I do not believe I have ever managed this bill without expressing the importance of balancing how we address the Nation's transportation needs, and that is to look at all modes. We cannot be attentive to highways without being attentive to transit, by way of example. It is not enough to look out for the marine safety agenda and the Coast Guard; we also have to pay attention to the aviation safety needs of the FAA. We must recognize that while some States are wholly dependent on highways and rural aviation to meet their transportation needs, other States depend heavily on commuter rail and Amtrak to move their citizens. A balanced approach is what is needed, and I believe the bill before us embodies that balance.

This bill fully funds the growth in highway and transit funding we called for in TEA–21, the highway bill that was enacted a couple of years ago. The bill also fully funds the request for Amtrak's core capital grant. While the funding levels for certain accounts in the FAA and Coast Guard might appear to be austere, a more indepth review of the bill before us and prior actions by the Senate sheds some further light on this situation.

Specifically, the bill before us would cut the Coast Guard by $257 million. However, it is important to note that only a few weeks ago the Senate passed a supplemental appropriation of over $800 million for the Coast Guard, and all of that supplemental funding will be available on a multiyear basis.

That is one of the anomalies: We give an agency such as the Coast Guard ever more responsibilities, whether it is just doing the navigation assists, the buoys, and the charts, or whether it is stopping illegal immigration, or whether it is pursuing drug transport by boat, or whether it is managing the licensing of vessels that ply our waters making sure they stay up to date and do not violate the standards that are required for ships entering our waters. They are now putting .50-caliber guns, and some larger, on helicopters in the Coast Guard to intercept or interrupt the drug flow that is devastating our country.

Whatever you need, the Coast Guard is always there. We are always squeezing and squeezing, but this year we have figured out a way to take care of it. There is no one who does not respect the Coast Guard for the job they do and looks to them when an emergency arises. Whether there is an oilspill or some other disaster that includes travel on the seas, the Coast Guard is there.

In the case of the FAA's operations account, it appears we reduced the administration's request by more than $240 million. It is important to note that within the appropriations for the FAA's facilities and equipment account, the bill includes $64 million for operating expenses. That shortage we talked about, again, was the operations account.

Moreover, as a result of an amendment I offered during the full committee markup, there is now an additional $120 million available for operating expenses from the $3.2 billion appropriations for airport grants.

I want to clarify what I am discussing. I am talking about putting in over $3 billion in airport grants, airport improvements, be it terminals or access routes in and out. There are all kinds of things for which the airports can use these funds so they can handle the expanding need for passengers who want to take airplanes. I support it 100 percent. We cannot continue to expand a facility without having enough of a crew—I will use the term—to manage it. One would never dream of taking a ship that needs a 1,000-person crew and saying: OK, we are going to put in new electronics, but we are going to cut down on the size of the crew. We would never understand it nor agree to it.

The changes we have made enable this bill to provide a $634 million, or 11-percent, increase for FAA operations. Nobody wants to be up in the sky with too few controllers guiding the traffic as they do.

I fly a lot in the second seat in airplanes. That is the way I prefer to travel. I know when the controllers are stressed or when the flight service stations are not giving the data needed or when it delays departures or takeoffs. We want to ensure safety, above all. When we put our families in an airplane, whether it is a flight from New York to Washington or whether it is a cross-country flight, we want to know they are traveling in as safe a condition as possible. Our aviation system is safe. I point that out.

But when it is not operating as it should, it comes out in delays. It is akin to borrowing to pay your bills. The longer it takes to get a flight started, the worse things become later on. We know that whether it is a flight from New York to Washington, to use that example, or if it is a flight from Denver to Los Angeles; what happens on that leg from New York to Washington affects what happens on the leg from Denver to L.A. That is the nature of the system. It is a huge system. It is all interconnected. We have to have enough people in the key spots to take care of things.

There are several other items of importance in this bill that I think bear mentioning at this time.

I thank my subcommittee chairman, Senator SHELBY, for including provisions in the bill to implement a national drunk driving standard of .08 blood alcohol content. This provision passed the Senate in 1998 by an overwhelming margin. However, the House never had an opportunity to vote on the measure.

The administration still strongly supports implementation of .08 as the national standard for blood alcohol content. It has been said by several institutions that have studied this problem that by reducing the standard across the country from .10—that is parts per million of alcohol to blood—we could save 500 to 700 lives a year. It does not sound like much in the abstract—500 to 700 lives a year—but if it is a child in your household or a family member in your neighborhood or a friend, the effects are devastating.

I remember one time I had a discussion with the occupant of the Chair about a friend of his son's who was badly injured in an automobile accident. The pain that permeates a community is unmatched. Thank goodness we are focused on what happens with our children. Whenever we have a chance to do something to protect them, we do it—protecting any member of a family.

So when we ask now for .08 to be the standard, we are saying to 500 to 700 families, who will never know they have been protected from disaster, that it was because we demanded a better standard for automobile safety.

This provision works in the same way as the minimum drinking age law which I authored back in 1984, signed into law by President Reagan, and assisted by Secretary Elizabeth Dole at the time. To this point in time, it is estimated that the minimum drinking age law saves over 1,000 lives a year. Over 15,000 families have been spared mourning over the loss of a child because this applies almost exclusively to very young people.

The .08 provision holds the promise of saving the lines of an additional 500 persons every year. So I thank Senator SHELBY again for including this provision in the bill.

The Members should be aware there is a separate provision in this bill that prohibits the administration from implementing its newly proposed ''hours of service'' regulations pertaining to truck and bus drivers. Many interested groups have voiced strong opposition to the administration's proposed rule. I personally oppose certain aspects of it, as well. However, I have concerns with the remedy that is proposed in the bill.

The administration has already shown renewed willingness to reconsider aspects of this rule by extending the comment period on their proposal by 90 days. So it gives those who have views about what this bill should look like or the conditions it should carry an extra 90 days to present those views, and then perhaps we will take the subject up again. I note that this prohibition is not included on the House side, so it is something that may come up in the conference.

I hope that before we go to conference, all concerned Members can discuss this issue in the time that is available with Secretary Slater, to discuss this issue and advance the cause of safety on our highways.

Finally, I thank all the members of the Transportation Subcommittee for their friendship and assistance throughout the process. I am not talking exclusively about the Democrats. We worked with Republicans. Sometimes there are disagreements in policy that can't be bridged, but we talk about it, and we try to iron out the problems and see if we can accommodate, by consensus, the bill. We have again delivered a unanimously supported bill to the floor.

I especially thank Senator SHELBY again. His leadership of the subcommittee has been excellent. He has always kept me, the minority ranking member, informed of his plans for the subcommittee. He has been evenhanded in his approach to addressing Members' funding priorities. We have developed a good friendship throughout this process.

I want to say, while the chairman of the full Appropriations Committee is here, that I thank him, as well, for his willingness to listen. Too much listening often kills the time that a chairman can get his bill through, but Senator STEVENS held his patience, his temper, and he permitted us to air our views, and we got the bill done in very good form.

I also extend my thanks to Senator ROBERT C. BYRD, who is the ranking member on the Appropriations Committee. I have worked with him since my first day in the Senate. He is a brilliant, patient man and has been a leader for me, a mentor for me. Even with all this white hair, we still can have mentors and enjoy a relationship. We can still learn. I have found that out. My kids teach me that every day. But the relationship between Senator STEVENS and Senator BYRD is excellent, as we have always seen in this Appropriations Committee.

I also give a special thanks to my team, to Peter Rogoff, who so skillfully manages the staff on our side, Denise Matthews, Laurie Saroff, and Mitch Warren on the Democratic side. And to Wally Burnett; he always knows what side of the aisle he works for and makes sure he is diligent about it, but he makes certain that our messages get through and that they do have a hearing before the bill gets put to bed. I appreciate Wally's leadership, and Joyce Rose and Paul Doerrer, as well.

With that, if there are any amendments Members want to bring to the floor, they ought to do that. This bill was moved expeditiously, carefully through the process. It is here. So we can eliminate much of the griping and complaining about having bills linger on forever and winding up—in the final analysis, before the October 1 fiscal year starts, the new year—in an omnibus bill, where a bunch of things are crashed together, without having a good, comfortable feeling about what is in the bill: How does it affect my State? How does it affect the country? If you get it the last minute, you do not have a chance to review those things.

Here we have a bill that has been carefully engineered and is ready to go. We would like to get it done. If I asked the chairman of the Appropriations Committee when he would like to get it done, he would say certainly this afternoon. But we will be taking amendments. That is the process. Hopefully, we can get it over to the conference committee and maybe have this bill signed into law by the time the next break comes at the end of June.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, the pending bill is on Transportation appropriations. I wish to comment not only on the content of the bill but on the managers of the bill.

I am sorry they are not here, though I note the chairman of the full committee is.

I thank the chairman, Senator SHELBY of Alabama, for the courtesies and cordiality he extended to me as he worked on the physical infrastructure needs of Maryland. I am continually grateful for his cooperation.

I also want to say something about a very dear friend, and pay my respects to someone I have worked with up and down the Northeast corridor, on the highways and byways of Baltimore, of Maryland, and our country. That is, of course, the very distinguished Senator from New Jersey, Mr. LAUTENBERG.

When I came to the Senate in 1986 and was sworn in in 1987, I was the very first Democratic woman ever elected to the Senate in her own right. At the time of my arrival, there was only one other woman in the Senate, the very wonderful Senator from Kansas, Ms. Nancy Kassebaum.

When I gave speeches out in the community, they would say: Senator MIKULSKI, what is it like to be the only Democratic woman Senator? I would say that although I was all by myself, I was never alone because there were wonderful men in the Senate who helped me get started, who showed me how to be effective, and how to be a very good Senator. Of course, I had a great senior Senator, Mr. PAUL SARBANES. I had the help of the then-chairman of the full committee, Senator BOB BYRD, and others, such as Senator KENNEDY and Senator DODD.

But also right there in appropriations was someone who I counted on and looked up to, and who was really a help, my very good friend, Senator LAUTENBERG. That is why I was never by myself because I could turn to Senator LAUTENBERG.

What a way he had on appropriations—bringing his businessman's savvy and yet his total compassion for people. He brought to the Appropriations Committee a need to see how we could be compassionate about people today and yet look at the long-range needs of our country.

That is what he brought to the Transportation Subcommittee.

While we were working on how to build America and its physical infrastructure, Senator LAUTENBERG looked beyond bricks and mortar. He was looking at people.

It was under his leadership that he brought to our attention the issue related to terrorism and how we could protect our people, whether it was on the high seas or at airports.

He was the one who talked about the impact of smoking and what it meant to both airline passengers as well as those who worked on the airlines.

Most recently, he has also talked about the issue of the impact of high blood alcohol levels on the whole issue of drunk driving.

Senator LAUTENBERG brought public health and a public safety agenda to the Transportation Subcommittee. It has served the Nation well because we not only built communities but we have been able to save lives because of what I call ''the Lautenberg approach,'' which is putting people along with bricks and mortar. We are building communities and saving lives.

I hope long after the distinguished Senator no longer officially serves the people of New Jersey that ''the Lautenberg approach'' can be an approach that the Senate continues always thinking about people—putting people first, looking at every opportunity to enhance the public safety and the public health of the people of this country and the people who visit this country.

Again, although I was all by myself, I was never alone. The American people owe Senator LAUTENBERG a great debt of gratitude. People are alive because of him today. I owe him a debt that I can never repay, except to follow the Lautenberg method.

Senator LAUTENBERG will always be with me in every day as long as I continue to be a Senator and a public servant.

Mr. President, I thank the Senators for their kind attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my pal from Maryland. We have been good friends. Senator MIKULSKI said something that got my attention. She said she has looked up to me. We have differences in height in a lot of places, but no one has ever looked down to Senator MIKULSKI. She is a giant. What a welcome addition she was when she first graced the Democratic Party with her presence, followed by nine others.

What a difference women have made in this body—not just cleaning up the language, which helped, but also in making sure that we understood there was a far different point of view on many issues. As Senator MIKULSKI so clearly said and has always said, she listened. We can steal a couple of things from commercials to say that when Senator BARBARA MIKULSKI speaks, people listen. The Members here listen.

We share a common background in many ways. We both have Polish roots. Second, we both have what I call an ordinary person's background; she in the bakery, and me in the newspaper store with our families trying to eke out a living each and every day.

One of the things that I thought we ought to do here, although probably would not get enough votes to carry, is every Senator ought to spend a week in poverty living with a family in either an urban our rural environment to kind of get a feeling for what it is to worry about putting food on the table, about putting decent clothing on a child's back, not stylish things but decent clothing, a roof over their heads, a grandparent or a parent aging and needing help. What a difference.

Senator MIKULSKI brought that background, as I hope I did to our function here. That is why we have a special kinship because we care about the people we serve.

One of the happiest moments I have had since I have been in the Senate was the other day. I went to visit a school for the blind in New Jersey, the only one that operates in New Jersey. It is run by the Sisters of Joseph of Peace. With help from colleagues on the Appropriations Committee and throughout the Senate, I was able to get some funding so they could build a relatively modest facility. They named a room after me in an ''Independent Life Section'' where they try to educate people on how to live by themselves, though visually impaired and sometimes in total blindness. How do you get by?

I came in and there was a little child. I have a weakness for little kids because my oldest grandchild is 6. I have seven, six following him, and No. 8 is going to be on the way before No. 1 turns 7. They are a beautiful litter of puppy dogs. They are so cute I can only smile when I think about them.

This little child was 7. She was smaller in stature because her mother was an alcoholic, and she has fetal alcohol syndrome, which reduces size, in effect, and physical and mental health. This child was as bright as any child I have ever met. I picked her up, she said: What's your name?

I said: Frank.

She said: OK, Frank.

She rubbed her hands through my hair. She said: It feels sticky. I said: Yes, I put stuff on my hair. She asked: What kind of stuff? I wasn't doing advertising so I didn't give her the name.

Her vision is impaired with similar to a mesh screen in front of her eyes. The only way she can focus her vision is turning her head. Her vision is like Swiss cheese; she had to constantly turn her head to catch the channel through which she could see.

She was so bright. We wound up with a picture of her and me in the paper, me laughing, with her hands running through my hair.

If there is ever a doubt about the work we do here, about what it is we debate so harshly at times, the things we legislate, the laws we write, about the ultimate test of whether or not we have done the right thing, how does it affect people? What is the impact on a family? What is the impact on a child?

What is the impact of a loss due to a drunk driver in a family? What is the loss when a child 6 years old takes a gun and kills another 6-year-old? What is the impact? It is not only that family; it is the entire community, the entire school. What affect did Columbine have? Was it only the kids who were shot at, the kids who were pleading for help from the police? The kids who were running away in fear? No, it was the entire character of our country.

We have to think about those things and their impact. Are these a question of States rights, of rights other than the rights to bring up a child in safety? What is the most important right?

What was the Million Mom March about? The million moms marched because they were so hurt, so anguished that no one was listening sufficiently to say, OK, sensible gun control. We weren't taking away everybody's gun. If people want to hunt, they have a right to hunt. People need them for law enforcement jobs. Or if someone really thinks they need it for protection, let them get a license and be identified. A million moms were down here to say: Please help us.

That is the measure. That is what I have always found from Senator MIKULSKI, who manages this very important bill, VA-HUD, that takes care of veterans, housing, the National Science Foundation, and NASA. She does a remarkable job and we keep squeezing.

My relationship with Senator MIKULSKI, my relationship with other dear friends in the Senate is what I will miss terribly. This has been one great experience. My desk is a couple rows back. If only my father or my mother could have seen what happens when I open the top of my desk. It says: Harry Truman, Missouri. He sat where I sit now. My parents came here from Ellis Island with not a dime. They didn't understand the language. My parents were brought here as little kids. They wanted to be in America; they wanted to talk English; they wanted to be part of the society. And they worked at it.

We are in this illustrious place. As Senator BYRD will state, about 1,800 Members have served in the Senate since the founding of this country. And here we are, two good friends, sharing the same.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, each and every one of my colleagues has received a letter signed by this Senator and by Senators BRYAN and FEINSTEIN on the subject of CAFE standards—that is to say, the Corporate Average Fuel Economy standards—relating to gas mileage of automobiles.

In that Dear Colleague letter, we indicated there would be a sense-of-the-Senate resolution on that subject that would come before the Senate during the course of the debate on this Transportation appropriations bill. The reason we had adopted that course of action, identical to the course of action we took last year, is that the Senate bill itself has no reference, one way or another, to automobile and small truck fuel economy. The House bill, however—as it has for at least 10 consecutive years—prohibits the use of any funds appropriated in this bill for even the study of increasing the mandated fuel economy of automobiles and small trucks in the United States.

As a consequence, it seemed to us the only way we could get at this subject, and perhaps reverse that very head-in-the-sand policy that has plagued us for so long, was somehow or another to express the views of the Senate on the subject.

A year ago, 40 Senators voted with us, if my memory serves me correctly; 57 voted against us.

This year, however, the situation on appropriations bills has changed. It has changed effectively by the readoption of rule XVI and the extension of rule XVI, not only to substantive amendments but to sense-of-the-Senate amendments as well. As a consequence, we now need to notify our colleagues we will deal with this question in a different fashion.

The proponents of better fuel economy standards have not yet met formally to discuss our various alternatives, but in my view they are basically two in nature. Technically, what is before us at this point is the House bill, including the prohibition against spending any money on Corporate Average Fuel Economy standards, with an amendment that strikes everything after the enacting clause and substitutes the Senate-reported bill for the House bill.

So at this point, an amendment is in order to strike that funding prohibition in the House bill, which will give us a direct vote on the issue, though that House provision, together with every other House provision, will eventually be stricken in any event by the adoption of the Senate amendment.

Our other option is to wait until the end of the debate, wait until final passage of the Transportation appropriations bill, and make a motion to instruct the Senate conferees to uphold the Senate position, something the Senate conferees have notoriously failed to do during the course of the last decade.

I am inclined to favor that latter course of action, but the group has not yet made its decision. But we do wish all of our colleagues to know we are not going to be engaged in any procedural legerdemain by any stretch of the imagination. We will be debating this issue. We regard the issue as vitally important.

Perhaps most significantly, I should like to say the ground of the debate may be somewhat different from the debate a year ago, for several reasons—at least three in number. The first of those reasons is we were still living as a country in a fool's paradise a year ago, a fool's paradise of abnormally low retail prices for gasoline. During the course of the last 12 months, of course, we have been subjected to a huge runup in gasoline prices motivated almost entirely by the reanimation of OPEC and its throttling back on petroleum production among its various members.

This left us earlier this year with what I considered to be the humiliating spectacle of a Secretary of Energy traveling from one OPEC country to another, hat in hand, asking those OPEC countries: Please, please, please, resume higher production of your product and, thus, lower those product prices.

The point was that we had no bargaining ability as the United States of America whatsoever to accomplish that goal, and while there was a brief respite, though nothing like a return to the original status quo in gasoline prices, we now know they are, once again, very much on the rise: increases of 30 to 50 cents a gallon in many places in the Midwest that have special air pollution requirements, the highest prices reported yesterday in the Washington Post, perhaps forever.

We can look forward with apprehension but with a real expectation of regular gasoline prices hitting $2 a gallon in the relatively near future. I cannot possibly emphasize enough the fact that this is a pricing structure that is simply beyond our control because we have allowed ourselves to become so dependent on foreign oil. The largest single percentage of our trade deficit, which is itself alarmingly high, is due to the importation of foreign oil. We have three possible answers to that question: We must either increase domestic production, encourage to an even greater extent than we do the use of alternative fuels, or to use the fuels we have more efficiently and more effectively. The latter not only has a very positive impact on the cost of gasoline to every consumer in the United States but also will, in a very significant fashion, help clean up our air. We will bring this subject up once again.

Second is the proposition that last year we were told—I am not sure entirely accurately—the law under which fuel economy was mandated did not allow the Department of Transportation to consider the safety of vehicles that would be designed to meet these standards.

It is our explicit intention this year, whatever the validity of that argument, to allow the Department of Transportation, in fixing new corporate average fuel economy standards, to consider factors of safety. That was a major argument a quarter of a century ago against the original CAFE standards. We were told everyone would be driving a subcompact and death rates would go up markedly. We

are not driving subcompacts. Our highways are far safer than they were 25 years ago, and will be, again, I am convinced, if we once again significantly increase our mandated fuel economy. In any event, we are explicitly allowing that consideration.

Third, whether one is on this side of the political aisle or the other side of the political aisle, it is obvious this process will not be completed during the course of this administration. It will be another administration, whether a Democratic or a Republican administration, that will make that final decision, and the final decision will, for all practical purposes, be subject to the same kind of prohibition that has prevented the study of corporate average fuel economy for the last two and a half decades.

This is a vitally important matter. I commend Chairman SHELBY and Chairman STEVENS, once again, for not including any such prohibition in the Senate bill. This time we want the prohibition stricken from the final package, as well as not being included in the Senate bill itself. It seems to me to be paradoxical and foolish that the United States of America should consistently say, in spite of our magnificent technologies, in spite of the huge advances in technologies in the last couple of decades, that this is a subject we will not even study. And that, in effect, is what the present law requires of us.

It makes Luddites of us. It says we are afraid of such a study. It is perfectly acceptable to increase our dependence on petroleum products each and every year; that in spite of the technology, we are going to be as ostriches with our heads in the sand and not go forward at all.

I believe that to be an indefensible position, but as I say, this is just simply both the invitation to join us in this cause and a statement that there will be a vote on this issue. Whether in the form of an amendment to the House bill or in the form of instructions to the conferees is not yet certain.

There will be plenty of additional time to debate this issue, and debate it we will and vote on it we will. I am confident of a greater number of votes this year, for the reasons I have already outlined, than was the case last year. I hope my colleagues will join me in saying the United States will, once again, lead not only in abstract technology but in applied technology, and begin at least not only to clean up our air but to reduce our dependence on foreign oil, and save money for our constituents every single day of their lives in which they drive automobiles and trucks.

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

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

AMENDMENT NO. 3427 TO AMENDMENT NO. 3426

(Purpose: To provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.)

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

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself and Mr. ASHCROFT, proposes an amendment numbered 3427 to amendment No. 3426.

Mr. DORGAN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS.

(a) SHORT TITLE.—This section may be cited as the ''Interstate Transportation of Dangerous Criminals Act of 1999'' or ''Jeanna's Act''.

(b) FINDINGS.—Congress finds that—

(1) increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners;

(2) often times, these trips can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country;

(3) escapes by violent prisoners during transport by private prisoner transport companies have not been uncommon; and

(4) oversight by the Attorney General is required to address these problems.

(c) DEFINITIONS.—In this section:

(1) CRIME OF VIOLENCE.—The term ''crime of violence'' has the same meaning as provided in section 924(c)(3) of title 18, United States Code.

(2) DRUG TRAFFICKING CRIME.—The term ''drug trafficking crime'' has the same meaning as provided in section 924(c)(2) of title 18, United States Code.

(3) PRIVATE PRISONER TRANSPORT COMPANY.—The term ''private prisoner transport company'' means any entity other than the United States, a State or the inferior political subdivisions of a State which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of the inferior political subdivisions of a State, or any attempt thereof.

(4) VIOLENT PRISONER.—The term ''violent prisoner'' means any individual in the custody of a State or the inferior political subdivisions of a State who has previously been convicted of or is currently charged with a crime of violence, a drug trafficking crime, or a violation of the Gun Control Act of 1968, or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

(d) FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(2) STANDARDS AND REQUIREMENTS.—The regulations shall include, at a minimum—

(A) minimum standards for background checks and preemployment drug testing for potential employees;

(B) minimum standards for factors that disqualify employees or potential employees similar to standards required of Federal correction officers;

(C) minimum standards for the length and type of training that employees must undergo before they can perform this service;

(D) restrictions on the number of hours that employees can be on duty during a given time period;

(E) minimum standards for the number of personnel that must supervise violent prisoners;

(F) minimum standards for employee uniforms and identification, when appropriate;

(G) standards requiring that violent prisoners wear brightly colored clothing clearly identifying them as prisoners, when appropriate;

(H) minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate;

(I) a requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction and that if unscheduled stops are made, local law enforcement should be notified in a timely manner, when appropriate;

(J) minimum standards for the markings on conveyance vehicles, when appropriate;

(K) a requirement that in the event of an escape by a violent prisoner, private prisoner transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner;

(L) minimum standards for the safety of violent prisoners; and

(M) any other requirement the Attorney General deems to be necessary to prevent escape of violent prisoners and ensure public safety.

(3) FEDERAL STANDARDS.—Except for the requirements of paragraph (2)(G), the regulations promulgated under this section shall not provide stricter standards with respect to private prisoner transport companies than are applicable to Federal prisoner transport entities.

(e) ENFORCEMENT.—Any person who is found in violation of the regulations established by this section shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each violation and, in addition, to the United States for the costs of prosecution. In addition, such person shall make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to subsection (d)(1).

Mr. DORGAN. Mr. President, it is my intention, just for purposes of understanding, to speak on this amendment for a few minutes. I understand that some will raise rule XVI on this issue. This is an important issue, and I want to have the opportunity, in this context, to discuss this legislation.

This amendment is in the form of a bill that I have introduced with my colleagues, Senators ASHCROFT, GRAMS,

LEAHY, and others. A bipartisan group of Senators introduced a bill dealing with the interstate transportation of violent criminals around this country.

I want to describe why I think this is important. I have spoken about this on the floor several times in the past.

I show you a picture of a man named Kyle Bell. Kyle Bell is shown standing in this picture in shackles and handcuffs. He is a man who murdered an 11-year-old girl in Fargo, ND. But that was not all of his crime spree. He has committed other unspeakable acts, criminal acts. His criminal behavior culminated in the murder of a young girl named Jeanna North in Fargo, ND.

Kyle Bell was apprehended, sent to trial, and convicted of murder. When convicted of murder in the State of North Dakota, Kyle Bell was to go to the penitentiary to spend the rest of his life. But instead, Kyle Bell was put on a bus that was operated by a private company called TransCor. TransCor is a pretty good size company that hauls prisoners around America by contract. TransCor put Kyle Bell on a bus with about 12 other prisoners. He was being transported, under the Prisoner Exchange Program, to another prison in another State to be incarcerated.

They got to New Mexico. In fact, he was not going south, he was going straight west, over to the State of Oregon. But they got to New Mexico, and this Kyle Bell escaped.

The bus stopped for gas, apparently. One security guard from this private company was buying gas. Another two were asleep in the bus. And another was probably in buying a cheeseburger, as best we can tell. And so with both guards in the bus asleep—Kyle Bell apparently produced a key for his shackles and handcuffs, crawled out the roof of the bus, and while he was in civilian clothing being transferred in this bus, walked through the parking lot of a big shopping center, and they didn't see him again.

Kyle Bell, this child killer, was on the loose for several months. He has now been apprehended and he is back in prison. But I started evaluating what happened. It sounds as if the three stooges were given custody of a convicted child killer: two guards asleep, another guard buying a cheeseburger. What happened here? The more I look at it, the more I understand that there is something fundamentally wrong on our highways.

Do you know we have private companies taking possession of violent offenders, murderers, and others, to transport around the country, and there is not one regulation they must meet in order to hire themselves out as transport companies? You can be a retired county sheriff, and you and your brother-in-law and your wife can rent a minivan and say you are in business to haul prisoners, someone will turn a convicted murderer over to you, and away you go.

Interestingly enough, when they were transporting Kyle Bell, this child killer—he escaped in New Mexico—do you know how long it took them to understand he was gone, that he was not on the bus anymore? Nine hours later they finally counted their prisoners on the bus, to discover they had lost a child killer—9 hours later.

We have a circumstance in this country where when you pull up to the gas pumps next to a minivan or a small bus, you may not know it but you may be pulling up next to a minivan with four convicted murderers being transported by a retired police officer and his brother-in-law.

In fact, in Iowa, a man and his wife, hiring themselves out as a transport company, showed up at a prison to take possession of five convicted murderers and a convicted kidnapper. And the prison warden said: You've got to be kidding me. You and your wife have come to take possession of five convicted murderers and a convicted kidnapper? The Warden said: You've got to be kidding me. But the warden turned the prisoners over to this man and his wife. And, of course, they escaped. It is absurd for us to be turning violent criminals over to private companies that do not have to meet any basic or reasonable standards.

As I indicated, Kyle Bell is now back in prison.

We do not know what he did when he was on the loose. He was on the loose for some long while. They apprehended him in Texas, as a matter of fact.

Then, just a couple of weeks ago, I read in the newspaper that the State of Nevada was going to send a convicted murderer to North Dakota under the Prisoner Exchange Program, a man named James Prestridge. So Nevada was going to send a murderer to North Dakota. James Prestridge, along with an armed robber, escaped in California while being transported. The two of them were gone. Once again, we had apparently a kind of three-stooges approach by the people who were supposed to have been guarding these violent criminals.

They found the armed robber who escaped with Mr. Prestridge just south of the Mexican border with a bullet through his head, dead. They apprehended James Prestridge recently. He is now back in prison.

Here is a man who is serving a life sentence without parole for first-degree murder, and he is turned over to a private company and that private company loses him. Extraditions International is the name of that company.

My proposition is this. When we in our criminal justice system convict violent criminals, convict people of murder, convict Kyle Bell of killing Jeanna North, I do not want those prisoners turned over to a private company that is going to put them in a minivan and transport them across the country with guards who are ill-prepared and ill-trained and follow no procedures. I do not want that to happen.

The private companies, if they are going to transport criminals across State lines in this country, ought to have to meet basic standards.

The amendment I have introduced—again, a bipartisan amendment—says the Department of Justice should establish regulations that must be met by private companies that are going to haul violent offenders. The standards should be no more than the standards that exist for law enforcement when they transport the same criminals.

I should mention, incidentally, the U.S. Marshals Service has a service, for a flat fee, of taking these child killers and violent offenders anywhere in the country. In fact, I don't believe State and local governments ought to contract with private companies to transport violent criminals, as they now do.

The legislation I propose would require that a private company that is preparing to do this must meet basic safety standards with respect to training and other kinds of security circumstances that would give the American people some comfort that they are not in jeopardy by driving down the highway only to confront a minivan or a bus carrying 20 criminals coast to coast.

It might be useful to read into the RECORD other circumstances that persuade me there is something wrong in this area.

On January 22 of this year, three prisoners escaped while a van transporting them stopped at a minimart for a restroom break. While the two guards weren't looking, two inmates jumped into the front seat where the keys had been left in the ignition. How much judgment did that take? You are hauling criminals around the country. You stop at a gas station to go to the bathroom. You leave the keys in the vehicle. I am sorry; something is wrong. It is serious.

On July 24, last year, two men convicted of murder escaped from a van while being transported from Tennessee to Virginia. The two guards went into a fast food restaurant to get breakfast for the convicts. When they returned, they didn't notice the convicts had freed themselves from their leg irons, possibly with a smuggled key. While one guard went back into the restaurant, the other stood watch—there is some improvement; at least they are standing watch—but he forgot to lock the van door. The inmates kicked it open and fled.

On July 30, 1997, convicted rapist and kidnapper Dennis Glick escaped from a van while being transported from Salt Lake City to Pine Bluff, AR. While still in the van, Glick grabbed a gun from a guard who had fallen asleep, took seven prisoners, a guard, and a local rancher hostage and led 60 law enforcement officials on an all-night chase across Colorado. He was finally recaptured the next morning.

I won't read all of these, but there are plenty of them.

A husband-and-wife team of guards showed up at an Iowa State prison to transport six inmates, five of them

convicted murderers, from Iowa to New Mexico. When the Iowa prison warden saw there were only two guards to transport six dangerous inmates, he reportedly responded: ''You've got to be kidding me.'' Despite his concerns, the warden released the prisoners into the custody of the guards when told the transport company had a contract. Despite explicit instructions not to stop anywhere but the county jails or State prisons until they reached their destination, the guards decided to stop at a rest stop in Texas. Of course, the rest is predictable. The six inmates escaped, stole the van, led police on a high-speed chase, and so on.

My point is, I wasn't aware, and I will bet most Members of Congress are not aware, that State and local governments are routinely turning violent criminals over to the hands of private companies for transport across this country. Yet there is no basic standard, no set of regulations to guarantee the safekeeping of those violent offenders. I believe there ought to be. Republicans and Democrats who have joined us on this amendment believe there ought to be. That is the purpose of the amendment.

I understand this will probably be subject to rule XVI. I also understand the chairman of the subcommittee, Senator SHELBY, is trying to get this subcommittee markup moving. I sympathize with that. Senator LAUTENBERG wants the same thing. They want to get this through. I fully understand that. I hope the authorizing committee, where we hope to have a hearing on this legislation, will allow us to get that hearing and to advance this matter in another way, if in fact it is subject to rule XVI.

It is my belief, and I think the belief of almost everyone, that something needs to be done in this area to set some commonsense rules. My first choice would be, if you have a violent offender, a criminal who has been judged violent by his or her behavior, they ought never leave the embrace of a law enforcement official. The address of someone convicted of murder ought to be their prison cell until the end of their term, with no time off for good behavior. Convict them and put them in prison.

Instead, what is happening is, too often they are being convicted and then under prisoner exchanges turned over to a private company for transport, only to discover that it is not very secure with respect to this transport: Guards who are ill prepared, vehicles that are not sufficient, procedures that are nonexistent.

Lest one doubt that, when Kyle Bell escaped in New Mexico, a child killer walked off the bus, a vicious child killer walked off the bus. The guards in that bus didn't count heads to find out that 1 of their inmates had escaped for 9 full hours. They didn't miss a child killer for 9 hours. Does anybody think this might be an area ripe for some thoughtful regulations and some thoughtful restraint? I think it is. That is why I offer the amendment.

I thank the Senator for his indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, on behalf of the manager of the bill, I make the point of order that the amendment violates rule XVI.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

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

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

(The remarks of Mr. CONRAD pertaining to the introduction of S. 2729 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise to discuss a matter that will be before the body tomorrow. That is a motion to instruct conferees on an issue we have debated last year and in previous years dealing with corporate average fuel economy, CAFE. That is an acronym that many Americans are not familiar with, but it is something that can have a profound and important impact on their lives. Perhaps a little background will be instructive.

In the early 1970s, our economy was sent into a convulsion as a result of our dependence on imported oil, primarily from the Middle East. The OPEC oil embargo, followed by the fall of the Shah of Iran later in the decade, sent fuel prices skyrocketing, plummeted the economy into a situation known as ''stagflation,'' and the effect was devastating.

Congress responded in 1974 with a piece of legislation designed to make the U.S. less dependent upon foreign oil and to provide for better fuel economy, thereby saving American consumers millions of dollars each year in fuel costs and improving the quality of the air and reducing our trade deficit.

In 1974, before these CAFE or fuel economies were established for the first time, the average fuel economy of all vehicles in America was 13.8 miles per gallon. As a result of those CAFE standards adopted in 1975, the current average is 28.1 miles per gallon. That is slightly more than twice the average economy in 1974. The effect of that has produced each and every day a savings of 3 million barrels of oil that would otherwise have been consumed.

That issue was not an easy issue for the Congress to deal with in 1974 because testimony before the congressional committees suggested if such standards were required, and they were set on an incremental basis to be expanded over the course of a decade, it was asserted that terrible things would happen in terms of consumer choice and size of the vehicle. In 1974, the Ford Motor Company testified this proposal for the fuel economy standards, which ultimately doubled fuel economy, would require a Ford product line consisting of either all sub-Pinto-sized vehicles—some may recall that was the smallest automobile that Ford made at the time—or some mix of vehicles ranging from a ''sub-subcompact'' to perhaps a Maverick. The clear thrust of the testimony is, if these fuel economy standards are imposed upon the industry, a full-sized four-door vehicle would be impossible to produce.

Let me skip for a moment to the present. Today, the largest automobile—I am not talking about a sport utility vehicle—that Ford makes has better fuel economy than the smallest produced in 1974. There is, indeed, a full range of vehicle choice available to American consumers.

Chrysler Motors also joined in with the Big Three and made this statement in 1974:

> In effect, this bill would outlaw a number of engine lines and car models, including most full-sized sedans and station wagons. It would restrict the industry to producing subcompact-sized cars—or even smaller ones.

That was the testimony by Chrysler.

General Motors went on to say:

> This legislation would have the effect of placing restrictions on the availability of 5 and 6 passenger cars—regardless of consumer needs or intended use of vehicles.

Once this legislation was enacted, the automotive industry, with some of the best and brightest engineering minds anywhere in the world, went to work. Indeed, astonishing technological developments occurred and today Americans enjoy a full range of automobiles in terms of size and choice. We have been successful in saving 3 million barrels of oil each and every day, reducing to some extent our dependence on imported foreign fuel and alleviating, in part, the trade deficit.

Unfortunately, no new fuel requirements have been enacted since 1975. Once again, the auto industry is suggesting that if, indeed, new fuel economy standards are required, that customer choice, size of vehicle, and a whole host of safety concerns, will place the American public at risk.

I am not sure what it is. I happen to be an automobile buff. I am of the age that I can recall the excitement of the introduction each year of the new models, the changes and the configuration of lights, the chrome, the fins, all of the things that in my generation were pretty exciting stuff. And I love automobiles today.

So I come to the floor as a Member of this body not with any antipathy toward automobiles. I freely acknowledge both my dependence and my love of the American automobile. However, I must say there is something that

must be part of a corporate culture in the auto industry which has resisted over the years virtually any significant technological improvement dealing with fuel efficiency, safety, or air pollution.

For decades, the automobile industry resisted the introduction of airbags. It took my colleagues, Senator GORTON and I, a decade ago to get that language changed. Today, Americans have a choice in their safety. Many lives have been saved as a result of that. But the auto industry strenuously resisted that effort.

Indeed, when catalytic converter technology came online, even though the engineers acknowledged its significance, there was great resistance to requiring the introduction of catalytic converters. Our air is cleaner, our tailpipe emissions substantially less. Some of the major cities of America that still struggle with pollution now have perhaps twice as many vehicles on the road, but their air is cleaner than it would have been but for these technological advancements.

There must be something in the corporate culture of the automobile industry that resists this technology. These are remarkably able and talented engineers, the best and brightest. I wish they had more confidence in themselves.

We are placed in an anomalous situation wherein none of the technology that has been available for the past quarter of a century, 25 years, that might have enabled us to move forward and to improve fuel economy, to reduce our dependence on imported oil, has been used to help improve quality.

Since 1975, a rider has been added in the other body to this appropriations bill that prevents the Department of Transportation from even considering, even looking at any technological changes. In effect, it is a provision that requires us all to be deaf, dumb, and blind to any technology that has been developed in the last quarter century. I need not remind my colleagues and the American public that the last 25 years has been the most remarkable quarter of a century since human history was recorded in terms of technological advances; 25 years ago all but a handful of people would have been totally mystified if the term ''Internet'' was used. E-commerce was not a part of our conversation. Nobody discussed e-mail or m-commerce. Indeed, most Americans had never heard of cellular telephones. I just cite but two of the more obvious and more dramatic technological changes that have had a profound impact upon our economy.

Here are the facts that we confront today. Unfortunately, once again in America we are becoming increasingly dependent on foreign oil. Mr. President, 54 percent of the oil consumed in America is imported.

That leaves us vulnerable to the vicissitudes of foreign policy considerations, instabilities, and political crises in the other parts of the world. Our thirst for fuel continues. Now, even more timely, we are seeing the price of gasoline rise to record levels. Earlier in the year it achieved a high point, then dropped down, and now, with the onset of the heavy driving season in the summer, we are seeing those prices increase. So Americans are beginning to get hit in the pocketbook. About 40 percent of all the oil we consume in America is consumed by automobiles and light trucks or the sport utility vehicles.

So we have an opportunity to consider a number of public policy issues. No. 1, is it possible to achieve improved fuel economy, still leaving us a range of choice in selection of our vehicles? Would anyone argue that would be a bad result if it could be achieved? Fuel costs are responsible for roughly a third of the enormous trade deficit we generate each year in this country, the one economic indicator—in a field which otherwise has nothing but bright horizons in front of us—that is troubling to us economically. We cannot long sustain those kinds of trade imbalances, not for an indefinite period of time.

So we have the opportunity, by a policy initiative, to perhaps reduce at least the one-third of that trade deficit that is attributed to the foreign oil we import each year. Would anyone argue it would be a bad policy for us to be less dependent and, therefore, to reduce our trade deficit to an extent by improving fuel economy? I think not.

I believe this past winter was the warmest on record in the Northeast. There is no question dramatic changes are occurring to our climate. Not everyone will agree those are attributable to global warming, but I think there is a growing consensus in the scientific sector that global warming is for real, that there is an impact that is occurring. One of the elements that contributes to that global warming is carbon dioxide emissions. With improved fuel economy, we reduce those emissions.

So there are three public policy initiatives that could all benefit if we could improve fuel economy. We would reduce the amount of fuel we consume in the automotive sector; we could reduce our trade imbalance; we could improve the quality of air; and as Americans are increasingly concerned about the price of filling up at the gas station, we could save Americans millions and millions of dollars each year.

Notwithstanding all those positive public policy potentials, we are left with a situation that the legislation before us will preclude the Department of Transportation from even looking at the possibility that an increase could occur. So the purpose of the motion to strike, which Senator GORTON and Senator FEINSTEIN and I and others will be offering tomorrow, is not to set a standard at a precise or numerical number—that was done in 1975—but simply permitting the Department of Transportation to examine the technology that has been developed in the last 25 years.

I believe it is almost impossible to argue that in a quarter of a century there is not new technology that could be applied to automobile efficiency that would not enable us to improve fuel economy. To resist that argument is akin to saying, as some did in the early part of the 19th century, we ought to lock up the U.S. Patent Office and close it down because everything that can be invented has already been invented; there are no new inventions. That is utter folly. We know the technology of the last 25 years has been remarkable, extensive, and pervasive in its impact.

So our plea tomorrow as we go to the floor will be: Unmuzzle, unshackle, allow us to remove the blindfold and look at the technology in a way we can improve fuel economy, in a way that will produce real benefits for consumers, reducing the amount they have to pay, helping clean up the environment, reducing the trade deficit, and reducing our dependence on foreign oil.

These are public policy issues that we ought to be able to examine without the restrictive riders that have been added each year since 1995. I look forward, as part of a bipartisan effort, to continuing this discussion and argument tomorrow as we further process this legislation. My purpose today is simply to alert my colleagues that this debate will occur sometime tomorrow and ask them—indeed, plead with them—to simply allow us to look at the technology.

We are not mandating anything. We are not setting any standards. We are not making any policy judgments or pronouncements other than let's take a look at what the technology of the last quarter of a century might make possible and see if we cannot get better fuel economy, particularly on the sport utility vehicles and light trucks that today make up such a substantial part of the product mix that Americans are purchasing for their personal transportation.

I yield the floor.

I do not believe any of my colleagues seek recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I now ask unanimous consent that the following amendments be the only first-degree amendments in order to the pending Transportation bill and subject to relevant second-degree amendments only.

They include:

Three amendments by Senator MCCAIN: One on Big Dig, one on airport revenue, and one relevant;

One amendment by Senator GORTON on CAFE;

One amendment by Senator ALLARD on debt repayment;

Two amendments by Senator COCHRAN: One technical amendment and one relevant;

One amendment by Senator COLLINS on SOS on high gas prices;

One relevant amendment by Senator WARNER;

One amendment by Senator VOINOVICH on passenger rail flexibility;

The managers' package by Senator SHELBY, and two relevant amendments;

One amendment by Senator NICKLES on BAC;

One relevant amendment by Senator GRAMM;

One amendment by Senator DOMENICI on rural air service;

One amendment by Senator BAUCUS on the Beartooth Highway;

Two relevant amendments by Senator BYRD;

One amendment by Senator BOXER on proposed rule on trucking;

One relevant amendment by Senator CONRAD;

Two relevant amendments by Senator DASCHLE;

One relevant amendment by Senator FEINGOLD;

One amendment by Senator FEINSTEIN on farm worker safety;

One sense-of-the-Senate amendment by Senator KOHL on Coast Guard funding;

Two relevant amendments by Senator LAUTENBERG;

Two amendments by Senator LEAHY: One on nonpublic personal disclosure, and one which is relevant;

Three relevant amendments by Senator LEVIN;

Two relevant amendments by Senator REED;

Two amendments by Senator ROBB: One on the Bristol Rail, and one on the Coal Fields Expressway;

Two relevant amendments by Senator TORRICELLI;

One relevant amendment by Senator WELLSTONE;

And, two relevant amendments by Senator WYDEN.

Mr. President, Senator DOMENICI wants to be added as one amendment to that list. It is described as rural air services.

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

Mr. STEVENS. Mr. President, I hope in the morning or early afternoon we can obtain consent on a time for these amendments to be filed so we can determine what we can work out, what we can accept, and what will have to be debated and voted on.

I also am anxious to deal with the problem of adoption of the basic bill that has come to the Senate from the Appropriations Committee. I would like to also have that resolved tomorrow early in the afternoon, if possible.

I am constrained to say as chairman of the committee that this year is passing very quickly. We are now well into June. We have to have all of these bills finished by July before we go to the recess and the conventions during the August recess.

I urge Members to help us define the amendments that they wish to offer and enter into time agreements once we are certain they are going to offer them.

I thank the managers of the bill. I thank my friend, the chairman of the committee, and the ranking member for what they are doing. I am hopeful we can move this bill along. We have other bills that will be ready to go as soon as this one is finished.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I salute the fact that the appropriations chairman is anxious to get this finished. The subcommittee chairman and I are also anxious.

But the one thing that concerns me—and I am not going to object to the request that was made—is this: Normally, there is a time lapse for filing the report during which there is time to review the report. Suddenly, we are at a pell-mell pace. I want to get it finished.

I think it is fair to Senator SHELBY, myself, and the Appropriations Committee chairman to make sure this doesn't trample on anybody's rights so that Senators have the opportunity to review. We are picking up the pace considerably. Thus far, we have had three bills: MILCON, legislative, and Defense. So we are not in the back of the pack by a long shot.

This is a bill in which lots of people have an interest. I want to ensure that our people have a chance to look at the report which was filed today. It won't even be seen until tomorrow. We may have to stretch our tolerance level a little bit to give folks a chance. I don't want to drag my feet. Certainly, the Senator from Alabama knows that. I want to be cooperative, and I want people to respond.

It is always a frustrating experience when we bring a bill to the floor when time goes by and people who want to offer amendments don't bring them down.

I hope someday there will be reform—it won't be during my tenure—that says if you have amendments, you have to bring them up but that you have every right to examine the documents that relate to a bill before you are crowded out in a stampede. I offer that as a suggestion.

Mr. SHELBY. Mr. President, is the unanimous consent request made by Senator STEVENS, the chairman of the full Committee on Appropriations, before the Senate right now?

The PRESIDING OFFICER. That has already been agreed to.

Mr. SHELBY. What is the pending business at the moment?

The PRESIDING OFFICER. The substitute amendment is the pending business.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3428 TO AMENDMENT NO. 3426

(Purpose: To modify a highway project in the State of Iowa)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] for Mr. HARKIN, for himself and Mr. GRASSLEY, proposes an amendment numbered 3428.

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

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

The amendment is as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . MODIFICATION OF HIGHWAY PROJECT IN POLK COUNTY, IOWA.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1006 (112 Stat. 294) by striking ''Extend NW 86th Street from NW 70th Street'' and inserting ''Construct a road from State Highway 141''.

Mr. SHELBY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent a vote occur in relation to the pending amendment at 5:40 p.m. and no second-degree amendments be in order prior to the vote.

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

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. LAUTENBERG. 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. LAUTENBERG. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 3428. The question is on agreeing to amendment No. 3428. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—97

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Roth
Bryan	Helms	Santorum
Bunning	Hollings	Sarbanes
Burns	Hutchinson	Schumer
Byrd	Hutchison	Sessions
Campbell	Inhofe	Shelby
Chafee, L.	Inouye	Smith (NH)
Cleland	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerrey	Stevens
Coverdell	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Voinovich
Dodd	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	
Enzi	Lott	

NOT VOTING—3

Domenici	Moynihan	Rockefeller

The amendment (No. 3428) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3426

Mr. SHELBY. Mr. President, I ask unanimous consent that the pending amendment be agreed to, which is the committee substitute for the House bill, and the amendment be treated as original text for purposes of further amendment, and that no points of order be waived.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The amendment (No. 3426) was agreed to.

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate resumes the Transportation bill at 9:45 a.m. in the morning, Senator VOINOVICH be recognized to offer his amendment regarding passenger rail flexibility.

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

Mr. SHELBY. Mr. President, in light of this agreement, on behalf of the leader, I announce that there will be no further rollcall votes tonight.

It is the hope of the managers—Senator LAUTENBERG and I—that this bill will be passed by 1 p.m. on Thursday, tomorrow. All Members have a lot in this Transportation appropriations bill. I hope all Members who have amendments will come forward. A lot of Members are already coming. We are working them out. If we work together, I think we can work this out tomorrow.

Mr. STEVENS. Mr. President, I thought there was supposed to be a time agreement for a vote on the amendment of Senator VOINOVICH. Was that not in the agreement?

Mr. SHELBY. It is not.

Mr. STEVENS. I hope early in the morning we can get an agreement for a specific time so we can move this bill forward. The other body is working on the Health and Human Services bill. We have already reported that bill out of committee. We were able to take that bill up. We also have the foreign assistance bill that will be ready to be taken up on the floor as soon as the House passes it. I hope we will be able to finish this bill early tomorrow afternoon.

I thought we were going to get an agreement to vote on the Voinovich amendment early tomorrow morning. But I hope we will be able to meet early in the morning and get some timeframe on that amendment. I hope my friends on the other side will agree with that.

We are coming in at 9:45, and the Voinovich amendment will be the first amendment. But there is no time limit to vote on it.

We are hopeful we can finish this bill sometime early in the afternoon, at 1 o'clock or so, go back to the Defense bill, and be ready to take up another appropriations bill on Friday morning, the next day.

I hope the parties will consider doing what we did in the Defense bill and set a time limit for when these amendments that were listed in this agreement will be filed tomorrow so we can take a look at them and, hopefully, work many of them out without a vote.

Mr. REID. Mr. President, I say to the managers of the bill and to the chairman of the full committee that on our side, in regards to the Transportation appropriations bill, we believe we are in very good shape to move forward just as quickly as the other side. We had one amendment we were concerned about that would take a lot of time, but the Senator stated that it will not be offered.

We are at a point where we think, if the Voinovich amendment doesn't take very long, we can finish this fairly quickly.

MORNING BUSINESS

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

BROADBAND TAX INCENTIVE BILL

Mr. BURNS. Mr. President, I rise to today in support of a bill I introduced last week along with my friend Senator MOYNIHAN and 26 other members on both sides of the aisle. The bill, S. 2698, the Broadband Internet Access Act of 2000, crates tax incentives for the deployment of broadband (high-speed) Internet services to rural, low-income, and residential areas.

This bill will ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

The legislation provides graduated tax credits to companies that bring qualified telecommunication capabilities to targeted areas. It grants a 10-percent credit for expenditures on equipment that provide a bandwidth of 1.5 million bits per second (mbps) to subscribes in rural and low-income areas, and a 20-percent credit for delivery of 22 mbps to these customers and other residential subscribers.

This bill has been endorsed by a number of organizations, including Bell Atlantic, MCI/Worldcom, Corning Incorporated, the National Telephone Cooperative Association, the Association for Local Telecommunications Services, the United States Distance Learning Association, and the Imaging Science and Information Systems Center at Georgetown University Medical Center.

Mr. President, in a few short years, the Internet has grown exponentially to become a mass medium used daily by over 100 million people worldwide. The explosion of information technology has created opportunities undreamed of by previous generations. In my home state of Montana, companies such as Healthdirectory.com and Vanns.com are taking advantage of the global markets made possible by the stunning reach of the Internet.

The pace of broadband deployment to rural America must be accelerated for electronic commerce to meet its full potential, however. Broadband access is an important to our small businesses in Montana as water is to agribusiness.

I am aware of all of the recent discussion regarding the ''digital divide'' and I am very concerned that the pace of broadband deployment is greater in urban than rural areas. However, there is some positive and exciting news on this front as well. The reality on the ground shows that some of the ''gloom and doom'' scenarios are far from the case. By pooling their limited resources, Montana's independent and cooperative telephone companies are doing great things. I encourage my colleagues to support this bill.

AGRICULTURAL RISK PROTECTION ACT

Mr. GRASSLEY. Mr. President, recently Congress passed the Agricultural Risk Protection Act. This legislation provides reform for the Federal Crop Insurance Program, economic assistance to farmers, and the establishment of new, innovative programs to assist the agricultural community. One of the innovative programs established in the bill is what I have termed the Agriculture Marketing Equity Capital Fund.

The Agriculture Marketing Equity Capital Fund will assist independent grain and livestock producers nationwide develop new value-added agricultural opportunities. Independent producers will use these funds to develop business plans, feasibility studies, and business ventures with packers and processors.

While I was able to garner the support of many of the nation's largest commodity organizations, I met fierce opposition from the American Meat Institute's Washington lobbyists. My floor statement during the debate over the crop insurance conference report was highly critical of their efforts. It is not my intent to attack the individual members of AMI, but I believe it is important that they understand my position.

AMI's Washington lobbyists misrepresented the provision. A story written within ''Inside AMI'' recently explained:

> Senator Chuck Grassley pushed conferees to provide for a $35 million Agriculture Marketing Equity Capital Fund. The proposal was yet another attempt to fund an NPPC proposal that seeks to secure government funding to establish a national pork cooperative and use government funds to buy, build or purchase equity in a pork slaughter and processing facility.

This a blatant misrepresentation of the facts. My provision never had anything to do with publicly financing the construction of a pork plant.

My staff did contact AMI's Washington lobbyists who explained the opposition was based on the possibility of government-funded competition and specifically that funds would be used to develop a plant. In good faith, my staff offered AMI's Washington lobbyists an opportunity to offer their input on the legislation.

I cannot guarantee that AMI's input would have been acceptable to me, but we will never know if a mutually beneficial position could have been established because my office never received a response. I have been a friend of the agriculture community for a very long time. I am disappointed and dismayed by the way this was handled by AMI's Washington representatives.

As I promised in my crop insurance floor statement, I am today asking unanimous consent to place a list of AMI's member companies in the CONGRESSIONAL RECORD. Once again, I'm not saying that every processor or packer on this list knew what AMI's Washington lobbyists were doing, but I hope to inform every member what happened and why independent producers won't have the funds to reach out to processors in joint ventures and receive working capital to help everyone survive and thrive. I am also enclosing the text of a letter I recently sent to AMI's members.

It is my hope that members of AMI see the value of my efforts and work with me in the future to improve the plight of the independent producer. Providing stability to family farmers through joint ventures with AMI's membership would only serve to benefit both parties in the long-run.

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

JUNE 9, 2000.

DEAR AMI MEMBER: I am writing to express how disappointed I am with your Washington lobbyists and their efforts to misrepresent and thus undermine my attempts to help American farmers.

You may have read a recent ''Inside AMI'' story claiming that, ''Senator Grassley pushed conferees to provide for a $35 million Agriculture Marketing Equity Capital Fund. The proposal was yet another attempt to fund a National Pork Producers Council proposal that seeks to secure government funding to establish a national pork cooperative and use government funds to buy, build or purchase equity in a pork slaughter and processing facility.''

This claim is a blatant misrepresentation of the facts. The truth is that the provision your lobbyists were attacking had nothing to do with publicly financing the construction of a pork plant. These funds are intended to be used by independent grain and livestock producers to develop business plans, feasibility studies, and business ventures with packers and processors. While some may believe the truth is no longer relevant in Washington, D.C., that attitude will be given no quarter in dealings with me.

My staff reached out to your's to make certain they understood the error in their representations of my proposal, as well as to request alternative suggestions. No response ever came. Unfortunately, many of my colleagues were misled by your staff, and my proposal was gutted.

I wanted you to hear directly from me because I have had a long and positive working relationship with many AMI members over the years and I hope that this can be the case in the future. I believe, however, that it would be appropriate to investigate for yourself the concerns I have raised about your Washington representatives.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

P.S.: I have included a copy of my floor statement for your review.

AMERICAN MEAT INSTITUTE MEMBERS

Bar-S Foods Co.
Birchwood Foods—Division of
Kenosha Beef Int'l.
Burke Corporation
Coleman Natural Products, Inc.
DeAns Pork Products
Devault Foods
Diamond Stainless
Evans Food Products Company
Fresh Mark, Inc.
E.W. Knass & Sons, Inc.
F. Wardynski & Sons, Inc.
Farmlands Foods, Inc.
Foodbrands America, Inc.
Fred Usinger, Inc.
Julian Freirich Company
Greater Omaha Packing Co., Inc.
Harrington's in Vermont, Inc.
Hormel Foods Corporation
Huisken Meats
Indiana Packers Corporation
Jac Pac Foods Ltd.
Johnsonville Foods
Kowalski Sausage Company, Inc.
Maverick Ranch Lite Beef, Inc.
MPCA, Inc.
Norbest, Inc.
Omaha Steaks, Inc.
Provimi Veal Corporation
Stevison Ham Company
Sun-Husker Foods, Inc.
Taylor Packing
Wegmans Food Markets, Inc.
Wright Brand Foods, Inc.
Certified Angus Beef Program
Foodcomm International
International Natural Sausage Casing Association
KoSa
Meat and Livestock Australia
New Zealand Meat Producers Board
Packaging Digest Magazine
The Schroeder Group
ABC Research Corporation
A.C. Legg Inc.
Advanced Instruments Inc.
AEW Thurne, Inc. Ltd.
Alfacel, Inc.
ALKAR
Amana Appliances
American Engineering Corporation
Aspen Systems
Bell-Mark Inc.
Bell Paper Box, Inc.
Bettcher Industries, Inc.
BioControl Systems, Inc.
Blentech Corporation
BOC Gases
Bolton & Menk, Inc.
Bridge Machine Co., Inc.
Bunzl Distribution USA
Carruthers Equipment Company
Carter & Burgess, Inc.
Cretel Food Equipment Inc.
Custom Metalcraft, Inc.
CVP Systems, Inc.
DAPEC, Inc./NUMAFA USA
Deltrak, Inc.
Dewied International, Inc.
The Dupps Company
Equipment Exchange Company of America
The Facility Group
The Ferrite Company
Flavex Protein Ingredients—Division of Arnhem, Inc.
FoodUSA.Com
Foss North America, Inc.
FPEC CORP of Arkansas
F.R. Drake
G.B.C-111 International, LTD.
General Machinery Corporation
GlobalFoodExchange.com
Grain Processing Corporation
Grote Company
The HACCP Consulting Group, L.L.C.
Handtmann, Inc.
Hansen-Rice, Inc.
Hantover, Inc.
Harpak, Inc.
The Haskell Co.
HDR Engineering, Inc.
Heat and Control, Inc.
Henningsen Cold Storage Company
Hollymatic Corporation
Hutchison-Hayes Separators, Inc.
Hyder North American, Inc.
Hydrite Chemical Company
IDEXX Laboratories, Inc.
International Casings Group, Inc.
J.M. Swank Company
Jem Analytical Laboratory Services
JetNet Corporation

Jif-Pak Manufacturing, Inc.
Koch Supplies Inc.
Le Fiell Company
Linker Machines
Loma International, Inc.
Mahaffy & Harder Engineering Company
Maja Equipment
Marlen Research Corporation
Mepaco/Apache Stainless Equipment Corp.
Mettler Toledo
Mince Master
Nalco Chemical Co.
Neogen Corporation
New Science Management
Norwood Marking Systems, Inc.
NSF International
NuTEC Manufacturing, Inc.
Planet Products Corporation
Prime Prodata, Inc.
Prime Label Consultants, Inc.
Remco Products Corporation
Ross Industries, Inc.
Rudolph Industries
Russell Harrington Cutlery Co.
Karl Schnell, Inc.
Sensitech, Inc.
S.F.B. Plastics, Inc.
Silliker Laboratories Group
Speco, Inc.
The Stellar Group
Strahman Valves, Inc.
Tipper Tie, Inc.
Treif USA, Inc.
Triton Commercial Systems
Unitherm Food Systems
Vande Berg Scales
CV999 Packaging Systems
Waterlink/Hycor
Whizard Protective Wear Corporation
York Saw & Knife
Zer-O-Loc Insulated Panel & Door Systems

VICTIMS OF GUN VIOLENCE

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

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

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today, on June 14, 1999:

Juan Avina, 21, San Antonio, TX.
Theodoro Espada, 33, Dallas, TX.
Samuel Foster, 30, Chicago, IL.
Jonathan Hayes, 28, New Orleans, LA.
Johnny Jackson, 21, Detroit, MI.
Jamie Jones, 21, Miami-Dade County, FL.
Frank Ivery Odom, 23, Washington, DC.
Antonio Rodriguez, 20, Kansas City, MO.
Carlos Santiago, 23, Chicago, IL.
Eric T. Smith, 24, Chicago, IL.
Michael Theard, 35, New Orleans, LA.
Lakecia Wesley, 20, Washington, DC.
Unidentified male, 53, Charlotte, NC.
Unidentified male, Newark, NJ.

S. RES. 319

Mr. ASHCROFT. Mr. President, I rise in support of S. Res. 319, which the Senate approved on Friday, during National Homeownership Week. I thank my colleagues for supporting this important resolution which affects the security and welfare of Missourians and all Americans. This resolution addresses the importance of placing quality housing within reach of a greater number of Americans as well as improving housing opportunities for Americans at all income levels. I, along with my colleagues, support the efforts of Habitat for Humanity and ''The House the Senate Built'' project.

As you know, the largest debt most families take on in their lifetimes is a home. Over 65 percent of Americans own a home, as do approximately 80 percent of Americans over the age of 50. This represents real progress. In 1940, fully 56 percent of Americans were renters. Clearly, America has come a long way. People buy homes for different reasons. A home can be a place of safety to raise a family, the potential of financial security, a sense of community. All around Missouri, and across this great nation, couples of all ages agree that buying a home is among the essential steps a family takes to ensure stability and prosperity in their lives.

While homes are a worthwhile investment, they also are expensive. Real estate experts recommend that families buy homes valued at over three times their annual income—a sum far greater than what families could pay back in a year, or two, or even five. So, most Americans take out a mortgage. Once this burden of debt is behind them, they are free to dream new dreams—pay for their children's or grandchildren's education, travel, or make other investments.

Homeownership is an important factor in promoting economic security and stability for American families. The level of homeownership among foreign-born naturalized citizens who have been in the United States for at least six years is the same as the level of homeownership of the Nation as a whole. When families such as these, who are new to our shores, prosper, we as a nation prosper.

This resolution expresses the Senate's concern for improving homeownership in America. The resolution commends the nonprofit housing organization, Habitat for Humanity, and supports their commitment to partner with the United States Senate to strengthen neighborhoods and communities by building simple and affordable homes with low-income buyers. I thank Senator BROWNBACK for offering this resolution and endorse its passage.

ESTATE TAX RELIEF

Mrs. MURRAY. Mr. President, I rise today to express my support for S. 1128, the Estate Tax Elimination Act.

Mr. President, I came to understand the impact of the federal estate tax during my first campaign for election to the U.S. Senate. As I met with hundreds of small businessmen and women, timber lot owners, and farmers and ranchers, I consistently heard the federal estate tax was a major road-block to the long-term success of their family operations.

But when I came to the Senate in 1993, it appeared it would be a long time before Congress could take action on the estate tax, or any other tax issue for that matter. We faced deficits as far as the eye could see. We had to make hard choices about spending cuts and tax relief for the neediest families. I'm pleased that my colleagues and I on the Democratic side made those tough choices in 1993 and in subsequent years. Combined with a strong economy, those tough choices gave us the opportunity to be in the position we are in today.

The effort to roll back the federal estate tax, and provide relief for farms and small businesses, started slowly. In 1995, I joined those efforts by introducing S. 161, the American Family Business Preservation Act. Senator Bob Dole was the prime Republican cosponsor of this measure. With respect to the estate tax, the Murray-Dole bill would have reduced the maximum estate tax rate from 55 percent to 15 percent if the heirs continued to own and operate a business for ten years after the death of the primary owner. Given the limited resources we had, I believed this modest bill was a good step forward.

In 1997, Congress passed the Taxpayer Relief Act, a bipartisan effort to reduce taxes for working Americans. The bill provided for an increase in the estate tax exemption over ten years, and created an additional exemption for small business and farm assets. I supported this bipartisan initiative to provide estate tax relief to my constituents. As it is phased in, this law will help to ensure the very small percentage of estates subject to the estate tax bill grow even smaller.

But we should all recognize the environment has changed. As projected surpluses have grown, the debate about the estate tax has turned from increasing the exemption to outright repeal. Estate tax opponents have made their case for elimination, and it's compelling. The question for me is no longer whether the estate tax will or should be repealed, but how and when it will be repealed. I believe one of the appropriate roles for Democrats in this debate—the same Democrats who helped balance the budget—is to ensure that we promote as progressive an end to the estate tax as possible.

At this moment in time, I believe S. 1128 is the most progressive estate tax repeal vehicle that is under consideration. Instead of taxing an estate when it is transferred to the next generation, it would require heirs to pay a capital gains tax on appreciated value when the asset is sold. This provides an effective mechanism for transferring farm and business assets, while still maintaining a reasonably progressive tax structure.

I understand there is some debate about whether S. 1128 or similar proposals will increase the tax code's complexity. Now that the House has overwhelmingly passed estate tax repeal, we have an ideal opportunity to engage in a serious, thoughtful debate about the current effects of the estate tax and the possible implications of various repeal proposals. I believe by the end of this year, Congress, the Administration, and the American public will have a better understanding of the complex choices we face.

I would like to make it clear that I do not believe estate tax repeal should be the only tax priority of this or future Congresses. There are many inequities, complexities, and inefficiencies in the tax code, many of which affect low- and middle-income working families who need tax relief the most.

In the spirit of helping those who need it the most, I have cosponsored legislation to address the alternative minimum tax and the marriage penalty. In addition, I have cosponsored tax legislation to expand health insurance, improve the infrastructure of our nation's public schools, encourage alternative energy sources, enhance the safety net for farmers and ranchers, and increase the availability of child care and long-term care. Last year, I sponsored tax legislation to protect forest and agricultural land, which passed the Senate in July.

Estate tax relief should certainly be an important component in any agenda to provide relief and economic opportunities to working families and family-owned businesses. Therefore, I support estate tax repeal in the context of a modest, targeted tax cut benefitting working families.

Before the end of the year, Congress and the Administration will likely reach agreement on a reconciliation package. Further reform—if not repeal—of the estate tax should be a part of that package. While repeal may not be possible this year, I look forward to strongly supporting increased exemptions for small business and farm assets. At the very least, we should guarantee a brighter and less complicated future for those families that need estate tax reform the most.

I urge my colleagues to cosponsor S. 1128, and to work toward meaningful action on the estate tax issue before Congress adjourns this fall.

225TH ANNIVERSARY OF THE UNITED STATES ARMY

Mr. GRAMS. Mr. President, Valley Forge, Gettysburg, Normandy, Pusan, Panama, and Kuwait are well-known names in our nation's history. I proudly rise to honor an American institution that has proven its unparalleled greatness time and again in battles such as these. I ask my colleagues to join me in recognizing today as the 225th anniversary of the U.S. Army.

When the Second Continental Congress established the U.S. Army on June 14, 1775, it set forth an organization that has repeatedly faced adversity straight in the eye and never backed down. From fulfilling the promises of the Declaration of Independence to countering Saddam Hussein's aggression in Kuwait, the Army's dedication to our nation's bedrock values and its protection of our cherished freedoms has been exemplary. For more than two centuries, Army personnel have rallied to both defend our American shores and ensure the rights of citizens around the world.

The role of a soldier has changed drastically over the Army's rich, 225-year history. Technological and political changes have altered the battlefield landscape, but the core principles the Army consistently upholds have not changed. Those principles were captured by General Douglas MacArthur in his 1962 address at West Point:

> Duty, honor, country: Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be. They are your rallying point to build courage when courage seems to fail, to regain faith when there seems to be little cause for faith, to create hope when hope becomes forlorn.

While many of the Army's accomplishments have been in battle, others have come during pivotal moments of peace. Since its inception, the Army has been instrumental in humanitarian and disaster relief efforts that have helped countless citizens in their greatest time of need. By helping tornado victims throughout the American Midwest or assisting in the flood-ravaged areas of Mozambique, Army personnel serve honorably.

The Army has a long history of turning ordinary men and women into distinguished soldiers. Currently, there are about 480,000 soldiers on active duty, comprising the premier fighting force in the world. Whether it is the most senior Army general or the soldier standing guard at the North Korean border, the quality of our soldiers is unsurpassed. It is consistently proven that the investment we make in our military personnel today reaps the leaders of tomorrow.

One of my highest priorities here in Congress is maintaining the strength of that important investment, because it is crucial to our future. At the very root of our national security is the well-being of our soldiers. This includes supplying the best technologically advanced equipment in the world and ensuring our Armed Forces are funded at levels that adequately compensate our dedicated servicemen and women.

The dedication and sacrifices demonstrated by millions of Army veterans must never be forgotten, nor should their needs be neglected; honoring the commitments this nation has made to its veterans is vital.

As we celebrate the Army's 225th anniversary today, I encourage all Americans to reflect on the blanket of freedoms we are blessed with, thanks to the sacrifices made by those who valiantly heed the call of duty by serving in the United States Army, both in war and peacetime. I am proud to join my colleagues in congratulating the Army on this impressive milestone.

REPEAL OF THE TELEPHONE EXCISE TAX

Mr. BURNS. Mr. President, I rise today to express my support for a bill which I have co-sponsored. The bill, S. 2330, will repeal federal excise taxes on telephone services.

This tax was first introduced as a temporary luxury tax in 1898 to fund the Spanish American War. However, over 100 years later this tax remain in effect. The definition of temporary should not span an entire century.

This tax is imposed on telephone and other services at a rate of 3 percent. Furthermore, these taxes are not applied to a specific purpose that enhances telephone service in our nation—rather these taxes are directed in the general revenue account. In other words, there is no reason we shouldn't repeal this tax. It means only one thing—Montanans end up paying one more tax to encourage government spending.

As I said a moment ago, this tax was enacted to fund the Spanish American War. Considering that war was ended a mere six months after it began, I feel its time to repeal this tax. Instead, Montana consumers continue to pay this tax on all their telephone services—local, long distance, and wireless.

It is time to eliminate this excise tax. At the time of enactment, this tax was considered a luxury tax on the few who owned telephones in 1898—this tax has now become an unnecessary burden on virtually every American taxpayer. Repealing this excise tax on communications services will save consumers over $5 billion annually.

Furthermore, this tax is regressive in nature. It disproportionately hurts the poor, particularly those households on either fixed or limited incomes, Even the U.S. Treasury Department has concluded in a 1987 study that the tax ''causes economic distortions and inequities among households'' and ''there is no policy rationale for retaining the communications excise tax.''

Rural customers in states like Montana are also disproportionately impacted. This tax is even more of a burden on rural customers due to the fact that they are forced to make more long distance calling comparative to urban customers.

This tax also impacts Internet service. The leading reason why households with incomes under $25,000 do not have home Internet access is cost. If consumers are very price sensitive, the government should not create disincentives to accessing the Internet. Eliminating this burdensome tax can help to narrow the digital divide.

Mr. President, this is a tax on talking—a tax on communicating—a tax on

our nation's economy—I encourage my colleagues to join me in support of this bill to repeal this unnecessary and burdensome general revenue tax.

SEQUENTIAL REFERRAL

Mr. WAXMAN. Mr. President, I ask unanimous consent to have printed in the RECORD my letter to Senator LOTT dated May 8, 2000.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 8, 2000.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: Pursuant to section 3(b) of S. Res. 400 of the 94th Congress, I request that S. 2507, the Intelligence Authorization Act for Fiscal Year 2001, which was reported out on May 4 by the Select Committee on Intelligence, be sequentially referred to the Committee on Armed Services for a period not to exceed thirty days.

With kind regards, I am

Sincerely,

JOHN WARNER,
Chairman.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 13, 2000, the Federal debt stood at $5,651,368,584,663.04 (Five trillion, six hundred fifty-one billion, three hundred sixty-eight million, five hundred eighty-four thousand, six hundred sixty-three dollars and four cents).

Five years ago, June 13, 1995, the Federal debt stood at $4,903,284,000,000 (Four trillion, nine hundred three billion, two hundred eighty-four million).

Ten years ago, June 13, 1990, the Federal debt stood at $3,120,867,000,000 (Three trillion, one hundred twenty billion, eight hundred sixty-seven million).

Fifteen years ago, June 13, 1985, the Federal debt stood at $1,766,874,000,000 (One trillion, seven hundred sixty-six billion, eight hundred seventy-four million).

Twenty-five years ago, June 13, 1975, the Federal debt stood at $528,036,000,000 (Five hundred twenty-eight billion, thirty-six million) which reflects a debt increase of more than $5 trillion—$5,123,332,584,663.04 (Five trillion, one hundred twenty-three billion, three hundred thirty-two million, five hundred eighty-four thousand, six hundred sixty-three dollars and four cents) during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO CAPTAIN VILHELM HANSEN (1917–2000)

• Mr. LIEBERMAN. Mr. President, I submit for the RECORD the following, written by Marshall H. Cohen, photojournalist, and honorary life-member of the Association of Tall Ship, The Danmark, June, 2000.

Captain Vilhelm Hansen passed away at age 82 on May 3, 2000. Captain Hansen was master of the training ship the *Danmark* for twenty-two years from 1964 until his retirement in 1986. He was not only a legendary captain and educator, training thousands of Danish men and women for maritime careers, but also a familiar, and well-liked ambassador of good will to the United States with his ready wit, his unparalleled knowledge of seamanship, and his unbending strong character. Whenever the *Danmark* anchored in various East Coast ports, thousands of Americans, including members of the U.S. Congress, have been welcomed on board this beautiful full-rigged ship.

Captain Hansen received many honors and awards here in the United States. He has been presented with the keys to many U.S. cities, among them, Baltimore. He received the Danish-American Society's ''Man of the Year'' award in New York City in 1987, and this year (June 8, 2000) Captain Hansen posthumously received the National Maritime Historical Society Walter Cronkite Award for Excellence in Maritime Education in a ceremony in Miami, Florida.

The *Danmark* has played a significant role in the maritime history of the United States. In 1939, the *Danmark* was on a routine training mission to the United States when the Second World War began. The Captain at that time, Knud Hansen, was informed that Germany had invaded Denmark, and consequently, the *Danmark* remained in the United States for the duration of the war. The *Danmark* was based in New London, Connecticut, and served as a training ship for U.S. sailors.

The First Officer of the *Danmark* during the war was Knud Langevad, and he was in charge of training more than 5,000 U.S. cadets. He also convinced U.S. authorities of the value of learning basic seamanship on a tall ship, and following the war the U.S. Coast Guard purchased its well-known tall ship the *U.S. Eagle,* to replace the *Danmark.*

Reflecting this special kinship between the two ships, the *Danmark* sails as the first foreign ship behind the *Eagle* in official Tall Ship Parades. It will be so honored again in June and July, 2000 during the millennium voyage of tall ships along the East Coast, from Miami to Boston.

On July 4, 1986 the *Danmark* was honored with the number two position sailing behind the *Eagle* during the Parade of Tall Ships celebrating the 100th birthday of the Statue of Liberty. It was Captain Hansen's final voyage as master of the *Danmark* prior to his retirement that year. Captain Vilhelm Hansen, in his white uniform and gold braided cap, steered his 253 foot ship into the South Street Seaport, New York City, for the last time. He barked his final commands to the officers, switched off the auxiliary engine, and ended his distinguished career during this memorable event in American history.•

TRIBUTE TO LIEUTENANT GENERAL BLOUNT

• Mr. L. CHAFEE. Mr. President, I would like to take a moment to pay tribute to a Rhode Island hero.

Mr. President, Lieutenant General John Bruce Blount was just given an Honorary Doctorate Degree from his alma mater, the University of Rhode Island. A former star athlete, a decorated war hero of two wars, Korea and Vietnam, and a man who helped end the Army-McCarthy hearings of the 1950s, Rhode Islanders were happy to welcome him home.

The Providence Journal ran this article, ''Hometown Hero Blount to be Honored at URI Graduation,'' about him.

Mr. President, I ask that the text of the article be inserted in the RECORD.

The article follows:

[From the Providence Journal]

HOMETOWN HERO BLOUNT TO BE HONORED AT URI GRADUATION

(By David Henley)

KINGSTON—A favorite son will be returning soon.

A decorated hero of two wars, a former star athlete who set the still-standing high school basketball record for points scored in a game over half a century ago and a man who helped end the Army-McCarthy hearings of the 1950s, Lt. Gen. John Bruce Blount will return to the University of Rhode Island in a few weeks to pick up his latest recognition. Blount will be one of four recipients of honorary doctorate degrees from his alma mater at the school's 114th commencement May 20.

''I'm 50 years away from Kingston, but this is a real thrill,'' Blount said Monday from his home in Columbia, S.C. ''My whole family is coming in, from Carolina, Florida, Detroit. I've always maintained my connections back home, and I knew people were trying to do this, but I guess the planets were just in the right alignment.''

Blount, known as Bruce, is something of a local legend, both at the university and at South Kingstown High school, where he was a student when he scored his record-setting 66 points. The team then played at the St. Francis Parish Hall on High Street; the games lasted only 32 minutes and there were no three-point shots then.

His military career has been written about many times. As the only URI alumnus to achieve the rank of three-star general, Blount's service in Korea and Vietnam earned him dozens of medals and decorations, including the Silver Star, the Bronze Star, the Korean Chung Mu Distinguished Service Medal and a Purple Heart when he was injured in combat on Korea's Old Baldy.

Blount became nationally famous when he stood his ground under questioning at the McCarthy hearings, earning praise even from Sen. Joseph McCarthy himself, and later produced photographic evidence discrediting the senator by proving he had doctored evidence.

But to many of his own generation, and to his elders, he is probably best remembered as just a kid with a basketball under one arm hitchhiking back and forth between Peace Dale and Kingston.

Blount's family first moved into South County during the Depression, according to his brother Frank, a retired schoolteacher living on Great Island. The boys' father, Joseph Blount, an insurance salesman from Illinois who had met his Rhode Island bride while both served in the Navy in World War I, came to the area looking for work, which he found in local restaurants. Eventually Joe Blount opened Joe's Diner in Peace Dale, where Patsy's Package Store is now, and a second restaurant next to the Wakefield Diner on Main Street. But Loretta Blount had bigger plans for her children.

''My mother knew she wanted her children to go to college, so she moved us out of Peace Dale and out to Kingston, just to be near the campus, when I was about 7,'' Bruce Blount said. ''She financed the house by renting rooms out to college kids. When I finally started at the university myself, I was the only kid who actually was farther away from campus in my frat house than I was at home.''

Joe Blount contined in the restaurant business, opening the original Ram's Den in the house next to the family home on Upper College Road.

''I can remember getting up with my dad at about 4 in the morning and going down and getting the fires going,'' the general said. ''He'd get the baking started for the day. By the time I was 10 I was making the bacon and eggs, putting them up for people. Basically, I was a short-order cook.''

By that time he also had become a favorite of the school's basketball team, and particularly of its coach, Frank Keaney, another local legend. In fact the whole family was more or less adopted by the university community, to hear the sons tell it. One day, Frank Blount remembers, Keaney came in to see Joe Blount with an idea. It seems he had a team that needed to work to eat, but needed flexibility for practice and games; Joe hired them all as waiters, cooks and dishwashers. When they were playing he tended not to have that much business anyway. Loretta opened a soda shop at Lippitt Hall and worked as a switchboard operator, the same job she had had in the Navy. She became friends with each of the university's presidents over the years, and for years it was a tradition for the president to stop the commencement march to walk over and shake hands with Loretta Blount.

''She loved that,'' Frank remembered.

''I started out as waterboy for the team, and later I was the mascot,'' Bruce Blount said. ''I grew up knowing more older men, and more athletes, than I knew of kids my own age. ''Back then we didn't just walk around in sneakers, you had regular street shoes, and coach wouldn't let me on the floor with them on. So I would stand in the corners during practice, and when the ball came to me, instead of tossing them back in I would just put them up. I developed a really different sort of shooting style, but I could hit from almost anywhere.''

Once he started high school, Blount found himself constantly traveling between gyms, from URI's Rodman Hall to St. Francis and the Old Fagan's Hall in Peace Dale, the South Kingstown team's alternate gym. With his gym bag over his shoulder and a basketball under his arm, Blount became a familiar sight on Kingstown Road.

''I could get around better than anybody without a car,'' he said.

That famous basketball career could have led Blount away from Kingston but didn't. Despite being recruited by schools like Brown and Harvard, Blount knew he wanted to attend URI, then called Rhode Island State.

''There was never any question,'' he said. ''I was absolutely enthralled with the idea of playing for Rhode Island, and Coach Keaney was an idol to me.'' On his way to collecting more than 1,000 points in his college career, Blount also acted as captain of both the basketball and baseball teams. But he also found time to begin what would be his ultimate career. As an ROTC cadet, Blount became cadet colonel in his senior year and was commissioned in the regular Army as a second lieutenant in the Infantry when he graduated in 1950.

Starting out as a training officer in the 4th Infantry Division and the 101st Airborne, he was made platoon commander in Korea the next year, then company executive officer, then company commander in the 45th Infantry. He was selected as aide-de-camp by Maj. Gen. C.E. Ryan, commander of the Korean Military Advisory Group, and returned to the states with Ryan after his injury.

Since then he has worked his way up the ranks, spending time as a staff officer at the Pentagon, in the Southern Command in the Canal Zone and as commander of the 1st Battalion, 12th Cavalry, 1st Air Cavalry in Vietnam. In 1969 he was made secretary of the U.S. Army Infantry School in Fort Benning, Ga., and in 1971 was assigned to the European Command, eventually serving as community commander of the American Military Community in Wurzburg, Germany.

Finally, in 1983, he was promoted to lieutenant general and made chief of staff of the NATO Allied Forces South Command, consisting of units from Greece, Turkey, Italy the United Kingdom and the United States.

''I always followed Bruce, did whatever he did, only not as well,'' said little brother Frank Friday. ''When he was in the NATO command, I thought that was a big deal. But I had the most fun when he was on the general's staff at Dix when he was stationed there. Whenever my company needed anything, they would come to me and I would call up, say, the motor pool and tell them I needed a Jeep. They'd ask who I was and I would say, 'This is Lieutenant Blount' in my best command voice and get whatever it was I needed.

''Of course it only lasted about a month before everybody figured out there were two Lieutenant Blounts on base, but we would begin to laugh our heads off whenever I told him what I was doing.''

''For the longest time in my life I was 'Bruce Blount's brother,' '' he said. ''And to this day I am very proud of that.''●

HONORING MS. MARY MORAN AND MS. VICTORIA METZ

● Mr. ROBB. Mr. President, I'm pleased to honor the service of Ms. Mary Moran and Ms. Victoria Metz, the outgoing Parent Teacher Association (PTA) co-presidents at the Arlington Traditional School, a public alternative elementary school in Arlington, Virginia.

For the past two years, both Mary Moran and Victoria Metz have dedicated themselves to educational achievement by assisting the students, parents, teachers and administration of Arlington Traditional School. They have appeared on numerous occasions before the Arlington County School Board to discuss educational issues and sustain support for the Arlington Traditional School. Ms. Moran and Ms. Metz have also frequently met with individual members of the School Board to answer questions and have reached out to other local PTA presidents.

During the tenure of Mary Moran and Victoria Metz as co-presidents, the Arlington Traditional School PTA has played an integral role in the following activities: Math Night, Science and Technology Night, the DARE Program for 5th Graders; Black History Month, Hispanic Heritage Month, Asian Pacific Heritage Month, Native American Month, the Fall Family Get-Together, Holiday Open House, Parent-Teacher Conference Luncheon and Dinner, Summer Reading Challenge, Back to School Night and Staff Appreciation Week. The PTA generously purchased computers for student use at the Arlington Traditional School.

Mary Moran and Victoria Metz were also responsible for the Arlington Traditional School PTA's outreach efforts into the community. The PTA made significant contributions to the Arlington Community Temporary Shelter, the Animal Welfare League of Arlington, UNICEF and the Red Cross's International Relief Fund.

Mary Moran and Victoria Metz have truly made a difference at the Arlington Traditional School. Their success illustrates that our public schools benefit and prosper when parents take active leadership roles in supporting education.●

A TRIBUTE TO THE BELLES OF INDIANA ON THEIR 45TH REUNION

● Mr. LUGAR. Mr. President, I rise before you today to recognize the Belles of Indiana who are celebrating their 45th Reunion this summer. The Belles of Indiana, a choral group comprised of Indiana University students, were the first singing group to perform overseas with the United Service Organizations (USO). The Belles entertained soldiers stationed in Japan and Korea, performing 75 shows in 77 days during the summer of 1955. Their voices and energy brought great joy to all those who heard them perform. These singers displayed strong patriotism for their country and acted as outstanding ambassadors from Indiana. I am pleased to submit their names for the CONGRESSIONAL RECORD because of their great contributions to our soldiers and country.

I would like to commend the following members on their participation: Doris Day Block, Robert Bluemle, Vera Scammon Broughton, Dennis Escol, Roberta Ratliff Graham, Sondra Gauthier Harroff, Sally Graham Johnson, Helen Rapp Nefkens, Sandra Pawol Overack, Carolyn Hill Pain, Joyce Harrod Sakakini, Nancy Speed Schultz, Sue Ann Steeves, Cynthia Findley Stewart, Annabelle Baldridge Menguy, Sharlie Shull Stuart, Linda Foncannon Tucker, Ellen Dallas Wiggins, Mary Musgrave Wirts, Joyce Lancaster Voit, and Barbara Lockard Zimmerman. I would also like to recognize those members of the Belles of Indiana who are no longer with us: Eugene and Keitha Bayless, (Choral Director and his wife), Mary Mauer, Irma Batley Corcoran, Mary Sinclair Baron, and Joan Drew Irwin.

I am pleased to pay tribute to these great Americans whose positive attitude and high energy boosted morale for our overseas troops. The history of America is replete with stories of its sons and daughters being summoned and responding to their nation's call to duty. It is a proud history of accomplishment, honor, and victory. The Belles of Indiana answered their nation's call to duty and diligently persevered to be emissaries for the families and friends of servicemen who were far away from home.

I extend my congratulations to the Belles of Indiana for being the first entertainment group to travel and perform with the United Service Organization. I ask my colleagues to join me today in honoring these courageous

women and men for their valiant service to our country.●

IN HONOR OF JOSEPH A. MEZZO

● Mr. TORRICELLI. Mr. President, I rise today to recognize Mr. Joseph A. Mezzo of New Jersey and the 4th Regiment of the United States Marine Corps, whose gallant actions in 1937 prevented an already tumultuous conflict from destabilizing further. The 4th Marines were deployed near the Soochow Creek in China to diffuse tensions that emerged after Japanese forces penetrated Chinese boundaries. Further intensifying the situation, a Chinese officer killed two members of the Japanese military, creating a hostile climate that culminated in armed conflict. Amidst heavy gunfire from both Japanese and Chinese forces, Mr. Mezzo and the 4th Marine Regiment demonstrated tremendous fortitude and resolve as they assisted in the stabilizing of the Soochow Creek, halting what could have been a major international battle.

After all other American forces returned home, the 4th Marines remained in the Soochow Creek, accepting an even greater challenge of returning a Chinese rice barge that had been captured by the Japanese to its rightful owner. Mr. Mezzo and his fellow Marines executed this risky maneuver, thereby diffusing a situation which could have added fuel to an already volatile situation. The 4th Marine Regiment courageously exhibited the Marine Corps standard of Semper Fidelis, which saving the lives of many people.

Although Mr. Mezzo and his comrades acted with bravery and selflessness, their efforts, and the efforts of many gallant veterans, have gone virtually unrewarded and unappreciated. While their exploits may not be found in history books, the services with which these veterans have provided our country are invaluable. I would like to recognize Mr. Mezzo, the 4th Marine Regiment, and all veterans who have risked their lives for the welfare of our country. Their willingness to accept these dangerous missions is a testament to their senses of duty, honor and patriotism. For this, I salute our veterans to whom we own a debt of gratitude and our ceaseless appreciation, for they exemplify what it means to be American.●

VIRGINIA TECH'S CLASS OF 2000

● Mr. WARNER. Mr. President, yesterday, I inserted into the CONGRESSIONAL RECORD the speeches of two graduates from Virginia Tech University who addressed their class during its commencement ceremonies last month. During the commencement ceremony, at which I had the privilege of also speaking with the Class of 2000, I listened to the eloquent and inspiring speeches of three Virginia Tech students, Class President Lauren Esleeck, Graduate Student Representative Timothy Wayne Mays, and Class Treasurer Rush K. Middleton. Yesterday, I inserted Ms. Esleeck's and Mr. Middleton's speeches into the CONGRESSIONAL RECORD. I have now obtained a copy of Mr. Mays' speech, and it is my pleasure to ask that a copy of his speech also be printed in the RECORD.

GRADUATION SPEECH BY TIMOTHY WAYNE MAYS

Good morning. I'd like to begin with a brief story that I recently read that illustrates the theme of my message today. A successful business executive and former University of Alabama football player was asked ''what was the first thing coach Paul Bear Bryant said to you and the other scholarship athletes after arriving on campus.'' Surprisingly, at the first team meeting, Coach Bryant asked the group ''Have you called your folks yet to thank them?'' After hearing those words, the players looked confused—most had their mouths open. They looked at one another with disbelief. Apparently, not one of them had anticipated this question. These freshman athletes had been on campus less than 24 hours, but they already had their first lesson in team productivity. No one in the room that day had acknowledged having called home with a word of thanks. What was the essence of the lesson? Coach Bryant followed up his initial question with a second statement. ''No one ever got to this level without the help of others. Call your folks. Thank them.'' [from The Millionaire Mind (Stanley, 2000)]

When I was asked to speak at today's graduation ceremony, I kind of struggled with what I wanted to talk about, but preparing this speech gave me the opportunity to reflect on how I got to this point in my life. And the main thing that stood out to me was the significant influence that certain individuals have had on my life. In some way or another, these people gave me a chance or an opportunity that I would not have had otherwise. Now some of these people are, of course, my parents and other family members who have given me a chance by raising me in a safe, loving, and spiritual environment. In the most challenging times of my life, their prayers and support have helped me stand strong, or sometimes, just make it through.

In a different way, some of the people who have most significantly influenced my life are friends, teachers, and even just acquaintances that have taken an interest in me for some reason or another. They have given me the guidance and motivation that I need to succeed. As a recent example, when I came to Virginia Tech, I wasn't sure what type of structural engineering work I wanted to do after graduation. Over the last four years, Dr. Tom Murray, in the Civil Engineering department here at Virginia Tech, has helped me find the specific type of work that I will enjoy. I will surely remember his help in the years to come when I wake up every morning happy to go to work. Also, it was Dr. Ray Plaut who took a personal interest in me during my college visit and brought me here to Virginia Tech. Everything that I have accomplished here at Virginia Tech would have been impossible without his help and guidance over the last four years. The truth of the matter is this: Had some of these people not entered my life, I definitely would not be here speaking today.

As graduates of this great university, we really do have so much for which to be proud. However, I challenge each of you to take the time to reflect on the individuals who have helped you get to this place in your life, and to personally thank them for taking an interest in you.

At this chapter in our life comes to an end, a new chapter begins, and one of the most exciting things to think about is the new people we will meet and the impact they will have on our lives. More importantly though, I hope that we can be influential people in others lives. By always recognizing the impact that other people have had on us, I believe that we can. Thank you very much and God bless.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON EXECUTIVE ORDER 12938—MESSAGE FROM THE PRESIDENT—PM114

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:

Enclosed is a report to the Congress on Executive Order 12938, as required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)).

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 14, 2000.*

REPORT RELATIVE TO THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT—PM 115

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 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 14, 2000.*

MESSAGES FROM THE HOUSE

At 1:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4079. An act to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education.

H.J. Res. 101. An act recognizing the 225th birthday of the United States Army.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress regarding the benefits of music education.

At 4:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent and referred as indicated:

H.R. 4079. An act to require the Comptroller General of the United States to conduct comprehensive fraud audit of the Department of Education.

H.J. Res. 101. An act recognizing the 225th birthday of the United States Army.

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

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress regarding the benefits of music education.

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–9212. A communication from the Deputy General Counsel, Office of SDB Certification and Eligibility, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''8(a) Business Development/Small Disadvantaged Business Status Determinations'' (RIN 3245–AE46) received on June 5, 2000; to the Committee on Small Business.

EC–9213. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991; to the Committee on Foreign Relations.

EC–9214. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report of the resolution and order approving the fiscal year 2000 financial plan and budget; to the Committee on Governmental Affairs.

EC–9215. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Children Suffering from Spina Bifida Who Are Children of Vietnam Veterans'' (RIN 2900–A–J25) received on June 1, 2000; to the Committee on Veterans' Affairs.

EC–9216. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Traffic in Arms Regulations: Exports of Commercial Communications Satellite Components, Systems, Parts, Accessories and Associated Technical Data on the United States Munitions Lists'' received on May 24, 2000; to the Committee on Foreign Relations.

EC–9217. A communication from the Attorney-Adviser, Bureau of Educational and Cultural Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Fees for Exchange Visitor Program Designation Services'' (Public Notice 3284) received on June 5, 2000; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations:

Report to accompany S. 2720, An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–390).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with a preamble:

S. Res. 303: A resolution expressing the sense of the Senate regarding the treatment by the Russian Federation of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty.

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001'' (Report No. 106–309).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. THOMPSON for the Committee on Governmental Affairs.

Alan Craig Kessler, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2008.

Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics for a term of five years.

Anna Blackburne-Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Thomas J. Motley, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2004.

John McAdam Mott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELMS (for himself, Mr. LOTT, Mr. WARNER, Mr. HATCH, Mr. GRAMS, and Mr. SHELBY):

S. 2726. A bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. BRYAN, Ms. MIKULSKI, and Mr. WELLSTONE):

S. 2727. A bill to improve the health of older Americans and persons with disabilities, and for other purposes; to the Committee on Finance.

By Mr. BRYAN (for himself and Mr. REID):

S. 2728. A bill to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself and Mr. SMITH of Oregon):

S. 2729. A bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to restore stability and equity to the financing of the United Mine Workers of America Combines Benefit Fund by eliminating the liability of reachback operations, to provide additional sources of revenue to the Fund, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. DOMENICI, Mrs. BOXER, and Mr. BINGAMAN):

S. 2730. A bill to provide for the appointment of additional Federal district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. KENNEDY):

S. 2731. A bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. LEVIN, Mr. BRYAN, Mr. KENNEDY, Mrs. MURRAY,

Mr. MOYNIHAN, Mr. SESSIONS, Mr. DEWINE, Mr. HELMS, Mr. THURMOND, Mr. SCHUMER, and Mr. INOUYE):

S. Res. 323. A resolution to designating Monday, June 19, 2000, as National Eat-Dinner-With-Your-Children Day; considered and agreed to.

By Mr. DURBIN (for himself, Mr. GORTON, Mr. ROBB, Mr. GRAMS, and Mr. VOINOVICH):

S. Con. Res. 122. Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote a peaceful and democratic future for the Baltic region; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (for himself, Mr. LOTT, Mr. WARNER, Mr. HATCH, Mr. GRAMS, and Mr. SHELBY):

S. 2726. A bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party; to the Committee on Foreign Relations.

AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2000

Mr. HELMS. 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. 2726

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 ''American Servicemembers' Protection Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ''Rome Statute of the International Criminal Court.'' The vote on adoption of the Statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of May 30, 2000, 96 countries had signed the Rome Statute and 10 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date that the 60th country deposits an instrument ratifying the Statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has continued to meet regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, definitions of Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: ''We are left with consequences that do not serve the cause of international justice.''

(5) Ambassador Scheffer went on to tell the Congress that: ''Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.''.

(6) Any Americans prosecuted by the International Criminal Court will, under the Rome Statute, be denied many of the procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, including, among others, the right to trial by jury, the right not to be compelled to provide self-incriminating testimony, and the right to confront and cross-examine all witnesses for the prosecution.

(7) American servicemen and women deserve the full protection of the United States Constitution when they are deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect American servicemen and women, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(8) In addition to exposing American servicemen and women to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than American servicemen and women, senior officials of the United States Government deserve the full protection of the United States Constitution with respect to official actions taken by them to protect the national interests of the United States.

SEC. 3. TERMINATION OF PROHIBITIONS OF THIS ACT.

The prohibitions and requirements of sections 4, 5, 6, and 7 shall cease to apply, and the authority of section 8 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 4. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) CONSTRUCTION.—The provisions of this section apply only to cooperation with the International Criminal Court and shall not be construed to apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—No agency or entity of the United States Government or of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to Part 9 of the Rome Statute.

(c) PROHIBITION ON SPECIFIC FORMS OF COOPERATION.—No agency or entity of the United States Government or of any State or local government, including any court, may undertake any action described in the following articles of the Rome Statute with the purpose or intent of cooperating with, or otherwise providing support or assistance to, the International Criminal Court:

(1) Article 89 (relating to arrest, extradition, and transit of suspects).

(2) Article 92 (relating to provisional arrest of suspects).

(3) Article 93 (relating to seizure of property, asset forfeiture, execution of searches and seizures, service of warrants and other judicial process, taking of evidence, and similar matters).

(d) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(e) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 5. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date that the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing a peacekeeping operation pursuant to chapter VI or VII of the charter of the United Nations permanently exempts United States military personnel participating in such peacekeeping operation from criminal prosecution by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—United States military personnel may not participate in a peacekeeping operation authorized by the United Nations Security Council pursuant to chapter VI or VII of the charter of the United Nations on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such peacekeeping operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that United States military personnel are able to participate in a peacekeeping operation without risk of criminal prosecution by the International Criminal Court because—

(1) in authorizing the peacekeeping operation, the United Nations Security Council

permanently exempted United States military personnel participating in the operation from criminal prosecution by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) each country in which United States military personnel participating in the peacekeeping operation will be present is either not a party to the International Criminal Court or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in that country; or

(3) the President has taken other appropriate steps to guarantee that United States military personnel participating in the peacekeeping operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

SEC. 6. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CERTAIN CLASSIFIED NATIONAL SECURITY INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) DIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information to the International Criminal Court.

(b) INDIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information relevant to matters under consideration by the International Criminal Court to the United Nations and to the government of any country that is a party to the International Criminal Court unless the United Nations or that government, as the case may be, has provided written assurances that such information will not be made available to the International Criminal Court.

SEC. 7. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b), (c), and (d), no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) WAIVER.—The President may waive the prohibition of subsection (a) with respect to a particular country if the President determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(c) SPECIAL AUTHORITIES.—The prohibition of subsection (a) shall be subject to the special authorities of section 614 of the Foreign Assistance Act of 1961 and the applicable conditions and limitations under such section.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of any country that is—

(1) a NATO member country, or

(2) a major non-NATO ally (including, inter alia, Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand).

SEC. 8. AUTHORITY TO FREE UNITED STATES MILITARY PERSONNEL AND CERTAIN OTHER PERSONS HELD CAPTIVE BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release from captivity of any person described in subsection (b) who is being detained or imprisoned against that person's will by or on behalf of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) United States military personnel, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government.

(2) Military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country or major non-NATO ally (including, inter alia, Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand) that is not a party to the International Criminal Court, upon the request of such government.

(3) Individuals detained or imprisoned for official actions taken while the individual was a person described in paragraph (1) or (2), and in the case of such individuals described in paragraph (2), upon the request of such government.

(c) CONSTRUCTION.—Subsection (a) shall not be construed to authorize the payment of bribes or the provision of other incentives to induce the release from captivity of a person described in subsection (b).

SEC. 9. STATUS OF FORCES AGREEMENTS.

(a) REPORT ON STATUS OF FORCES AGREEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report evaluating the degree to which each existing status of forces agreement with a foreign government, or other similar international agreement, protects United States military and other personnel from extradition to the International Criminal Court under Article 98 of the Rome Statute.

(b) PLAN FOR ACHIEVING ENHANCED PROTECTION OF UNITED STATES MILITARY PERSONNEL.—Not later than 1 year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for amending existing status of forces agreements, or negotiating new international agreements, in order to achieve the maximum protection available under Article 98 of the Rome Statute for United States military and other personnel in those countries where maximum protection under Article 98 has not already been achieved.

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the plan under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 10. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which United States military personnel may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the international criminal court because they are nationals of a party to the international criminal court, and

(2) evaluating the degree to which United States military personnel engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the international criminal court.

(b) PLAN FOR ACHIEVING ENHANCED PROTECTION OF UNITED STATES MILITARY PERSONNEL.—Not later than one year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for modifying command and operational control arrangements within military alliances to which the United States is a party to reduce any risks to United States military personnel identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the plan under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 11. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 12. DEFINITIONS.

As used in this Act and in sections 705 and 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, the following terms have the following meanings:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ''classified national security information'' means information that is classified or classifiable under Executive Order 12958 or a successor executive order.

(3) EXTRADITION.—The terms ''extradition'' and ''extradite'' include both ''extradition'' and ''surrender'' as those terms are defined in Article 102 of the Rome Statute.

(4) INTERNATIONAL CRIMINAL COURT.—The term ''International Criminal Court'' means the court established by the Rome Statute.

(5) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(6) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ''party to the International Criminal Court'' means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(7) PEACEKEEPING OPERATION AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL PURSUANT TO CHAPTER VI OF VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''peacekeeping operation authorized by the United Nations Security Council pursuant to chapter VI of VII of the charter of the United Nations'' means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council pursuant to chapter VI or VII of the charter of the United Nations, and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

(8) ROME STATUTE.—The term ''Rome Statute'' means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(9) SUPPORT.—The term ''support'' means assistance of any kind, including material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(10) UNITED STATES MILITARY ASSISTANCE.—The term ''United States military assistance'' means—

(A) assistance provided under chapters 2 through 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees; or

(C) military training or education activities provided by any agency or entity of the United States Government.

Such term does not include activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

By Mr. KENNEDY (for himself, Mr. BRYAN, Ms. MIKULSKI, and Mr. WELLSTONE):

S. 2727. A bill to improve the health of older Americans and persons with disabilities, and for other purposes; to the Committee on Finance.

MEDICARE HEALTH IMPROVEMENT ACT OF 2000

Mr. KENNEDY. Mr. President, today we are introducing legislation to improve the health of Medicare beneficiaries and the health of the Medicare program itself. Under Medicare, the health and quality of life for millions of older adults and people with disabilities have significantly improved. The rate of chronic disability among adults over 65 continues to decline, but we can do better. A recent report by the World Health Organization showed that the U.S. falls behind 23 other nations in ''healthy life expectancy.'' On average, Americans can expect only 70 healthy years, compared to Japanese citizens who can anticipate 74½ years of life without disability. Chronic disability robs too many older Americans of active and productive years, and adds $26 billion annually in health care costs as people over 65 lose their ability to live independently.

In the next 30 years, the viability of Medicare will be challenged as the baby boom generation ages. Nearly one fifth of the population will be 65 and older by 2025, which means that a larger number of beneficiaries will be supported by a smaller number of workers. The current debate over the future of Medicare often revolves around benefit cuts or tax increases. But an obvious alternative that should be part of the debate is to reduce the demand for Medicare by improving the health of senior citizens. Unfortunately, Medicare today contains few incentives to encourage beneficiaries and providers to take health promotion and disease prevention seriously. This bill will help older adults and individuals with disabilities to improve their health. It will also educate health providers about the best practices for treatment of Medicare patients.

Older adults are generally health conscious and are interested in taking steps to maintain their health and independence. Poor lifestyle factors—which include lack of exercise, poor diet, at-risk behaviors, smoking, and alcohol abuse—account for 70% of the physical decline and disease that occur with aging. Experts agree that the potential for better health through health promotion and disease prevention is great. Too often, however, older Americans lack the accurate information that would help them take advantage of these opportunities. This bill will ensure that Medicare beneficiaries are better informed about the lifestyle changes they can make to improve their health, and the preventive health services they can use to prevent disease.

To encourage more beneficiaries to use the preventive services that Medicare currently offers, our legislation will eliminate cost-sharing for these services. Prevention saves lives and saves money. The incidence of cancer in adults over 65 is approximately eleven times higher than in persons under 65. Most cancers can be treated and many can be cured if detected early. But cancer screening tests are significantly underused by Medicare beneficiaries. Thirty-eight percent of women over 65 who have survived breast cancer (and remain at risk) do not receive an annual mammogram. Our bill will waive cost-sharing for mammography, screening pelvic exams, colorectal cancer screening, prostate cancer screening, bone mass measurement, hepatitis B vaccine and its administration, and diabetes self-management training.

Despite the great potential of preventive services to improve the quality of life for older Americans, few clinical guidelines focus on preventive care for this population. Our bill calls for a task force to conduct studies to determine which preventive services in primary care are most valuable to senior citizens. A separate demonstration project will determine effective means to reduce smoking by Medicare beneficiaries. Cessation of smoking can reduce the risk of lung cancer, heart disease, and stroke. In 1997, smoking-related expenditures were estimated to cost the Medicare program a total of $20.5 billion.

There are substantial defects in the quality of care provided to Medicare beneficiaries. Medical research has established that early use of a beta blocker after a heart attack reduces the risk of mortality and rehospitalization. Yet 51 percent of older adults fail to receive this treatment when it is indicated. In fact, patients at the highest risk of death in the hospital are least likely to receive a beta blocker.

Every senior citizen deserves quality health care. The gaps between the best medical practice and actual practice must be narrowed. Our bill asks the Department of Health and Human Services to determine which areas in the treatment of Medicare beneficiaries do not meet the highest professional standards, and to determine the best practices in those areas. Steps will then be taken to inform health care professionals about these standards for treatment.

The opportunities for better health care and budget savings are great, if care can be delivered to beneficiaries with high-cost chronic conditions in a more coordinated and effective way. Our legislation authorizes demonstration projects to develop innovative approaches to increase the quality of care and reduce costs for Medicare beneficiaries in skilled nursing facilities. Similar demonstration projects are authorized for beneficiaries with serious or chronic illness who do not reside in nursing facilities.

In ways like this, we do more—much more—to preserve and strengthen Medicare, and achieve substantial long-term savings as well. I look forward to working closely with my colleagues on both sides of the aisle to achieve this important goal. I ask unanimous consent that the bill, the bill summary, and the relevant fact sheet be printed in the RECORD.

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

S. 2727

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 ''Medicare Health Improvement Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—HCFA MISSION STATEMENT

Sec. 101. Establishment of HCFA mission statement with regard to the medicare program.

TITLE II—ENABLING OLDER AMERICANS AND PERSONS WITH DISABILITIES TO IMPROVE THEIR HEALTH STATUS

Sec. 201. Waiver of all preventive services cost sharing under the medicare program.
Sec. 202. Information campaign on preventive health care for older Americans and individuals with disabilities.
Sec. 203. Development of health status self-assessment tool for medicare beneficiaries.

TITLE III—IMPROVING THE QUALITY OF CARE PROVIDED TO OLDER AMERICANS AND PERSONS WITH DISABILITIES

Sec. 301. Information campaign for the best practices for the treatment of conditions of medicare beneficiaries.
Sec. 302. Program to promote the use of best practices for the treatment of conditions of medicare beneficiaries and to reduce hospital and physician visits that result from improper drug use.
Sec. 303. Studies on preventive interventions in primary care for older Americans.
Sec. 304. Smoking cessation demonstration project.

TITLE IV—DEMONSTRATION PROJECTS TO IMPROVE THE CARE OF RESIDENTS OF SKILLED NURSING FACILITIES AND PERSONS WITH SERIOUS ILLNESSES
Sec. 401. Demonstration projects to provide effective care for skilled nursing facility residents.
Sec. 402. Demonstration projects to improve the care of persons with serious illnesses.
TITLE V—WHITE HOUSE CONFERENCE ON IMPROVING THE HEALTH OF OLDER AMERICANS
Sec. 501. White House Conference on Improving the Health of Older Americans.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term ''Commissioner' means the Commissioner of Social Security.

(2) MEDICARE BENEFICIARIES.—The term ''medicare beneficiaries'' means individuals who are entitled to benefits under part A or enrolled under part B of the medicare program, including individuals enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under part C of such program.

(3) MEDICARE PROGRAM.—The term ''medicare program'' means the health insurance program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

TITLE I—HCFA MISSION STATEMENT

SEC. 101. ESTABLISHMENT OF HCFA MISSION STATEMENT WITH REGARD TO THE MEDICARE PROGRAM.

Part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting before section 1801 the following:

''HCFA MISSION STATEMENT

''SEC. 1800. In administering the health insurance program established under this title, it is the mission of the Health Care Financing Administration to—

''(1) effectively and efficiently administer a program of health insurance coverage for individuals who are entitled to benefits under part A or enrolled under part B of this title, including individuals enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under part C of this title, in accordance with the requirements of this title;

''(2) assure that health care provided to such individuals is of the highest quality; and

''(3) carry out programs in cooperation with other Government agencies and the private sector to promote health, prevent disease, and assure the highest possible functional level for such individuals.''.

TITLE II—ENABLING OLDER AMERICANS AND PERSONS WITH DISABILITIES TO IMPROVE THEIR HEALTH STATUS

SEC. 201. WAIVER OF ALL PREVENTIVE SERVICES COST SHARING UNDER THE MEDICARE PROGRAM.

(a) WAIVER OF COINSURANCE AND DEDUCTIBLES.—

(1) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following:

''(m) WAIVER OF COINSURANCE AND DEDUCTIBLE FOR PREVENTIVE SERVICES.—

''(1) COINSURANCE.—

''(A) IN GENERAL.—Notwithstanding any other provision of this part—

''(i) the Secretary shall waive any coinsurance applicable to services described in subparagraph (B); and

''(ii) with respect to payment for such services, any reference to a percent that is less than 100 percent shall be deemed to be a reference to 100 percent.

''(B) SERVICES DESCRIBED.—The services described in this subparagraph are the following services:

''(i) Screening mammography (as defined in section 1861(jj)).

''(ii) Screening pelvic exam (as defined in section 1861(nn)(2)).

''(iii) Hepatitis B vaccine and its administration (under section 1861(s)(10)(B)).

''(iv) Colorectal cancer screening test (as defined in section 1861(pp)).

''(v) Bone mass measurement (as defined in section 1861(rr)).

''(vi) Prostate cancer screening test (as defined in section 1861(oo)).

''(vii) Diabetes outpatient self-management training services (as defined in section 1861(qq)).

''(2) DEDUCTIBLE.—

''(A) IN GENERAL.—Notwithstanding any other provision of this part, the deductible described in section 1833(b) shall not apply with respect to services described in subparagraph (B).

''(B) SERVICES DESCRIBED.—The services described in this subparagraph are the following services:

''(i) Hepatitis B vaccine and its administration (under section 1861(s)(10)(B)).

''(ii) Colorectal cancer screening test (as defined in section 1861(pp)).

''(iii) Bone mass measurement (as defined in section 1861(rr)).

''(iv) Prostate cancer screening test (as defined in section 1861(oo)).

''(v) Diabetes outpatient self-management training services (as defined in section 1861(qq)).''.

(2) CONFORMING AMENDMENT.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended by striking ''section 1876'' and inserting ''sections 1834 and 1876'' in the matter preceding paragraph (1).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after December 31, 2001.

SEC. 202. INFORMATION CAMPAIGN ON PREVENTIVE HEALTH CARE FOR OLDER AMERICANS AND INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—The Secretary and the Commissioner shall jointly conduct an information campaign, in consultation with the heads of other Government agencies and States and the private sector, for individuals who have attained age 50 and individuals with disabilities to promote—

(1) the use of preventive health services among such individuals, including services that are available to medicare beneficiaries and are covered by the medicare program;

(2) the proper use of prescription and over-the-counter drugs in order to reduce the number of hospital stays and physician visits among such individuals that are a result of the improper use of such drugs; and

(3) the steps (including exercise, maintenance of a proper diet, and utilization of accident prevention techniques) that such individuals may take in order to promote and safeguard their health.

(b) USE OF SERVICES.—The information campaign described in subsection (a) shall stress the benefits of—

(1) using the services described in subsection (a)(1);

(2) following the proper directions for using prescription and over-the-counter drugs as described in subsection (a)(2); and

(3) utilizing the steps described in subsection (a)(3).

(c) ELEMENTS OF CAMPAIGN.—In conducting the information campaign described in subsection (a), the Secretary and the Commissioner (as applicable) shall—

(1) expand the section in the Medicare and You handbook on preventive benefits to include a more detailed description of the importance of using preventive health services and the benefits offered under the medicare program;

(2) instruct fiscal intermediaries and carriers under the medicare program to include preventive benefits messages on the Medicare Summary Notice statement and the Explanation of Medicare Benefits;

(3) regularly include preventive benefits messages on the medicare part B benefits statement;

(4) combine public service announcements and a print media campaign to raise awareness of the value of using preventive health services;

(5) distribute brochures and other information on health promotion and disease prevention activities through—

(A) State health insurance assistance programs;

(B) area agencies on aging;

(C) Social Security Administration field offices; and

(D) any other appropriate entities, as determined by the Secretary and the Commissioner; and

(6) include information on the importance of using preventive health services—

(A) on the cost of living adjustment (COLA) notice, which is sent to individuals who receive disability benefits under titles II and XVI of the Social Security Act (42 U.S.C. 401 et seq.; 1381 et seq.);

(B) on the social security account statements distributed pursuant to section 1143 of the Social Security Act (42 U.S.C. 1320b–13); and

(C) in brochures on retirement and survivors' benefits that are produced by the Commissioner.

(d) TARGETED POPULATIONS.—To the extent appropriate, aspects of the information campaign described in subsection (a) may be targeted to specific subpopulations of medicare beneficiaries.

(e) GRANTS AND CONTRACTS.—

(1) IN GENERAL.—The Secretary and the Commissioner shall provide grants to, and enter into contracts with, eligible entities to assist with carrying out the purposes of this section.

(2) ELIGIBLE ENTITY DEFINED.—In this subsection, the term ''eligible entity'' means—

(A) any community organization working with medicare beneficiaries;

(B) any organization representing medicare beneficiaries;

(C) area agencies on aging; and

(D) any other appropriate entities, as determined by the Secretary and the Commissioner.

SEC. 203. DEVELOPMENT OF HEALTH STATUS SELF-ASSESSMENT TOOL FOR MEDICARE BENEFICIARIES.

(a) DEVELOPMENT.—The Secretary, in conjunction with the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention (CDC), the Administrator of the Substance Abuse and Mental Health Services Administration (SAMHSA), and the Administrator of the Agency for Healthcare Research and Quality (AHRQ), shall develop a health status self-assessment tool that includes assessment of mental health status, alcohol use, and substance use, and assists medicare beneficiaries in identifying important health information, risk factors, or significant symptoms that should be acted upon or discussed with the beneficiary's health care provider.

(b) DISTRIBUTION.—The Secretary shall establish procedures for the distribution of the self-assessment form developed under subsection (a) and may contract with the eligible entities described in section 202(e)(2) to distribute and promote the use of such forms.

(c) TRAINING.—The Secretary shall establish a training program for the staff of State health insurance assistance programs that will enable such staff to assist medicare beneficiaries in completing the self-assessment form developed under subsection (a).

TITLE III—IMPROVING THE QUALITY OF CARE PROVIDED TO OLDER AMERICANS AND PERSONS WITH DISABILITIES

SEC. 301. INFORMATION CAMPAIGN FOR THE BEST PRACTICES FOR THE TREATMENT OF CONDITIONS OF MEDICARE BENEFICIARIES.

(a) STUDY.—The Secretary, in consultation with the Administrator for Health Care Policy and Research, the Director of the National Institutes of Health, and such other professional societies and experts as the Secretary considers appropriate, shall—

(1) conduct a study to determine areas where treatment of medicare beneficiaries falls short of the highest professional standards; and

(2) determine the best practices in the areas described in paragraph (1).

(b) INFORMATION CAMPAIGN.—The Secretary shall provide for an information campaign to inform medicare beneficiaries about the results of the study conducted under subsection (a).

SEC. 302. PROGRAM TO PROMOTE THE USE OF BEST PRACTICES FOR THE TREATMENT OF CONDITIONS OF MEDICARE BENEFICIARIES AND TO REDUCE HOSPITAL AND PHYSICIAN VISITS THAT RESULT FROM IMPROPER DRUG USE.

(a) IN GENERAL.—The Secretary, in conjunction with the Administrator of the Health Resources and Service Administration and such other agencies and professional societies as the Secretary deems appropriate, shall establish a program to—

(1) improve treatment of medicare beneficiaries based on the results of the study conducted under section 301(a) and other relevant information; and

(2) reduce the number of hospital stays and physician visits among medicare beneficiaries that are a result of the improper use of prescription and over-the-counter drugs.

(b) ELEMENTS OF PROGRAM.—The program described in subsection (a) shall include—

(1) an information campaign for health professionals;

(2) coordination of the part of the program established under subsection (a) that is designed to achieve the purpose described in paragraph (2) of that subsection with the information campaign conducted under section 202; and

(3) any other activity the Secretary considers appropriate to carry out the purposes described in subsection (a).

(c) DEMONSTRATIONS AND GRANTS.—In establishing the program under subsection (a), the Secretary may conduct demonstration projects and award grants to eligible entities (as defined in subsection (d)).

(d) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means an entity that is an academic health center, a professional medical society, or such other entity as the Secretary considers appropriate to carry out the purposes of this section.

(e) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall annually report to Congress on the program conducted under this section.

SEC. 303. STUDIES ON PREVENTIVE INTERVENTIONS IN PRIMARY CARE FOR OLDER AMERICANS.

(a) STUDIES.—The Secretary, acting through the United States Preventive Services Task Force, shall conduct a series of studies designed to identify preventive interventions that can be delivered in the primary care setting that are most valuable to older Americans.

(b) MISSION STATEMENT.—The mission statement of the United States Preventive Services Task Force is amended to include the evaluation of services that are of particular relevance to older Americans.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the conclusions of the studies conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 304. SMOKING CESSATION DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Care Financing Administration, shall conduct a demonstration project to—

(1) evaluate the most successful and cost-effective means of providing smoking cessation services to medicare beneficiaries; and

(2) test incentive systems for physicians, other health care professionals, and medicare beneficiaries to optimize rates of successful smoking cessation among medicare beneficiaries.

(b) LATEST SCIENTIFIC EVIDENCE.—The Secretary shall use the latest scientific evidence regarding smoking cessation strategies and guidelines in conducting the demonstration project under this section.

(c) PAYMENT.—Payment to an individual or an entity for a service provided under the demonstration project shall be equal to the lesser of—

(1) the actual charge for providing the service to a medicare beneficiary; or

(2) the amount determined by a fee schedule established by the Secretary for the purposes of this section for such service.

(d) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary may waive such requirements of the medicare program as may be necessary for the purposes of carrying out the demonstration project conducted under this section.

(2) NON-MEDICARE PROVIDERS.—Individuals and entities that do not provide items and services under the medicare program shall be permitted to participate in the demonstration project conducted under this section.

(e) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall report to Congress on the demonstration project conducted under this section.

TITLE IV—DEMONSTRATION PROJECTS TO IMPROVE THE CARE OF RESIDENTS OF SKILLED NURSING FACILITIES AND PERSONS WITH SERIOUS ILLNESSES

SEC. 401. DEMONSTRATION PROJECTS TO PROVIDE EFFECTIVE CARE FOR SKILLED NURSING FACILITY RESIDENTS.

(a) IN GENERAL.—The Secretary shall conduct demonstration projects that are designed to provide medicare beneficiaries who are residents of skilled nursing facilities (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)) with higher quality and more cost-effective services in order to avoid unnecessary hospitalizations of such residents.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The demonstration projects conducted under this section shall include the following:

(A) Programs of case management.

(B) Programs of disease management.

(C) Such other programs as the Secretary determines are likely to increase the quality of, and reduce the cost of, the care provided to such residents.

(2) AUTHORIZED TECHNIQUES.—The demonstration projects conducted under this section may utilize—

(A) contracts with centers of excellence or other entities or individuals with special expertise in providing quality services to residents of skilled nursing facilities;

(B) innovative payment techniques, including capitation payments, for all or selected services provided under such projects and incentive payments to reward favorable cost and quality outcomes;

(C) provision of services not normally covered under the medicare program, if the provision of such services would result in the more cost-effective provision of, or higher quality of, services covered under such program; or

(D) reduced cost-sharing requirements for medicare beneficiaries participating in such projects.

(c) WAIVER AUTHORITY.—The Secretary may waive such requirements of the medicare program as may be necessary for the purposes of carrying out the demonstration projects conducted under this section other than requirements relating to providing medicare beneficiaries with freedom of choice of provider under section 1802 of the Social Security Act (42 U.S.C.1395a) or any other provision of law.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall report to Congress on the demonstration projects conducted under this section.

SEC. 402. DEMONSTRATION PROJECTS TO IMPROVE THE CARE OF PERSONS WITH SERIOUS ILLNESSES.

(a) EXPANSION OF MEDICARE COORDINATED CARE DEMONSTRATION PROJECT.—Section 4016 of the Balanced Budget Act (Public Law 105–33; 111 Stat. 343) is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) TARGET INDIVIDUAL DEFINED.—In this section, the term ''target individual'' means an individual that is enrolled under the fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.; 1395j et seq.) and—

''(A) has a chronic illness, as defined and identified by the Secretary; or

''(B) has a serious illness, as so defined and identified.'';

(2) in subsection (b)(2), by striking ''Not'' and inserting ''With respect to demonstration projects for items and services provided to target individuals described in subsection (a)(2)(A), not''; and

(3) by adding at the end the following:

''(f) REQUIREMENTS.—

''(1) IN GENERAL.—The demonstration projects conducted under this section shall include—

''(A) programs of case management;

''(B) programs of disease management; and

''(C) such other programs as the Secretary determines are likely to increase the quality of, and reduce the cost of, the care provided to target individuals.

''(2) AUTHORIZED TECHNIQUES.—The demonstration projects conducted under this section may include—

''(A) contracts with centers of excellence or other entities or individuals with special expertise in providing quality services to target individuals;

''(B) innovative payment techniques, including capitation payments, for all or selected services provided under such projects and incentive payments to reward favorable cost and quality outcomes;

''(C) provision of services not normally covered under title XVIII of the Social Security Act (42 U.S.C 1395 et seq.), if the provision of such services would result in the more cost-effective provision of, or higher quality of, services covered under that title; or

''(D) reduced cost-sharing requirements for target individuals participating in such projects.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

TITLE V—WHITE HOUSE CONFERENCE ON IMPROVING THE HEALTH OF OLDER AMERICANS

SEC. 501. WHITE HOUSE CONFERENCE ON IMPROVING THE HEALTH OF OLDER AMERICANS.

(a) IN GENERAL.—Not later than December 31, 2002, the President shall convene a White House Conference on Improving the Health of Older Americans.

(b) GOAL OF CONFERENCE.—The goal of the Conference shall be to—

(1) develop a consensus on a program to enable older Americans to protect and improve their own health;

(2) develop procedures to ensure that—

(A) older Americans are provided with the highest standard of health care available, with an emphasis on assuring that standard practice is also the best practice; and

(B) the needs of older Americans are more effectively met through the benefits provided under the medicare program; and

(3) outline a research and demonstration agenda to further the goals described in paragraphs (1) and (2).

(c) CONFERENCE PARTICIPANTS.—

(1) PARTICIPANTS.—In order to carry out the purposes of this section, the Conference shall bring together—

(A) representatives of older Americans and those who care for older Americans;

(B) researchers and research institutions with an expertise in issues related to older Americans;

(C) health professionals and members of professional societies with expertise in caring for older Americans; and

(D) other appropriate parties.

(2) SELECTION OF DELEGATES.—The participants shall be selected without regard to political affiliation or past partisan activity and shall, to the best of the President's ability, be representative of the spectrum of thought in the field of geriatric health care.

MEDICARE HEALTH IMPROVEMENT ACT OF 2000—SUMMARY

The viability of Medicare is increasingly threatened as the nation's population ages and as large numbers of beneficiaries are supported by fewer workers. The current debate over the future of Medicare often revolves around benefit cuts or tax increases. But an alternative that should be part of the debate is to improve the health of beneficiaries and reduce the demand for Medicare. Unfortunately, Medicare contains few incentives to encourage beneficiaries and providers to take health promotion and disease prevention seriously. This bill will help older Americans and individuals with disabilities to improve their health and will educate health care providers in the best practices to achieve these goals.

TITLE I: HCFA MISSION STATEMENT

The purpose of this title is to establish a mission statement for the Health Care Financing Administration, the agency in the Department of Health and Human Services that administers Medicare. The mission of HCFA would be to: (1) effectively and efficiently administer health insurance coverage; (2) assure that the health care provided to Medicare beneficiaries is of the highest quality; (3) carry out health promotion and disease prevention activities; (4) and assure the highest possible level of functioning for beneficiaries.

TITLE II: ENABLING OLDER AMERICANS AND PERSONS WITH DISABILITIES TO IMPROVE THEIR HEALTH

Cost-sharing is waived for the following preventive services currently covered by Medicare—screening mammography, screening pelvic exam, hepatitis B vaccine and its administration, colorectal cancer screening, bone mass measurement, prostate cancer screening, and diabetes outpatient self-management training services.

An information campaign for individuals over age 50 and individuals with disability will be conducted jointly by the Secretary of Health and Human Services and the Commissioner of Social Security to promote the use of preventive health services, including services not covered by Medicare. The campaign will also encourage the proper use of prescription and over-the-counter medications, and the use of measures such as exercise, proper diet, and accident prevention to safeguard health.

A health status self-assessment program will be developed to help Medicare beneficiaries identify health information, risk factors, and symptoms that they should act on or discuss with their health provider.

TITLE III: IMPROVING THE QUALITY OF CARE FOR OLDER AMERICANS AND PERSONS WITH DISABILITIES

HHS, in consultation with other agencies, will conduct a study to determine areas in the treatment of Medicare beneficiaries that do not meet the highest professional standards. The study will also determine the best practices for treatment in these areas and inform Medicare beneficiaries about the study results.

A program will be established to inform health professionals of the best practices for treatment, and to reduce hospital stays and outpatient visits attributable to improper use of medications.

A task force will conduct studies to determine which preventive services in primary care are most valuable to older Americans.

A smoking cessation demonstration project will determine how to reduce smoking most effectively among Medicare beneficiaries.

TITLE IV: DEMONSTRATION PROJECTS TO IMPROVE THE CARE OF SKILLED NURSING RESIDENTS AND PERSONS WITH SERIOUS ILLNESSES

HHS will conduct demonstration projects on case management and disease management to increase the quality and reduce the cost of care for Medicare beneficiaries in nursing facilities. The projects will encourage contracts with Centers of Excellence, and will be authorized to use innovative payment techniques, explore services not normally covered by Medicare, and experiment with reduced cost-sharing requirements for beneficiaries. Similar demonstration projects will be conducted to improve the care of beneficiaries with serious or chronic illness who are not in nursing facilities.

TITLE IV: WHITE HOUSE CONFERENCE ON IMPROVING THE HEALTH OF OLDER AMERICANS

This title requests the President to convene a White House Conference on Improving the Health of Older Americans. The goals of the Conference will be to develop ways to enable older Americans to improve their health, and to develop procedures to ensure that they receive the highest quality of care, including the development of a research and demonstration agenda to advance these goals.

COST

The Congressional Budget Office estimates that the cost of this program will be $1.6 billion over 5 years and $5 billion over 10 years.

MEDICARE HEALTH IMPROVEMENT ACT OF 2000—FACT SHEET

The health and quality of life for millions of adults age 65 or older and people with disabilities have significantly improved under Medicare. From 1982 to 1994, chronic disability among Americans over 65 declined by 1.3% annually, and has continued to decline through 1999. Nevertheless, a recent report by the World Health Organization revealed that the U.S. lags behind Europe, Australia, Canada, Israel and Japan in ''healthy life expectancy.'' Americans have a life expectancy of 76.7 years of which 70 will be without disability, in comparison to Japanese citizens who can anticipate 74.5 healthy years. Chronic disability robs older Americans of active and productive years. It adds $26 billion annually in health care costs for those over 65 who lose their ability to live independently over the course of a year.

In the next 30 years, the viability of Medicare will be challenged as the baby boom generation ages. The percentage of the population 65 and older is expected to increase from 13% to 19% in 2025, resulting in larger numbers of beneficiaries who will be supported by fewer workers. If the prevalence of chronic disability can be further reduced and healthy life expectancy increased, the aging population will enjoy a longer period of independence and general well-being while using fewer medical services.

Medicare was enacted in 1965 to ensure acute medical care for older adults and persons with disabilities. As the field of medicine and the demographics of the American population have changed, the purpose of Medicare has evolved to include health promotion and disease prevention activities.

Older Americans and persons with disabilities can contribute significantly to improving their health.

Medicare offers multiple preventive services, but current cost-sharing requirements often deter people from using these services. Additional measures such as exercise, proper diet, accident prevention and appropriate use of medications, can enable beneficiaries to prevent or delay the onset of disability. According to Healthy People 2010, ''More than any other age group, older adults are seeking health information and are willing to make changes to maintain their health and independence.'' Medicare can do more to inform people about health promotion and disease prevention to help them improve their health.

Lifestyle problems account for approximately 70% of the physical decline and disease that occur with aging. The over-65 population is increasingly knowledgeable about medical issues and can be motivated to make behavioral changes to improve their health.

Deaths from heart disease and stroke rise significantly over age 65, accounting for more than 40% of all deaths among persons aged 65 to 74, and almost 60% of deaths in persons age 85 and older. Medication and dietary changes have been shown to reduce risk factors for heart disease and stroke, such as high blood pressure and high cholesterol. Other lifestyle changes—including increased physical activity, maintaining healthy weight and cessation of smoking—can also be effective.

Osteoporosis leads to 300,000 hip fractures each year and 50,000 deaths from complications. 50% of fracture victims lost their ability to walk independently. The direct and indirect costs of osteoporosis are estimated to be $13.8 billion annually.

Only 13% of people ages 65 to 74 engage in vigorous physical activity that promotes cardiorespiratory fitness and prevents osteoporosis. Only 11% engage in strengthening exercises and only 22% engage in

stretching exercises. For those ages 75 older, the rates are 6%, 8%, and 21% respectively. Yet these activities help older adults maintain their functional independence and quality of life.

The incidence of cancer in adults ages 65 and older is approximately 11 times higher than that for persons under 65. Most cancers can be treated and many can be curd if detected early, but cancer screening tests are underutilized by Medicare beneficiaries. In 1998, only 42.7% of older women obtained a Pap smear. One study showed that only 62% of breast cancer survivors over 65 and at risk for recurrence, obtained an annual mammogram.

Good health largely depends on taking responsibility for one's own health. Studies support a role for educational programs that provide relevant information and guidelines to enable medical consumers to determine when professional care is required.

Medicare beneficiaries are entitled to treatment that meets the highest professional standards.

Medicare effectively pays the bills for covered health services, but it is less successful in assuring that older adults and persons with disabilities actually receive the quality health care they need and deserve. Less than optimal health care is extremely costly to Medicare.

Approximately 17,000 individuals aged 65 or older die of influenza or influenza-related pneumonia each year. But in 1997, only 63% of non-institutionalized older adults received the influenza vaccine, and only 43% received the pneumococcal vaccine. For every 10,000 persons over 65 who receive the pneumococcal vaccine, approximately $1.4 million in health care costs are saved.

On average, older adults use 4.5 prescription medication at the same time and are at higher risk of misuse or drug-drug interactions. Hospitalization from drug reactions or interactions is six times higher for older adults than for the general population.

Aspirin is an effective therapy that can reduce the risk of death and disability from coronary artery disease, including heart attacks and strokes. Yet this inexpensive medication is inadequately used, especially in community settings. General practitioners (11%), family doctors (18%), and internists (20%) are less likely to recommend the use of aspirin than are cardiologists (37%). Aspirin is especially underused in patients over 80 years old, even though this population is likely to receive the greatest benefit.

Early use of a beta-blocker reduces the rates of mortality and rehospitalization after acute myocardial infarction. Yet 51% of older adults who are eligible for such therapy do not receive a beta blocker after a heart attack. In fact, patients at highest risk for death in the hospital were the least likely to receive beta blockers.

Mental illness is not a part of normal aging. Depression affects up to 20% of older adults in the community and up to 37% of older primary care patients, but often goes unrecognized and untreated. Both major and minor depression are associated with high use of health care services and poor quality of life. Untreated, depression can worsen symptoms of other illness, produce disability, and result in suicide. The incidence of suicide is highest in the elderly population. Up to 75% of older suicide victims are seen by their primary care provider in the month prior to suicide, but are not treated or referred for treatment of their depression.

Physicians diagnose only 30% of older adults who have an alcohol problem. The effects of alcohol can be greater in older patients, due to changes in body mass and metabolism. Drinking is linked with falls, motor vehicle accidents, and is often a factor in suicide and martial violence. Alcohol interacts with may medications and impairs judgment and cognition. The long-term abuse of alcohol increases the risk for high blood pressure, arrhythmias, cardiomyopathy and stroke, as well as certain cancers.

Smoking-related expenditures were 9.4% of Medicare expenditures in 1993 and were estimated to cost Medicare $20.5 billion in 1997. Cessation of smoking slows the rate of decline of lung function, in addition to reducing the risk of heart disease and stroke.

Improving the health of older adults and persons with disabilities will also improve the health of Medicare.

Improving the health of older adults and persons with disabilities is essential for its own sake, and is also one of the most important ways to improve the health of Medicare, even as enrollment increases.

Chronically disabled adults over 65 have health costs that are seven times those of healthy individuals. Reduction in the rate of chronic disability could maintain the current disabled retiree to worker ratio through 2030, despite a dramatic change in the overall retiree to worker ratio, with potentially immense savings to Medicare.

Savings achieved by improving the health of Medicare beneficiaries outweigh any costs associated with increased longevity.

SUMMARY

Establishes a mission statement for the Health Care Financing Administration, with new emphasis on health promotion and diseases prevention.

Waives cost-sharing for preventive services currently offered by Medicare, such as screening mammography, screening pelvic exam, colorectal screening, bone mass measurement and diabetes self-management training.

Provides an information campaign to promote the use of preventive health services.

Authorizes the development of a health self-assessment tool that includes assessment of mental health.

Promotes the use of best practices for treatment of Medicare beneficiaries.

Establishes a demonstration project for smoking cessation.

Provides demonstration projects to improve the care of residents in skilled nursing facilities and persons with serious illnesses who are not in nursing facilities.

Requests a White House conference on improving the health of older Americans.

The cost of these specific measures is estimated to be $1.6 billion over 5 years and $5 billion over 10 years, but these costs are likely to be offset by reductions in Medicare costs as the measures become effective in improving the health of senior citizens.

By Mr. CONRAD (for himself and Mr. SMITH of Oregon):

S. 2729. A bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to restore stability and equity to the financing of the United Mine Workers of America Combines Benefit Fund by eliminating the liability of reachback operations, to provide additional sources of revenue to the Fund, and for other purposes; to the Committee on Finance.

COMBINED FUND STABILITY AND FAIRNESS ACT

Mr. CONRAD. Mr. President, I rise to introduce, along with my colleague, Senator GORDON SMITH of Oregon, legislation that we call the Combined Fund Stability and Fairness Act.

The Coal Act of 1992 represents an unbreakable commitment to retired miners, their spouses, and their dependents. But it is clear today that if we do not address the shortcomings of the 1992 Act, we will fall short of keeping that promise.

Simply put, the Combined Benefit Fund needs to be put on a firm financial footing so that the miners and their family members—who depend on the health benefits the Fund provides—can stop worrying about when their benefits might be cut.

The Coal Act of 1992 cast a wide net in identifying companies that would be obligated to pay into the fund. Not only were companies then in the coal mining business included, but the Act also brought in companies that were no longer in the bituminous coal mining business as well as successor companies. Nearly eight years later, we know that Congress overreached.

Two years ago, the Supreme Court in Eastern Enterprises versus Apfel, held that the so-called ''super reachback'' companies should not have been included among Combined Benefit Fund contributors in the first place.

The logic of the Court's decision in Eastern appears just as applicable to the reachback companies. They should not have been included either.

The bill the Senator from Oregon and I are introducing today is not a bailout for the reachback companies. In fact, the reachbacks will not receive one penny under this legislation. It provides relief to the reachbacks on a prospective basis only.

There are a limited number of companies that will receive payments under this bill. One group—what we refer to as the ''final judgment'' companies—are companies in the same situation as Eastern Enterprises. However, they had been unsuccessful in litigation decided before the Eastern decision, and were barred from recovery by the doctrine of res judicata. The other group—the ''stranded interim'' companies—are companies that were assessed following the enactment of the 1992 Act but were never assigned any beneficiaries.

The total of the refunds to be paid to these two groups of companies amounts to about $28 million. That is the only money under this bill that would not go retired miners and their dependents.

I think this is a fundamental question of fairness and equity. Those companies ought to be treated the same way as those companies that were relieved of the obligation because of the Eastern decision. That is just basic fairness.

To help ensure the solvency of the Combined Benefit Fund into the future, the legislation would extend the Abandoned Mine Reclamation Fee program beyond its current expiration date of 2004 through 2010. The interest earned on the Abandoned Mine Lands Fund would be made available to the Combined Benefit Fund. This is similar to

the approach Congress took with respect to the AML fund in the 1992 Act.

It is important to stress that the AML fees would be lowered substantially from current levels. The rate on surface-mined coal would drop from 35 cents per ton to 20 cents per ton; the rate on underground-mined coal would drop from 15 cents per ton to 5 cents per ton; and the rate on lignite coal would drop from 10 cents per ton to 5 cents per ton.

The legislation also authorizes the transfer of $38 million in general fund revenues every year to cover any shortfall in the fund.

The combination of the AML Fund interest money, the premium adjustment mechanism, and the annual general fund transfers will ensure that all Combined Benefit Fund obligations will be fully met.

The fundamental purpose of the Combined Fund Stability and Fairness Act is to provide a secure, sound and fair financial foundation for the benefits miners have been promised. It is my hope that Congress will not delay in addressing this issue. Too many people are depending on us.

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. 2729

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

SECTION 1. SHORT TITLE; AMENDMENTS OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Combined Fund Stability and Fairness Act''.

(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.

TITLE I—REACHBACK PROVISIONS

SEC. 101. REFORM OF REACHBACK PROVISIONS OF COAL INDUSTRY HEALTH BENEFIT SYSTEM.

(a) AGREEMENTS COVERED BY HEALTH BENEFIT SYSTEM.—

(1) IN GENERAL.—Section 9701(b)(1) (defining coal wage agreement) is amended to read as follows:

''(1) COAL AGREEMENTS.—

''(A) 1988 AGREEMENT.—The term '1988 agreement' means the collective bargaining agreement between the settlors which became effective on February 1, 1988.

''(B) COAL WAGE AGREEMENT.—The term 'coal wage agreement' means the 1988 agreement and any predecessor to the 1988 agreement.''

(2) CONFORMING AMENDMENT.—Section 9701(b) (relating to agreements) is amended by striking paragraph (3).

(b) DEFINITIONS APPLICABLE TO OPERATORS.—

(1) SIGNATORY OPERATOR.—Section 9701(c)(1) (defining signatory operator) is amended to read as follows:

''(1) SIGNATORY OPERATOR.—The term 'signatory operator' means a 1988 agreement operator.''

(2) 1988 AGREEMENT OPERATOR.—Section 9701(c)(3) (defining 1988 agreement operator) is amended to read as follows:

''(3) 1988 AGREEMENT OPERATOR.—The term '1988 agreement operator' means—

''(A) an operator which was a signatory to the 1988 agreement, or

''(B) a person in business which, during the term of the 1988 agreement, was a signatory to an agreement (other than the National Coal Mine Construction Agreement or the Coal Haulers' Agreement) containing pension and health care contribution and benefit provisions which are the same as those contained in the 1988 agreement.

Such term shall not include any operator who was assessed, and paid the full amount of, contractual withdrawal liability to the 1950 UMWA Benefit Plan, the 1974 UMWA Benefit Plan, or the Combined Fund.''

(3) CONFORMING AMENDMENTS.—

(A) Section 9711(a) is amended by striking ''maintained pursuant to a 1978 or subsequent coal wage agreement''.

(B) Section 9711(b)(1) is amended by striking ''pursuant to a 1978 or subsequent coal wage agreement''.

(c) MODIFICATIONS TO REFLECT REACHBACK REFORMS.—

(1) BOARD OF TRUSTEES OF COMBINED FUND.—

(A) IN GENERAL.—Section 9702(b)(1) is amended—

(i) by striking ''one individual who represents'' in subparagraph (A) and inserting ''two individuals who represent'',

(ii) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(iii) by striking ''(A), (B), and (C)'' in subparagraph (C) (as so redesignated) and inserting ''(A) and (B)''.

(B) CONFORMING AMENDMENT.—Section 9702(b)(3) is amended to read as follows:

''(3) SPECIAL RULE.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on the enactment date and who have been assigned the greatest number of eligible beneficiaries under section 9706.''

(C) TRANSITION RULE.—Any trustee serving on the date of the enactment of this Act who was appointed to serve under section 9702(b)(1)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by this paragraph) shall continue to serve until a successor is appointed under section 9702(b)(1)(A) of such Code (as in effect after such amendments).

(2) ASSIGNMENT OF BENEFICIARIES.—Section 9706 (relating to assignment of eligible beneficiaries) is amended by adding at the end the following:

''(h) ASSIGNMENT AS OF OCTOBER 1, 2000.—

''(1) IN GENERAL.—Effective October 1, 2000, the Commissioner of Social Security shall—

''(A) revoke all assignments to persons other than 1988 agreement operators for purposes of assessing premiums for periods after September 30, 2000,

''(B) make no further assignments to persons other than 1988 agreement operators, and

''(C) terminate all unpaid liabilities of persons other than 1988 agreement operators with respect to eligible beneficiaries whose assignment to such persons is pending on October 1, 2000.

''(2) REASSIGNMENT UPON PURCHASE.—This subsection shall not be construed to prohibit the reassignment under subsection (b)(2) of an eligible beneficiary.''

(3) LIABILITY FOR 1992 PLAN.—

(A) IN GENERAL.—Section 9712(d) (relating to guarantee of benefits) is amended by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(B) CONFORMING AMENDMENT.—Section 9712(d)(3) (as redesignated under subparagraph (A)) is amended by striking ''or last signatory operator described in paragraph (3)''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to premiums assessed for periods after September 30, 2000, except that a person other than a 1988 agreement operator shall not be liable for any unpaid premium under section 9712(d) of the Internal Revenue Code of 1986 as of such date if liability for such premium had not been assessed or was being contested on such date.

TITLE II—FINANCING PROVISIONS

Subtitle A—Premiums

SEC. 201. REDUCTION IN ANNUAL PREMIUMS TO COAL MINERS COMBINED FUND IF SURPLUS EXISTS.

(a) IN GENERAL.—Part II of subchapter B of chapter 99 (relating to financing of Combined Benefit Fund) is amended by inserting after section 9704 the following new section:

''SEC. 9704A. REDUCTIONS IN HEALTH BENEFIT PREMIUM IF SURPLUS EXISTS.

''(a) GENERAL RULE.—If this section applies to any plan year, the per beneficiary premium used for purposes of computing the health benefit premium under section 9704(b) for the plan year shall be the reduced per beneficiary premium determined under subsection (c).

''(b) YEARS TO WHICH SECTION APPLIES.—

''(1) IN GENERAL.—This section applies to any plan year beginning after September 30, 2000, if the trustees determine that the Combined Fund has an excess reserve for the plan year.

''(2) EXCESS RESERVE.—For purposes of this section—

''(A) IN GENERAL.—The term 'excess reserve' means, with respect to any plan year, the excess (if any) of—

''(i) the projected net assets as of the close of the test period for the plan year, over

''(ii) the projected 3-month asset reserve as of such time.

''(B) PROJECTED NET ASSETS.—For purposes of subparagraph (A)(i), the projected net assets shall be the amount of the net assets which the trustees determine will be available at the end of the test period for projected fund benefits. Such determination shall be made in the same manner used by the Combined Fund to calculate net assets available for projected fund benefits in the Statement of Net Assets (Deficits) Available for Fund Benefits for purposes of the monthly financial statements of the Combined Fund for the plan year beginning October 1, 1999.

''(C) PROJECTED 3-MONTH ASSET RESERVE.—For purposes of subparagraph (A)(ii), the projected 3-month asset reserve is an amount equal to 25 percent of the projected expenses (including administrative expenses) from the health benefit premium account and unassigned beneficiaries premium account for the plan year immediately following the test period. The determination of such amount shall be based on the 10-year forecast of the projected net assets and cash balance of the Combined Fund prepared annually by an actuary retained by the Combined Fund.

''(D) TEST PERIOD.—For purposes of this section, the term 'test period' means, with respect to any plan year, the plan year and the following plan year.

''(c) REDUCED PER BENEFICIARY PREMIUM.—For purposes of this section, the reduced per beneficiary premium for any plan year to which this section applies is the per beneficiary premium determined under section 9704(b)(2) without regard to this section, reduced (but not below zero) by—

''(1) the excess reserve for the plan year, divided by

''(2) the total number of eligible beneficiaries which are assigned to assigned operators under section 9706 as of the close of the preceding plan year.

''(d) TERMINATION OF PREMIUM REDUCTION.—If, on any day during a plan year to which this section applies, the Combined Fund has net assets available for projected fund benefits (determined in the same manner as projected net assets under subsection (b)(2)(B)) in an amount less than the projected 3-month asset reserve determined under subsection (b)(2)(C) for the plan year—

''(1) this section shall not apply to months in the plan year beginning after such day, and

''(2) the monthly installment under section 9704(g)(1) for such months shall be equal to the amount which would have been determined if the health benefits premium under section 9704(b) had not been reduced under this section for the plan year.''

(b) CONFORMING AMENDMENTS.—

(1) Section 9704(a) (relating to annual premiums) is amended by striking ''Each'' and inserting ''Subject to section 9704A, each''.

(2) The table of sections for part II of subchapter B of chapter 99 is amended by inserting after the item relating to section 9704 the following new item:

''Sec. 9704A. Reductions in health benefit premium if surplus exists.''

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years of the Combined Fund beginning after September 30, 2000.

SEC. 202. ELECTION TO PREFUND REQUIRED CONTRIBUTIONS.

(a) COMBINED FUND.—Section 9704(g) (relating to payment of premiums) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

''(2) ELECTION TO PREFUND.—

''(A) IN GENERAL.—An assigned operator shall be entitled to prefund its obligations to the Combined Fund by depositing into an irrevocable trust dedicated solely to the payment of such obligations an amount which the board of trustees determines, on the basis of reasonable actuarial assumptions, to be equal to the present value of the operator's present and future obligations to the Combined Fund.

''(B) EFFECTS ON LIABILITY.—If an assigned operator prefunds its obligations under this paragraph—

''(i) the assigned operator (and any successor) shall continue to remain liable for such obligations if the amount deposited is insufficient, but

''(ii) any related person to such operator (or successor) shall be relieved of any liability for such obligations.''

(b) 1992 FUND.—Section 9712(d) (relating to guarantee of benefits), as amended by section 101, is amended by adding at the end the following:

''(6) ELECTION TO PREFUND.—

''(A) IN GENERAL.—A 1988 last signatory operator shall be entitled to prefund its obligations to the 1992 UMWA Benefit Plan by depositing into an irrevocable trust dedicated solely to the payment of such obligations an amount which the board of trustees determines, on the basis of reasonable actuarial assumptions, to be equal to the present value of the operator's present and future obligations to such plan.

''(B) EFFECTS ON LIABILITY.—If a 1988 last signatory operator prefunds its obligations under this paragraph—

''(i) the operator (and any successor) shall continue to remain liable for such obligations if the amount deposited is insufficient, but

''(ii) any related person to such operator (or successor) shall be relieved of any liability for such obligations.''

SEC. 203. FIRST YEAR PAYMENTS OF 1988 OPERATORS.

So much of section 9704(i)(1)(D) as precedes clause (ii) is amended to read as follows:

''(D) PREMIUM REDUCTIONS AND REFUNDS.—

''(i) 1st YEAR PAYMENTS.—In the case of a 1988 agreement operator making payments under subparagraph (A)—

''(I) the premium of such operator under subsection (a) shall be reduced by the amount paid under subparagraph (A) by such operator for the plan year beginning February 1, 1993, or

''(II) if the amount so paid exceeds the operator's liability under subsection (a), the excess shall be refunded to the operator.''

Subtitle B—Transfers From Abandoned Mine Reclamation Fund

SEC. 211. TRANSFER OF INTEREST FROM ABANDONED MINE RECLAMATION FUND TO COMBINED FUND.

(a) IN GENERAL.—Section 402(h)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)) is amended to read as follows:

''(2)(A) Except as provided in subparagraph (B), the Secretary shall transfer from the fund to the United Mine Workers of America Combined Benefit Fund established under section 9702 of the Internal Revenue Code of 1986 for any fiscal year the amount of interest which the Secretary estimates will be earned and paid to the fund during the fiscal year.

''(B) The Secretary shall increase the amount transferred under subparagraph (A) for fiscal year 2001 by the excess of—

''(i) the total amount of interest earned and paid to the fund after September 30, 1992, and before October 1, 2000, over

''(ii) the total amount transferred to the Combined Fund under this subsection for fiscal years beginning before October 1, 2000.''

(b) CONFORMING AMENDMENTS.—Section 204(h) of such Act (30 U.S.C. 1232(h)) is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning after September 30, 2000.

SEC. 212. MODIFICATIONS OF ABANDONED MINE RECLAMATION FEE PROGRAM.

(a) REDUCTIONS IN RECLAMATION FEES.—Section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) is amended—

(1) by striking ''35 cents'' and inserting ''20 cents'',

(2) by striking ''15 cents'' and inserting ''5 cents'', and

(3) by striking ''10 cents'' and inserting ''5 cents''.

(b) EXTENSION OF FEE PROGRAM.—Section 402(b) of such Act (30 U.S.C. 1232(b)) is amended by striking ''2004'' and inserting ''2010''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to fiscal years beginning after September 30, 2000.

SEC. 213. USE OF FUNDS TRANSFERRED FROM ABANDONED MINE RECLAMATION FUND.

(a) IN GENERAL.—Section 9705(b)(2) of the Internal Revenue Code of 1986 (relating to use of funds) is amended to read as follows:

''(2) USE OF FUNDS.—The amount transferred under paragraph (1) for any fiscal year shall be used—

''(A) first, to refund to an assigned operator (and any related person to such operator) an amount equal to the sum of—

''(i) any amount paid by such operator or person to the Combined Fund (and not previously refunded) solely by reason of the operator having been a signatory to a pre-1974 coal wage agreement, plus

''(ii) interest on the amount under clause (i) at the overpayment rate established under section 6621 for the period from the payment of such amount to the refund under this subparagraph,

''(B) second, to make any refund required under section 9704(i)(1)(D)(i)(II),

''(C) third, to proportionately reduce the unassigned beneficiary premium under section 9704(a)(3) of each assigned operator for the plan year in which transferred, and

''(D) last, to pay the amount of any other obligation occurring in the Combined Fund.''

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to fiscal years beginning after September 30, 2000.

Subtitle C—Authorization

SEC. 221. AUTHORIZATION OF TRANSFER OF FUNDS TO COMBINED BENEFIT FUND.

Section 9705 (relating to transfers to the Combined Benefit Fund) is amended by adding at the end the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated $38,000,000 for each fiscal year beginning after September 30, 2000.

''(2) USE OF FUNDS.—Any amounts transferred to the Combined Fund under paragraph (1) shall be available, without fiscal year limitation, to cover any shortfall in any premium account established under section 9704(e).

''(3) TRANSFERS.—

''(A) IN GENERAL.—The Secretary shall transfer amounts appropriated under paragraph (1) on October 1 of each fiscal year.

''(B) EXCESS AMOUNTS.—If the Secretary, after examining the audit of the Combined Fund by the Comptroller General of the United States, determines that the amount transferred for any fiscal year exceeds the amount required to cover shortfalls for that year, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate and the authorization of appropriations for the first fiscal year after the determination shall be reduced by the amount of the excess.''

SEC. 222. ANNUAL AUDIT.

Section 9702 (relating to establishment of the Combined Fund) is amended by adding at the end the following:

''(d) ANNUAL AUDIT.—

''(1) AUDIT.—The Comptroller General of the United States shall conduct an annual audit of the Combined Fund. Such audit shall include—

''(A) a review of the progress the Combined Fund is making toward a managed care system as required under this subchapter, and

''(B) a review of the use of, and necessity for, amounts transferred to the Combined Fund under section 9705(c).

''(2) REPORT.—The Comptroller General shall report the results of any audit under paragraph (1) to the Secretary of the Treasury and to the appropriate committees of Congress, including its recommendations (if any) as to any administrative savings which may be achieved without reducing the effective level of benefits under section 9703.''

By Mr. FRIST for himself and Mr. KENNEDY):

S. 2731. A bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies; to the Committee on Health, Education and Pensions.

PUBLIC HEALTH THREATS AND EMERGENCIES ACT OF 2000

Mr. FRIST. Mr. President. I am pleased today to introduce the ''Public

Health Threats and Emergencies Act of 2000'' with my colleague, Senator, KENNEDY, to improve our public health infrastructure and to address the growing threats of antimicrobial resistance and bioterrorism.

Over the last two years, we have held three hearings and forums on these topics, and I also commissioned a GAO report on antimicrobial resistance. The outcome of all this research is clear; we need to improve our public health infrastructure to be able to respond in a timely and effective manner to these and other threats.

For too long, we have not provided adequate funding to maintain and improve the core capacities of our nation's public health infrastructure. As the GAO report found, many State and local public health agencies lack even the most basic equipment such as FAX machines or answering machines to assist their workload and improve communications.

We face a myriad of public health threats everyday, and besides improving our core public health capacity, this act aim addresses two problems in particular: antimicrobial resistance and bioterrorism.

Antimicrobial resistance is a pressing pubic health problem. As a heart and lung transplant surgeon, I know all too well that the most common cause of death after transplantation of a heart or lung is not rejection, but infection. One hundred percent of transplantation patients contract infections following surgery. Infection is the most common complication following surgery, the leading cause for rehospitalization, and the most expensive aspect of treatment post-transplantation. Antibiotics are a mainstay of treatment, yet we are increasingly seeing resistant bacteria which are not killed by most first-line antimicrobials.

In fact, the New England Journal of Medicine has reported that certain Staphylocci, which are a common cause of post-surgical and hospital acquired infections, are showing intermediate resistance to vancomycin, an antibiotic of the last resort. Just recently in mid-April, the FDA approved the first entirely new type antibiotic in 35 years.

How did we reach this point? For most of human history, infections were the scourge of man's existence causing debilitating disease and often death. Antibiotics, when initially discovered more than 50 years ago, were heralded as miracle drugs and quickly became our most lethal weapon in the crusade against disease-causing bacteria. Antibiotics were widely dispensed and, in the 1970's premature optimism lead us to declare the war on infections won.

Unfortunately, we discovered that bacteria are cagey, tenacious organisms that swiftly developed resistance to antibiotics and adapted to drug-rich environments. In addition, the art of medicine evolved, creating new opportunities for bacteria to cause infection from invasive procedures using catheters to organ transplant recipients who are treated with immunosuppressive agents to prevent rejection. As a result, we are both seeing more invasive, life-threatening infections that require concurrent treatment with several antibiotics to control and infections that were on the decline, such as Tuberculosis, re-emerging in an antimicrobial resistant form.

While infections have plagued man's existence for most of human history, throughout civilization, bioweapons have been strategically deployed during critical military battles. For example, in 1344, the Mongols hurled corpses infected with bubonic plague over the city walls of Caffa (now Feodossia, Ukraine). During World War I, the Germans hoped to gain an advantage by infecting their enemies horses and livestock with anthrax.

Bioterrorism is a significant threat to our country. As a nation we are presently more vulnerable to bioweapons than other more traditional means of warfare. Bioweapons pose considerable challenges that are different from those of standard terrorist devices, including chemical weapons.

The mere term ''bioweapon'' invokes visions of immense human pain and suffering and mass casualties. Pound for pound, ounce for ounce, bioagents represent one of the most lethal weapons of mass destruction known. Moreover, victims of a covert bioterrorist attack do not necessarily develop symptoms upon exposure to the bioagent. Development of symptoms may be delayed days long after the bioweapon is dispersed.

As a result, exposed individuals will most likely show up in emergency rooms, physician offices, or clinics, with nondescript symptoms or ones that mimic the common cold or flu. In all likelihood, physicians and other health care providers will not attribute these symptoms to a bioweapon. If the bioagent is communicable, such as small pox, many more people may be infected in the interim, including our health care workers. As Stephanie Bailey, the Director of Health for Metropolitan Nashville and Davidson County pointed out in our hearing on bioterrorism, ''many localities are on their own for the first 24 to 48 hours after an attack before Federal assistance can arrive and be operational. This is the critical time for preventing mass casualties.''

If experts are correct in their belief that a major bioterrorist attack is a virtual certainty, that it is no longer a question of ''if'' but rather ''when.'' In fact, my home town of Nashville last year joined an ever-increasing number of cities to receive and respond to a package that was suspected of containing anthrax. Thankfully, this was a hoax.

To address these concerns about our public health infrastructure and improve our preparedness for the threats of antimicrobial resistance and bioterrorism, I have joined with Senator KENNEDY to provide greater resources and coordination to address these issues.

The Public Health Threats and Emergencies Act, which we introduce today, will provide needed guidance, resources, and coordination to increase the core capacities of the nation's public health infrastructure. This Act will also improve the coordination and increase the resources available to address the threats of bioterrorism and antimicrobial resistance.

Strengthening capacities to ensure that the public health infrastructure is adequate to respond to carry out core functions and respond to emerging threats and emergencies, the Public Health Threats and Emergencies Act authorizes: the establishment of voluntary performance goals for public health systems; grants to public health agencies to conduct assessments and build core capacities to achieve these goals; and funding to rebuild and remodel the facilities of the Center for Disease Control and Prevention.

To strengthen public health capacities to combat antimicrobial resistance, the Act authorizes: a task force to coordinate Federal programs related to antimicrobial resistance and to improve public education on antimicrobial resistance; the National Institutes of Health (NIH) to support research into the development of new therapeutics against and improved diagnostics for resistant pathogens; and grants for activities to improve specific capacities to detect, monitor, and combat antimicrobial resistance.

To strengthen public health capacities to prevent and respond to bioterrorism, the Act authorizes: two interdepartmental task forces to address joint issues of research needs and the public health and medical consequences of bioterrorism; NIH and CDC research on the epidemiology of bioweapons and the development of new vaccines or therapeutics for bioweapons; and grants to public health agencies and hospitals and care facilities to detect, diagnose, and respond to bioterrorism.

Mr. President, this Act is necessary. We must take steps now to improve our basic capacities to address all public health threats, including antimicrobial resistance and bioterrorism. I am hopeful this legislation provides State and local public health agencies the resources to improve their abilities so that we better protect the health and well-being of our Nation's citizens.

I want to thank Senator KENNEDY for joining me in this effort and for the work of his staff. I would also like to thank Dr. Stephanie Bailey, the Director of Health for Metropolitan Nashville and Davidson County for her assistance and input on this important piece of legislation.

Mr. KENNEDY. Mr. President, several months ago, my distinguished colleague, Senator BILL FRIST, and I began to develop legislation needed to enhance the nation's protections

against the triple threat to health posed by new and resurgent infectious diseases, by ''superbugs'' resistant to antibiotics, and by terrorist attacks with biological weapons. Today, Senator FRIST and I are introducing the Public Health Threats and Emergencies Act of 2000. I commend Senator FRIST for his leadership and commitment on this important legislation.

The bill that we are introducing today will provide the nation with additional weapons to win the battle against the deadly perils of infectious disease, antimicrobial resistance and bioterrorism. The Public Health Threats and Emergencies Act of 2000 will revitalize the nation's ability to monitor and fight outbreaks of infectious disease, control the spread of germs resistant to antibiotics, and protect the nation more effectively against bioterrorism.

Today we face a world where deadly contagious diseases that erupt in one part of the world can be transported across the globe with the speed of a jet aircraft. The recent outbreak of West Nile Fever in the New York area is an ominous warning of future dangers. Diseases such as cholera, typhoid and pneumonia that we have fought for generations still claim millions of lives across the world and will pose increasing dangers to this country in years to come. New plagues like Ebola virus, Lassa Fever and others now unknown to science may one day invade our shores.

Less exotic, but also deadly, are the simpler infections that for almost a century we have been able to treat with antibiotics, but that are now becoming resistant even to our most advanced medicines. Drugs that once had the power to cure dangerous infections are now often useless—because ''superbugs'' have now become resistant to all but the most powerful and expensive medications. Strains of tuberculosis that are resistant to antimicrobial drugs are prevalent around the world, and are a growing danger in our inner cities and among the homeless. If action is not urgently taken, we may soon return to the days when a simple case of food poisoning could prove deadly and a mere cut could become severely infected and cost a limb.

The growing financial burden of antimicrobial resistance on the health care system is staggering. Treating a patient with TB usually costs $12,000. But when a patient has drug-resistant TB, that figure soars to $180,000. The National Foundation for Infectious Diseases estimates that the total cost of antimicrobial resistance to the U.S. health care system is as high as $4 billion every year—and this figure will only rise as resistant infections become more common.

But the most potentially deadly of these threats is bioterrorism. We are a nation at risk. Biological weapons are the massive new threats of the twenty-first century. The Office of Emergency Preparedness estimates that 40 million Americans could die if a terrorist released smallpox into the American population. Anthrax could kill 10 million. Other deadly pathogens known to have been developed in biological warfare labs around the world could kill millions.

Our proposal will strengthen the nation's public health agencies, which provide the first line of defense against bioterrorism and many other threats to the public health. Our legislation authorizes the Secretary of Health and Human Services to respond swiftly and effectively to a public health emergency, and provides the Secretary with needed resources to mount a strong defense against whatever danger imperils the nation's health.

The bill calls upon the Secretary of Health and Human Services to establish a national monitoring plan for dangerous infections resistant to antibiotics, and to work closely with state and local public health agencies to ensure that this peril is contained.

It is also essential to educate patients and medical providers in the appropriate use of antibiotics. Too often, patients demand antibiotics and doctors provide them for illnesses which do not require and do not respond to these drugs. Our legislation calls upon the federal government to lead a national campaign to educate patients and health providers in the appropriate use of antibiotics.

The threat of bioterrorism demands particular attention, because of its potential for massive death and destruction. Currently, dozens of federal agencies share responsibility for domestic preparedness against bioterrorist attacks. This bill will enhance the nation's preparedness by improving coordination among federal agencies responsible for all aspects of a bioterrorist attack. Better coordination will allow us to develop the public health countermeasures needed to defend against bioterrorism, such as stockpiles of essential supplies and effective disaster planning.

Since the infectious organisms likely to be used in a bioterrorist attack are rarely encountered in normal medical practice, many doctors or laboratory specialists are likely to be unable to diagnose persons with these diseases rapidly and accurately. Recognizing a bioterrorist attack quickly is a major part of containing it. This bill will improve the preparedness of public health institutions, health providers, and emergency personnel to detect, diagnose, and respond to bioterrorist attacks through improved training and public education.

One of the highest duties of Congress is to protect the nation against all threats, foreign and domestic. Deadly infectious diseases, new ''superbugs'' resistant to antibiotics, and bioterrorism clearly menace the nation. We must resist these threats as vigorously as we would fight an invading army. the Frist-Kennedy bill is intended to provide the weapons we need to win this battle.

ADDITIONAL COSPONSORS

S. 663

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 663, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 872

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 872, a bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste , and for other purposes.

S. 901

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 901, a bill to provide disadvantaged children with access to dental services.

S. 1128

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

At the request of Mr. KYL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1128, supra.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1522

At the request of Mr. AKAKA, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1522, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2123

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the

Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2247

At the request of Mr. BYRD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2247, a bill to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2321

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2321, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for development costs of telecommunications facilities in rural areas.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2386

At the request of Mr. ROBB, his name was added as a cosponsor of S . 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2423

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2423, a bill to provide Federal Perkins Loan cancellation for public defenders.

S. 2435

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2435, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 2477

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2477, a bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program.

S. 2508

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2508, a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

S. 2588

At the request of Mr. BENNETT, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2588, a bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes.

S. 2630

At the request of Mr. FEINGOLD, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2630, a bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes.

S. 2696

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2696, a bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Georgia (Mr. CLELAND), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S . 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S.RES. 132

At the request of Mrs. FEINSTEIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. Res. 132, a resolution designating the week beginning January 21, 2001, as ''Zinfandel Grape Appreciation Week.''

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Hawaii (Mr. INOUYE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Washington (Mrs. MURRAY), the Senator from New York (Mr. SCHUMER), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as ''National Fragile X Awareness Week''.

S. RES. 277

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Oklahoma (Mr. INHOFE), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Res. 277, a resolution commemorating the 30th anniversary of the policy of Indian self-determination.

AMENDMENT NO. 3202

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. KOHL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 3202 intended to be proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3213

At the request of Mr. BENNETT, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of amendment No. 3213 intended to be proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3267

At the request of Mrs. LINCOLN, her name was added as a cosponsor of amendment No. 3267 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 122—RECOGNIZING THE 60TH ANNIVERSARY OF THE UNITED STATES NONRECOGNITION POLICY OF THE SOVIET TAKEOVER OF ESTONIA, LATVIA, AND LITHUANIA, AND CALLING FOR POSITIVE STEPS TO PROMOTE A PEACEFUL AND DEMOCRATIC FUTURE FOR THE BALTIC REGION

Mr. DURBIN (for himself, Mr. GORTON, Mr. ROBB, Mr. GRAMS, and Mr. VOINOVICH) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 122

Whereas in June 1940, the Soviet Union occupied the Baltic countries of Estonia, Latvia, and Lithuania and forcibly incorporated them into the Union of Soviet Socialist Republics;

Whereas throughout the occupation, the United States maintained that the acquisition of Baltic territory by force was not permissible under international law and refused to recognize Soviet sovereignty over these lands;

Whereas on July 15, 1940, President Franklin D. Roosevelt issued Executive Order No. 8484, which froze Baltic assets in the United States to prevent them from falling into Soviet hands;

Whereas on July 23, 1940, Acting Secretary of State Sumner Welles issued the first public statement of United States policy of nonrecognition of the Soviet takeover of the Baltic countries, condemning that act in the strongest terms;

Whereas the United States took steps to allow the diplomatic representatives of Estonia, Latvia, and Lithuania in Washington to continue to represent their nations throughout the Soviet occupation;

Whereas Congress on a bipartisan basis strongly and consistently supported the policy of nonrecognition of the Soviet takeover of the Baltic countries during the 50 years of occupation;

Whereas in 1959, Congress designated the third week in July as ''Captive Nations Week'', and authorized the President to issue a proclamation declaring June 14 as ''Baltic Freedom Day'';

Whereas in December 1975, the House of Representatives and the Senate adopted resolutions declaring that the Final Act of the Commission for Security and Cooperation in Europe, which accepted the inviolability of borders in Europe, did not alter the United States nonrecognition policy;

Whereas during the struggle of the Baltic countries for the restoration of their independence in 1990 and 1991, Congress passed a number of resolutions that underscored its continued support for the nonrecognition policy and for Baltic self-determination;

Whereas since then the Baltic states have successfully built democracy, ensured the rule of law, developed free market economies, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization;

Whereas the Russian Federation has extended formal recognition to Estonia, Latvia, and Lithuania as independent and sovereign states; and

Whereas the United States, the European Union, and the countries of Northern Europe have supported regional cooperation in Northern Europe among the Baltic and Nordic states and the Russian Federation in addressing common environmental, law enforcement, and public health problems, and in promoting civil society and business and trade development: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of the Baltic states and the contribution that policy made in supporting the aspirations of the people of Estonia, Latvia, and Lithuania to reassert their freedom and independence;

(2) commends Estonia, Latvia, and Lithuania for the reestablishment of their independence and the role they played in the disintegration of the former Soviet Union in 1990 and 1991;

(3) commends Estonia, Latvia, and Lithuania for their success in implementing political and economic reforms, which may further speed the process of their entry into European and Western institutions; and

(4) supports regional cooperation in Northern Europe among the Baltic and Nordic states and the Russian Federation and calls for further cooperation in addressing common environmental, law enforcement, and public health problems, and in promoting civil society and business and trade development, and similar efforts that promote a peaceful, democratic, prosperous, and secure future for Europe, Russia and the Nordic-Baltic region.

SENATE RESOLUTION 323—DESIGNATING MONDAY, JUNE 19, 2000, AS NATIONAL EAT-DINNER-WITH-YOUR-CHILDREN DAY

Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. LEVIN, Mr. BRYAN, Mr. KENNEDY, Mrs. MURRAY, Mr. MOYNIHAN, Mr. SESSIONS, Mr. DEWINE, Mr. HELMS, Mr. THURMOND, Mr. SCHUMER, and Mr. INOUYE) submited the following resolution; which was considered and agreed to:

S. RES. 323

Whereas the use of illegal drugs and the abuse of substances such as alcohol and nicotine constitute the single greatest threat to the health and well-being of American children;

Whereas surveys conducted by the National Center on Addiction and Substance Abuse at Columbia University have found for each of the past 4 years that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers from families that seldom eat dinner together are 72 percent more likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers from families that eat dinner together are 31 percent less likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas the correlation between the frequency of family dinners and the decrease in substance abuse risk is well documented;

Whereas parental influence is known to be one of the most crucial factors in determining the likelihood of teenage substance abuse; and

Whereas family dinners have long constituted a substantial pillar of American family life: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that eating dinner as a family is a critical step toward raising healthy, drug-free children; and

(2) designates Monday, June 19, 2000, as National Eat-Dinner-With-Your-Children Day.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

LOTT AMENDMENT NO. 3382

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 353, between lines 15 and 16, insert the following:

SEC. 914. MANAGEMENT OF NAVY RESEARCH FUNDS BY CHIEF OF NAVAL RESEARCH.

(a) CLARIFICATION OF DUTIES.—Section 5022 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after paragraph (1) of subsection (a) the following:

''(b)(1) The Chief of Naval Research is the head of the Office of Naval Research.''; and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) CHIEF AS MANAGER OF RESEARCH FUNDS.—The Chief of Naval Research shall manage the Navy's basic, applied, and advanced research funds to foster transition from science and technology to higher levels of research, development, test, and evaluation.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking ''(a)(1)'' and inserting ''(a)''.

KENNEDY AMENDMENT NO. 3383

Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. TECHNOLOGIES FOR DETECTION AND TRANSPORT OF POLLUTANTS ATTRIBUTABLE TO LIVE-FIRE ACTIVITIES.

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), the amount available for the Strategic Environmental Research and Development Program (PE6034716D) is hereby increased by $5,000,000, with the amount of such increase available for the development and test of technologies to detect, analyze, and map the presence of, and transport of, pollutants and contaminants at sites undergoing the detection and remediation of constituents attributable to live-fire activities in a variety of hydrogeological scenarios.

(c) ADDITIONAL REQUIREMENT.—Performance measures shall be established for the technologies described in subsection (b) for purposes of facilitating the implementation and utilization of such technologies by the Department of Defense.

(d) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby decreased by $5,000,000, with the amount of such decrease applied to Combat Vehicle and Automotive Advanced Technology (PE603005A).

STEVENS (AND OTHERS) AMENDMENT NO. 3384

Mr. WARNER (for Mr. STEVENS (for himself, Mr. DEWINE, and Mr. VOINOVICH)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 55, strike lines 13 and 14, and insert the following:

(18) For Environmental Restoration, Formerly Used Defense Sites, $231,499,000.

On page 54, line 16, strike ''$11,973,569,000'' and insert ''$11,928,569,000''.

LOTT AMENDMENT NO. 3385

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill. S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. WEATHERPROOFING OF FACILITIES AT KEESLER AIR FORCE BASE, MISSISSIPPI.

Of the total amount authorized to be appropriated by section 301(4), $2,800,000 is available for the weather-proofing of facilities at Keesler Air Force Base, Mississippi.

HARKIN (AND OTHERS) AMENDMENT NO. 3386

Mr. LEVIN (for Mr. HARKIN (FOR HIMSELF, MR. LUGAR, and Mr. LEAHY)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 239, after line 22, insert the following:

SEC. 656. DETERMINATIONS OF INCOME ELIGIBILITY FOR SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1060a(c)(1)(B) of title 10, United States Code, is amended by striking the second sentence and inserting the following: ''In the application of such criterion, the Secretary shall exclude from income any basic allowance for housing as permitted under section 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)).

HUTCHISON AMENDMENT NO. 3387

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill. S. 2549, supra; as follows:

On page 251, between lines 6 and 7, insert the following:

SEC. 714. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary inform the primary care manager of the beneficiary of any health care received from a civilian provider or in a specialized treatment facility.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary demonstrates significant cost avoidance for specific procedures at the affected military medical treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military medical treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 2001.

JEFFORDS (AND OTHERS) AMENDMENT NO. 3388

Mr. WARNER (for Mr. JEFFORDS (for himself, Mr. ALLARD, Mr. BINGAMAN, Mr. KENNEDY, and Mr. LEAHY)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

SEC. 656. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (a) of section 16133 of title 10, United States Code, is amended by striking ''(1) at the end'' and all that follows through the end and inserting ''on the date the person is separated from the Selected Reserve.''.

(b) CERTAIN MEMBERS.—Paragraph (1) of subsection (b) of that section is amended in the flush matter following subparagraph (B) by striking ''shall be determined'' and all that follows through the end and inserting ''shall expire on the later of (i) the 10-year period beginning on the date on which such person becomes entitled to educational assistance under this chapter, or (ii) the end of the 4-year period beginning on the date such person is separated from, or ceases to be, a member of the Selected Reserve.''.

(c) CONFORMING AMENDMENTS.—Subsection (b) of that section is further amended—

(1) in paragraph (2), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)(1)'';

(2) in paragraph (3), by striking ''subsection (a)'' and inserting ''subsection (b)(1)''; and

(3) in paragraph (4)—

(A) in subparagraph (A), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)(1)''; and

(B) in subparagraph (B), by striking ''clause (2) of such subsection'' and inserting ''subsection (a)''.

STEVENS AMENDMENT NO. 3389

Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

SEC. 656. RECOGNITION OF MEMBERS OF THE ALASKA TERRITORIAL GUARD AS VETERANS.

(a) IN GENERAL.—Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f) Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 656(b) of the National Defense Authorization Act for Fiscal Year 2001 shall be considered active duty for purposes of all laws administered by the Secretary.''.

(b) DISCHARGE.—(1) The Secretary of Defense shall issue to each individual who served as a member of the Alaska Territorial Guard during World War II a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

(2) A discharge under paragraph (1) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that paragraph.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any individual for any period before the date of the enactment of this Act by reason of the enactment of this section.

FEINGOLD AMENDMENT NO. 3390

Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 220, between lines 13 and 14, insert the following:

SEC. 622. ENTITLEMENT OF MEMBERS OF THE NATIONAL GUARD AND OTHER RESERVES NOT ON ACTIVE DUTY TO RECEIVE SPECIAL DUTY ASSIGNMENT PAY.

(a) AUTHORITY.—Section 307(a) of title 37, United States Code, is amended by inserting after ''is entitled to basic pay'' in the first sentence the following: '', or is entitled to compensation under section 206 of this title in the case of a member of a reserve component not on active duty,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

HUTCHISON AMENDMENT NO. 3391

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 270, between lines 16 and 17, insert the following:

SEC. 744. SERVICE AREAS OF TRANSFEREES OF FORMER UNIFORMED SERVICES TREATMENT FACILITIES THAT ARE INCLUDED IN THE UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

Section 722(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended—

(1) by inserting ''(1)'' after ''(e) SERVICE AREA.—''; and

(2) by adding at the end the following:

''(2) The Secretary may, with the agreement of a designated provider, expand the service area of the designated provider as the Secretary determines necessary to permit covered beneficiaries to enroll in the designated provider's managed care plan. The expanded service area may include one or more noncontiguous areas.''.

THOMPSON (AND OTHERS) AMENDMENT NO. 3392

Mr. WARNER (for Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. WARNER, and Mr. LEVIN)) proposed an amendment to the bill, S. 2549, supra; as follows:

In section 801(a), strike ''The Secretary of Defense shall ensure that, not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation is revised'' and insert ''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 (41 U.S.C. 405 and 421) shall be revised''.

At the end of title VIII, add the following:

SEC. 814. REVISION OF THE ORGANIZATION AND AUTHORITY OF THE COST ACCOUNTING STANDARDS BOARD.

(a) ESTABLISHMENT WITHIN OMB.—Paragraph (1) of subsection (a) of section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422) is amended by striking ''Office of Federal Procurement Policy'' in the first sentence and inserting ''Office of Management and Budget''.

(b) COMPOSITION OF BOARD.—Subsection (a) of such section is further amended—

(1) by striking the second sentence of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Board shall consist of five members appointed as follows:

''(A) A Chairman, appointed by the Director of the Office of Management and Budget, from among persons who are knowledgeable in cost accounting matters for Federal Government contracts.

''(B) One member, appointed by the Secretary of Defense, from among Department of Defense personnel.

''(C) One member, appointed by the Administrator, from among employees of executive agencies other than the Department of Defense, with the concurrence of the head of the executive agency concerned.

''(D) One member, appointed by the Chairman from among persons (other than officers and employees of the United States) who are in the accounting or accounting education profession.

''(E) One member, appointed by the Chairman from among persons in industry.''.

(c) TERM OF OFFICE.—Paragraph (3) of such subsection, as redesignated by subsection (b)(2), is amended—

(1) in subparagraph (A)—

(A) by striking '', other than the Administrator for Federal Procurement Policy,'';

(B) by striking clause (i);

(C) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(D) in clause (ii), as so redesignated, by striking ''individual who is appointed under paragraph (1)(A)'' and inserting ''officer or employee of the Federal Government who is appointed as a member under paragraph (2)''; and

(2) by striking subparagraph (C).

(d) OTHER BOARD PERSONNEL.—(1) Subsection (b) of such section is amended to read as follows:

''(b) SENIOR STAFF.—The Chairman, after consultation with the Board, may appoint an executive secretary and two additional staff members without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and in senior-level positions. The Chairman may pay such employees without regard to the provisions of chapter 51 (relating to classification of positions), and subchapter III of chapter 53 of such title and section 5376 of such title (relating to the rates of basic pay under the General Schedule and for senior-level positions, respectively), except that no individual so appointed may receive pay in excess of the maximum rate of basic pay payable for a senior-level position under such section 5376.''.

(2) Subsections (c) and (d)(2), and the third sentence of subsection (e), of such section are amended by striking ''Administrator'' and inserting ''Chairman''.

(e) COST ACCOUNTING STANDARDS AUTHORITY.—(1) Paragraph (1) of subsection (f) of such section is amended by inserting '', subject to direction of the Director of the Office of Management and Budget,'' after ''exclusive authority''.

(2) Paragraph (2)(B)(iv) of such subsection is amended by striking ''more than $7,500,000'' and inserting ''$7,500,000 or more''.

(3) Paragraph (3) of such subsection is amended, in the first sentence—

(A) by striking ''Administrator, after consultation with the Board'' and inserting ''Chairman, with the concurrence of a majority of the members of the Board''; and

(B) by inserting before the period at the end the following: '', including rules and procedures for the public conduct of meetings of the Board''.

(4) Paragraph (5)(C) of such subsection is amended to read as follows:

''(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 a level in the executive agency as follows:

''(i) The senior policymaking level, except as provided in clause (ii).

''(ii) The head of a procuring activity, in the case of a firm, fixed price contract or subcontract for which the requirement to obtain cost or pricing data under subsection (a) of section 2306a of title 10, United States Code, or subsection (a) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b) is waived under subsection (b)(1)(C) of such section, respectively.''.

(5) Paragraph (5)(E) of such subsection is amended by inserting before the period at the end the following: ''in accordance with requirements prescribed by the Board''.

(f) REQUIREMENTS FOR STANDARDS.—(1) Subsection (g)(1)(B) of section 26 of the Office of Federal Procurement Policy Act is amended by inserting before the semicolon at the end the following: '', together with a solicitation of comments on those issues''.

(g) INTEREST RATE APPLICABLE TO CONTRACT PRICE ADJUSTMENTS.—Subsection (h)(4) of such section is amended by inserting ''(a)(2)'' after ''6621'' both places that it appears.

(h) REPEAL OF REQUIREMENT FOR ANNUAL REPORT.—Such section is further amended by striking subsection (i).

(i) EFFECTS OF BOARD INTERPRETATIONS AND REGULATIONS.—Subsection (j) of such section is amended—

(1) in paragraph (1), by striking ''promulgated by the Cost Accounting Standards Board under section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168)'' and inserting ''that are in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001''; and

(2) in paragraph (3), by striking ''under the authority set forth in section 6 of this Act'' and inserting ''exercising the authority provided in section 6 of this Act in consultation with the Chairman''.

(j) RATE OF PAY FOR CHAIRMAN.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Chairman, Cost Accounting Standards Board.''.

(k) TRANSITION PROVISION FOR MEMBERS.—Each member of the Cost Accounting Standards Board who serves on the Board under paragraph (1) of section 26(a) of the Office of Federal Procurement Policy Act, as in effect on the day before the date of the enactment of this Act, shall continue to serve as a member of the Board until the earlier of—

(1) the expiration of the term for which the member was so appointed; or

(2) the date on which a successor to such member is appointed under paragraph (2) of such section 26(a), as amended by subsection (b) of this section.

SEC. 815. REVISION OF AUTHORITY FOR SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) PILOT PROJECTS UNDER THE PROGRAM.—Section 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1492) is amended—

(1) in subsection (a), by striking ''subsection (d)(2)'' and inserting ''subsection (d)''; and

(2) by striking subsection (d) and inserting the following:

''(d) PILOT PROGRAM PROJECTS.—The Administrator shall authorize to be carried out under the pilot program—

''(1) not more than 10 projects, each of which has an estimated cost of at least $25,000,000 and not more than $100,000,000; and

''(2) not more than 10 projects for small business concerns, each of which has an estimated cost of at least $1,000,000 and not more than $5,000,000.''.

(b) ELIMINATION OF REQUIREMENT FOR FEDERAL FUNDING OF PROGRAM DEFINITION PHASE.—Subsection (c)(9)(B) of such section is amended by striking ''program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—'' and inserting ''program definition phase—''.

SEC. 816. APPROPRIATE USE OF PERSONNEL EXPERIENCE AND EDUCATIONAL REQUIREMENTS IN THE PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES.

(a) AMENDMENT OF 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 (41 U.S.C. 405 and 421) shall be amended to address the use of personnel experience and educational requirements in the procurement of information technology services.

(b) CONTENT OF AMENDMENT.—The amendment issued pursuant to subsection (a) shall—

(1) provide that a solicitation of bids on a performance-based contract for the procurement of information technology services may not set forth any minimum experience or educational requirement for contractor personnel that a bidder must satisfy in order to be eligible for award of the contract; and

(2) specify—

(A) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may set forth any such minimum requirement for that purpose; and

(B) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may not set forth any such minimum requirement for that purpose.

(c) CONSTRUCTION OF REGULATION.—The amendment issued pursuant to subsection (a) shall include a rule of construction that a prohibition included in the amendment under paragraph (1) or (2)(B) does not prohibit the consideration of the experience and educational levels of the personnel of bidders in the selection of a bidder to be awarded a contract.

(d) GAO REPORT.—Not later than 1 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—

(1) executive agency compliance with the regulations; and

(2) conformity of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

(e) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term ''performance-based contract'' means a contract that includes performance work statements setting forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(3) The term ''information technology'' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

At the end of subtitle A of title X, insert the following:

SEC. 1010. TREATMENT OF PARTIAL PAYMENTS UNDER SERVICE CONTRACTS.

For the purposes of the regulations prescribed under section 3903(a)(5) of title 31, United States Code, partial payments, other than progress payments, that are made on a contract for the procurement of services shall be treated as being periodic payments.

WARNER AMENDMENT NO. 3393

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 54, line 11, strike ''$19,028,531,000'' and insert ''$19,031,031,000''.

On page 54, line 11, strike ''$11,973,569,000'' and insert ''$11,971,069,000''.

LIEBERMAN AMENDMENT NO. 3394

Mr. LEVIN (for Mr. LIEBERMAN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. SUPPORT OF CONSULTATIONS ON ARAB AND ISRAELI ARMS CONTROL AND REGIONAL SECURITY ISSUES.

Of the amount authorized to be appropriated by section 301(5), up to $1,000,000 is available for the support of programs to promote informal region-wide consultations among Arab, Israeli, and United States officials and experts on arms control and security issues concerning the Middle East region.

DEWINE AMENDMENT NO. 3395

Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 353, between lines 15 and 16, insert the following:

SEC. 914. UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

(a) AUTHORITY.—(1) Part III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following:

''CHAPTER 904—UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

''Sec.
''9321. Establishment; purposes.
''9322. Sense of the Senate.

''SEC. 9321. ESTABLISHMENT; PURPOSES.

''(a) ESTABLISHMENT.—There is a United States Air Force Institute of Technology in the Department of the Air Force.

''(b) PURPOSES.—The purposes of the Institute are as follows:

''(1) To perform research.

''(2) To provide advanced instruction and technical education for employees of the Department of Air Force and members of the Air Force (including the reserve components) in their practical and theoretical duties.

''SEC. 9322. SENSE OF THE SENATE REGARDING THE UTILIZATION OF THE AIR FORCE INSTITUTE OF TECHNOLOGY.

''(a) It is the sense of the Senate that in order to insure full and continued utilization of the Air Force Institute of Technology, the Secretary of the Air Force should, in consult with the Chief of Staff of the Air Force and the Commander of the Air Force Materiel Command, review the following areas of organized structure and operations at the Institute:

''(1) The grade of the Commandant.

''(2) The chain of command of the Commandant of the Institute within the Air Force.

''(3) The employment and compensation of civilian professors at the Institute.

''(4) The processes for the identification of requirements for advanced degrees within the Air Force, identification for annual enrollment quotas and selection of candidates.

''(5) Post graduation opportunities for graduates of the Institute.

''(6) The policies and practices regarding the admission of—

''(A) officers of the Army, Navy, Marine Corps, and Coast Guard;

''(B) employees of the Department of the Army, Department of the Navy, and Department of Transportation;

''(C) personnel of the armed forces of foreign countries;

''(D) enlisted members of the Armed Forces of the United States; and

''(E) others eligible for admission.''

ROBERTS AMENDMENT NO. 3396

Mr. WARNER (for Mr. ROBERTS) proposed an amendment to amendment No. 3237 proposed by Mr. WARNER (for Mr. ROBERTS) to the bill, S. 2549, supra; as follows:

On page 2, line 15, strike ''$1,5000,000'' and insert ''$1,500,000''.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 3397

Mr. WARNER (for Mr. MURKOWSKI (for himself, Mr. CRAIG, Mr. BINGAMAN, Mr. ENZI, Mr. BAUCUS, Mr. REID, Mr. STEVENS, Mr. CRAPO, Mr. HUTCHINSON, and Mr. THOMAS)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 251, between lines 6 and 7, insert the following:

SEC. 714. ENHANCEMENT OF ACCESS TO TRICARE IN RURAL STATES.

(a) HIGHER MAXIMUM ALLOWABLE CHARGE.—Section 1079(h) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraphs (2) and (3)'' in the first sentence and inserting ''paragraphs (2), (3), and (4)'';

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) The amount payable for a charge for a service provided by an individual health care professional or other noninstitutional health care provider in a rural State for which a claim is submitted under a plan contracted for under subsection (a) shall be equal to 80 percent of the customary and reasonable charge for services of that type when provided by such a professional or other provider, as the case may be, in that State.

''(B) A customary and reasonable charge shall be determined for the purposes of subparagraph (A) under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries. In prescribing the regulations, the Secretary may also consult with the Administrator of the Health Care Financing Administration of the Department of Health and Human Services.''; and

(4) by adding at the end the following:

''(6) In this subsection the term 'rural State' means a State that has, on average, as determined by the Bureau of the Census in the latest decennial census—

''(A) less than 76 residents per square mile; and

''(B) less than 211 actively practicing physicians (not counting physicians employed by the United States) per 100,000 residents.''.

(b) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which physicians are choosing not to participate in contracts for the furnishing of health care in rural States under chapter 55 of title 10, United States Code.

(2) The report shall include the following:

(A) The number of physicians in rural States who are withdrawing from participation, or otherwise refusing to participate, in the health care contracts.

(B) The reasons for the withdrawals and refusals.

(C) The actions that the Secretary of Defense can take to encourage more physicians to participate in the health care contracts.

(D) Any recommendations for legislation that the Secretary considers necessary to encourage more physicians to participate in the health care contracts.

(3) In this subsection, the term ''rural State'' has the meaning given that term in section 1079(h)(6) of title 10, United States Code (as added by subsection (a)).

FEINGOLD (AND THOMPSON) AMENDMENT NO. 3398

Mr. LEVIN (for Mr. FEINGOLD (for himself and Mr. THOMPSON)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVING PROPERTY MANAGEMENT.

(a) IN GENERAL.—Section 203(p)(1)(B)(ii) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)(ii)) is amended by striking ''July 31, 2000'' and inserting ''December 31, 2002''.

(b) CONFORMING AMENDMENT.—Section 233 of Appendix E of Public Law 106–113 (113 Stat. 1501A–301) is repealed.

WARNER AMENDMENT NO. 3399

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON THE STATUS OF DOMESTIC PREPAREDNESS AGAINST THE THREAT OF BIOLOGICAL TERRORISM.

(a) REPORT REQUIRED.—Not later than March 31, 2001, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report on domestic preparedness against the threat of biological terrorism.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) The current state of United States preparedness to defend against a biologic attack.

(2) The roles that various Federal agencies currently play, and should play, in preparing for, and defending against, such an attack.

(3) The roles that State and local agencies and public health facilities currently play, and should play, in preparing for, and defending against, such an attack.

(4) The advisability of establishing an intergovernmental task force to assist in preparations for such an attack.

(5) The potential role of advanced communications systems in aiding domestic preparedness against such an attack.

(6) The potential for additional research and development in biotechnology to aid domestic preparedness against such an attack.

(7) Other measures that should be taken to aid domestic preparedness against such an attack.

(8) The financial resources necessary to support efforts for domestic preparedness against such an attack.

(9) The beneficial consequences of such efforts on—

(A) the treatment of naturally occurring infectious disease;

(B) the efficiency of the United States health care system;

(C) the maintenance in the United States of a competitive edge in biotechnology; and

(D) the United States economy.

ROBB (AND WARNER) AMENDMENT NO. 3400

Mr. LEVIN (for Mr. ROBB (for himself and Mr. WARNER)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 545, following line 22, add the following:

PART IV—OTHER CONVEYANCES

SEC. 2876. LAND CONVEYANCE, FORMER NATIONAL GROUND INTELLIGENCE CENTER, CHARLOTTESVILLE, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Administrator of General Services may convey, without consideration, to the City of Charlottesville, Virginia (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 any improvements thereon, formerly occupied by the National Ground Intelligence Center and known as the Jefferson Street Property.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Administrator determines that the conveyance on that basis would be in the best interests of the United States.

(c) PURPOSE OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be for the purpose of permitting the City to use the parcel, directly or through an agreement with a public or private entity, for economic development purposes.

(d) REVERSIONARY INTEREST.—If, during the 5-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the Administrator determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, may upon the election of the Administrator revert to the United States, and upon such reversion the United States shall have the right of immediate entry onto the property.

(e) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance authorized by subsection (a) shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(f) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Administrator makes the conveyance authorized by subsection (a) the City conveys any portion of the parcel conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Administrator makes the conveyance authorized by subsection (a) without consideration.

(3) The Administrator shall deposit any amounts paid the United States under this subsection into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). Any amounts so deposited shall be available to the Administrator for real property management and related activities as provided for under paragraph (2) of that section.

(g) 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 Administrator. The cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance as the Administrator considers appropriate to protect the interests of the United States.

GRAMS AMENDMENT NO. 3401

Mr. WARNER (for Mr. GRAMS) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 539, between lines 7 and 8, insert the following:

SEC. 2836. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Winona State University Foundation of Winona, Minnesota (in this section referred to as the ''Foundation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Winona, Minnesota, containing an Army Reserve Center for the purpose of permitting the Foundation to use the parcel for educational purposes.

(b) 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 Foundation.

(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.

EDWARDS AMENDMENT NO. 3402

Mr. LEVIN (for Mr. EDWARDS) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . 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 received 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.

HUTCHINSON (AND CLELAND) AMENDMENT NO. 3403

Mr. WARNER (for Mr. CLELAND) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 206, between lines 15 and 16, insert the following:

SEC. 610. BASIC ALLOWANCE FOR HOUSING.

(a) APPLICABILITY OF LOW-COST AND NO-COST REASSIGNMENTS TO MEMBERS WITH DEPENDENTS.—Subsection (b)(7) of section 403 of title 37, United States Code, is amended by striking ''without dependents''.

(b) ALLOWANCE WHEN DEPENDENTS ARE UNABLE TO ACCOMPANY MEMBERS.—Subsection (d) of such section is amended by striking paragraph (3) and inserting the following:

''(3) In the case of a member with dependents who is assigned to duty in an area that is different from the area in which the member's dependents reside—

''(A) the member shall receive a basic allowance for housing as provided in subsection (b) or (c), as appropriate;

''(B) if the member is assigned to duty in an area or under circumstances that, as determined by the Secretary concerned, require the member's dependents to reside in a different area, the member shall receive a basic allowance for housing as if the member were assigned to duty in the area in which the dependents reside or at the member's last duty station, whichever the Secretary concerned determines to be equitable; or

''(C) if the member is assigned to duty in that area under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment and the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned, the member shall receive a basic allowance for housing as if the member were assigned to duty at the member's last duty station.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2000, and shall apply with respect to pay periods beginning on and after that date.

DEWINE AMENDMENT NO. 3404

Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 546, after line 13, add the following:

SEC. 2882. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF THIRD BUILDING AT UNITED STATES AIR FORCE MUSEUM, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) ACCEPTANCE AUTHORIZED.—(1) The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private non-profit foundation, gifts in the form of cash, Treasury instruments, or comparable United States Government securities for the purpose of paying the costs of design and construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio. The building is listed as an unfunded military construction requirement for the Air Force in the fiscal year 2002 military construction program of the Air Force.

(2) A gift accepted under paragraph (1) may specify that all or part of the amount of the gift be utilized solely for purposes of the design and construction of a particular portion of the building described in that paragraph.

(b) DEPOSIT IN ESCROW ACCOUNT.—The Secretary, acting through the Comptroller of the Air Force Materiel Command, shall deposit the amount of any cash, instruments, or securities accepted as a gift under subsection (a) in an escrow account established for that purpose.

(c) INVESTMENT.—Amounts in the escrow account under subsection (b) not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Comptroller of the Air Force Materiel Command, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the account.

(d) UTILIZATION.—(1) Amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to a particular portion of the building described in subsection (a) shall be utilized by the Comptroller of the Air Force Materiel Command to pay the costs of the design and construction of such portion of the building, including progress payments for such design and construction.

(2) Subject to paragraph (3), amounts shall be payable under paragraph (1) upon receipt by the Comptroller of the Air Force Materiel Command of a notification from an appropriate officer or employee of the Corps of Engineers that such amounts are required for the timely payment of an invoice or claim for the performance of design or construction activities for which such amounts are payable under paragraph (1).

(3) The Comptroller of the Air Force Materiel Command shall, to the maximum extent practicable consistent with good business practice, limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(e) LIMITATION ON CONTRACTS.—The Corps of Engineers may not enter into a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to such portion of the building are sufficient to cover the amount of such contract.

(f) LIQUIDATION OF ESCROW ACCOUNT.—(1) Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary of the Air Force shall terminate the escrow account under subsection (b).

(2) Any amounts in the account upon final payment of invoices and claims as described in paragraph (1) shall be available to the Secretary for such purposes as the Secretary considers appropriate.

INHOFE (AND ROBB) AMENDMENT NO. 3405

Mr. WARNER (for Mr. INHOFE (for himself and Mr. ROBB)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 123, between lines 12 and 13, insert the following:

SEC. 377. REVIEW OF AH–64 AIRCRAFT PROGRAM.

(a) REQUIREMENT FOR REVIEW.—The Comptroller General shall conduct a review of the Army's AH–64 aircraft program to determine the following:

(1) Whether any of the following conditions exist under the program:

(A) Obsolete spare parts, rather than spare parts for the latest aircraft configuration, are being procured.

(B) There is insufficient sustaining system technical support.

(C) The technical data packages and manuals are obsolete.

(D) There are unfunded requirements for airframe and component upgrades.

(2) Whether the readiness of the aircraft is impaired by conditions described in paragraph (1) that are determined to exist.

(b) REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the review under subsection (a).

LOTT AMENDMENT NO. 3406

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. ACOUSTIC MINE DETECTION.

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $2,500,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Countermine Systems (PE602712A) is hereby increased by $2,500,000, with the amount of such increase available for research in acoustic mine detection.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby decreased by $2,500,000, with the amount of such decrease to be applied to Sensor Guidance Technology (PE603762E).

SNOWE AMENDMENT NO. 3407

Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 543, between lines 19 and 20, insert the following:

(e) LEASE OF PROPERTY PENDING CONVEYANCE.—(1) Pending the conveyance by deed of the property authorized to be conveyed by subsection (a), the Secretary may enter into one or more leases of the property.

(2) The Secretary shall deposit any amounts paid under a lease under paragraph (1) in the appropriation or account providing funds for the protection, maintenance, or repair of the property, or for the provision of utility services for the property. Amounts so deposited shall be merged with funds in the appropriation or account in which deposited, and shall be available for the same purposes, and subject to the same conditions and limitations, as the funds with which merged.

DASCHLE AMENDMENT NO. 3408

Mr. LEVIN (for Mr. DASCHLE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 543, strike line 20 and insert the following:

PART III—AIR FORCE CONVEYANCES

SEC. 2861. MODIFICATION OF LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) MODIFICATION OF CONVEYEE.—Subsection (a) of section 2863 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010) is amended by striking ''Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the 'Corporation')'' and inserting ''West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation')''.

(b) CONFORMING AMENDMENTS.—That section is further amended by striking ''Corporation'' each place it appears in subsections (c) and (e) and inserting ''Foundation''.

PART IV—DEFENSE AGENCIES CONVEYANCES

GRAMM AMENDMENT NO. 3409

Mr. WARNER (for Mr. GRAMM) proposed an amendment to the bill, S. 2549, supra; as follows:

At the end of title XII, add the following:

SEC. ___. AUTHORITY TO CONSENT TO RETRANSFER OF ALTERNATIVE FORMER NAVAL VESSEL BY GOVERNMENT OF GREECE.

Section 1012 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 740) is amended—

(1) in subsection (a), by inserting after ''HS Rodos (ex-USS BOWMAN COUNTY (LST 391))'' the following: '', LST 325, or any other former United States LST that is excess to the needs of that government''; and

(2) in subsection (b)(1), by inserting ''retransferred under subsection (a)'' after ''the vessel''.

CONRAD AMENDMENT NO. 3410

Mr. LEVIN (for Mr. CONRAD) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON GLOBAL MISSILE LAUNCH EARLY WARNING CENTER.

Not later than March 15, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of establishing a center at which missile launch early warning data from the United States and other nations would be made available to representatives of nations concerned with the launch of ballistic missiles. The report shall include the Secretary's assessment of the advantages and disadvantages of such a center and any other matters regarding such a center that the Secretary considers appropriate.

WARNER AMENDMENT NO. 3411

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. MANAGEMENT REVIEW OF WORKING-CAPITAL FUND ACTIVITIES.

(a) COMPTROLLER GENERAL REVIEW REQUIRED.—The Comptroller General shall conduct a review of the working-capital fund activities of the Department of Defense to identify any potential changes in current management processes or policies that, if made, would result in a more efficient and economical operation of those activities.

(b) REVIEW TO INCLUDE CARRYOVER POLICY.—The review shall include a review of practices under the Department of Defense policy that authorizes funds available for working-capital fund activities for one fiscal year to be obligated for work to be performed at such activities within the first 90 days of the next fiscal year (known as ''carryover''). On the basis of the review, the Comptroller General shall determine the following:

(1) The extent to which the working-capital fund activities of the Department of Defense have complied with the 90-day carryover policy.

(2) The reasons for the carryover authority under the policy to apply to as much as a 90-day quantity of work.

(3) Whether applying the carryover authority to not more than a 30-day quantity of work would be sufficient to ensure uninterrupted operations at the working-capital fund activities early in a fiscal year.

(4) What, if any, savings could be achieved by restricting the carryover authority so as to apply to a 30-day quantity of work.

SNOWE (AND ROBB) AMENDMENT NO. 3412

Mr. WARNER (for Ms. SNOWE (for herself and Mr. ROBB)) proposed an amendment to the bill, S. 2549, supra; as follows:

Beginning on page 295, after line 22, insert the following:

(e) PHASED IMPLEMENTATION TO COMMENCE DURING FISCAL YEAR 2001—The Secretary of the Navy shall commence a phased implementation of the Navy-Marine Corps Intranet during fiscal year 2001. For the implementation in that fiscal year—

(1) not more than fifteen percent of the total number of work stations to be provided under the Navy-Marine Corps Intranet program may be provided in the first quarter of such fiscal year; and

(2) no additional work stations may be provided until—

(A) the Secretary has conducted operational testing of the Intranet; and

(B) the Chief Information Officer of the Department of Defense has certified to the Secretary that the results of the operational testing of the Intranet are acceptable.

(f) IMPACT ON FEDERAL EMPLOYEES.—The Secretary shall mitigate any adverse impact of the implementation of the Navy-Marine Corps Intranet on civilian employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the Navy-Marine Corps Intranet program by—

(1) developing a comprehensive plan for the transition of such employees to the performance of other functions within the Department of the Navy;

(2) taking full advantage of transition authorities available for the benefit of employees;

(3) encouraging the retraining of employees who express a desire to qualify for reassignment to the performance of other functions within the Department of the Navy; and

(4) including a provision in the Navy-Marine Corps Intranet contract that requires the contractor to provide a preference for hiring employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the contract.

BINGAMAN AMENDMENT NO. 3413

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 53, after line 23, add the following:

SEC. 243. ENHANCEMENT OF AUTHORITIES REGARDING EDUCATION PARTNERSHIPS FOR PURPOSES OF ENCOURAGING SCIENTIFIC STUDY.

(a) ASSISTANCE IN SUPPORT OF PARTNERSHIPS.—Subsection (b) of section 2194 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting '', and is encouraged to provide,'' after ''may provide'';

(2) in paragraph (1), by inserting before the semicolon the following: ''for any purpose and duration in support of such agreement that the director considers appropriate''; and

(3) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any defense laboratory equipment (regardless of the nature of type of such equipment) surplus to the needs of the defense laboratory that is determined by the director to be appropriate for support of such agreement;''.

(b) DEFENSE LABORATORY DEFINED.—Subsection (e) of that section is amended to read as follows:

''(e) In this section:

''(1) The term 'defense laboratory' means any laboratory, product center, test center, depot, training and educational organization, or operational command under the jurisdiction of the Department of Defense.

''(2) The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).''.

WARNER AMENDMENT NO. 3414

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. OPERATIONAL TECHNOLOGIES FOR MOUNTED MANEUVER FORCES.

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Concepts Experimentation Program (PE605326A) is hereby increased by $5,000,000, with the amount of such increase available for test and evaluation of future operational technologies for use by mounted maneuver forces.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby decreased by $5,000,000, with the amount of such decrease to be applied to Computing Systems and Communications Technology (PE602301E).

WARNER (AND ROBB) AMENDMENT NO. 3415

Mr. WARNER (for himself and Mr. ROBB) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 546, following line 13, add the following:

SEC. 2882. DEVELOPMENT OF MARINE CORPS HERITAGE CENTER AT MARINE CORPS BASE, QUANTICO, VIRGINIA.

(a) AUTHORITY TO ENTER INTO JOINT VENTURE FOR DEVELOPMENT.—The Secretary of the Navy may enter into a joint venture with the Marine Corps Heritage Foundation, a not-for-profit entity, for the design and construction of a multipurpose facility to be used for historical displays for public viewing, curation, and storage of artifacts, research facilities, classrooms, offices, and associated activities consistent with the mission of the Marine Corps University. The facility shall be known as the Marine Corps Heritage Center.

(b) AUTHORITY TO ACCEPT CERTAIN LAND.—(1) The Secretary may, if the Secretary determines it to be necessary for the facility described in subsection (a), accept without compensation any portion of the land known as Locust Shade Park which is now offered by the Park Authority of the County of Prince William, Virginia, as a potential site for the facility.

(2) The Park Authority may convey the land described in paragraph (1) to the Secretary under this section without regard to any limitation on its use, or requirement for its replacement upon conveyance, under section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)) or under any other provision of law.

(c) DESIGN AND CONSTRUCTION.—For each phase of development of the facility described in subsection (a), the Secretary may—

(1) permit the Marine Corps Heritage Foundation to contract for the design, construction, or both of such phase of development; or

(2) accept funds from the Marine Corps Heritage Foundation for the design, construction, or both of such phase of development.

(d) ACCEPTANCE AUTHORITY.—Upon completion of construction of any phase of development of the facility described in subsection (a) by the Marine Corps Heritage Foundation to the satisfaction of the Secretary, and the satisfaction of any financial obligations incident thereto by the Marine Corps Heritage Foundation, the facility shall become the property of the Department of the Navy with all right, title, and interest in and to facility being in the United States.

(e) LEASE OF FACILITY.—(1) The Secretary may lease, under such terms and conditions as the Secretary considers appropriate for the joint venture authorized by subsection (a), portions of the facility developed under that subsection to the Marine Corps Heritage Foundation for use in generating revenue for activities of the facility and for such administrative purposes as may be necessary for support of the facility.

(2) The amount of consideration paid the Secretary by the Marine Corps Heritage Foundation for the lease under paragraph (1) may not exceed an amount equal to the actual cost (as determined by the Secretary) of the operation of the facility.

(3) Notwithstanding any other provision of law, the Secretary shall use amounts paid under paragraph (2) to cover the costs of operation of the facility.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the joint venture authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

MURRAY AMENDMENT NO. 3416

Mr. LEVIN (for Mrs. MURRAY) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. DEMONSTRATION PROJECT FOR INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of the National Guard Bureau, shall carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet.

(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

(2) subject to subsection (c), provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

(c) AVAILABILITY OF ACCESS AND SERVICES.—Under the demonstration project, Internet access and services shall be available to the following:

(1) Personnel and elements of governmental emergency management and response entities located in communities served by the demonstration project.

(2) Members and units of the Army National Guard located in such communities.

(3) Businesses located in such communities.

(4) Personnel and elements of local governments in such communities.

(5) Other appropriate individuals and entities located in such communities.

(d) REPORT.—Not later than _____, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities under the demonstration project and include any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

(e) FUNDING.—(1) The amount authorized to be appropriated by section 301(10) for operation and maintenance of the Army National Guard is hereby increased by $15,000,000.

(2) Of the amount authorized to be appropriated by section 301(10), as increased by paragraph (1), $15,000,000 shall be available for the demonstration project required by this section.

(3) It is the sense of Congress that requests of the President for funds for the National Guard for fiscal years after fiscal year 2001 should provide for sufficient funds for the continuation of the demonstration project required by this section.

INHOFE AMENDMENT NO. 3417

Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. AIR LOGISTICS TECHNOLOGY.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Generic Logistics Research and Development Technology Demonstrations (PE603712S) is hereby increased by $300,000, with the amount of such increase available for air logistics technology.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by $300,000.

CLELAND AMENDMENT NO. 3418

Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AWARD OF CONGRESSIONAL GOLD MEDAL TO GENERAL WESLEY K. CLARK.

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

(1) While serving as Supreme Allied Commander in Europe, General Wesley K. Clark demonstrated the highest degree of professionalism in leading over 75,000 troops from 37 countries in military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) General Clark's 34 years of outstanding service as an Army officer gave him the ability to effectively mobilize and command multinational air and ground forces in the Balkans.

(3) The forces led by General Clark succeeded in halting the Serbian government's human rights abuses in Kosovo and permitted a safe return of refugees to their homes.

(4) Under the leadership of General Clark, NATO forces launched successful air and ground attacks against Serbian military forces with a minimum of losses.

(5) As the Supreme Allied Commander in Europe, General Clark continued the history of the American military of defending the rights of all people to live their lives in peace and freedom, and he should be recognized for his tremendous achievements by the award of a Congressional Gold Medal.

(b) CONGRESSIONAL GOLD MEDAL.—

(1) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to General Wesley K. Clark, in recognition of his outstanding leadership and service as Supreme Allied Commander in Europe during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) DESIGN AND STRIKING.—For the purpose of the presentation referred to in paragraph (1), the Secretary of the Treasury (hereafter in this section referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to subsection (b) under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this section.

(2) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under subsection (c) shall be deposited in the Numismatic Public Enterprise Fund.

WARNER AMENDMENT NO. 3419

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 200, after line 23, insert the following:

SEC. 566. VERBATIM RECORDS IN SPECIAL COURTS-MARTIAL.

(a) WHEN REQUIRED.—Subsection (c)(1)(B) of section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by inserting after ''bad-conduct discharge'' the following: '', confinement for more than six months, or forfeiture of pay for more than six months''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of April 1, 2000, and shall apply with respect to charges referred on or after that date to trial by special courts-martial.

INHOFE AMENDMENT NO. 3420

Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING IN CASES OF FALSE CLAIMS.

(a) POLICIES AND PROCEDURES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe policies and procedures for Department of Defense decisionmaking on issues arising under sections 3729 through 3733 of title 31, United States Code, in cases of claims submitted to the Department of Defense that are suspected or alleged to be false.

(b) REFERRAL AND INTERVENTION DECISIONS.—The policies and procedures shall specifically require that—

(1) an official at an appropriately high level in the Department of Defense make the decision on whether to refer to the Attorney General a case involving a claim submitted to the Department of Defense or to recommend that the Attorney General intervene in, or seek dismissal of, a qui tam action involving such a claim; and

(2) before making any such decision, the official determined appropriate under the policies and procedures take into consideration the applicable laws, regulations, and agency guidance implementing the laws and regulations, and an examination of all of the available alternative remedies.

(c) REPORT.—(1) Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report on the Qui Tam Review Panel, including its status.

(2) For the purposes of paragraph (1), the Qui Tam Review Panel is the panel that was established by the Secretary of Defense for an 18-month trial period to review extraordinary cases of qui tam actions involving false contract claims submitted to the Department of Defense.

EDWARDS (AND TORRICELLI) AMENDMENT NO. 3421

Mr. LEVIN (for Mr. EDWARDS (for himself and Mr. TORRICELLI)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) during September 1999, Hurricane Floyd ran a path of destruction along the entire eastern seaboard from Florida to Maine;

(2) Hurricane Floyd was the most destructive natural disaster in the history of the State of North Carolina and most costly natural disaster in the history of the State of New Jersey;

(3) the Federal Emergency Management Agency declared Hurricane Floyd the eighth worst natural disaster of the past decade;

(4) although the Federal Emergency Management Agency coordinates the Federal response to natural disasters that exceed the capabilities of State and local governments and assists communities to recover from those disasters, the Federal Emergency Management Agency is not equipped to provide long-term economic recovery assistance;

(5) it has been 9 months since Hurricane Floyd and the Nation has hundreds of communities that have yet to recover from the devastation caused by that disaster;

(6) in the past, Congress has responded to natural disasters by providing additional economic community development assistance to communities recovering from those

disasters, including $250,000,000 for Hurricane Georges in 1998, $552,000,000 for Red River Valley Floods in North Dakota in 1997, $25,000,000 for Hurricanes Fran and Hortense in 1996, and $725,000,000 for the Northridge Earthquake in California in 1994;

(7) additional assistance provided by Congress to communities recovering from natural disasters has been in the form of community development block grants administered by the Department of Housing and Urban Development Administration;

(8) communities affected by Hurricane Floyd are facing similar recovery needs as have victims of other natural disasters and will need long-term economic recovery plans to make them strong again; and

(9) on April 7, 2000, the Senate passed amendment number 3001 to S. Con. Res. 101, which amendment would allocate $250,000,000 in long-term economic development aid to assist communities rebuilding from Hurricane Floyd, including $150,000,000 in community development block grant funding and $50,000,000 in rural facilities grant funding.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) communities devastated by Hurricane Floyd should know that, in the past, Congress has responded to natural disasters by demonstrating a commitment to helping affected States and communities to recover;

(2) the Federal response to natural disasters has traditionally been quick, supportive, and appropriate;

(3) recognizing that communities devastated by Hurricane Floyd are facing tremendous challenges as they begin their recovery, the Federal agencies that administer community and regional development programs should expect an increase in applications and other requests from these communities;

(4) community development block grants administered by the Department of Housing and Urban Development, grant programs administered by the Economic Development Administration, and the Community Facilities Grant Program administered by the Department of Agriculture are resources that communities have used to accomplish revitalization and economic development following natural disasters; and

(5) additional community and regional development funding, as provided for in amendment number 3001 to S. Con. Res. 101, as passed by the Senate on April 7, 2000, should be appropriated to assist communities in need of long-term economic development aid as a result of damage suffered by Hurricane Floyd.

FITZGERALD (AND OTHERS) AMENDMENT NO. 3422

Mr. WARNER (for Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. GRASSLEY, Mrs. LINCOLN, Mr. HUTCHINSON, Mr. DURBIN, Mr. MOYNIHAN, and Mr. HARKIN)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the end of title III, subtitle D insert the following:

SEC. . UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS OF UNITED STATES ARSENALS.

(a) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

S. 2549 is amended by adding the following:

(c) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

(1) The Secretary shall submit to Congress each year, together with the President's budget for the fiscal year beginning in such year under section 1105(a) of title 31, an estimate of the funds to be required in the fiscal year in order to cover the costs of operating and maintaining unutilized and underutilized plant capacity at United States arsenals.

(2) Funds appropriated to the Secretary for a fiscal year for costs described in paragraph (1) shall be utilized by the Secretary in such fiscal year only to cover such costs.

(3) Notwithstanding any other provision of law, the Secretary shall not include unutilized or underutilized plant-capacity costs when evaluating an arsenal's bid for purposes of the arsenal's contracting to provide a good or service to a United States government organization. When an arsenal is subcontracting to a private-sector entity on a good or service to be provided to a United States government organization, the cost charged by the arsenal shall not include unutilized or underutilized plant-capacity costs that are funded by a direct appropriation.

(c) DEFINITION OF UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COST.—For purposes of this section, the term ''unutilized and underutilized plant-capacity cost'' shall mean the cost associated with operating and maintaining arsenal facilities and equipment that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities and equipment are not used or are used only 20% or less of available work days.

EDWARDS (AND HELMS) AMENDMENT NO. 3423

Mr. LEVIN (for Mr. EDWARDS (for himself and Mr. HELMS)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . REGARDING LAND CONVEYANCE, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, to the city of Jacksonville, North Carolina (City), all right, title and interest of the United States in and to real property, including improvements thereon, and currently leased to Norfolk Southern Corporation (NSC), consisting of approximately 50 acres, known as the railroad right-of-way, lying within the City between Highway 24 and Highway 17, at the Marine Corps Base, Camp Lejeune, North Carolina, for the purpose of permitting the City to develop the parcel for initial use as a bike/green way trail.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall reimburse the Secretary such amounts (as determined by the Secretary) equal to the costs incurred by the Secretary in carrying out the provisions of this section, including, but not limited to, planning, design, surveys, environmental assessment and compliance, supervision and inspection of construction, severing and realigning utility systems, and other prudent and necessary actions, prior to the conveyance authorized by subsection (a). Amounts collected under this subsection shall be credited to the account(s) from which the expenses were paid. Amounts so credited shall be merged with funds in such account(s) and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(c) CONDITION OF CONVEYANCE.—The right of the Secretary of the Navy to retain such easements, rights of way, and other interests in the property conveyed and to impose such restrictions on the property conveyed as are necessary to ensure the effective security, maintenance, and operations of the Marine Corps Base, Camp Lejeune, North Carolina, and to protect human health and the environment.

(d) DESCRIPTION OF THE PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy 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.

ENZI AMENDMENT NO. 3424

Mr. WARNER (for Mr. ENZI (for himself and Mr. THOMAS)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 503, between lines 5 and 6, insert the following:

SEC. 2602. AUTHORIZATION FOR CONTRIBUTION TO CONSTRUCTION OF AIRPORT TOWER, CHEYENNE AIRPORT, CHEYENNE, WYOMING.

(a) INCREASE IN AMOUNT AUTHORIZED FOR AIR NATIONAL GUARD.—The amount authorized to be appropriated by section 2601(3)(A) is hereby increased by $1,450,000.

(b) OFFSET.—The amounts authorized to be appropriated by section 2403(a), and by paragraph (2) of that section, are each hereby reduced by $1,450,000. The amount of the reduction shall be allocated to the project authorized in section 2401(b) for the Tri-Care Management Agency for the Naval Support Activity, Naples, Italy.

(c) AVAILABILITY OF FUNDS FOR CONTRIBUTION TO TOWER.—Of the amounts authorized to be appropriated by section 2601(3)(A), as increased by subsection (a), $1,450,000 shall be available to the Secretary of the Air Force for a contribution to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

(d) AUTHORITY TO MAKE CONTRIBUTION.—The Secretary may, using funds available under subsection (c), make a contribution, in an amount considered appropriate by the Secretary and consistent with applicable agreements, to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

FITZGERALD (AND OTHERS) AMENDMENT NO. 3425

(Ordered to lie on the table.)

Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. GRASSLEY, Mrs. LINCOLN, Mr. DURBIN, Mr. HUTCHINSON, Mr. MOYNIHAN, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the end of title III, subtitle D insert the following:

SEC. . UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS OF UNITED STATES ARSENALS.

(a) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

S. 2549 is amended by adding the following:

(b) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

(1) The Secretary shall submit to Congress each year, together with the President's budget for the fiscal year beginning in such year under section 1105(a) of title 31, an estimate of the funds to be required in the fiscal year in order to cover the costs of operating and maintaining unutilized and underutilized plant capacity at United States arsenals.

(2) Funds appropriated to the Secretary for a fiscal year for costs described in paragraph

(1) shall be utilized by the Secretary in such fiscal year only to cover such costs.

(3) Notwithstanding any other provision of law, the Secretary shall not include unutilized or underutilized plant-capacity costs when evaluating an arsenal's bids for purposes of the arsenal's contracting to provide a good or service to a United States government organization. When an arsenal is subcontracting to a private-sector entity on a good or service to be provided to a United States government organization, the cost charged by the arsenal shall not include unutilized or underutilized plant-capacity costs that are funded by a direct appropriation.

(c) DEFINITION OF UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COST.—

For purposes of this section, the term ''unutilized and underutilized plant-capacity cost'' shall mean the cost associated with operating and maintaining arsenal facilities and equipment that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities and equipment are not used or are used only 20% or less of available work days.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SHELBY (AND LAUTENBERG) AMENDMENT NO. 3426

Mr. SHELBY (for himself and Mr. LAUTENBERG) proposed an amendment to the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

Strike all after the enacting clause and insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,800,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $500,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,500,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,000,000: *Provided*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,500,000, including not to exceed $60,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided*, That not more than $15,000 of the official reception and representation funds shall be available for obligation prior to January 20, 2001.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $17,800,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,500,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,181,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $496,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,192,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $6,000,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,000,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $5,300,000, of which $1,400,000 shall only be available for planning for the 2001 Special Winter Olympics; and $2,000,000 shall only be available for the purpose of section 228 of Public Law 106–181.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $173,278,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, of which $2,635,000 shall remain available until September 30, 2002: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $3,039,460,000, of which $641,000,000 shall be available only for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further*, That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 2001: *Provided further*, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That the Secretary may transfer funds to this account, from Federal Aviation Administration ''Operations'', not to exceed $100,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, for the purpose of providing additional funds for drug interdiction activities and/or the Office of Intelligence and Security activities: *Provided further*, That the United States Coast Guard will reimburse the Department of Transportation Inspector General $5,000,000 for costs associated with audits and investigations of all Coast Guard-related issues and systems.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $407,747,660, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $145,936,660 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2005; $41,650,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2003; $54,304,000 shall be available for other equipment, to remain available until September 30, 2003; $68,406,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30,

2003; $55,151,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2002; and $42,300,000 for the Integrated Deepwater Systems program, to remain available until September 30, 2003: *Provided,* That the Commandant may dispose of surplus real property by sale or lease and the proceeds shall be credited to this appropriation and remain available until expended, but shall not be available for obligation until October 1, 2001: *Provided further,* That none of the funds provided for the Integrated Deepwater Systems program shall be available for obligation until the submission of a comprehensive capital investment plan for the United States Coast Guard as required by Public Law 106–69: *Provided further,* That the Commandant shall transfer $5,800,000 to the City of Homer, Alaska, for the construction of a municipal pier and other harbor improvements: *Provided further,* That the City of Homer enters into an agreement with the United States to accommodate Coast Guard vessels and to support Coast Guard operations at Homer, Alaska: *Provided further,* That the Commandant is hereby granted the authority to enter into a contract for the Great Lakes Icebreaker (GLIB) Replacement which shall be funded on an incremental basis: *Provided further*, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $16,700,000, to remain available until expended.

ALTERATION OF BRIDGES

(HIGHWAY TRUST FUND)

For necessary expenses for alteration or removal of obstructive bridges, $15,500,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $778,000,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $80,371,000: *Provided*, That no more than $22,000,000 of funds made available under this heading may be transferred to Coast Guard ''Operating expenses'' or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further*, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $21,320,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $6,350,250,000, of which $4,414,869,000 shall be derived from the Airport and Airway Trust Fund, of which $5,039,391,000 shall be available for air traffic services program activities; $691,979,000 shall be available for aviation regulation and certification program activities; $138,462,000 shall be available for civil aviation security program activities; $182,401,000 shall be available for research and acquisition program activities; $10,000,000 shall be available for commercial space transportation program activities; $43,000,000 shall be available for Financial Services program activities; $49,906,000 shall be available for Human Resources program activities; $99,347,000 shall be available for Regional Coordination program activities; and $95,764,000 shall be available for Staff Offices program activities: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $5,000,000 shall be for the contract tower cost-sharing program and not less than $55,300,000 shall be for the contract tower program within the air traffic services program activities: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than 5 years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the global positioning system (GPS) wide area augmentation system until the administrator of FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency: *Provided further,* That notwithstanding any other provision of law, the FAA Administrator may contract out the entire function of Oceanic flight services: *Provided further,* That the Secretary may transfer funds to this account, from Coast Guard ''Operating expenses'', not to exceed $100,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, solely for the purpose of providing additional funds for air traffic control operations and maintenance to enhance aviation safety and security, and/or the Office of Intelligence and Security activities: *Provided further,* That the Federal Aviation Administration will reimburse the Department of Transportation Inspector General $19,000,000 for costs associated with audits and investigations of all aviation-related issues and systems.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,656,765,000, of which $2,334,112,400 shall remain available until September 30, 2003, and of which $322,652,600 shall remain available until September 30, 2001: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That none of the funds in this

Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $183,343,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2003: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs and air traffic services program activities; for administration of programs under section 40117; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,200,000,000 in fiscal year 2001, notwithstanding section 47117(h) of title 49, United States Code: *Provided further*, That notwithstanding any other provision of law, not more than $173,000,000 of funds limited under this heading shall be obligated for administration and air traffic services program activities if such funds are necessary to maintain aviation safety.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $579,000,000 are rescinded.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $386,657,840 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That $10,000,000 shall be available for National Historic Covered Bridge Preservation Program under section 1224 of Public Law 105–178, as amended, $33,588,500 shall be available for the Indian Reservation Roads Program under section 204 of title 23, $30,046,440 shall be available for the Public Lands Highway Program under section 204 of title 23, $20,153,100 shall be available for the Park Roads and Parkways Program under section 204 of title 23, and $2,442,800 shall be available for the Refuge Roads program under section 204 of title 23: *Provided further*, That the Federal Highway Administration will reimburse the Department of Transportation Inspector General $10,000,000 from funds available within this limitation for costs associated with audits and investigations of all highway-related issues and systems.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $29,661,806,000 for Federal-aid highways and highway safety construction programs for fiscal year 2001: *Provided*, That within the $29,661,806,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $437,250,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2000; not more than $25,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (section 1218 of Public Law 105–178) for fiscal year 2001, of which not to exceed $1,000,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program; not more than $31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (section 111 of title 49, United States Code) for fiscal year 2001: *Provided further*, That within the $218,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects in the following specified areas:

Calhoun County, MI	$500,000
Wayne County, MI	1,500,000
Southeast Michigan	1,000,000
Indiana Statewide (SAFE–T)	1,500,000
Salt Lake City (Olympic Games)	2,000,000
State of New Mexico	1,500,000
Santa Teresa, NM	1,000,000
State of Missouri (Rural)	1,000,000
Springfield-Branson, MO	1,500,000
Kansas City, MO	2,500,000
Inglewood, CA	1,200,000
Lewis & Clark trail, MT	1,250,000
State of Montana	1,500,000
Fort Collins, CO	2,000,000
Arapahoe County, CO	1,000,000
I–70 West project, CO	1,000,000
I–81 Safety Corridor, VA	1,000,000
Aquidneck Island, RI	750,000
Hattiesburg, MS	1,000,000
Jackson, MS	1,000,000
Fargo, ND	1,000,000
Moscow, ID	1,750,000
State of Ohio	2,500,000
State of Connecticut	3,000,000
Illinois Statewide	2,000,000
Charlotte, NC	1,250,000
Nashville, TN	1,000,000
State of Tennessee	2,600,000
Spokane, WA	1,000,000
Bellingham, WA	700,000
Puget Sound Regional Fare Coordination	2,000,000
Bay County, FL	1,000,000
Iowa statewide (traffic enforcement)	3,000,000
State of Nebraska	2,600,000
State of North Carolina	3,000,000
South Carolina statewide	2,000,000
San Antonio, TX	200,000
Beaumont, TX	300,000
Corpus Christi, TX (vehicle dispatching)	1,500,000
Williamson County/Round Rock, TX	500,000
Austin, TX	500,000
Texas Border Phase I Houston, TX	1,000,000
Oklahoma statewide	2,000,000
Vermont statewide	1,000,000
Vermont rural ITS	1,500,000
State of Wisconsin	3,600,000
Tucson, AZ	2,500,000
Cargo Mate, NJ	1,000,000
New Jersey regional integration/TRANSCOM	4,000,000
State of Kentucky	2,000,000
State of Maryland	4,000,000
Sacramento to Reno, I–80 corridor	200,000
Washoe County, NV	200,000
North Las Vegas, NV	1,800,000
Delaware statewide	1,000,000
North Central Pennsylvania	1,500,000
Delaware River Port Authority	3,500,000
Pennsylvania Turnpike Commission	3,000,000
Huntsville, AL	2,000,000
Tuscaloosa/Muscle Shoals Automated crash notification system, UAB	2,000,000
Oregon statewide	1,500,000
Alaska statewide	4,200,000
South Dakota commercial vehicle ITS	1,500,000:

Provided further, That, notwithstanding Public Law 105–178 as amended, funds authorized under section 110 of title 23, United States Code, for fiscal year 2001 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2001. Of the funds to be apportioned under section 110 for fiscal year 2001, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway system program, the bridge program, the surface transportation program, and the congestion mitigation and air quality program in the same ratio that each State is apportioned funds for such program in fiscal year 2001 but for this section.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $28,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses for administration of motor carrier safety programs and motor

carrier safety research, pursuant to section 104(a) of title 23, United States Code, not to exceed $92,194,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $177,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $177,000,000 for ''Motor Carrier Safety Grants''.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $107,876,000 of which $77,670,000 shall remain available until September 30, 2003: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect: *Provided further*, That none of the funds appropriated in this Act may be obligated or expended to purchase a vehicle to conduct New Car Assessment Program crash testing at a price that exceeds the manufacturer's suggested retail price: *Provided further*, That none of the funds appropriated in this Act may be obligated or expended to plan, finalize, or implement regulations that would add the static stability factor to the New Car Assessment Program until the National Academy of Sciences reports to the House and Senate Committees on Appropriations not later than nine months after the date of enactment of this Act that the static stability factor is a scientifically valid measurement and presents practical, useful information to the public; a comparison of the static stability factor test versus a test with rollover metrics based on dynamic driving conditions that induce rollover events; and the validity of the NHTSA proposed system for placing its rollover rating information on the web compared to making rollover information available at the point of sale.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001 are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $213,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001, are in excess of $213,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $155,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $13,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, $36,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410, $9,000,000 shall be for the ''State Highway Safety Data Grants'' under 23 U.S.C. 411: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $7,750,000 of the funds made available for section 402, not to exceed $650,000 of the funds made available for section 405, not to exceed $1,800,000 of the funds made available for section 410, and not to exceed $450,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $99,390,000, of which $4,957,000 shall remain available until expended: *Provided*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation: *Provided further*, That the Federal Railroad Administration will reimburse the Department of Transportation Inspector General $1,500,000 for costs associated with audits and investigations of all rail-related issues and systems.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $24,725,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2001.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $24,900,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $20,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

WEST VIRGINIA RAIL DEVELOPMENT

For capital costs associated with track, signal, and crossover rehabilitation and improvements on the MARC Brunswick line in West Virginia, $15,000,000, to remain available until expended.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $521,000,000 to remain available until expended: *Provided*, That the Secretary shall not obligate more than $208,400,000 prior to September 30, 2001.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,800,000: *Provided*, That no more than $64,000,000 of budget authority shall be available for these purposes: *Provided further*, That the Federal Transit Administration will reimburse the Department of Transportation Inspector General $3,000,000 for costs associated with audits and investigations of all transit-related issues and systems

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $669,000,000, to remain available until expended: *Provided*, That no more than $3,345,000,000 of budget authority shall be available for these purposes.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $22,200,000, to remain available until expended: *Provided*, That no more than $110,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to

provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), of which $3,000,000 is available for transit-related research conducted by the Great Cities Universities research consortia; $52,113,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $10,886,400 is available for State planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314): *Provided further*, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

Mid-America Regional Council coordinated transit planning, Kansas City metro area	$750,000
Sacramento Area Council of Governments regional air quality planning and coordination study	250,000
Salt Lake Olympics Committee multimodal transportation planning	1,200,000
West Virginia University fuel cell technology institute propulsion and ITS testing	1,000,000
University of Rhode Island, Kingston traffic congestion study	150,000
Georgia Regional Transportation Authority regional transit study	350,000
Trans-lake Washington land use effectiveness and enhancement review	450,000
State of Vermont electric vehicle transit demonstration	500,000
Acadia Island, Maine explorer transit system experimental pilot program	150,000
Center for Composites Manufacturing	950,000
Southern Nevada air quality study	800,000
Southeastern Pennsylvania Transit Authority advanced propulsion control system	3,000,000
Fairbanks extreme temperature clean fuels research	800,000
National Transit Database	2,500,000
Safety and Security	6,100,000
National Rural Transit Assistance Program	750,000
Mississippi State University bus service expansion plan	100,000
Bus Rapid Transit administration, data collection and analysis	1,000,000
Project ACTION	3,000,000

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,016,600,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $2,676,000,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $87,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $51,200,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $80,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $2,116,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $529,200,000, to remain available until expended: *Provided*, That no more than $2,646,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, $1,058,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $529,200,000; and there shall be available for new fixed guideway systems $1,058,400,000: *Provided further*, That, within the total funds provided for buses and bus-related facilities to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: *Provided further*, That the Administrator of the Federal Transit Administration shall, not later than February 1, 2001, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects, from the bus and bus-related facilities projects listed in the accompanying Senate report: *Provided further*, That within the total funds provided for new fixed guideway systems to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: *Provided further*, That the Administrator of the Federal Transit Administration shall, not later than February 1, 2001, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects.

The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for final design and construction:

2002 Winter Olympics spectator transportation systems and facilities;

Alaska or Hawaii ferry projects;

Atlanta-MARTA North Line extension completion;

Austin Capital Metro Light Rail;

Baltimore Central Light Rail double tracking;

Boston North-South Rail Link;

Boston-South Boston Piers Transitway;

Canton-Akron-Cleveland commuter rail line;

Charlotte North-South Transitway project;

Chicago METRA commuter rail consolidated request;

Chicago Transit Authority Ravenswood Brown Line capacity expansion;

Chicago Transit Authority Douglas Blue Line;

Clark County, Nevada RTC fixed guideway project;

Cleveland Euclid Corridor improvement project;

Dallas Area Rapid Transit North Central light rail;

Denver Southeast corridor project;

Denver Southwest corridor project;

Fort Lauderdale Tri-County commuter rail project;

Fort Worth Railtran corridor commuter rail project;

Galveston Rail Trolley extension;

Girdwood to Wasilla, Alaska commuter rail project;

Houston Metro Regional Bus Plan;

Kansas City Southtown corridor;

Little Rock, Arkansas River Rail project;

Long Island Rail Road East Side access project;

Los Angeles Mid-city and Eastside corridors;

Los Angeles North Hollywood extension;

MARC expansion projects—Penn-Camden lines connector and midday storage facility;

MARC-Brunswick line in West Virginia, signal and crossover improvements;

Memphis Medical Center extension project;

Minneapolis-Twin Cities Transitways corridor projects;

Nashua, New Hampshire to Lowell, Massachusetts commuter rail;

Nashville regional commuter rail;

New Jersey Hudson-Bergen Light Rail;

New Orleans Canal Street Streetcar corridor project;

New Orleans Desire Street corridor project;

Newark-Elizabeth rail link;

Oceanside-Escondido, California light rail;

Orange County, California transitway project;

Philadelphia-Reading SEPTA Schuylkill Valley metro project;

Phoenix metropolitan area transit project;

Pittsburgh North Shore-central business district corridor project;

Pittsburgh Stage II Light Rail transit;

Portland Interstate MAX light rail transit;

Raleigh, Durham and Chapel Hill regional rail service;

Rhode Island-Pawtucket and T.F. Green commuter rail and maintenance facility;

Sacramento south corridor light rail extension;

Salt Lake City-University light rail line;

Salt Lake City North/South light rail project;

Salt Lake-Ogden-Provo regional commuter rail;

San Bernardino MetroLink;

San Diego Mission Valley East light rail;

San Francisco BART extension to the airport project;

San Jose Tasman West light rail project;

San Juan-Tren Urbano;

Seattle-Sound Transit Central Link light rail project;

Seattle-Puget Sound RTA Sounder commuter rail project;

Spokane-South Valley Corridor light rail project;

St. Louis Metrolink Cross County connector;

St. Louis/St. Clair County Metrolink light rail extension;

Stamford Urban Transitway, Connecticut;

Tampa Bay regional rail project;

Washington Metro Blue Line-Largo extension;

West Trenton, New Jersey rail project.

The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for alternatives analysis and preliminary engineering:

Albuquerque/Greater Albuquerque mass transit project;

Atlanta-MARTA West Line extension study;

Ballston, Virginia Metro access improvements;

Baltimore regional rail transit system;

Birmingham, Alabama transit corridor;

Boston Urban Ring;

Burlington-Bennington, Vermont commuter rail project;

Calais, Maine Branch Line regional transit program;

Colorado/Eagle Airport to Avon light rail system;

Colorado/Roaring Fork Valley rail project;

Columbus-Central Ohio Transit Authority north corridor;
Dallas Area Rapid Transit Southeast Corridor Light Rail;
Des Moines commuter rail;
Detroit Metropolitan Airport light rail project;
Draper, West Jordan, West Valley City and Sandy City, Utah light rail extensions;
Dulles Corridor, Virginia innovative intermodal system;
El Paso/Juarez People mover system;
Fort Worth trolley system;
Harrisburg-Lancaster capital area transit corridor 1 regional light rail;
Hollister/Gilroy Branch Line extension;
Honolulu bus rapid transit;
Houston advanced transit program;
Indianapolis Northeast-Downtown corridor project;
Johnson County, Kansas I–35 Commuter Rail Project;
Kenosha-Racine-Milwaukee commuter rail extension;
Los Angeles San Fernando Valley Corridor;
Los Angeles San Diego LOSSAN corridor project;
Massachusetts North Shore Corridor project;
Miami south busway extension;
New Orleans commuter rail from Airport to downtown;
New York City 2nd Avenue Subway study;
Northern Indiana south shore commuter rail;
Northwest New Jersey-Northeast Pennsylvania passenger rail project;
Potomac Yards, Virginia transit study;
Philadelphia SEPTA Cross County Metro;
Portland, Maine marine highway program;
San Francisco BART to Livermore extension;
San Francisco MUNI 3rd Street light rail extension;
Santa Fe-Eldorado rail link project;
Stockton, California Altamont commuter rail project;
Vasona light rail corridor;
Virginia Railway Express commuter rail;
Whitehall ferry terminal project;
Wilmington, Delaware downtown transit connector; and
Wilsonville to Beaverton commuter rail:

Provided further, That funds made available under the heading ''Capital Investment Grants'' in Division A, Section 101(g) of Public Law 105–277 for the ''Colorado-North Front Range corridor feasibility study'' are to be made available for ''Colorado-Eagle Airport to Avon light rail system feasibility study''; and that funds made available in Public Law 106–69 under ''Capital Investment Grants'' for buses and bus-related facilities that were designated for projects numbered 14 and 20 shall be made available to the State of Alabama for buses and bus-related facilities.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $350,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $20,000,000, to remain available until expended: *Provided*, That no more than $100,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $12,400,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $34,370,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $4,201,000 shall remain available until September 30, 2003: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $43,144,000, of which $8,750,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2003; of which $31,894,000 shall be derived from the Pipeline Safety Fund, of which $24,432,000 shall remain available until September 30, 2003; and of which $2,500,000 shall be derived from amounts previously collected under 49 U.S.C. 60301: *Provided*, That amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants to States.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2003: *Provided*, That not more than $13,227,000 shall be made available for obligation in fiscal year 2001 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee: *Provided further*, That the deadline for the submission of registration statements and the accompanying registration and processing fees for the July 1, 2000 to June 30, 2001 registration year described under sections 107.608, 107.612, and 107.616 of the Department of Transportation's final rule docket number RSPA–99–5137 is amended to not later than September 30.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $49,000,000 of which $38,500,000 shall be derived from transfers of funds from the United States Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Federal Transit Administration.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $17,000,000: *Provided*, That notwithstanding any other provision of law, not to exceed $954,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,795,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $59,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental

United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 104 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 309. (a) No recipient of funds made available in this Act shall disseminate driver's license personal information as defined in 18 U.S.C. 2725(3) except as provided in subsection (b) of this section or motor vehicle records as defined in 18 U.S.C. 2725(1) for any use not permitted under 18 U.S.C. 2721.

(b) No recipient of funds made available in this Act shall disseminate a person's driver's license photograph, social security number, and medical or disability information from a motor vehicle record as defined in 18 U.S.C. 2725(1) without the express consent of the person to whom such information pertains, except for uses permitted under 18 U.S.C. 2721(1), 2721(4), 2721(6), and 2721(9): *Provided*, That subsection (b) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.

SEC. 310. (a) For fiscal year 2001, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, for the highway use tax evasion program, and amounts provided under section 110 of title 23, United States Code, excluding $128,752,000 pursuant to subsection (e) of section 110 of title 23, as amended, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range

equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2003, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 317. Notwithstanding any other provision of law, any funds appropriated before October 1, 2000, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 318. None of the funds in this Act may be used to compensate in excess of 320 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2001.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $53,430,000, which limits fiscal year 2001 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $119,848,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center. In addition to the funds limited in this Act, $54,963,000 shall be available for section 1069(y) of Public Law 102–240.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, to provide passenger ferryboat service, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 322. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 323. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 324. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 325. Not to exceed $1,500,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: *Provided*, That this limitation shall not apply to advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–570a, or the Coast Guard's advisory council on roles and missions.

SEC. 326. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2001.

SEC. 327. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 328. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $495,000, to remain available until September 30, 2002: *Provided*, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that Federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: *Provided further*, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

SEC. 329. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 12 percent by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 330. None of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2001.

SEC. 331. Section 3038(e) of Public Law 105–178 is amended by striking ''50'' and inserting ''90''.

SEC. 332. The Secretary of Transportation shall execute a demonstration program, to be conducted for a period not to exceed eighteen months, of the ''fractional ownership'' concept in performing administrative support flight missions, the purpose of which would be to determine whether cost savings, as well as increased operational flexibility and aircraft availability, can be realized through the use by the government of the commercial fractional ownership concept or report to the Committee the reason for not conducting such an evaluation: *Provided*, That the Secretary shall ensure the competitive selection for this demonstration of a fractional ownership concept which provides a suite of aircraft capable of meeting the Department's varied needs, and that the Secretary shall ensure the demonstration program encompasses a significant and representative portion of the Department's administrative support missions (to include those performed by the Coast Guard, the

Federal Aviation Administration, and the National Aeronautics and Space Administration, whose aircraft are currently operated by the FAA): *Provided further*, That the Secretary shall report to the House and Senate Committees on Appropriations on results of this evaluation of the fractional ownership concept in the performance of the administrative support mission no later than twelve months after final passage of this Act or within 60 days of enactment of this Act if the Secretary decides not to conduct such a demonstration for evaluation including an explanation for such a decision and proposed statutory language to exempt the Department of Transportation from Office of Management and Budget guidelines regarding the use of aircraft.

SEC. 333. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided,* That no notification shall involve funds that are not available for obligation.

SEC. 334. Section 3030(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by adding at the end the following:

''(72) Wilmington Downtown transit corridor.

''(73) Honolulu Bus Rapid Transit project.''.

SEC. 335. None of the funds appropriated or made available by this Act or any other Act or hereafter shall be used (1) to consider or adopt any proposed rule or proposed amendment to a rule contained in the Notice of Proposed Rulemaking issued on April 24, 2000 (Docket No. FMCSA–97–2350–953), (2) to consider or adopt any rule or amendment to a rule similar in substance to a proposed rule or proposed amendment to a rule contained in such Notice, or (3) if any such proposed rule or proposed amendment to a rule has been adopted prior to enactment of this Section, to enforce such rule or amendment to a rule.

SEC. 336. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended—

(1) in the subsection heading, by inserting ''OVER-THE-ROAD BUSES AND'' before ''PUBLIC'';

(2) in paragraph (1), by striking ''to any vehicle which'' and inserting the following: ''to—

''(A) any over-the-road bus; or

''(B) any vehicle that''; and

(3) by striking paragraphs (2) and (3) and inserting the following:

''(2) STUDY AND REPORT CONCERNING APPLICABILITY OF MAXIMUM AXLE WEIGHT LIMITATIONS TO OVER-THE-ROAD BUSES AND PUBLIC TRANSIT VEHICLES.—

''(A) STUDY AND REPORT.—Not later than July 31, 2002, the Secretary shall conduct a study of, and submit to Congress a report on, the maximum axle weight limitations applicable to vehicles using the Dwight D. Eisenhower National System of Interstate and Defense Highways established under section 127 of title 23, United States Code, or under State law, as the limitations apply to over-the-road buses and public transit vehicles.

''(B) DETERMINATION OF APPLICABILITY OF VEHICLE WEIGHT LIMITATIONS.—

''(i) IN GENERAL.—The report shall include—

''(I) a determination concerning how the requirements of section 127 of that title should be applied to over-the-road buses and public transit vehicles; and

''(II) short-term and long-term recommendations concerning the applicability of those requirements.

''(ii) CONSIDERATIONS.—In making the determination described in clause (i)(I), the Secretary shall consider—

''(I) vehicle design standards;

''(II) statutory and regulatory requirements, including—

''(aa) the Clean Air Act (42 U.S.C. 7401 et seq.);

''(bb) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

''(cc) motor vehicle safety standards prescribed under chapter 301 of title 49, United States Code; and

''(III)(aa) the availability of lightweight materials suitable for use in the manufacture of over-the-road buses;

''(bb) the cost of those lightweight materials relative to the cost of heavier materials in use as of the date of the determination; and

''(cc) any safety or design considerations relating to the use of those materials.

''(C) ANALYSIS OF MEANS OF ENCOURAGING DEVELOPMENT AND MANUFACTURE OF LIGHTWEIGHT BUSES.—The report shall include an analysis of, and recommendations concerning, means to be considered to encourage the development and manufacture of lightweight buses, including an analysis of—

''(i) potential procurement incentives for public transit authorities to encourage the purchase of lightweight public transit vehicles using grants from the Federal Transit Administration; and

''(ii) potential tax incentives for manufacturers and private operators to encourage the purchase of lightweight over-the-road buses.

''(D) ANALYSIS OF CONSIDERATION IN RULEMAKINGS OF ADDITIONAL VEHICLE WEIGHT.—The report shall include an analysis of, and recommendations concerning, whether Congress should require that each rulemaking by an agency of the Federal Government that affects the design or manufacture of motor vehicles consider—

''(i) the weight that would be added to the vehicle by implementation of the proposed rule;

''(ii) the effect that the added weight would have on pavement wear; and

''(iii) the resulting cost to the Federal Government and State and local governments.

''(E) COST-BENEFIT ANALYSIS.—The report shall include an analysis relating to the axle weight of over-the-road buses that compares—

''(i) the costs of the pavement wear caused by over-the-road buses; with

''(ii) the benefits of the over-the-road bus industry to the environment, the economy, and the transportation system of the United States.

''(3) DEFINITIONS.—In this subsection:

''(A) OVER-THE-ROAD BUS.—The term 'over-the-road bus' has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

''(B) PUBLIC TRANSIT VEHICLE.—The term 'public transit vehicle' means a vehicle described in paragraph (1)(B).''.

SEC. 337. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 338. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Department of Transportation and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2001 appropriations Act.

SEC. 339. In addition to the authority provided in section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as included in Public Law 104–208, title I, section 101(f), as amended, beginning in fiscal year 2001 and thereafter, amounts appropriated for salaries and expenses for the Department of Transportation may be used to reimburse an employee whose position is that of safety inspector for not to exceed one-half the costs incurred by such employee for professional liability insurance. Any payment under this section shall be contingent upon the submission of such information or documentation as the Department may require.

SEC. 340. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation or weather reporting. The prohibition of funds in this section does not apply to negotiations between the Agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for ATC facilities.

SEC. 341. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction, and Improvements shall be available after the fifteenth day of any quarter of any fiscal year beginning after December 31, 1999, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Committees on Appropriations on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided,* That such reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: *Provided further,* That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: *Provided further,* That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: *Provided further,* That all information submitted

in such reports shall be current as of the last day of the preceding quarter.

SEC. 342. Notwithstanding any other provision of law, beginning in fiscal year 2004, the Secretary shall withhold 5 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State is not eligible for assistance under section 163(a) of chapter 1 of title 23, United States Code, and beginning in fiscal year 2005, and in each fiscal year thereafter, the Secretary shall withhold 10 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State is not eligible for assistance under section 163(a) of title 23, United States Code. If within three years from the date that the apportionment for any State is reduced in accordance with this subsection the Secretary determines that such State is eligible for assistance under section 163(a) of chapter 1 of title 23, United States Code, the apportionment of such State shall be increased by an amount equal to such reduction. If at the end of such three-year period, any State remains ineligible for assistance under section 163(a) of title 23, United States Code, any amounts so withheld shall lapse.

SEC. 343. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA. (a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), and subject to the requirements of this section, the Secretary (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF REVENUES.—An institution of higher education that is issued a waiver under subsection (a) shall use revenues derived from the use, operation, or disposal of that land—

(A) for the airport; and

(B) to the extent that funds remain available, for weather-related and educational purposes that primarily benefit aviation.

(d) CONDITION.—An institution of higher education that is issued a waiver under subsection (a), shall agree that, in leasing or conveying any interest in land to which the deed of conveyance described in subsection (b) relates, the institution will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(e) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SEC. 344. Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) is amended by striking paragraph (38) and replacing it with the following—

''(38) The Ports-to-Plains Corridor from Laredo, Texas to Denver, Colorado as follows:

''(A) In the State of Texas the Ports-to-Plains Corridor shall generally follow—

''(i) I–35 from Laredo to United States Route 83 at Exit 18;

''(ii) United States Route 83 from Exit 18 to Carrizo Springs;

''(iii) United States Route 277 from Carrizo Springs to San Angelo;

''(iv) United States Route 87 from San Angelo to Sterling City;

''(v) From Sterling City to Lamesa, the Corridor shall follow United States Route 87 and, the corridor shall also follow Texas Route 158 from Sterling City to I–20, then via I–20 West to Texas Route 349 and, Texas Route 349 from Midland to Lamesa;

''(vi) United States Route 87 from Lamesa to Lubbock;

''(vii) I–27 from Lubbock to Amarillo; and

''(viii) United States Route 287 from Amarillo to the Oklahoma border.

''(B) In the State of Oklahoma, the Ports-to-Plains Corridor shall generally follow United States Route 287 from the Texas border to the Colorado border. The Corridor shall then proceed into Colorado.''.

This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2001''.

DORGAN (AND ASHCROFT) AMENDMENT NO. 3427

Mr. DORGAN proposed an amendment to amendment No. 3426 proposed by Mr. SHELBY to the bill, H.R. 4475, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS.

(a) SHORT TITLE.—This section may be cited as the ''Interstate Transportation of Dangerous Criminals Act of 1999'' or ''Jeanna's Act''.

(b) FINDINGS.—Congress finds that—

(1) increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners;

(2) often times, these trips can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country;

(3) escapes by violent prisoners during transport by private prisoner transport companies have not been uncommon; and

(4) oversight by the Attorney General is required to address these problems.

(c) DEFINITIONS.—In this section:

(1) CRIME OF VIOLENCE.—The term ''crime of violence'' has the same meaning as provided in section 924(c)(3) of title 18, United States Code.

(2) DRUG TRAFFICKING CRIME.—The term ''drug trafficking crime'' has the same meaning as provided in section 924(c)(2) of title 18, United States Code.

(3) PRIVATE PRISONER TRANSPORT COMPANY.—The term ''private prisoner transport company'' means any entity other than the United States, a State or the inferior political subdivisions of a State which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of the inferior political subdivisions of a State, or any attempt thereof.

(4) VIOLENT PRISONER.—The term ''violent prisoner'' means any individual in the custody of a State or the inferior political subdivisions of a State who has previously been convicted of or is currently charged with a crime of violence, a drug trafficking crime, or a violation of the Gun Control Act of 1968, or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

(d) FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(2) STANDARDS AND REQUIREMENTS.—The regulations shall include, at a minimum—

(A) minimum standards for background checks and preemployment drug testing for potential employees;

(B) minimum standards for factors that disqualify employees or potential employees similar to standards required of Federal correction officers;

(C) minimum standards for the length and type of training that employees must undergo before they can perform this service;

(D) restrictions on the number of hours that employees can be on duty during a given time period;

(E) minimum standards for the number of personnel that must supervise violent prisoners;

(F) minimum standards for employee uniforms and identification, when appropriate;

(G) standards requiring that violent prisoners wear brightly colored clothing clearly identifying them as prisoners, when appropriate;

(H) minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate;

(I) a requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction and that if unscheduled stops are made, local law enforcement should be notified in a timely manner, when appropriate;

(J) minimum standards for the markings on conveyance vehicles, when appropriate;

(K) a requirement that in the event of an escape by a violent prisoner, private prisoner transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner;

(L) minimum standards for the safety of violent prisoners; and

(M) any other requirement the Attorney General deems to be necessary to prevent escape of violent prisoners and ensure public safety.

(3) FEDERAL STANDARDS.—Except for the requirements of paragraph (2)(G), the regulations promulgated under this section shall not provide stricter standards with respect to private prisoner transport companies than are applicable to Federal prisoner transport entities.

(e) ENFORCEMENT.—Any person who is found in violation of the regulations established by this section shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each violation and, in addition, to the United States for the costs of prosecution. In addition, such person shall make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to subsection (d)(1).

HARKIN (AND GRASSLEY) AMENDMENT NO. 3428

Mr. SHELBY (for Mr. HARKIN (for himself and Mr. GRASSLEY)) proposed an amendment to amendment No. 3426 proposed by Mr. SHELBY to the bill, H.R. 4475, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. MODIFICATION OF HIGHWAY PROJECT IN POLK COUNTY, IOWA.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1006 (112 Stat. 294) by striking ''Extend NW 86th Street from NW 70th Street'' and inserting ''Construct a road from State Highway 141''.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

BINGAMAN AMENDMENT NO. 3429

(Ordered to lie on the table)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 25, between lines 13 and 14, insert the following:

SEC. 113. NATIONAL HOMELAND SECURITY TECHNOLOGY AND TRAINING CENTER.

(a) ESTABLISHMENT.—The Secretary of the Army, acting through the Chief of the National Guard Bureau, shall establish a center to be known as the ''National Homeland Security Technology and Training Center'' (in this section referred to as the ''Center''). The Center shall have the functions set forth in subsection (d).

(b) LOCATION.—The Center shall be located at Kirtland Air Force Base, New Mexico.

(c) ADMINISTRATION.—(1) The Center shall be administered by Sandia National Laboratories, New Mexico.

(2) In administering the Center, Sandia National Laboratories may utilize the capabilities, expertise, and other resources of other appropriate entities in the State of New Mexico, including Los Alamos National Laboratory, the University of New Mexico School of Medicine, and the Lovelace Respiratory Research Center.

(3) In planning activities for the Center, Sandia National Laboratories shall consult with the Federal Bureau of Investigation, the Federal Emergency Management Agency, and other Federal agencies with responsibilities for responding to domestic emergencies relating to weapons of mass destruction.

(d) FUNCTIONS.—The functions of the Center shall be as follows:

(1) To provide technology and training support to Weapons of Mass Destruction Civil Support Teams (WMD–CSTs) and to Federal agencies with responsibilities for responding to domestic emergencies relating to weapons of mass destruction.

(2) To provide such other support for such teams and agencies as the Secretary considers appropriate.

(e) COMMENCEMENT OF OPERATIONS.—The Center shall commence the provision of training support for Weapons of Mass Destruction Civil Support Teams not later than October 1, 2001.

(f) FUNDING.—Of the amounts authorized to be appropriated by section 101(5), $3,500,000 shall be available for the establishment and activities of the Center, including activities relating to the establishment of detailed plans for future activities of the Center.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

(Ordered to lie on the table.)

Mr. ALLARD (for himself, Mr. VOINOVICH, Mr. GRAMS, and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 4475, supra; as follows:

On page _____, after line _____, insert the following:

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2000

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2000 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $12,200,000,000.

CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

BOND AMENDMENT NO. 3431

Mr. ALLARD (for Mr. BOND) proposed an amendment to the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. 9. TIMELY ACTION ON APPLICATIONS.

(a) AUTOMATIC APPROVAL OF PENDING APPLICATIONS.—An application by a State or local development company to expand its operations under title V of the Small Business Investment Act of 1958 into another territory, county, or State that is pending on the date of enactment of this Act and that was submitted to the Administration 12 months or more before that date of enactment shall be deemed to be approved beginning 21 days after that date of enactment, unless the Administration has taken final action to approve or deny the application before the end of that 21-day period.

(b) DEFINITIONS.—In this section—

(1) the term ''Administration'' means the headquarters of the Small Business Administration; and

(2) the term ''development company'' has the same meaning as in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

SEC. 10. USE OF CERTAIN UNOBLIGATED AND UNEXPENDED FUNDS.

(a) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, unobligated and unexpended balances of the funds described in subsection (b) are transferred to and made available to the Small Business Administration to fund the costs of guaranteed loans under section 7(a) of the Small Business Act.

(b) SOURCES.—Funds described in this subsection are—

(1) funds transferred to the Business Loan Program Account of the Small Business Administration from the Department of Defense under the Department of Defense Appropriations Act, 1995 (Public Law 103-335) and section 507(g) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 636 note) for the DELTA Program under that section 507; and

(2) funds previously made available under the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (110 Stat. 1321 et seq.) and the Omnibus Consolidated Appropriations Act, 1997 (110 Stat. 3009 et seq.) for the microloan guarantee program under section 7(m) of the Small Business Act.

SEC. 11. HUBZONE REDESIGNATED AREAS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(D) redesignated areas.''; and

(2) in paragraph (4), by adding at the end the following:

''(C) REDESIGNATED AREA.—The term 'redesignated area' means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B), except that a census tract or a nonmetropolitan county may be a 'redesignated area' only for the 3-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.''.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

DOMENICI AMENDMENT NO. 3432

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by them to the bill, H.R. 4475, supra; as follows:

Page 16, under the heading ''FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)'' after ''under this head;'' add ''and to make grants to carry out the Small Community Air Service Development Pilot program under Sec. 41743 in title 49, U.S.C.;''

Page 16, after the last proviso under the heading ''FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)'' and before the heading ''RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)'' add

''*Provided further*, That notwithstanding any other provision of law, not more than $20,000,000 of funds made available under this heading in fiscal year 2001 may be obligated for grants under the Small Community Air Service Development Pilot Program under section 41743 of title 49, U.S.C.''

NOTICE OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1643, a bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; S. 2547, a bill to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes.

The hearing will take place on Thursday, June 22, 2000 at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

SUBCOMMITTEE ON NATURAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 134, a bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as wilderness area; S. 2051, a bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; S. 2279, a bill to authorize the addition of land to Sequoia National Park, and for other purposes; S. 2512, a bill to convey certain Federal properties on Governors Island, New York.

The hearing will take place on Thursday, June 29, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 14, 2000, to conduct a roundtable discussion on ''Accounting for Goodwill.''

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES AND THE SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence and the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 14 at 10:15 a.m. to conduct a joint oversight hearing. The Committees will receive testimony on the Loss of National Security Information at the Los Alamos National Laboratory.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 14, 2000, for an Open Executive Session to mark up H.R. 3916 (Repeal of the Federal Communications Excise Tax); S. 662, the Breast and Cervical Cancer Treatment Act; and, S. Res , expressing the sense of the Senate that the President should initiate negotiations with the members of the European Union to resolve the current dispute regarding the foreign sales corporation provisions of the Internal Revenue Code and to modify World Trade Organization rules governing the border adjustability of taxes to ensure that such rules do not place United States exporters at a competitive disadvantage.

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 Wednesday, June 14, 2000 at 10 a.m. and 3:30 p.m. to hold two hearings (agenda attached).

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 14, 2000 at 10 a.m. for a business meeting to consider pending Committee business.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 14, 2000 at 2:30 p.m. in room 485 of the Russell Senate Building to mark up the following: S. 1586, Indian Land Consolidation Act Amendments; S. 2351, Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act; S. Res. 277, Commemorating the 30th Anniversary of the Policy of Indian Self-Determination; S. 2508, the Colorado Ute Indian Water Settlement Act Amendments of 2000; and H.R. 3051, Jicarilla Water Feasibility Study, to be followed by a hearing, on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the Department of Agriculture.

The PRESIDING OFFICER. Without objection it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 14, 2000 at 10:15 a.m. to hold an open hearing on intelligence matters.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 14, 2000 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Wednesday, June 14, 2000, at 10 a.m., in SD226.

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

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, June 14, at 9:30 a.m., to conduct a hearing to receive testimony on the environmental benefits and impacts of ethanol under the Clean Air Act.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Communications be authorized to meet on Wednesday, June 14, 2000, at 9:30 a.m. on wireless high speed Internet access for rural areas.

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

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Mandy Sams of Senator Hutchinson's staff be granted floor privileges for the duration of today's debate.

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that Denise Matthews, a fellow on the staff of the Appropriations Committee, be granted the privilege of the floor during debate on the Fiscal Year 2001 Transportation Appropriations bill and the conference report thereon.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

On June 13, the Senate amended and passed H.R. 4576, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4576) entitled ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $22,173,929,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $17,877,215,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $6,831,373,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $18,110,764,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,458,961,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,539,490,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $446,586,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $963,752,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,781,236,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,634,181,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,616,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $19,049,881,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $5,146,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $23,398,254,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $2,729,758,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,878,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $22,268,977,000 and, in addition, $50,000,000, shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as

authorized by law, $11,991,688,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $30,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,529,418,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $968,946,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $141,159,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,893,859,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $3,330,535,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $3,481,775,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $4,100,577,000, to remain available until expended: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title, the Defense Health Program appropriation, and to working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURTS OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $8,574,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $389,932,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $294,038,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $376,300,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $21,412,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $231,499,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), $55,900,000, to remain available until September 30, 2002.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, $458,400,000, to remain available until September 30, 2003: Provided, That of the amounts provided under this heading, $25,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,532,862,000, to remain available for obligation until September 30, 2003.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,329,781,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,166,574,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,212,149,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 35 passenger motor vehicles for replacement only; and the purchase of 12 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,060,728,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,426,499,000, to remain available for obligation until September 30, 2003.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,571,650,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $471,749,000, to remain available for obligation until September 30, 2003.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $4,053,653,000;

Carrier Replacement Program (AP), $21,869,000;

NSSN, $1,203,012,000;

NSSM (AP), $508,222,000;

CVN Refuelings, $703,441,000;

CVN Refuelings (AP), $25,000,000;

Submarine Refuelings, $210,414,000;

Submarine Refuelings (AP), $72,277,000;

DDG–51 destroyer program, $2,713,559,000;

DDG–51 destroyer program (AP), $500,000,000;

LPD–17 Program Cost Growth, $285,000,000;

LPD–17 (AP), $200,000,000;

LHD–8 (AP), $460,000,000;

ADC(X), $338,951,000;

LCAC landing craft air cushion program, $15,615,000; and

For craft, outfitting, post delivery, conversions, and first destination transformation transportation, $301,077,000;

In all: $11,612,090,000, to remain available for obligation until September 30, 2005: Provided, That additional obligations may be incurred after September 30, 2005, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: Provided further, That the Secretary of the Navy is hereby granted the authority to enter into contracts for an LHD–1 Amphibious Assault Ship and two LPD–17 Class Ships which shall be funded on an incremental basis.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 63 passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,400,180,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 33 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,196,368,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction

prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $7,289,934,000, to remain available for obligation until September 30, 2003.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,920,815,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $654,808,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 173, passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $7,605,027,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 115 passenger motor vehicles for replacement only; the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,294,908,000, to remain available for obligation until September 30, 2003.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $150,000,000, to remain available for obligation until September 30, 2003: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $5,683,675,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $8,812,070,000, to remain available for obligation until September 30, 2002: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operation Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $13,931,145,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,952,039,000, to remain available for obligation until September 30, 2002.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $218,560,000, to remain available for obligation until September 30, 2002.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds; $916,276,000: Provided, That during fiscal year 2001, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), $388,158,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

NATIONAL DEFENSE AIRLIFT FUND

For National Defense Airlift Fund programs, projects, and activities, $2,890,923,000, to remain available until expended: Provided, That these funds shall only be available for transfer to the appropriate C–17 program P–1 line items of Titles III of this Act for the purposes specified in this section: Provided further, That the funds transferred under the authority provided within this section shall be merged with and shall be available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority contained elsewhere in this Act.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $12,130,179,000, of which $11,437,293,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2002; of which $290,006,000, to remain available for obligation until September 30, 2003, shall be for Procurement; of which $402,880,000, to remain available for obligation until September 30, 2002, shall be for Research, development, test and evaluation; and of which $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $979,400,000, of which $600,000,000 shall be for Operation and maintenance to remain available until September 30, 2002, $105,000,000 shall be for Procurement to remain available until September 30, 2003, and $274,400,000 shall be for Research, development, test and evaluation to remain available until September 30, 2002: Provided, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: Provided further, That

the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program: Provided further, That the amount available under Operation and maintenance shall also be available for the conveyance, without consideration, of the Emergency One Cyclone II Custom Pumper truck subject to Army Loan DAAMO1–98–L–0001 to the Umatilla Indian Tribe, the current lessee.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $933,700,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided under this heading is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $147,545,000, of which $144,245,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $3,300,000 to remain available until September 30, 2003, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $216,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $177,331,000, of which $22,557,000 for the Advanced Research and Development Committee shall remain available until September 30, 2002: Provided, That of the funds appropriated under this heading, $27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2002, and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2002.

PAYMENT TO KAHO'OLAWE

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $60,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $6,950,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS—DEPARTMENT OF DEFENSE

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

M2A3 Bradley fighting vehicle; DDG–51 destroyer; C–17; and UH–60/CH–60 aircraft.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress on September 30 of each year: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2001, the civilian personnel of the Department of Defense may not be managed on the basis of any end-

strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2002.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(d) of title 38, United States Code, for any member of the armed services who, on or after the date of the enactment of this Act, enlists in the armed services for a period of active duty of less than 3 years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: Provided, That these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than 19 noncombat arms skills approved in advance by the Secretary of Defense: Provided further, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 2002 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That contractors participating in the test program established by section 854 of Public Law 101–189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8024. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. Of the funds made available in this Act, not less than $21,417,000 shall be available for the Civil Air Patrol Corporation, of which $19,417,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $2,000,000 for the Civil Air Patrol counterdrug program: Provided, That funds identified for ''Civil Air Patrol'' under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8032. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2001 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2001, not more than 6,227 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,009 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2002 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8033. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8034. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8035. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8036. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2001. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8037. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8039. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8040. Notwithstanding any other provision of law, funds available for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

SEC. 8041. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: Provided, That none of the funds made available for expenditure under this section may be transferred or obligated until 30 days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2001 and 2002, and the specific expenditures to be made using funds transferred from this account during fiscal year 2001.

SEC. 8042. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: Provided, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8043. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2000 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8045. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2002: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8046. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8047. Of the funds appropriated by the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8048. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8049. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8050. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8051. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8052. Funds appropriated by this Act, or made available by the transfer of funds in this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2001 until the enactment of the Intelligence Authorization Act for Fiscal Year 2001.

SEC. 8053. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: Provided, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8054. Of the funds provided in Department of Defense Acts, the following funds are hereby rescinded as of the date of the enactment of this Act or October 1, 2000, whichever is later, from the following accounts and programs in the specified amounts:

''Weapons and Tracked Combat Vehicles, 2000/2002'', $59,000,000;

''Aircraft Procurement, Air Force, 2000/2002'', $24,000,000;

''Other Procurement, Army, 2000/2002'', $29,300,000;

''Missile Procurement, Air Force, 2000/2002'', $30,000,000; and

''Research, Development, Test and Evaluation, Army, 2000/2001'', $27,000,000.

SEC. 8055. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8056. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8057. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8058. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Unified and Specified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign

Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8059. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,222,000,000.

SEC. 8060. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8061. Appropriations available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8062. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8063. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8064. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8065. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8066. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8067. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: Provided, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8068. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8069. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: Provided further, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8070. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8071. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8072. None of the funds provided in title II of this Act for ''Former Soviet Union Threat Reduction'' may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with Increase Use/Reserve support to the Operational Commander-in-Chiefs and with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8074. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8075. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to

a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8076. Upon the enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'':

SSN–21 attack submarine program, $74,000,000;

To:

Under the heading, ''Research, Development, Test and Evaluation, Navy, 2001/2002'':

For SSN–21 development, $74,000,000.

SEC. 8077. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 2001, a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 2002 budget request was reduced because the Congress appropriated funds above the President's budget request for that specific activity for fiscal year 2001.

SEC. 8078. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8079. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: Provided, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8080. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8081. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8082. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

(RESCISSIONS)

SEC. 8083. Of the funds provided in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), $319,688,000, to reflect savings from revised economic assumptions, is hereby rescinded as of the date of the enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

''Aircraft Procurement, Army'', $7,000,000;

''Missile Procurement, Army'', $6,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army'', $7,000,000;

''Procurement of Ammunition, Army'', $5,000,000;

''Other Procurement, Army'', $16,000,000;

''Aircraft Procurement, Navy'', $24,125,000;

''Weapons Procurement, Navy'', $3,853,000;

''Procurement of Ammunition, Navy and Marine Corps'', $1,463,000;

''Shipbuilding and Conversion, Navy'', $19,644,000;

''Other Procurement, Navy'', $12,032,000;

''Procurement, Marine Corps'', $3,623,000;

''Aircraft Procurement, Air Force'', $32,743,000;

''Missile Procurement, Air Force'', $5,500,000;

''Procurement of Ammunition, Air Force'', $1,232,000;

''Other Procurement, Air Force'', $19,902,000;

''Procurement, Defense-Wide'', $6,683,000;

''Chemical Agents and Munitions Destruction, Army'', $1,103,000;

''Defense Health Program'', $808,000;

''Research, Development, Test and Evaluation, Army'', $20,592,000;

''Research, Development, Test and Evaluation, Navy'', $35,621,000;

''Research, Development, Test and Evaluation, Air Force'', $53,467,000; and

''Research, Development, Test and Evaluation, Defense-Wide'', $36,297,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8084. The budget of the President for fiscal year 2002 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include budget activity groups (known as ''subactivities'') in all appropriations accounts provided in this Act, as may be necessary, to separately identify all costs incurred by the Department of Defense to support the North Atlantic Treaty Organization and all Partnership For Peace programs and initiatives. The budget justification materials submitted to the Congress in support of the budget of the Department of Defense for fiscal year 2002, and subsequent fiscal years, shall provide complete, detailed estimates for all such costs.

SEC. 8085. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8086. Funds made available to the Civil Air Patrol in this Act under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'' may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: Provided, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8087. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 2000, may be extended for 2 years: Provided, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: Provided further, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: Provided further, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 2000, may include a base contract period for transition and up to seven 1-year option periods.

SEC. 8088. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8089. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8090. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $56,200,000 to reflect savings from the pay of civilian personnel, to be distributed as follows:

''Operation and Maintenance, Army'', $4,600,000;

''Operation and Maintenance, Navy'', $49,600,000; and

''Operation and Maintenance, Defense-Wide'', $2,000,000.

SEC. 8091. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $789,700,000 to reflect savings from favorable foreign currency fluctuations, and stabilization of the balance available within the ''Foreign Currency Fluctuation, Defense'', account.

SEC. 8092. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the ADC(X) class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8093. Of the funds made available in this Act, not less than $65,200,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,200,000 shall be available from ''Military Personnel, Air Force'', $36,900,000 shall be available from ''Operation and Maintenance, Air Force'', and $25,100,000 shall be available from ''Aircraft Procurement, Air Force'': Provided, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2001: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2002 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8094. The budget of the President for fiscal year 2001 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Fund, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency.

SEC. 8095. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8096. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term ''custodial care'' shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: Provided, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: Provided further, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8097. During the current fiscal year—

(1) refunds attributable to the use of the Government travel card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received; and

(2) refunds attributable to the use of the Government Purchase Card by military personnel and civilian employees of the Department of Defense may be credited to accounts of the Department of Defense that are current when the refunds are received and that are available for the same purposes as the accounts originally charged.

SEC. 8098. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8099. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8100. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8101. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act, may be obligated for environmental remediation under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8102. Of the funds made available under the heading ''Operation and Maintenance, Air Force'', $10,000,000 shall be transferred to the Department of Transportation to enable the Secretary of Transportation to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

SEC. 8103. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8104. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance: Provided, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: Provided further, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

SEC. 8105. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in

the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term ''Native Hawaiian'' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8106. None of the funds appropriated or otherwise made available by this Act or any other Act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 8107. In addition to the amounts provided elsewhere in this Act, the amount of $10,000,000 is hereby appropriated for ''Operation and Maintenance, Defense-Wide'', to be available, notwithstanding any other provision of law, only for a grant to the United Service Organizations Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided for by this section is in addition to any grant provided for under any other provision of law.

SEC. 8108. Of the funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'', up to $5,000,000 shall be available to provide assistance, by grant or otherwise, to public school systems that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments.

SEC. 8109. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among request of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under paragraph (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8110. Of the amounts appropriated in the Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $85,849,000 shall be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defence of Israel for the Arrow Deployability Program.

SEC. 8111. The Secretary of Defense shall fully identify and determine the validity of healthcare contract additional liabilities, requests for equitable adjustment, and claims for unanticipated healthcare contract costs: Provided, That the Secretary of Defense shall establish an equitable and timely process for the adjudication of claims, and recognize actual liabilities during the Department's planning, programming and budgeting process: Provided further, That not later than March 1, 2001, the Secretary of Defense shall submit a report to the congressional defense committees on the scope and extent of healthcare contract claims, and on the action taken to implement the provisions of this section: Provided further, That nothing in this section should be construed as congressional direction to liquidate or pay any claims that otherwise would not have been adjudicated in favor of the claimant.

SEC. 8112. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

SEC. 8113. Of the amounts appropriated in this Act under the heading, ''Operation and Maintenance, Defense-Wide,'' $115,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8114. OPERATIONAL SUPPORT AIRCRAFT LEASING AUTHORITY. (a) The Secretary of the Army and the Secretary of the Navy may establish a multi-year pilot program for leasing aircraft for utility and operational support airlift purposes on such terms and conditions as the respective Secretaries may deem appropriate, consistent with this section.

(b) Sections 2401 and 2401a of title 10, United States Code, shall not apply to any aircraft lease authorized by this section.

(c) Under the aircraft lease program authorized by this section:

(1) The Secretary of the Army and the Secretary of the Navy may include terms and conditions in lease agreements that are customary in aircraft leases by a non-Government lessor to a non-Government lessee.

(2) The term of any individual lease agreement into which a service Secretary enters under this section shall not exceed 10 years.

(3) The Secretary of the Army and the Secretary of the Navy may provide for special payments to a lessor if either the respective Secretary terminates or cancels the lease prior to the expiration of its term or aircraft are damaged or destroyed prior to the expiration of the term of the lease. Such special payments shall not exceed an amount equal to the value of one year's lease payment under the lease. The amount of special payments shall be subject to negotiation between the Army or Navy and lessors.

(4) Notwithstanding any other provision of law, any payments required under a lease under this section, and any payments made pursuant to subsection (3) above may be made from:

(A) appropriations available for the performance of the lease at the time the lease takes effect;

(B) appropriations for the operation and maintenance available at the time which the payment is due; and

(C) funds appropriated for those payments.

(5) The Secretary of the Army and the Secretary of the Navy may lease aircraft, on such terms and conditions as they may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A–11.

(6) The Secretary of the Army and the Secretary of the Navy may exchange or sell existing aircraft and apply the exchange allowance or sale proceeds in whole or in part toward the cost of leasing replacement aircraft under this section.

(7) No lease of operational support aircraft may be entered into under this section after September 30, 2004.

(d) The authority granted to the Secretary of the Army and the Secretary of the Navy by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the respective Secretaries to procure transportation or enter into leases under a provision of law other than this section.

(e) The authority provided under this section may be used to lease not more than a total of three (3) Army aircraft, three (3) Navy aircraft, and three (3) Marine Corps aircraft for the purposes of providing operational support.

SEC. 8115. Notwithstanding any other provision in this Act, the total amount appropriated in this Act under Title IV for the Ballistic Missile Defense Organization (BMDO) is hereby reduced by $26,154,000 to reflect a reduction in system engineering, program management, and other support costs.

SEC. 8116. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 30 days prior to issuing any type of information or proposal solicitation under the NMD program.

SEC. 8117. Up to $3,000,000 of the funds appropriated under the heading, ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems critical to base operations.

SEC. 8118. In addition to amounts appropriated elsewhere in the Act, $20,000,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make a grant in the amount of $20,000,000 to the National Center for the Preservation of Democracy.

SEC. 8119. Of the funds made available under the heading ''Operation and Maintenance, Air Force'', not less than $7,000,000 shall be made available by grant or otherwise, to the North Slope Borough, to provide assistance for health care, monitoring and related issues associated with research conducted from 1955 to 1957 by the former Arctic Aeromedical Laboratory.

SEC. 8120. None of the funds appropriated in this Act under the heading ''Overseas Contingency Operations Transfer Fund'' may be transferred or obligated for expenses not directly related to the conduct of overseas contingencies: Provided, That the Secretary of Defense shall submit a report no later than thirty days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the ''Overseas Contingency Operations Transfer Fund'': Provided further, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8121. In addition to amounts made available elsewhere in this Act, $1,000,000 is hereby appropriated to the Department of Defense to be available for payment to members of the uniformed services for reimbursement for mandatory pet quarantines as authorized by law.

SEC. 8122. The Secretary of the Navy may transfer from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary ship cost changes for previous ship construction programs appropriated in law: Provided, That the Secretary may transfer no more than $300,000,000 under the authority provided within this section: Provided further, That the funding transferred shall be available for the same time period as the appropriation from which transferred: Provided further, That the Secretary may not transfer any funding until 30 days after the proposed transfer has been reported to the House and Senate Committees on Appropriations: Provided further, That the transfer authority provided within this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8123. In addition to amounts appropriated elsewhere in the Act, $2,100,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make

a grant in the amount of $2,100,000 to the National D-Day Museum.

SEC. 8124. In addition to amounts appropriated elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of the Army shall make available a grant of $5,000,000 only to the Chicago Public Schools for conversion and expansion of the former Eighth Regiment National Guard Armory (Bronzeville).

SEC. 8125. In addition to the amounts provided elsewhere in this Act, the amount of $10,000,000 is hereby appropriated for ''Operation and Maintenance, Navy'', to accelerate the disposal and scrapping of ships of the Navy Inactive Fleet and Maritime Administration National Defense Reserve Fleet: Provided, That the Secretary of the Navy and the Secretary of Transportation shall develop criteria for selecting ships for scrapping or disposal based on their potential for causing pollution, creating an environmental hazard and cost of storage: Provided further, That the Secretary of the Navy and the Secretary of Transportation shall report to the congressional defense committees no later than June 1, 2001 regarding the total number of vessels currently designated for scrapping, and the schedule and costs for scrapping these vessels.

SEC. 8126. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111, 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2001.

SEC. 8127. SENSE OF THE SENATE ON BRINGING PEACE TO CHECHNYA. (a) FINDINGS.—The Senate finds that—

(1) the Senate of the United States unanimously passed Senate Resolution 262 on February 24, 2000, which condemned the indiscriminate use of force by the Government of the Russian Federation against the people of Chechnya and called for peace negotiations between the Government of the Russian Federation and the democratically elected Government of Chechnya led by President Aslan Maskhadov;

(2) the Committee on Foreign Relations of the Senate received credible evidence reporting that Russian forces in Chechnya caused the deaths of innocent civilians and the displacement of well over 250,000 other residents of Chechnya and committed widespread atrocities, including summary executions, torture, and rape;

(3) the Government of the Russian Federation continues its military campaign in Chechnya, including using indiscriminate force, causing further dislocation of people from their homes, the deaths of noncombatants, and widespread suffering;

(4) the Government of the Russian Federation refuses to participate in peace negotiations with the democratically elected Government of Chechnya;

(5) the war in Chechnya contributes to ethnic hatred and religious intolerance within the Russian Federation, jeopardizes prospects for the establishment of democracy in the Russian Federation, and is a threat to the peace in the region; and

(6) it is in the interests of the United States to promote a cease-fire in Chechnya and negotiations between the Government of the Russian Federation and the democratically elected Government of Chechnya that result in a just and lasting peace;

(7) representatives of the democratically elected President of Chechnya, including his foreign minister, have traveled to the United States to facilitate an immediate cease-fire to the conflict in Chechnya and the initiation of peace negotiations between Russian and Chechen forces;

(8) the Secretary of State and other senior United States Government officials have refused to meet with representatives of the democratically elected President of Chechnya to discuss proposals for an immediate cease-fire between Chechen and Russian forces and for peace negotiations; and

(9) the Senate expresses its concern over the war and the humanitarian tragedy in Chechnya and its desire for a peaceful and durable settlement to the conflict.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of the Russian Federation should immediately—

(A) cease its military operations in Chechnya and participate in negotiations toward a just peace with the leadership of the Chechen Government led by President Aslan Maskhadov;

(B) allow into and around Chechnya international missions to monitor and report on the situation there and to investigate alleged atrocities and war crimes; and

(C) grant international humanitarian agencies full and unimpeded access to Chechen civilians, including those in refugee, detention, and so-called ''filtration camps'', or any other facility where citizens of Chechnya are detained;

(2) the Secretary of State should meet with representatives of the Government of Chechnya led by President Aslan Maskhadov to discuss its proposals to initiate a cease-fire in the war in Chechnya and to facilitate the provision of humanitarian assistance to the victims of this tragic conflict; and

(3) the President of the United States, in structuring United States policy toward the Russian Federation, should take into consideration the refusal of the Government of the Russian Federation to cease its military operations in Chechnya and to participate in peace negotiations with the Government of Chechnya.

SEC. 8128. In addition to funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', $20,000,000 is hereby appropriated for Information Technology Center.

SEC. 8129. PRIVACY OF INDIVIDUAL MEDICAL RECORDS. None of the funds provided in this Act shall be used to transfer, release, disclose, or otherwise make available to any individual or entity outside the Department of Defense for any non-national security or non-law enforcement purposes an individual's medical records without the consent of the individual.

SEC. 8130. Of the total amount appropriated by this Act for the Air Force for research, development, test and evaluation, up to $43,000,000 may be made available for the extended range conventional air-launched cruise missile program of the Air Force.

SEC. 8131. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $2,000,000 may be made available for continued design and analysis under the reentry systems applications program for the advanced technology vehicle.

SEC. 8132. Of the funds made available in title III of this Act under the heading ''MISSILE PROCUREMENT, AIR FORCE'', up to $5,000,000 may be made available for the conversion of Maverick missiles in the AGM–65B and AGM–65G configurations to Maverick missiles in the AGM–65H and AGM–65K configurations.

SEC. 8133. Of the funds available under the heading ''WEAPONS AND TRACKED COMBAT VEHICLES, ARMY'' in title III of this Act, up to $10,000,000 may be made available for Carrier Modifications.

SEC. 8134. Of the funds available under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' in title IV of this Act, under ''End Item Industrial Preparedness'' up to $5,000,000 may be made available for the Printed Wiring Board Manufacturing Technology Center.

SEC. 8135. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $3,000,000 may be made available for the Display Performance and Environmental Evaluation Laboratory Project of the Army Research Laboratory.

SEC. 8136. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $4,500,000 may be made available for the Innovative Stand-Off Door Breaching Munition.

SEC. 8137. Of the amount appropriated under title II under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $3,000,000 may be available for high-performance, non-toxic, inturnescent fire protective coatings aboard Navy vessels. The coating shall meet the specifications for Type II fire protectives as stated in Mil–Spec DoD–C–24596.

SEC. 8138. Of the amount appropriated under title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', up to $2,000,000 may be available for advanced three-dimensional visualization software with the currently-deployed, personal computer-based Portable Flight Planning Software (PFPS).

SEC. 8139. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $15,000,000 may be made available to continue research and development on Silicon carbide research (PE 63005A).

SEC. 8140. Of the amount appropriated under title III under the heading ''OTHER PROCUREMENT, ARMY'', $5,000,000 shall be available for the development of the Abrams Full-Crew Interactive Skills Trainer.

SEC. 8141. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $5,000,000 may be available for the Environmental Security Technical Certification Program (PE 603851D) to develop and test technologies to detect unexploded ordinance at sites where the detection and possible remediation of unexploded ordinance from live-fire activities is underway.

SEC. 8142. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $5,000,000 may be available for the Strategic Environmental Research and Development Program (PE 6034716D) for the development and test of technologies to detect, analyze, and map the presence of, and to transport, pollutants and contaminants at sites undergoing the detection and possible remediation of constituents attributable to live-fire activities in a variety of hydrogeological scenarios.

SEC. 8143. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $5,000,000 may be available for Surface Ship & Submarine HM&E Advanced Technology (PE 603508N) for continuing development by the Navy of the AC synchronous high-temperature superconductor electric motor.

SEC. 8144. Of the funds provided in title II under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $1,000,000 may be available to continue the Public Service Initiative.

SEC. 8145. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $3,500,000 may be made available for Chem-Bio Advanced Materials Research.

SEC. 8146. Of the total amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $3,000,000 may be available only for a Navy benefits center.

SEC. 8147. Of the funds available in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $8,000,000 may be made available for the Navy Information Technology Center.

SEC. 8148. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $7,000,000 may be made available for the Solid State Dye Laser project.

SEC. 8149. Of the amount available under title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', $1,000,000 shall be

available for Middle East Regional Security Issues.

SEC. 8150. Of the amount available under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $5,000,000 may be available for the continuation of the Compatible Processor Upgrade Program (CPUP).

SEC. 8151. (a) ADDITIONAL FUNDS FOR WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.—The amount appropriated under title II under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby increased by $3,700,000, with the amount of the increase available for the activities of five additional Weapons of Mass Destruction Civil Support Teams (WMD–CST).

(b) ADDITIONAL FUNDS FOR EQUIPMENT FOR WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM PROGRAM.—(1) The amount appropriated under title III under the heading ''OTHER PROCUREMENT, ARMY'' is hereby increased by $11,300,000, with the amount of the increase available for Special Purpose Vehicles.

(2) The amount appropriated under title III under the heading ''PROCUREMENT, DEFENSE-WIDE'' is hereby increased by $1,800,000, with the amount of the increase available for the Chemical Biological Defense Program, for Contamination Avoidance.

(3) Amounts made available by reason of paragraphs (1) and (2) shall be available for the procurement of additional equipment for the Weapons of Mass Destruction Civil Support Team (WMD–CST) program.

(c) OFFSET.—The amount appropriated under title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' for the Defense Finance and Accounting Service is hereby reduced by $16,800,000, with the amount of the reduction applied to the Defense Joint Accounting System (DJAS) for fielding and operations.

SEC. 8152. Of the funds available in title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', $30,000,000 may be available for information security initiatives: Provided, That, of such amount, $10,000,000 is available for the Institute for Defense Computer Security and Information Protection of the Department of Defense, and $20,000,000 is available for the Information Security Scholarship Program of the Department of Defense.

SEC. 8153. Of the funds provided in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $12,000,000 may be made available to commence a live-fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH64D Longbow helicopter, as previously specified in section 8138 of Public Law 106–79.

SEC. 8154. Of the funds appropriated in the Act under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $5,000,000 may be made available to the American Red Cross for Armed Forces Emergency Services.

SEC. 8155. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', up to $12,000,000 is available for the XSS–10 micro-missile technology program.

SEC. 8156. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $3,000,000 may be made available for the development of a chemical agent warning network to benefit the chemical incident response force of the Marine Corps.

SEC. 8157. Of the amounts appropriated under title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', $2,000,000 may be made available for the Bosque Redondo Memorial as authorized under the provisions of the bill S. 964 of the 106th Congress, as adopted by the Senate.

SEC. 8158. (a) INCREASE IN AMOUNT.—Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', $300,000 shall be available for Generic Logistics Research and Development Technology Demonstrations (PE 603712S) for air logistics technology.

(b) OFFSET.—Of the amount appropriated under title IV under the heading referred to in subsection (a), the amount available for Computing Systems and Communications Technology (PE 602301E) is hereby decreased by $300,000.

SEC. 8159. (a) INCREASE IN AMOUNT.—Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', $5,000,000 shall be available for Explosives Demilitarization Technology (PE 603104D) for research into ammunition risk analysis capabilities.

(b) OFFSET.—Of the amount appropriated under title IV under the heading referred to in subsection (a), the amount available for Computing Systems and Communications Technology (PE 602301E) is hereby decreased by $5,000,000.

SEC. 8160. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', $92,530,000 may be available for C–5 aircraft modernization, including for the C–5 Reliability Enhancement and Reengining Program.

SEC. 8161. Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $4,000,000 may be made available for Military Personnel Research.

SEC. 8162. Of the amounts appropriated under title II under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $7,000,000 may be available for the Information Technology Center.

SEC. 8163. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $6,000,000 may be made available for the Ballistic Missile Defense Organization International Cooperative Programs for the Arrow Missile Defense System in order to enhance the interoperability of the system between the United States and Israel.

SEC. 8164. PROHIBITION ON USE OF FUNDS FOR PREVENTATIVE APPLICATION OF PESTICIDES IN DEPARTMENT OF DEFENSE AREAS THAT MAY BE USED BY CHILDREN. (a) DEFINITION OF PESTICIDE.—In this section, the term ''pesticide'' has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(b) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated under this Act may be used for the preventative application of a pesticide containing a known or probable carcinogen or a category I or II acute nerve toxin, or a pesticide of the organophosphate, carbamate, or organochlorine class, in any area owned or managed by the Department of Defense that may be used by children, including a park, base housing, a recreation center, a playground, or a daycare facility.

SEC. 8165. Of the funds appropriated in title III under the heading ''PROCUREMENT, DEFENSE-WIDE'', up to $7,000,000 may be made available for the procurement of the integrated bridge system for special warfare rigid inflatable boats under the Special Operations Forces Combatant Craft Systems program.

SEC. 8166. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', up to $5,000,000 may be made available under Advanced Technology for the LaserSpark countermeasures program.

SEC. 8167. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' for Logistics Research and Development Technology Demonstration, up to $2,000,000 may be made available for a Silicon-Based Nanostructures Program.

SEC. 8168. (a) Congress makes the following findings:

(1) Failure to operate and standardize the current Tethered Aerostat Radar System (TARS) sites along the Southwest border of the United States and the Gulf of Mexico will result in a degradation of the counterdrug capability of the United States.

(2) Most of the illicit drugs consumed in the United States enter the United States through the Southwest border, the Gulf of Mexico, and Florida.

(3) The Tethered Aerostat Radar System is a critical component of the counterdrug mission of the United States relating to the detection and apprehension of drug traffickers.

(4) Preservation of the current Tethered Aerostat Radar System network compels drug traffickers to transport illicit narcotics into the United States by more risky and hazardous routes.

(b) Of the funds appropriated in title VI under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE'', up to $23,000,000 may be made available to Drug Enforcement Policy Support (DEP&S) for purposes of maintaining operations of the 11 current Tethered Aerostat Radar System (TARS) sites and completing the standardization of such sites located along the Southwest border of the United States and in the States bordering the Gulf of Mexico.

SEC. 8169. Of the funds appropriated in title VI under the heading ''COUNTER-DRUG ACTIVITIES, DEFENSE'', up to $5,000,000 may be made available for a ground processing station to support a tropical remote sensing radar.

SEC. 8170. Of the funds provided within title I of this Act, such funds as may be necessary shall be available for a special subsistence allowance for members eligible to receive food stamp assistance, as authorized by law.

SEC. 8171. Of the amounts appropriated in title III under the heading ''OTHER PROCUREMENT, AIR FORCE'', $3,000,000 shall be made available for an analysis of the costs associated with and the activities necessary in order to reestablish the production line for the U–2 aircraft, at the rate of two aircraft per year, as quickly as is feasible.

SEC. 8172. (a) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Air Force should, using funds specified in subsection (b), pay the New Jersey Forest Fire Service the sum of $92,974.86 to reimburse the New Jersey Forest Fire Service for costs incurred in containing and extinguishing a fire in the Bass River State Forest and Wharton State Forest, New Jersey, in May 1999, which fire was caused by an errant bomb from an Air National Guard unit during a training exercise at Warren Grove Testing Range, New Jersey.

(b) SOURCE OF FUNDS.—Funds for the payment referred to in subsection (a) should be derived from amounts appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, AIR NATIONAL GUARD''.

SEC. 8173. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $6,000,000 may be made available to support spatio-temporal database research, visualization and user interaction testing, enhanced image processing, automated feature extraction research, and development of field-sensing devices, all of which are critical technology issues for smart maps and other intelligent spatial technologies.

SEC. 8174. (a) PROHIBITION.—No funds made available under this Act may be used to 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 in 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.

SEC. 8175. Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'' for the Navy technical information presentation system, $5,200,000 may be available for the digitization of FA–18 aircraft technical manuals.

SEC. 8176. Of the amount appropriated under title II under the heading ''OPERATION AND MAINTENANCE, ARMY'' for Industrial Mobilization Capacity, $56,500,000 plus in addition $11,500,000 may be made available to address unutilized plant capacity in order to offset the effects of low utilization of plant capacity on overhead charges at the Arsenals.

SEC. 8177. Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $3,800,000 may be available for defraying the costs of maintaining the industrial mobilization capacity at the McAlester Army Ammunition Activity, Oklahoma.

SEC. 8178. Section 8093 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1253) is amended by striking subsection (d), relating to a prohibition on the use of Department of Defense funds to procure a nuclear-capable shipyard crane from a foreign source.

SEC. 8179. Of the funds appropriated in title III under the heading ''PROCUREMENT, DEFENSE-WIDE'', up to $18,900,000 may be made available for MH–60 aircraft for the United States Special Operations Command as follows: up to $12,900,000 for the procurement of probes for aerial refueling of 22 MH–60L aircraft, and up to $6,000,000 for the procurement and integration of internal auxiliary fuel tanks for 50 MH–60 aircraft.

SEC. 8180. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $50,000,000 may be made available for High Energy Laser research, development, test and evaluation (PE 0602605F, PE 0603605F, PE 0601108D, PE 0602890D, and PE 0603921D). Release of funds is contingent on site selection for the Joint Technology Office referenced in the Defense Department's High Energy Laser Master Plan.

SEC. 8181. Of the funds available in title II under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $2,000,000 may be made available to the Special Reconnaissance Capabilities (SRC) Program for the Virtual Worlds Initiative in PE 0304210BB.

SEC. 8182. Of the funds available in title III under the heading ''PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS'', up to $5,000,000 may be made available for ROCKETS, ALL TYPE, 83mm HEDP.

SEC. 8183. Of the amounts appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $6,000,000 may be made available for the initial production of units of the ALGL/STRIKER to facilitate early fielding of the ALGL/STRIKER to special operations forces.

TITLE IX

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $12,200,000,000.

This Act may be cited as the ''Department of Defense Appropriations Act, 2001''.

UNANIMOUS-CONSENT AGREEMENT—H.R. 4475

Mr. ALLARD. Mr. President, I ask unanimous consent that all first-degree amendments contained on the list submitted earlier must be filed at the desk by 11:30 a.m. on Thursday.

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

MEASURE INDEFINITELY POSTPONED—S. 2593

Mr. ALLARD. Mr. President, I ask unanimous consent that Calendar No. 563, S. 2593, be indefinitely postponed.

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

CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 1999

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 531, H.R. 2614.

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

The legislative clerk read as follows:

A bill (H.R. 2614) to amend the small business investment act to make improvements to the Certified Development Company Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been considered from the Committee on Small Business, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Certified Development Company Program Improvements Act of 2000''.

SEC. 2. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma ''or women-owned business development''.

SEC. 3. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

''(2) LOAN LIMITS.—Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, other than loans meeting the criteria specified in section 501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.''.

SEC. 4. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

''(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to any financing approved by the Administration during the period beginning on October 1, 1996 and ending on September 30, 2003.''.

SEC. 5. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is repealed.

SEC. 6. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking ''On a pilot program basis, the'' and inserting ''The'';

(2) by redesignating subsections (d) though (i) as subsections (e) though (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking ''subsection (f)'' and inserting ''subsection (g)'';

(4) in subsection (h) (as redesignated by paragraph (2)), by striking ''subsection (f)'' and inserting ''subsection (g)''; and

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

''(d) SALE OF CERTAIN DEFAULTED LOANS.—

''(1) NOTICE.—

''(A) IN GENERAL.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, the Administration shall give prior notice thereof to any certified development company that has a contingent liability under this section.

''(B) TIMING.—The notice required by subparagraph (A) shall be given to the certified development company as soon as possible after the financing is identified, but not later than 90 days before the date on which the Administration first makes any record on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

''(2) LIMITATIONS.—The Administration may not offer any loan described in paragraph (1)(A) as part of a bulk sale, unless the Administration—

''(A) provides prospective purchasers with the opportunity to examine the records of the Administration with respect to such loan; and

''(B) provides the notice required by paragraph (1).''.

SEC. 7. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

''SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

''(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) of this section the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

''(b) ELIGIBILITY FOR DELEGATION.—

''(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

''(A) the company—

''(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before the date of issuance of final regulations by the Administration implementing this section;

''(ii) is participating in the Premier Certified Lenders Program under section 508; or

''(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not fewer than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

''(B) the company—

''(i) has 1 or more employees—

''(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

''(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

''(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

''(2) CONFIRMATION.—On request, the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

''(c) SCOPE OF DELEGATED AUTHORITY.—

''(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under subsection (a) may, with respect to any loan described in subsection (a)—

''(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner, according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

''(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

''(i) defend or bring any claim if—

''(I) the outcome of the litigation may adversely affect management by the Administration of the loan program established under section 502; or

''(II) the Administration is entitled to legal remedies not available to a qualified State or local development company, and such remedies will benefit either the Administration or the qualified State or local development company; or

''(ii) oversee the conduct of any such litigation; and

''(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosure, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

''(2) ADMINISTRATION APPROVAL.—

''(A) LIQUIDATION PLAN.—

''(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

''(ii) ADMINISTRATION ACTION ON PLAN.—

''(I) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

''(II) NOTICE OF NO DECISION.—With respect to any liquidation plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the plan.

''(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake any routine action not addressed in a liquidation plan without obtaining additional approval from the Administration.

''(B) PURCHASE OF INDEBTEDNESS.—

''(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

''(ii) ADMINISTRATION ACTION ON REQUEST.—

''(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

''(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the request.

''(C) WORKOUT PLAN.—

''(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

''(ii) ADMINISTRATION ACTION ON PLAN.—

''(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

''(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the plan.

''(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

''(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

''(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

''(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraph (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

''(i) shall be in writing;

''(ii) shall state the specific reason for the inability of the Administration to act on the subject plan or request;

''(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

''(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

''(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender (or any associate of a third party lender) or any other person participating in a liquidation, foreclosure, or loss mitigation action.

''(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

''(1) does not meet the requirements of subsection (b)(1);

''(2) has violated any applicable rule or regulation of the Administration or any other applicable provision of law; or

''(3) has failed to comply with any reporting requirement that may be established by the Administration relating to carrying out functions described in subsection (c)(1).

''(e) REPORT.—

''(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of delegation of authority under this section.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

''(A) with respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

''(i) the total cost of the project financed with the loan;

''(ii) the total original dollar amount guaranteed by the Administration;

''(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

''(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

''(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed;

''(B) with respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A);

''(C) with respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A);

''(D) a comparison between—

''(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

''(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period; and

''(E) the number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subsection (c)(2)(A) or a workout plan in accordance with subsection (c)(2)(C), or to approve or deny a request for purchase of indebtedness under subsection (c)(2)(B), including specific information regarding the reasons for the failure of the Administration and any delay that resulted.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Effective on the date on which final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) is repealed.

SEC. 8. FUNDING LEVELS FOR CERTAIN FINANCINGS UNDER THE SMALL BUSINESS INVESTMENT ACT OF 1958.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

''(g) PROGRAM LEVELS FOR CERTAIN SMALL BUSINESS INVESTMENT ACT OF 1958 FINANCINGS.—The following program levels are authorized for financings under section 504 of the Small Business Investment Act of 1958:

''(1) $4,000,000,000 for fiscal year 2001.

''(2) $5,000,000,000 for fiscal year 2002.

''(3) $6,000,000,000 for fiscal year 2003.''.

AMENDMENT NO. 3431

(Purpose: To make an amendment with respect to timely Administration action on geographic expansion applications, use of unobligated funds, and the HUBZone program, and for other purposes)

Mr. ALLARD. Mr. President, Senator BOND has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] for Mr. BOND, proposes an amendment numbered 3431.

The amendment is as follows:

At the end of the bill, add the following:

SEC. 9. TIMELY ACTION ON APPLICATIONS.

(a) AUTOMATIC APPROVAL OF PENDING APPLICATIONS.—An application by a State or local development company to expand its operations under title V of the Small Business Investment Act of 1958 into another territory, county, or State that is pending on the date of enactment of this Act and that was submitted to the Administration 12 months or more before that date of enactment shall be deemed to be approved beginning 21 days after that date of enactment, unless the Administration has taken final action to approve or deny the application before the end of that 21-day period.

(b) DEFINITIONS.—In this section—

(1) the term ''Administration'' means the headquarters of the Small Business Administration; and

(2) the term ''development company'' has the same meaning as in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

SEC. 10. USE OF CERTAIN UNOBLIGATED AND UNEXPENDED FUNDS.

(a) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, unobligated and unexpended balances of the funds described in subsection (b) are transferred to and made available to the Small Business Administration to fund the costs of guaranteed loans under section 7(a) of the Small Business Act.

(b) SOURCES.—Funds described in this subsection are—

(1) funds transferred to the Business Loan Program Account of the Small Business Administration from the Department of Defense under the Department of Defense Appropriations Act, 1995 (Public Law 103-335) and section 507(g) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 636 note) for the DELTA Program under that section 507; and

(2) funds previously made available under the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (110 Stat. 1321 et seq.) and the Omnibus Consolidated Appropriations Act, 1997 (110 Stat. 3009 et seq.) for the microloan guarantee program under section 7(m) of the Small Business Act.

SEC. 11. HUBZONE REDESIGNATED AREAS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(D) redesignated areas.''; and

(2) in paragraph (4), by adding at the end the following:

''(C) REDESIGNATED AREA.—The term 'redesignated area' means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B), except that a census tract or a nonmetropolitan county may be a 'redesignated area' only for the 3-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.''.

Mr. ALLARD. Mr. President, I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3431) was agreed to.

Mr. BOND. Mr. President, I rise today to speak in support of H.R. 2614, the Certified Development Company Program Improvements Act of 2000. This important legislation was recently considered by the Committee on Small Business and approved by an 18–0 vote. I am also offering a ''Managers' Amendment,'' which has been approved on both sides of the aisle.

The purpose of H.R. 2614 is to make the 504 Certified Development Company program a more effective and more efficient program. The 504 Program is a key credit program run by the Small Business Administration to provide access to capital to small business owners. It was enacted to leverage private sector resources to fund larger projects for small businesses to acquire, construct or expand their facilities. Specifically, it was designed to create job opportunities and improve the economic health of both rural and inner city communities.

Unlike most government-guaranteed loan programs, the 504 loan is subordinate to a loan made by a private lender. SBA guarantees 10- or 20-year debentures issued by Certified Development Companies (CDC), and the proceeds from the sales of these debentures to investors are used to fund the 504 loans. Usually, the conventional loan will finance 50 percent of the project's cost, and the SBA-guaranteed 504 loan cannot exceed 40 percent of the project cost. In the event of a default of the 504 small business borrower, the bank's loan is senior to the SBA-guaranteed 504 loan.

504 LOAN DEFAULTS AND RECOVERIES

Over the past 5 years, the Committee on Small Business has devoted considerable attention to the 504 program. The committee has been particularly concerned about reports and testimony from the SBA and the Office of Management and Budget (OMB) about loan recoveries following a default by a borrowers on a loan made under the program. Historically, in nearly all cases when a 504 program borrower defaults, it is the SBA, not the CDC, that take the required liquidation and foreclosure actions. The failure of the SBA to take aggressive actions to recover the value of collateral held following a default significantly increases the costs to borrowers to obtain a loan under the 504 program.

In response to the continuing problem of low recoveries under the 504 program, the committee, in 1996, approved legislation establishing a pilot program that allowed approximately 20 CDCs to liquidate loan that they originate. Results from the pilot have been encouraging, and the committee concluded that it is in the best interest of the 504 program to allow additional CDC's to conduct their own liquidation and foreclosure activities. Section 7 of H.R. 2614, as reported by the Committee on Small Business, makes the pilot liquidation program permanent and requires SBA to permit certain CDC's to foreclose and liquidate defaulted loans that they have originated under the 504 loan program.

PREMIER CERTIFIED LENDERS PROGRAM

In October 1994, the Congress first enacted the Premier Certified Lenders Program (PCLP) on a pilot basis. The program was expanded by Congress in 1997, and the limitation on the number CDC's that could participate in the program was removed. The Committee has noted the success of the PCLP and has agreed with the House of Representatives to make it a permanent part of the 504 program. In doing so, the committee expects the SBA to continue its efforts to work with the CDC's to take advantage of the strengths of the most successful and well-run CDC's.

504 PROGRAM COSTS

In 1995, the SBA and the National Association of Development Companies (NADCO) strongly urged the Congress to adopt legislation mandating that the 504 program be supported entirely by fees paid by the private sector. Since the new fees took effect at the beginning of 1996, the fees increased from 0.125 percent to 0.875 percent in FY 1997. The fees rise or fall based primarily on two key factors: the rate of defaults and the recovery rates. Since FY 1997, the committee is pleased to note that estimates for defaults and recoveries has improved dramatically, and the borrower fee for FY 2001 will be 0.472 percent, a significant drop in four years from its peak in FY 1997. H.R. 2614 authorizes SBA to collect these fees to offset the credit subsidy rate through FY 2003.

The bill adds 504 loans to women-owned small businesses to the current list of public policy goals specified under the Small Business Investment Act of 1958. Currently, loans for public policy goals can be guaranteed up to $1,000,000. Other 504 loans can be guaranteed up to $750,000. As approved by the committee, H.R. 2614 will increase the guarantee ceiling for regular 504 loans to $1,000,000, and the ceiling for public policy loans will become $1,300,000.

During the committee's consideration of H.R. 2614, the committee members voted unanimously to establish the authorization levels for the 504 program. The levels approved are $4 billion in FY 2001, $5 billion in FY 2002, and $6 billion in FY 2003. These are the same levels that the committee also approved in the Small Business Reauthorization Act of 2000.

ASSET SALES

During the past four years, the committee has urged SBA to undertake the

sale of assets held by the Agency; however, the committee does not believe this step forward should necessarily harm its lending partners, such as the CDC's. SBA has announced it will undertake two sales during calendar year 2000; consequently, the committee approved a provision that requires the SBA to notify CDC's prior to including a 504 loan in an asset sale. The committee adopted this section in order to insure there is an open dialogue and full cooperation between the SBA and the relevant CDCs.

AMENDMENTS

Mr. President, the Manager's Amendment includes three provisions. The first provision, which has the strong support of the majority leader, Senator LOTT, and Senator COCHRAN, is designed to expedite SBA consideration of several applications for multi-state operating authority for CDC's that have been pending at the 504 program office at the SBA headquarters for at least one year.

The second provision addresses the pending shortfall in the 7(a) guaranteed business loan program. SBA is now projecting that the 7(a) program will run out of money on or about September 1, 2000. In order to ensure that sufficient funds are available to fund this important small business credit program until September 30, 2000, when FY 2000 concludes, the Amendment authorizes SBA to reprogram funds appropriated but not spent in prior years for the DELTA loan program and the Microloan guarantee loan program. The total amount that SBA would need to reprogram would not exceed $6.5 million.

The third provision addresses an unforeseen event under the HUBZone program, which was authorized by Congress in 1997. The HUBZone program provides a valuable Federal contracting incentive for small businesses that are located in economically distressed inner cities and poor rural counties and that employ residents from these distressed areas. It is my understanding that new unemployment data will be released soon by the Bureau of Labor Statistics, which could result in the sudden disqualification on many recently certified HUBZone small businesses. The amendment will ensure that HUBZone areas remain qualified for a fixed period of at least 3 years by giving them a 3-year period to wrap up their HUBZone activities once an area has ceased to qualify on the basis of income or unemployment data. This change in the law will counter an unintended consequence and bring some needed stability to program.

Mr. President, the Certified Development Company Program Improvements Act of 2000 is an important credit program providing small businesses with credit opportunities that would not otherwise be available. I urge my colleagues to support that bill and the manager's amendment.

Mr. LEVIN. Mr. President, I am pleased the Senate will shortly pass H.R. 2614, the Certified Development Company Program Improvements Act of 1999. This bill was passed by the House on August 2, 1999.

The Small Business Administration's 504 loan program provides 20- and 10-year fixed-rate loans to small businesses through Certified Development Companies to be used for the acquisition or renovation of plant and equipment. SBA's 504 program loans are funded through the sale of pooled debentures on the bond market which gives small businesses access to interest rates that are close to those offered to large corporations.

SBA's 504 loan program is a net plus to our economy because it requires that small businesses receiving loans must create jobs or retain jobs that otherwise would be lost and/or meet certain national public policy goals. The 504 loan program's job creation track record has been excellent, with at least 3 jobs being created for every $35,000 in 504 lending provided.

This legislation is most urgently needed because the 504 program needs to be reauthorized. Even though the program costs the Government nothing and no appropriations are made to fund it because the program pays for itself through fees collected from borrowers, it cannot continue to operate without an authorization. We cannot allow this to happen. The 504 loan program is too important to small businesses who wish to expand because it provides affordable financing for growth with low down payments which is often difficult or impossible for small businesses to obtain from traditional lenders.

This bill improves on the 504 loan program and increases the maximum amount of a regular SBA guaranteed debenture, long term bond, from $750,000 to $1 million. The maximum amount for loans with specific public policy purposes, low-income, rural and minority-owned businesses, is increased to $1,300,000. There has not been an adjustment to the maximum loan level in 10 years and this change allows the program to keep up with inflation that has occurred over that time period. It also adds women-owned businesses to the category of public policy goals that the program aims to achieve, making women-owned businesses eligible for the higher levels of financing. This is an important addition due to the significant role women-owned businesses play in contributing to job growth in our economy. The bill also reauthorizes the program for 3 more years and makes two pilot programs permanent.

The State of Michigan has many active CDCs which keep in close touch with my office to report on their activities and the small businesses they have helped. On their behalf and on behalf of all the small businesses assisted by the 504 loan program and those that will be assisted in the future, I commend my colleagues for passing this legislation which improves on an already outstanding program.

Mr. KERRY. Mr. President, the availability of capital and credit still remains one of the most significant impediments to small business creation and growth, and it is the Small Business Administration (SBA) that continues to effectively serve as the principal ''gap'' lender to our nation's 24 million small businesses.

SBA's loan and investment programs are a bargain. For very little, taxpayers leverage their money to fuel the economy and help thousands of small businesses every year. In the 7(a) program, taxpayers spend $1.24 for every $100 loaned to small business owners. Well-known successes like Winnebago and Ben & Jerry's are examples of the program's effectiveness. In the 504 program, taxpayers don't spend a penny to lend or leverage investments because they are self-funded.

Today we will vote on H.R. 2614, the Certified Development Company Program Improvements Act of 2000. This bill makes changes to the 504 Certified Development Company (CDC or 504 program) loan program that will greatly increase the opportunity for small businesses to build a facility, buy more equipment, or acquire a new building. These loans create a ripple effect that enables small business owners to expand their companies, hire more workers and ultimately improve the local economy.

This bill also includes a manager's amendment with three provisions. One, it addresses prompt approval of applications from certified development companies (CDCs) to operate in multiple states. Two, it restores much of the shortfall in 7(a) funding for FY2000 by giving SBA the authority to reprogram unused funds. Three, it maintains continuity in the HUBZone program by grandfathering in existing HUBZone companies as zones are redefined when the Bureau of Labor Statistics releases its new data.

Before I get into the details of this bill, I would like to spend a minute describing the 504 Certified Development Company (CDC) loan program. This program is mission-driven, designed to provide capital to growing small businesses and create jobs. The professionals who work at CDCs do much more than make loans—they better communities. They usually have a mixture of expertise, part economic development specialist and part lender. They know their communities, and they know how to package loans and help prospective borrowers get financing. In fact, if you were to talk to them, you would learn that many are former lenders from commercial banks who wanted to get out from behind a desk and get involved in their communities. Instead of turning away meritorious projects because they didn't fit the profile of a traditional borrower, using the 504 program they could put together a loan that spreads the risk among commercial lenders, CDCs, the state or local governments, and the small business owners. These loans

jumpstart or complement the economic development in CDCs' communities.

Specifically, the 504 program provides businesses with long-term, fixed-rated financing for major fixed assets, such as buildings and equipment. CDCs work with the SBA and private-sector lenders to provide financing to small businesses and ultimately contribute to the economic development of their communities or the regions they serve. There are about 290 CDCs nationwide, and each CDC covers a specific area. Each CDC's portfolio must create or retain one job for every $35,000 provided by the SBA.

As I mentioned earlier, but will expand on here, proceeds from 504 loans must be used for fixed-asset projects. Projects range from land purchases and improvements—including existing buildings, grading, street improvements, utilities, parking lots and landscaping—to the construction of new facilities, or modernization, renovation or conversion of existing facilities, to the purchase of long-term machinery and equipment. The 504 Program cannot be used for working capital or inventory, consolidating or repaying debt, or refinancing.

I strongly support SBA's 504 loan program. Since 1980, more than 25,000 businesses have received more than $20 billion in fixed-asset financing through the 504 program. In Massachusetts, over the last decade, small businesses got $318 million in 504 loans that created more than 10,000 jobs. The stories behind those numbers say a lot about how SBA's 504 loans help business owners and communities. In Fall River, owners Patricia Ladino and Russell Young developed a custom packing plans for scallops and shrimp that has grown from ten to 30 employees in just two short years and is in the process of another expansion that will add as many as 25 new jobs. In Danvers, there's the car dealership that used a 504 loan to grow a company over 15 years from 25 to 395 employees. In Berkshire County, the 504 program has helped support the growth of the plastics mold and tool industry. One good example of success in this area is the development of Starbase Technologies in Pittsfield which now employs 65 people.

H.R. 2614 would build on that success by implementing the following. First, it will increase the maximum debenture size for Section 504 loans from $750,000 to $1 million, and the size of debentures for loans that meet special public policy goals from $1 million to $1,300,000. It has been 10 years since the Committee acted to increase the maximum guarantee amount in the 504 program. To keep pace with inflation, the maximum guarantee amount should be increased to approximately $1.25 million. However, consistent with my colleagues on the House Small Business Committee, I believe that a simple increase to $1 million is probably sufficient.

H.R. 2614 also adds women-owned businesses to the current list of businesses eligible for the larger public policy loans with guarantees of up to $1.3 million. Currently, the higher guaranty is available for business district revitalization; expansion of exports; expansion of minority business development; rural development; enhanced economic competition; and, added just last year, veteran-owned businesses, with an emphasis on service-disabled veterans.

This small legislative change was significant and long overdue. Throughout America's history, countless men and women have served our country and fought for its ideals as members of our armed services. However, when they return to civilian life, veterans have often encountered barriers to starting or expanding a business. Although there are a number of programs at the SBA to provide assistance, many of these are not specifically targeted at veterans. Making them eligible for the higher debenture should help to remedy some of the inequalities that our service men and women face upon their return to civilian life and provide greater opportunity for the 5.5 million businesses owned or operated by veterans. That change also should help the 104,000 service-disabled veterans within the business community.

I originally introduced the provision to add women-owned businesses to the list of public policy goals in the 105th Congress as part of S. 2448, the Small Business Loan Enhancement Act. Though it eventually was included in and passed by the Senate as part of H.R. 3412, a comprehensive small business bill, it was never enacted. Unfortunately, the House received the bill too late to act before the 105th Congress adjourned. I am very pleased that the Committee continues to recognize the important role women-owned businesses play in the economy and is making this change to facilitate the expansion of this sector of our economy.

Women-owned businesses are increasing in number, range, diversity and earning power. They constitute one-third of the 24 million small businesses in the United States, generate $3.6 trillion annually in revenues to the economy and range in industry from advertising agencies to manufacturing. Addressing the special needs of women-owned businesses serves not only these entrepreneurs, but also the economic strength of this nation as a whole. Since 1992, SBA has managed to increase access to capital for women and has worked in earnest to move women entrepreneurs away from expensive credit card financing to more affordable loans for financing their business ventures. While the percentage of 504 loans to women-owned businesses has increased nationwide from 4.2 percent in 1987 to 13 percent in 1999, and I applaud that, we need to increase lending opportunities to better reflect that 38 percent of all businesses are owned by women.

By expanding the public policy goals of the 504 loan program to include women-owned businesses, we are ensuring that loans to eligible women business owners aren't capped at $1 million but are now available for as much as $1.3 million. According to Certified Development Company professionals, loan underwriters are conservative when it comes to approving loans for more than $750,000 and this directive would undoubtedly help eligible women business owners get the financing they need to expand their facilities and buy equipment as their businesses grow.

H.R. 2614 also reauthorizes the fees currently levied on the borrower, the Certified Development Company, and the participating bank. The fees in the 504 program cover all its costs, resulting in a program that operates at no cost to the taxpayer. Without this legislation, the fees sunset on October 1, 2000. H.R. 2614 will continue them through October 1, 2003.

Additionally, H.R. 2614 will grant permanent status to the Preferred Certified Lender Program before it sunsets at the end of fiscal year 2000. This program enables experienced CDCs to use streamlined procedures for loan making and liquidation, resulting in improved service to the small business borrower and reduced losses and liquidation costs.

H.R. 2614 also makes the Loan Liquidation Pilot Program a permanent program. This gives qualified and experienced CDCs the ability to handle the liquidation of loans with only minimal involvement of the SBA. It is the goal of this liquidation program to increase the recovery rates of the 504 loan program, and to bring about a corresponding reduction in the fees charged to the borrowers and the lenders.

Importantly, this bill includes Senator WELLSTONE's provision to authorize the program for three more years, making it a complete package. I believe it is better to act now on a bill that already has the House's blessing than to wait for the comprehensive reauthorization bill, H.R. 3843, to make its way to the President's desk. Taking this action now will enable the CDCs to plan for the year ahead, because they know that the program levels for fiscal years 2001 through 2003 are $4 billion, $5 billion and $6 billion.

In addition to these changes, and as I mentioned earlier, this bill includes a manager's amendment. The first provision deals with long-pending applications from CDCs that are seeking to expand into multiple states. To address the problem, this provision establishes a one-time automatic approval of applications for multi-state operation that have been pending at SBA headquarters for 12 months or more. Unless SBA acts to approve or disapprove the applications, automatic approval would go into effect 21 days after the bill is signed by the President.

While I urge the SBA to process applications in a timely manner, and while I understand the frustration of the applicants who have been waiting,

I believe, in general, that it is in the best interest of the taxpayers for applicants and their proposals to be thoroughly screened, rather than blindly approved. This program, above all else, was designed to help small businesses, and I believe we should carefully review policy changes that are intended to expand a CDC's territory to make sure that the real goal—increasing access to the program for small businesses—is achieved.

The second provision gives the SBA the authority to reprogram unused funds to make up for the significant shortfall of appropriations for the 7(a) loan program. In its budget request for FY 2000, and again recently, the SBA estimated that the demand in this popular lending program would grow to a program level of $10.5 billion. Unfortunately, it was only appropriated enough to support a level of close to $9.8 billion. The Administration's estimate has proven to be more accurate than Congress anticipated, and the SBA needs additional funds to keep the program running throughout this fiscal year. This bill restores $500 million of the $700 million shortfall. I strongly support this provision and worked with Senator BOND to draft this legislation. I appreciate his cooperation and respectfully urge the appropriators in both the Senate and House to work with us.

Lastly, Mr. President, this bill also includes a technical change to the Historically Underutilized Business Zone small business contracting program (HUBZone program) administered by the SBA. The HUBZone program is designed to provide contracting opportunities in economically distressed areas of this country. One of the criteria for this program is that a small business must be located in a qualified census tract or nonmetropolitan county based on unemployment statistics from the Department of Labor and the Department of the Census.

As new data becomes available, there is a possibility that HUBZone firms would lose their eligibility, because the data could reflect that the census tract the firm is located in is technically no longer considered an economically depressed area. As ranking member of the Committee on Small Business and as a cosponsor of the original HUBZone law passed in 1997, I am concerned that when a particular area is no longer deemed HUBZone-eligible, small business owners in that area will lose the ability to bid on contracting opportunities under the program with little or no warning. This will be disruptive to the program and could discourage participation by qualified small businesses.

Because it is better policy to provide both small firms and the SBA with some sort of warning before a firm is deemed ineligible, this amendment is intended to allow a HUBZone firm located in an economically depressed area that has been redesignated by either Bureau of Labor Statistics (BLS) or Census data, to remain eligible under the program for three additional years. Thus the firm is put on notice that contracting opportunities under the program may not be available in the future, and the business is given time to plan for this change.

While I understand only a handful of firms were affected by a change in designated areas when new BLS data was released last year, I support the chairman's effort to ensure that no firm is taken by surprise this year. I am pleased that Senator BYRD and his staff worked together with my staff to come up with appropriate language for this amendment.

In closing, I want to thank my colleagues for supporting this bill. If, as expected, it is enacted, they will have improved the business climate and taken a few more steps to ensure that small businesses have access to capital and expanded procurement opportunities.

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

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

The committee amendment, as amended, was agreed to.

The bill (H.R. 2614), as amended, was read the third time and passed.

SCHOOL GOVERNANCE CHARTER AMENDMENT ACT OF 2000

Mr. ALLARD. Mr. President I ask unanimous consent the Senate now proceed to the consideration of H.R. 4387, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 4387) to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

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

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

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

The bill (H.R. 4387) was read the third time and passed.

THE SMITHSONIAN ASTROPHYSICAL OBSERVATORY SUBMILLIMETER ARRAY ON MAUNA KEA AT HILO, HAWAII

Mr. ALLARD. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 2498, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2498) to authorize the Smithsonian Institutions to plan, design, construct and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

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

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

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

The bill (S. 2498) was read the third time and passed, as follows:

S. 2498

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

SECTION 1. FACILITY AUTHORIZED.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Board of Regents of the Smithsonian Institution to carry out this Act, $2,000,000 for fiscal year 2001, and $2,500,000 for fiscal year 2002, which shall remain available until expended.

MAKING TECHNICAL CORRECTIONS TO THE STATUS OF CERTAIN LAND HELD IN TRUST FOR THE MISSISSIPPI BAND OF CHOCTAW INDIANS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 595, S. 1967.

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

The legislative clerk read as follows:

A bill (S. 1967) to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

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

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

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

The bill (S. 1967) was read the third time and passed, as follows:

S. 1967

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

SECTION 1. STATUS OF CERTAIN INDIAN LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) all land taken in trust by the United States for the benefit of the Mississippi Band of Choctaw Indians on or after December 23, 1944, shall be part of the Mississippi Choctaw Indian Reservation;

(2) all land held in fee by the Mississippi Band of Choctaw Indians located within the boundaries of the State of Mississippi, as shown in the report entitled ''Report of Fee Lands owned by the Mississippi Band of Choctaw Indians'', dated September 28, 1999, on file in the Office of the Superintendent, Choctaw Agency, Bureau of Indian Affairs, Department of the Interior, is hereby declared to be held by the United States in trust for the benefit of the Mississippi Band of Choctaw Indians; and

(3) land made part of the Mississippi Choctaw Indian Reservation after December 23, 1944, shall not be considered to be part of the ''initial reservation'' of the tribe for the purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the application or the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) with respect to any lands held by or for the benefit of the Mississippi Band of Choctaw Indians regardless of when such lands were acquired.

DESIGNATING MONDAY, JUNE 19, 2000, AS NATIONAL EAT DINNER WITH YOUR CHILDREN DAY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 323, which is at the desk.

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

The legislative clerk read as follows:

A resolution (S. Res. 323) designating Monday, June 19, 2000, as ''National Eat Dinner with Your Children Day.''

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

Mr. BIDEN. Mr. President, I rise today in support of this resolution to designate Monday, June 19, 2000 as ''National Eat Dinner with Your Children Day,'' cosponsored by Senators GRASSLEY, LEVIN, JEFFORDS, BRYAN, KENNEDY, MURRAY, MOYNIHAN, SESSIONS, DEWINE, HELMS, THURMOND, SCHUMER and INOUYE. A similar resolution has been introduced in the House of Representatives by Representatives RANGEL and MCCOLLUM.

In addition to designating June 19—the day after Father's Day—as National Eat Dinner with Your Children Day, the resolution also recognizes that eating dinner as a family is a critical step toward raising healthy, drug-free children and it encourages families to eat together as often as possible.

The idea for this resolution grew out of research by The National Center on Addiction and Substance Abuse at Columbia University, CASA, on teen attitudes about drug use. For four years running, the CASA teen survey has highlighted the power that parents have over their children's decisions regarding drug use, showing that children and teens who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes or alcohol:

Teens who rarely eat dinner with their parents are 72 percent more likely than the average teen to use drugs, cigarettes and alcohol.

Teens that almost always eat with their families are 31 percent less likely to smoke, drink or do drugs than the average teen.

Of course, having dinner as a family is a proxy for spending time with kids. It is not the meat, potatoes and vegetables that alter a child's likelihood to use drugs, it is the everyday time spent with mom and dad—the two most important role models in most kids lives.

I do not believe that this resolution will be the silver bullet to solving this nation's drug problem. But I do feel these statistics are telling. CASA President Joe Califano talks about ''Parent Power.'' It is important that parents know the power they have over their children's decisions and the power that they have to deter kids from drinking, smoking or using drugs. For example, nearly half of teens who have never used marijuana say that it was lessons learned from their parents that helped them to say no.

Unfortunately, many parents are pessimistic about their ability to keep their kids drug-free; 45 percent say that they believe their child will use an illegal drug in the future.

This pessimism is often reinforced by news reports that indicate that while most parents say that they have talked to their kids about the dangers of drugs, only a minority of teens say that they have learned a lot from their family about the dangers of drugs. Rather than be discouraged by this apparent disconnect, I think it should teach us an important lesson: that talking to kids about drugs ought not just be a one-time conversation. It should be an ongoing discussion that includes asking children where they are going, who they are going out with, whether there will be adult supervision, etc. These lessons can also grow out of spending time with a child, helping that child to learn how to work through problems or rise above peer pressure, and parents setting a good example for kids.

Keeping up on children's lives—including knowing who their friends are and what they are doing after school—is critical. The experts tell us that some of the tell-tale signs that a child is drinking or using illicit drugs are behavior changes, change in social circle, lack of interest in hobbies and isolation from family. These changes can be subtle; picking up on them can require a watchful eye.

Eating dinner as a family will not guarantee that a child will remain drug-free. But family dinners are an important way for parents to instill their values in their children as well as remain connected with the challenges that children face and help them learn how to cope with problems without resorting to smoking, drinking or using drugs.

I sincerely hope that each one of my colleagues join me to support this resolution to send a message to parents that they can play a powerful role in shaping the decisions their kids make regarding drinking, smoking and drug use.

Mr. GRASSLEY. Mr. President, I am submitting, along with Senators BIDEN, THURMOND, BRYAN, JEFFORDS, MOYNIHAN, HELMS, LEVIN, DEWINE, KENNEDY, SESSIONS, MURRAY, SCHUMER, and INOUYE, a bi-partisan resolution designating Monday, June 19, 2000 as ''Eat Dinner with your Children Day.'' We also join with our House colleagues Congressmen RANGEL and MCCOLLUM as they take the lead on this bipartisan issue in the House of Representatives. This resolution recognizes the benefits of eating dinner as a family, especially as a way to keep children from using illegal drugs, tobacco, and alcohol.

Last October I came to the floor seeking to increase awareness of the important roles parents play in their children's lives. A recent study by the National Center on Addiction and Substance Abuse, or CASA reinforced our understanding of the importance of this role. CASA is a national resource that monitors and reports on drug abuse trends, risks, and solutions affecting all Americans. Last September they released their annual back to school survey on the attitudes of teens and parents regarding substance abuse. The survey stressed how essential it is for parents to get involved in their children's lives. The survey indicates that kids actually do listen to their parents. In fact, 42 percent of the teenagers who have never used marijuana credit their parents with the decision. Unfortunately, too many parents—45 percent—believe their teenagers' use of drugs is inevitable. In addition, 25 percent of the parents said they have little influence over their teen's substance abuse.

But the kids have got it right. Parents are critical. So are families. That is why the sponsors of this bill are happy to work with Joe Califano, the head of CASA, to help remind all of us of this simple fact.

The family unit is the backbone of this country. Solutions to our drug problems involve all of us working together. Parents and communities must be engaged and I am committed to help making that happen. Parents need to provide a strong moral context to help our young people know how to make the right choices. They need to know how to say ''no,'' that saying no is okay, that saying no to drugs is the right thing to do—not just the safe or healthier thing, but the right thing. I urge our colleagues to join us.

Mr. ALLARD. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon

the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 323) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 323

Whereas the use of illegal drugs and the abuse of substances such as alcohol and nicotine constitute the single greatest threat to the health and well-being of American children;

Whereas surveys conducted by the National Center on Addiction and Substance Abuse at Columbia University have found for each of the past 4 years that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers from families that seldom eat dinner together are 72 percent more likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers from families that eat dinner together are 31 percent less likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas the correlation between the frequency of family dinners and the decrease in substance abuse risk is well documented;

Whereas parental influence is known to be one of the most crucial factors in determining the likelihood of teenage substance abuse; and

Whereas family dinners have long constituted a substantial pillar of American family life: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that eating dinner as a family is a critical step toward raising healthy, drug-free children; and

(2) designates Monday, June 19, 2000, as National Eat-Dinner-With-Your-Children Day.

ORDERS FOR THURSDAY, JUNE 15, 2000

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Thursday, June 15. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4475, the Department of Transportation appropriations bill.

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

PROGRAM

Mr. ALLARD. Mr. President, for the information of all Senators, the Senate will convene at 9:45 a.m. tomorrow and will resume debate of the Transportation appropriations legislation. Under the order, Senator VOINOVICH will be recognized immediately to offer his amendment regarding passenger rail flexibility. A vote on the amendment is expected to occur tomorrow morning at a time to be determined. Further amendments will be offered and voted on during tomorrow morning's session with the hope of final passage early in the day. As usual, Senators will be notified as votes are scheduled.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Thursday, June 15, 2000, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 14, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT H. FOGLESONG, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

RONALD A. GREGORY, 0000
PATRICK L. NICHOLSON, 0000

To be major

MELODY A. WARREN, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD A. GAYDO, 0000
JAMES E. HOLLOWAY, 0000
JOHN E. ZYDRON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be lieutenant colonel

THOMAS A. KOLDITZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be lieutenant colonel

KAREN A. DIXON, 0000
FORREST POULSON, 0000
JESSE J. ROSE, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN M. DUNN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JEFFREY M. ARMSTRONG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BILLY J. PRICE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

AURORA S. ABALOS, 0000
LEONARD M. ABBATIELLO, 0000
FREDERICK J. ADAMS III, 0000
ROBERT J. AGRICOLA, 0000
JOHN W.V. AILES, 0000
JAMES A. ALEXANDER, 0000
RAYMOND M. ALFARO, 0000
EDGAR M. ALHAMBRA, 0000
MARK J. ALLBRITTON, 0000
JAMES H. ALLEN, 0000
JOYCE A. ALLENKENDRICK, 0000
ERIK M. ANDERSON, 0000
IAN C. ANDERSON, 0000
JOSEPH I. ANTHONY, 0000
CAROLYN L. APPLEGATE, 0000
FRANK A. ARATA, 0000
RUSSEL J. ARIZA, 0000
JOSEPH E. ARLETH, 0000
ALLAN J. ASSEL, JR., 0000
PURVIS ATKINSON, JR., 0000
JEFFREY C. BABOS, 0000
JON L. BACA, 0000
LEON R. BACON, 0000
RHETTA R. BAILEY, 0000
CHARLES E. BAKER, JR., 0000
MATTHEW E. BAKER, 0000
JOHN D. BAMONTE, 0000
JAMES N. BARATTA, 0000
LISA C. BARFIELD, 0000
CARL A. BARKSDALE, 0000
JAMES F. BARNES, 0000
ROBYN D. BARNES, 0000
SCOTT L. BARNES, 0000
JON T. BARNHILL, 0000
EDWARD J. BARON II, 0000
DARRYL L. BARRICKMAN, 0000
ROBERT C. BARWIS, 0000
VIRGINIA C. BAYER, 0000
JOSEPH W. BEADLES, 0000
JAMES R. BEAMISH, JR, 0000
MICHAEL E. BELCHER, 0000
STEVEN M. BENNER, 0000
JAMES BERDEGUEZ, 0000
DON E. BERRY, JR, 0000
KEVIN A. BIANCHI, 0000
ARTHUR B.J. BILLINGSLEY, 0000
ERICA T. BIRON, 0000
STEVEN B. BISHOP, 0000
EUGENE B. BLACK III, 0000
JAMES T. BLACK, 0000
MARK E. BLACK, 0000
CHERYL D. BLAKE, 0000
GARY M.B. BOARDMAN, 0000
JEFFREY M. BOCCHICCHIO, 0000
RICHARD P. BODZIAK, 0000
LAURA A. BOEHM, 0000
PATRICK J. BOHAN, 0000
JEFFREY A. BOHLER, 0000
CRAIG R. BOMBEN, 0000
LOUIS M. BORNO III, 0000
MICHAEL A. BORROSH, 0000
BRIAN E. BOWDEN, 0000
STEPHEN G. BOWEN, 0000
ELLIS W. BOWLER, 0000
PATRICK J. BOWMAN, 0000
ALAN D. BOYD, 0000
MARK D. BRACCO, 0000
PAUL J. BRADFIELD, 0000
BRUNHILDE K. BRADLEY, 0000
WENDY R. BRANSOM, 0000
DONALD H.B. BRASWELL, 0000
LAURELL A. BRAULT, 0000
JOHN J. BRAUNSCHWEIG, 0000
GERALD H. BRIGGS, JR, 0000
STEVEN G. BRISTOW, 0000
DAVID L. BRODEUR, 0000
JAMES E. BROKAW, 0000
JEFFREY F. BROWN, 0000
RICHARD A. BROWN, 0000
JAMES F. BUCKLEY II, 0000
JAMES F. BUCKLEY, 0000
ROGER BUDD III, 0000
THOM W. BURKE, 0000
BABETTE B. BUSH, 0000
ANDREW A. BUTTERFIELD, 0000
JULIUS H. BYRD, JR., 0000
PATRICK G. BYRNE, 0000
ROBERT M. BYRON, 0000
STEVEN C. CADE, 0000
EUGENIA L. CAIRNSMCFEETERS, 0000
SHAWN M. CALLAHAN, 0000
EDUARDO P. CALLAO, 0000
TAMMY P. CAMPBELL, 0000
SEAN C. CANNON, 0000
SCOTT M. CARLSON, 0000
REGGIE P. CARPENTER, 0000
STEVEN R. CARROLL, 0000
DOUGLAS D. CARSTEN, 0000
MATTHEW J. CARTER, 0000
JAMES R. CASTLETON, 0000
FRANK CATTANI, 0000
DARYL L. CAUDLE, 0000
PAUL R. CAVANAUGH, 0000
RONALD E. CENTER, 0000
KATRINA O. CHANCELLOR, 0000
JOSEPH R. CHIARAVALLOTTI, 0000
JOHN L. CHOYCE, 0000
CONRAD C. CHUN, 0000
JOHN E. CLARK, 0000
BRENT R. CLARKE, 0000
JAMES P. CLAUGHERTY, 0000
ROBERT V. COATS, 0000
JAMES COBELL III, 0000
TIMOTHY J. COCHRAN, 0000
MICHAEL K. COCKEY, 0000
WILLIAM F. COLEMAN, 0000
JAY W. COLUCCI, 0000
ROSEMARIE J. CONN, 0000
SCOTT D. CONN, 0000

JEFFREY W. CONNOR, 0000
ROBERT E. CONWAY, 0000
JAMES M. COONEY, 0000
ANTHONY COOPER, 0000
GRANT A. COOPER IV, 0000
JEFFREY S. CORAN, 0000
DANIEL P. CORBIN, 0000
BRIAN K. COREY, 0000
RICHARD A. CORRELL, 0000
KEVIN J. COUCH, 0000
ELLEN COYNE, 0000
RAY A. CROSS, 0000
CRAIG A. CROWE, 0000
DONALD R. CUDDINGTON, JR., 0000
DANIEL J. CUFF, 0000
SCOTT D. CULL, 0000
ANDREW F. CULLY, 0000
JAMES J. CUNHA, 0000
DANIEL J. CUNNINGHAM II, 0000
GREGORY P. CURTH, 0000
STEFANI G. CUTHBERT, 0000
ANGELA W. CYRUS, 0000
LOUIS H. DAMPIER, 0000
SANDRA L. DAVIDSON, 0000
CATHERINE A. DAVIS, 0000
DAVID E. DAVIS, 0000
JEFFREY A. DAVIS, 0000
MARK E. DAVIS, 0000
MARK J. DAVIS, 0000
MAXIE Y. DAVIS, 0000
JOHN S. DAY, 0000
MARK J. DECLUE, 0000
JOHN D. DEEHR, 0000
CARL J. DENI, 0000
CHARLES C. DENMANII, 0000
MARTIN W. DEPPE, 0000
ROBERT M. DEPRIZIO, 0000
CARL W. DEPUTY, 0000
ANTHONY R. DEROSSETT, 0000
DOMINIC DESCISCIOLO, 0000
THOMAS G. DESROSIER, 0000
DAVID J. DESTITO, 0000
MICHAEL E. DEVINE, 0000
GREGORY F. DEVOGEL, 0000
VITOR J. S. DIAS, 0000
STANTON W. DIETRICH, 0000
DONNA E. DISMUKES, 0000
JOHN R. DIXON, 0000
WILLIAM R. DOAN II, 0000
JON A. DOLLAN, 0000
EDWARD M. DONOHOE, 0000
DANIEL M. DONOVAN, 0000
WILLIAM H. DONVAN, JR., 0000
FRANCIS W. DORIS, 0000
MARK T. DOUGLASS, 0000
DOUGLAS D. DRAKE, 0000
DANIEL M. DRISCOLL, 0000
HAROLD S. DUNBRACK, 0000
MICHELE A DUNCAN, 0000
DELORES A. DUNCANWHITE, 0000
GARY H. DUNLAP, 0000
PATRICK DUNN, 0000
ERNEST L. DUPLESSIS, 0000
MARK W. EAKES, 0000
CRAIG L. EATON, 0000
EDWIN J. EBINGER, 0000
DEBORA EDGINGTON, 0000
KAREN J. EDWARDS, 0000
LARRY M. EGBERT, 0000
PHILLIP C. EHR, 0000
DWAYNE L. ELDRIDGE, 0000
LESLIE R. ELKIN, 0000
STEWART G. ELLIOTT, 0000
RAYMOND H. EMMERSON, JR., 0000
PHILIP B. ENKEMA, JR., 0000
WILLIAM K. ERHARDT, 0000
DANIEL C. ESPINOSA, 0000
PAUL T. ESSIG, JR., 0000
TRACY A. ETHERIDGEBROWN, 0000
MOSES D. EVERETT, JR., 0000
JON R. FAHS, JR., 0000
PHILLIP H. FARNUM, 0000
NANCY D. FECHTIG, 0000
GREGORY J. FENTON, 0000
JOHN R. FIELDER III, 0000
JOHN M. FIGUERRES, 0000
ROBERT K. FINDLEY, 0000
HAROLD T. FINK, 0000
SUSAN D. FINK, 0000
ROBERT S. FINLEY, 0000
JOSEPH T. FINNEGAN, JR., 0000
TIMOTHY A. FISHER, 0000
RICHARD T. FITE, 0000
THOMAS J. FITZGERALD IV, 0000
AARON C. FLANNERY, 0000
LARRY N. FLINT, 0000
PAUL E. FLOOD, 0000
THOMAS V. FONTANA, 0000
DANIEL J. FORD, 0000
GARY H. FOSTER, 0000
DAVID M. FOX, 0000
RICHARD N. FOX, 0000
LISA M. FRANCHETTI, 0000
RODERICK J. FRASER, JR., 0000
JEFFERY A. FREEMAN, 0000
RONNIE L. FRETWELL, 0000
STEPHEN N. FRICK, 0000
FRANKLIN P. FRIES, 0000
CONNIE L. FRIZZELL, 0000
DALE G. FULLER, 0000
LUTHER B. FULLER III, 0000
WAYNE A. FULLER, 0000
SHANE G. GAHAGAN, 0000
AMOS M. GALLAGHER, 0000
AASGEIR GANGSAAS, 0000
DENNIS M. GANNON, 0000
PAUL A. GARDNER, 0000
RUSSELL J. GATES, 0000
SEAN P. GEANEY, 0000
RONALD M. GERO, JR., 0000
MICHAEL A. GIARDINO, 0000
LAURIE J. GIBB, 0000
RODERICK J. GIBBONS, 0000
CHARLES M. GIBSON III, 0000
DAVID E. GILBERT, 0000
MICHAEL E. GILMORE, 0000
KERRY GILPIN, 0000
DANIEL E. GLYNN, 0000
PHILIP A. GONDA, 0000
BAXTER A. GOODLY, 0000
MICHAEL R. GRAHAM, 0000
ROY D. GRAVES, 0000
JOHN W. GRAY, 0000
KEVIN F. GREENE, 0000
MICHAEL D. GREENWOOD, 0000
SUSAN N. GREER, 0000
BRENT J. GRIFFIN, 0000
JEFFREY T. GRIFFIN, 0000
JOHN P. GRIFFIN, 0000
TIMOTHY C. GROELINGER, 0000
DIANE K. GRONEWOLD, 0000
STEVEN M. GUILIANI, 0000
FRANK L. GUNSALLUS III, 0000
WILLIAM S. GURECK, 0000
JOSE A. GUTIERREZ, 0000
ANDREW GUYAN, JR, 0000
ADAM J. GUZIEWICZ, 0000
HERBERT M. HADLEY, 0000
SANDRA K. HAIDVOGEL, 0000
JEFFREY A. HAILEY, 0000
JAMES M. HALE, 0000
MICHAEL A. HALL, 0000
PETER HALL, 0000
THOMAS V. HALLEY, JR., 0000
JEROME J. HAMILL, 0000
CHARLES H. HAMILTON II, 0000
CATHERINE T. HANFT, 0000
KEVIN L. HANNES, 0000
GARY R. HANSEN, 0000
WILLIAM K. HARRIS, 0000
WAYNE J. HARRISON, 0000
JAMES B. HART, 0000
JOSEPH M. HART III, 0000
ANDREW G. HARTIGAN, 0000
RICHARD M. HARTMAN, 0000
JAMES D. HAUGEN, 0000
GREGORY J. HAWS, 0000
WARDEN G. HEFT, 0000
JOHN A. HEFTI, 0000
MARK B. HEGARTY, 0000
MICHAEL A. HEGARTY, 0000
JUDIE A. HEINEMAN, 0000
KATHRYN M.K. HELMS, 0000
KIP L. HENDERSON, 0000
WILLIAM K. HENDERSON, 0000
MARK A. HENNING, 0000
PHILIP M. HENRY, 0000
GRETCHEN S. HERBERT, 0000
DAVID J. HERMAN, 0000
SELENA A. HERNANDEZHAINES, 0000
DANIEL S. HIATT, 0000
GREGORY S. HIGGINS, 0000
JAMES H. HINELINE III, 0000
LORENZO S. HIPONIA, 0000
EDWARD T. HOBBS, 0000
DONALD D. HODGE, 0000
CRAIG M. HOEFER, 0000
ROSS D. HOLCOMB, 0000
CHARLES T. HOLLINGSWORTH, 0000
JOHN F. HOLMES, 0000
STEVEN W. HOLMES, 0000
CLOYES R. HOOVER, JR., 0000
MICHAEL J. HORSEFIELD, 0000
ALFRED L. HORTON, 0000
MARGARET M. HOSKINS, 0000
MICHAEL J. HOTCHKISS, 0000
TRACY L. HOWARD, 0000
BRIAN T. HOWES, 0000
TIMOTHY M. HOWLIN, 0000
ERNEST E. HUGH, 0000
RONALD W. HUGHES, 0000
JAMES C. HUMMEL, 0000
WILLIAM T. HUTTO, 0000
DAVID A HUTTON, 0000
JOSEPH M. IACOVETTA, 0000
KRISTIN C. IAQUINTO, 0000
KIM D. INGRAM, 0000
ERIC S. IRWIN, 0000
JEFFREY S. JACKSON, 0000
AARON C. JACOBS, 0000
JERRY L. JACOBSON, 0000
STEVEN M. JAEGER, 0000
ROBERT V. JAMES III, 0000
WANDA S. JANUS, 0000
SUZANNE K. JAROSZ, 0000
PETER H. JEFFERSON, 0000
JOHN C. JENISTA, 0000
NEIL P. JENNINGS, 0000
WILLIAM J. JENSEN, 0000
GEORGE W. JOHNSON, 0000
GREGORY L. JOHNSON, 0000
KEVIN R. JOHNSON, 0000
SHARON E. JOHNSON, 0000
STEPHEN E. JOHNSON, 0000
TERRY W. JOHNSON, 0000
GREGORY J. JOHNSTON, 0000
CHRISTOPHER P. JONES, 0000
DEAN S. JONES, 0000
MORGAN B. JONES, 0000
THOMAS L. JONES, 0000
VORESA E. JONES, 0000
DAVID E. JOSHUA, 0000
BERNARD W. KASUPSKI, 0000
WEYMAN E. KEMP, JR., 0000
JON T. KENNEDY, 0000
STEVEN L. KENNEDY, 0000
THOMAS A. KENNEDY, 0000
ROBERT P. KENNETT, 0000
KENT W. KETTELL, 0000
MARTIN P. KEUTEL, 0000
WILLIAM C. KIESTLER, 0000
HONG C. KIM, 0000
JOSEPH J. KINDER, 0000
JESSE B. KINGG, 0000
MICHAEL S. KINSEY, 0000
JEFFREY L. KIRBY, 0000
JOHN F. KIRBY, 0000
DAVID W. KIRK, 0000
JON M. KLING, 0000
TODD P. KLIPP, 0000
KENNETH C. KLOTHE, 0000
JAMES R. KNAPP, 0000
MICHAEL T. KNAPP, 0000
PAUL A. KOCH, 0000
BRIAN M. KOCHER, 0000
MARK T. KOHLHEIM, 0000
WILLIAM E. KORDYJAK, 0000
WILLIAM C. KOTHEIMER, JR., 0000
STEPHEN J. KOZLOSKI, 0000
THOMAS D. KRAEMER, 0000
ANTON J. KRAFT, 0000
JAMES K. KRESGE, 0000
DEAN M. KRESTOS, 0000
ERIC V. KRISTIN, 0000
KENNETH A. KROGMAN, 0000
JOHN G. KUSTERS, JR., 0000
TODD A. LAESSIG, 0000
THOMAS J. LAFFERTY, 0000
MICHAEL R. LAJEUNESSE, 0000
ALAN D. LAMBERT, 0000
EDWARD D. LANGFORD, 0000
CHRIS F. LAPACIK, 0000
PHILIP G. LAQUINTA, 0000
MARK D. LARABEE, 0000
CHARLES S. LASOTA, 0000
GUIDO J. LASTRA, 0000
JOHN T. LAUER III, 0000
TODD W. LEAVITT, 0000
PHILLIP J. LEBAS, 0000
JEFFREY D. LEE, 0000
MELVIN E. LEE, 0000
MICHAEL S. LEE, 0000
THOMAS M. LEECH, JR., 0000
MICHAEL F. LEENEY, 0000
GERALD R. LEFLER, 0000
DAVID A. LESKO, 0000
STEPHANIE S. K. LEUNG, 0000
RAYMOND J. LEWIS, 0000
ROBERT G. LINEBERRY, JR., 0000
JEFFREY P. LINK, 0000
GLEN M. LITTLE, JR., 0000
RICHARD W. LOAN, 0000
RENA M. LOESCH, 0000
DEBORAH A. LOFTUS, 0000
ROBERT E. LOKEN, 0000
JOHN P. LOONEY, 0000
KELLY R. LOONEY, 0000
LEONARD R. LOUGHRAN, 0000
WILLIE LOVELACE, JR., 0000
WARREN P. LUNDBLAD, 0000
MARK C. LYSAGHT, 0000
JEFFREY D. MACLAY, 0000
DONALD P. MACNEIL, 0000
DOUGLASL MADDOX, 0000
GUY MAIDEN, 0000
DAVID R. MAIER, 0000
VICTOR S. MALONE, 0000
JAMES MARION, 0000
ROBERT L. MARLETT, 0000
ROBERT W. MARSHALL, 0000
RICHARD R. MARTEL, 0000
ANTHONY E. MARTIN, 0000
CYNTHIA A. MARTIN, 0000
DELANO P. MARTINS II, 0000
DAWN M. MASKELL, 0000
ROBERT L. MASON, 0000
MARY P. MATTINGLY, 0000
GARY L. MAY, 0000
RICK A. MAY, 0000
DAVID A. MAYO, 0000
MICHAEL T. MC ALPIN, 0000
AARON M. MC ATEE, 0000
GARY F. MC CLELLAND, 0000
JACQUELINE R. D. MC CLUSKY, 0000
THOMAS R. MC COOK, 0000
DAVID M. MC DUFFIE, 0000
BRYANGERARD MC GRATH, 0000
MICHAEL R. MC GUIRE, 0000
TREVOR A. MC INTYRE, 0000
BRADLEY R. MC KINNEY, 0000
GREGORY D. MC LAUGHLIN, 0000
PHILIP G. MC LAUGHLIN, 0000
TIMOTHY R. MC MAHON, 0000
JOSEPH F. MC NAMARA, 0000
JEFFREY S. MC PHERSON, 0000
PETER E. MC VETY, 0000
THERESA O. MELCHER, 0000
ERIC G. MERRILL, 0000
GRETCHEN O. MERRYMAN, 0000
WILLIAM R. MERZ, 0000
WILLIE L. METTS, 0000
ALAN J. MICKLEWRIGHT, 0000
DOUGLAS W. MIKATARIAN, 0000
PETER W. MILLER, 0000
EDWARD E. MILLS, 0000
DERRICK A. MITCHELL, 0000
MARQUITA A. MITCHELL, 0000
MARK E. MLIKAN, 0000
PATRICK A. MOLENDA, 0000
THOMAS A. MONROE, 0000
KEVIN G. MOONEY, 0000

PATRICK H. MOONEY, 0000
PATRICIA B. MOORE, 0000
WILL M. MOORE, JR., 0000
JOHN R. MOORMAN, 0000
DAVID A. MORRIS, 0000
WILLIAM S. MOYER, 0000
PATRICIA MUNOZ, 0000
THOMAS G. MUNSON, 0000
CARL S. MURPHY, 0000
ROBERT A. MURPHY, 0000
WILLIAM C. MURPHY, 0000
NANCY A. MURRAY, 0000
ROBERT A. MUXLOW, 0000
ANDREA G. NASHOLD, 0000
JEANNE M. NAZIMEK, 0000
KERRIN S. NEACE, 0000
GREGORY M. NEAL, 0000
THOMAS M. NEGUS, 0000
ROBERT T. NELSON, 0000
DONALD E. NEUBERT, JR., 0000
ERIC J. NEWHOUSE, 0000
HARRY S. NEWTON, 0000
BRIAN D. NICHOLSON, 0000
BRIAN C. NICKERSON, 0000
ROBERT L. NIELSEN, 0000
JACK S. NOEL II, 0000
LISA M. NOWAK, 0000
PAUL L. NYERGES, 0000
JAMES R. OAKES, 0000
STEPHEN O BLACK, 0000
THOMAS J. O DAY, 0000
GLENN J. O LARTE, 0000
BRENT D. OLDLAND, 0000
CAROLINE M. OLINGER, 0000
MARK C. OLIPHANT, 0000
FRANK J. OLMO, 0000
JACK R. O ROURKE, 0000
BRIAN A. OSBORN, 0000
PATRICK J. OSHEA, 0000
GREGORY M. OTT, 0000
MICHAEL A. OVERSON, 0000
PAUL J. OVERSTREET, 0000
PETER PAGANO, 0000
JOHN L. PAGONA, JR., 0000
WILLIAM T. PALLEN, 0000
STEPHEN L. PANICO, 0000
LOUIS M. PAPET, JR., 0000
ROBERT E. PARKER, JR., 0000
STEVEN L. PARODE, 0000
MARK S. PATRICK, 0000
ERIC A. PATTEN, 0000
THOMAS M. PATTULLO, 0000
ANDREW T. PAUL, 0000
BARBARA N. PAUL, 0000
WILLIAM R. PAULETTE, 0000
DAVID A. PAULK, 0000
BRIAN D. PEARSON, 0000
FRANK W. PEARSON, 0000
TIMOTHY C. PEDERSEN, 0000
RICHARD P. PERRI, 0000
GORDON D. PETERS, 0000
BRIAN D. PETERSEN, 0000
EMIL T. PETRUNCIO, 0000
JAMES C. PETTIGREW, 0000
STEVEN L. PETTIT, 0000
ROY S. PETTY, 0000
GERALD K. PFEIFER, 0000
CURTIS G. PHILLIPS, 0000
MICHAEL D. PHILLIPS, 0000
RANDOLPH F. PIERSON, 0000
EVAN B. PIRITZ, 0000
MATTHEW J. PITTNER, 0000
JAMES E. PITTS, 0000
CHRISTOPHER W. PLUMMER, 0000
ALAN G. POINDEXTER, 0000
EUGENE P. POTENTE, 0000
RICHARD A. POWERS, 0000
CLARK T. PRICE, JR., 0000
PATRICK D. PRICE, 0000
LESLEY S. PRIEST, 0000
ROBERT J. PROANO, 0000
LARRY A. PUGH, 0000
HUMBERTO L. QUINTANILLA, 0000
PAUL A. RANDALL, 0000
ROBERT D. RANDALL, JR., 0000
DAVID J. RANDLE, 0000
MICHAEL C. RANDOLPH, 0000
DANIEL F. REDMOND, 0000
BUDDY V.W. REED, 0000
JOANNE REESE, 0000
DANIEL C. REILLY, 0000
MICHAEL S. REILLY, 0000
STEPHEN P. REIMERS, 0000
SCOTT L. RETTIE, 0000
MICHAEL L. REYNOLDS, 0000
CRAIG A. RICHEY, 0000
DANIEL G. RIECK, 0000
STEPHEN R. RIORDAN, 0000
GEORGE J. RISSKY, 0000
FRANK L. ROBERTO, JR., 0000
JOHN R. RODRIGUEZ, 0000
RICHARD A. ROGERS, 0000
ROBERT S. ROOF, 0000
ROBERT E. ROSE, 0000
S.R. ROTH, 0000
DANIEL R. ROZELLE, 0000
EDWIN J. RUFF, JR., 0000
JOHN K. RUSS, 0000
NOEL R. RUSSNOGLE, 0000
DAVID M. RUST, 0000
JEFFREY S. RUTH, 0000
STEVEN J. RUTHERFORD, 0000
CLARK D. SANDERS, 0000
JOSE F. SANTANA, 0000
LANCE S. SAPERA, 0000
MICHAEL R. SAUNDERS, 0000
SAMUEL D. SCHICK, 0000
ROBERT A. SCHLEGEL, 0000
JAMES E. SCHMIDT, 0000
MARK R. SCHMITT, 0000
JOHN J. SCHNEIDER, 0000
GARY R. SCHRAM, 0000
CHARLES J. SCHUG, 0000
WILLIAM J. SCHULZ, JR., 0000
PETER E. SCHUPP, 0000
THOMAS F. SCHWARZ, 0000
DAVID D. SCHWEIZER, 0000
EVA L. SCOFIELD, 0000
MARK H. SCOVILL, 0000
VICKY D. SEALEY, 0000
GREGG S. SEARS, 0000
DANIEL M. SEIGENTHALER, 0000
MICHAEL W. SELBY, 0000
ALAN B. SHAFFER, 0000
JAY D. SHAFFER, 0000
DAN F. SHANOWER, 0000
JOHN C. SHAUB, 0000
CHRISTOPHER L. SHAY, 0000
JAMES A. SHEA, 0000
DAVID J. SHERIDAN, 0000
MARTIN R. SHERMAN, 0000
GEORGE J. SHERWOOD, 0000
JAMES J. SHIRLEY, 0000
CAROL E. SHIVERS, 0000
JAMES R. SHOAF, 0000
ANDREW E. SHUMA III, 0000
WILLIAM R. SILKMAN, JR., 0000
HENRY R. SILVA, 0000
MARK S. SIMPSON, 0000
PAUL A. SKARPNESS, 0000
ISAAC N. SKELTON, 0000
BRADLEY D. SKINNER, 0000
PAUL E. SKOGERBOE, 0000
GERARD A. SLEVIN, 0000
ERIC S. SLEZAK, 0000
MICHAEL J. SLOTSKY, 0000
SONYA R. SMITH, 0000
TEDDIANN S. SMITH, 0000
MICHAEL D. SNODERLY, 0000
PAUL A. SOHL, 0000
ONA C. SOLBERG, 0000
BRIAN A. SOLO, 0000
TIMOTHY J. SORBER, 0000
MARY K. SPER, 0000
THOMAS R. SPIERTO, 0000
TIMOTHY B. SPRATTO, 0000
CORY A. SPRINGER, 0000
MARK T. STANKO, 0000
THOMAS P. STANLEY, 0000
ROBERT S. STEADLEY, 0000
HEIDEMARI STEFANYSHYNPIPER, 0000
FREDRIC C. STEIN, 0000
JOHN P. STEINER, 0000
ARTHUR M. STERRETT, JR., 0000
JEFFREY W. STETTLER, 0000
ROBERT M. STEWART, 0000
TERRYL K. STEWART, 0000
WILLIAM B. STEWART, 0000
SUSAN L. STILL, 0000
REBECCA E. STONE, 0000
TROY A. STONER, 0000
MICHAEL T. STOREY, 0000
ROBERT A. STOUFER, 0000
JON E. STRAUSBAUGH, 0000
SCOTT T. STROBLE, 0000
JOHN B. STUBBS, 0000
MILTON O. STUBBS, 0000
CHARLES L. STUPPARD, 0000
KEVIN J. STUDBECK, 0000
JAMES A. SULLIVAN, 0000
JOSEPH K. SULLIVAN, 0000
TOMMY L. SUMMERS, 0000
TINA V.H. SWALLOW, 0000
DAVID L. SWEDENSKY, 0000
KEVIN G. SWITICK, 0000
STEVEN A. SWITTEL, 0000
RONDA J. SYRING, 0000
JAMES M. SYVERTSEN, 0000
KENNETH J. SZCZUBLEWSKI, 0000
KENNETH A. SZMED, JR., 0000
RICHARD M. TATE, 0000
MICHAEL P. TAYLOR, 0000
TIMOTHY J. TAYLOR, 0000
KEVIN B. TERRY, 0000
DEBORAH O. TESKE, 0000
RICHARD J. TESTYON, 0000
KARL O. THOMAS, 0000
THOMAS J. THOMPSON, 0000
CARL T. TISKA, 0000
ROBERT B. TOBIN, 0000
JOHN P. TODD, JR., 0000
PETER A. TOMCZAK, 0000
WILLIAM M. TOOKER, 0000
NORBERT W. TORNES, JR., 0000
KEVIN A. TORSIELLO, 0000
ROBERT T. TRAFTON, JR., 0000
EARL K. TRAXLER, 0000
JEFFREY L. TRENT, 0000
PAUL J. TREUTEL, 0000
JEFFREY E. TRUSSLER, 0000
REX F. TULLOS, 0000
ALBERT L. TULLUS, 0000
JOHN M. UHL, 0000
VALERIE A. ULATOWSKI, 0000
RODNEY M. URBANO, 0000
JOHN D. VANBRABANT, 0000
PHILIP W. VANCE, 0000
DENNIS J. VANDENBERG, 0000
MARTHA M. VANDERKAMP, 0000
GUY E. VANMETER, 0000
JONATHAN E. VANSCOY, 0000
ACE E. VANWAGONER, 0000
TODD G. VEAZIE, 0000
RICHARD E. VERBEKE, 0000
TIMOTHY L. VESCHIO, 0000
CHARLES W. VICTORY, 0000
KAREN J. VIGNERON, 0000
JAMES P. VITHA, 0000
BRADLEY D. VOIGT, 0000
WILLIAM T. WAGNER, 0000
BILLIE S. WALDEN, 0000
CLEON A. WALDEN, JR., 0000
JOHN A. WALKER III, 0000
ALAN R. WALL, 0000
WILLIAM R. WARREN, 0000
JASON WASHABAUGH, 0000
BRUCE E. WATKINS, 0000
OAKLEY K. WATKINS III, 0000
RICHARD W. WEATHERS, 0000
JEFFREY M. WEAVER, 0000
JAMES D. WEBB, 0000
MARK E. WEBER, 0000
ERIN K. WEGZNEK, 0000
SCOTT A. WEIDIE, 0000
DAVID E. WELLS, 0000
ERIC L. WESTREICH, 0000
WILLIAM WHEATLEY, 0000
MICHAEL B. WHETSTONE, 0000
GORDON O. WHITE, 0000
MICHAEL L. WHITE, 0000
MICHAEL J. WIEGAND, 0000
MARK A. WILCOX, 0000
RINEHART M. WILKE IV, 0000
KENNETH L. WILLIAMS, 0000
RICKY L. WILLIAMSON, 0000
THOMAS J. WILLIAMSON, 0000
ALVIN C. WILSON III, 0000
GARY M. WILSON, 0000
ROBERT C. WILSON, 0000
WILLIAM W. WILSON, 0000
KRIS WINTER, 0000
BRETT W. WISEMAN, 0000
CHARLES T. WOLF, 0000
JAMES C. WONG, 0000
MARTHA A. WOOLSON, 0000
WILLIAM T. WORTH, 0000
LEWIN C. WRIGHT, 0000
CHARLES W. WYDLER, 0000
VANESSA WYNDHAM, 0000
JOSEPH YUSICIAN, 0000
ALAN N. ZELIFF, 0000
RYAN K. ZINKE, 0000
JERRY L. ZUMBRO, 0000

CONFIRMATION

Executive nomination confirmed by the Senate June 14, 2000:

DEPARTMENT OF ENERGY

GENERAL JOHN A. GORDON, UNITED STATES AIR FORCE, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY.