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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, October 16, 2000, at 2 p.m.

Senate

FRIDAY, OCTOBER 13, 2000

(Legislative day of Friday, September 22, 2000)

The Senate met at 10 a.m., on the expiration of the recess, 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, Sovereign of our beloved Nation, we thank You for the women and men who serve in the United States Navy. Today, we celebrate the 225th birthday of the Navy with them, veterans of naval service, and the Members of this Senate who hold cherished memories of their own service in the Navy. We remember the words of John Paul Jones, the father of the Navy, ''Sir, I have not yet begun to fight.'' He defied defeat and surrender on that day in 1779 and gave the Navy not only a motto for heroism but an example of courage that has remained strong during war as well as in peacetime service to our Nation.

Yet, Lord, our celebration of this birthday of the Navy is mingled with grief for the sailors of the U.S.S *Cole* who were killed, injured, or are missing as a result of an explosion in the destroyer as it was pulling into Aden, Yemen. Dear Father, be with the sailors' families and friends at this time of loss.

Lord, our minds drift back to the gallantry of the Navy in American history. May the men and women of the Navy know of the profound gratitude and esteem this Senate has for them.

And Lord, we could not celebrate the Navy's birthday without a special expression of thanks to You for our own friend and doctor, Admiral John Eisold, the physician for the Members and officers of the Congress. Bless him and all of the Navy personnel on this special day. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS, a Senator from the State of Alaska, 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.

The PRESIDENT pro tempore. The able Senator from Mississippi.

SCHEDULE

Mr. COCHRAN. Mr. President, in behalf of the majority leader, I am pleased to announce that today the Senate will begin debate on the conference report to accompany the Agriculture appropriations bill.

Under a previous order, debate on the conference report is limited to today's session, the session on Tuesday, and a brief period on Wednesday morning.

The vote on the Agriculture appropriations conference report is scheduled to occur at 11:30 a.m. on Wednesday.

Although no votes are scheduled for Tuesday at this time, votes could occur on Tuesday, if necessary.

The Senate may also consider any legislative or Executive Calendar items available for action during today's session.

NOTICE

Effective January 1, 2001, the subscription price of the Congressional Record will be $393 per year or $197 for six months. Individual issues may be purchased for $4.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

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

RESERVATION OF LEADER TIME

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCY PROGRAMS APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 4461, which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 4461, making appropriations for Agriculture, Rural Development, the Food and Drug Administration, and related agency programs for the fiscal year ending September 30, 2001, and for other purposes, having met, have agreed that the House recede from its disagreement of the Senate amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of the House.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the RECORD of Friday, October 6, 2000.)

Mr. COCHRAN. Mr. President, I ask unanimous consent that my prepared remarks describing the provisions of this conference report be printed at this point in the RECORD.

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

Mr. COCHRAN. Mr. President, I am very pleased to announce to the Senate that we successfully completed action in our conference committee and brought back to the Senate a bill that has already been approved by the other body by a substantial vote of support, and indications are that the President is prepared to sign this conference report.

I am pleased to make that announcement because during the development of this legislation and the markup sessions that we held here in the Senate, and discussions of the bill on the floor of the Senate, there were some very contentious and controversial issues that were debated and considered. We didn't achieve all of the successes that Senators wanted to achieve, as is usually the case in the situation where you are negotiating compromise with the other body and dealing with views and opinions reflected in the policies of the administration. But, taken together, given the expressions of support and interest in the Senate for the provisions that are in the bill, I am confident that most Senators will be very pleased with this result.

This is a good bill. It deserves the support of the Senate.

It provides a restrained approach to funding the activities of the Agencies and Departments of Government that are funded in this bill.

The total dollar amount for new budget authority, for example, is less than the fiscal year 2000 enacted level. It is less than the level requested by the President. It is less than the House-passed bill level, and it is less than the Senate-passed bill level.

The fact is, every effort was made during consideration of this bill to be restrained and responsible in the allocation of funds that are available to this subcommittee under the budget resolution.

The conference agreement provides total new budget authority of $74.5 billion for programs and activities of the United States Department of Agriculture (except for the Forest Service which is funded by the Interior Appropriations bill), the Food and Drug Administration, and the Commodity Futures Trading Commission. This is approximately $1.1 billion less than the fiscal year 2000 enacted level and $2.3 billion less than the level requested by the President. It is $651 million less than the House-passed bill level, and $859 million less than the Senate-passed bill level.

This conference report also includes an additional $3.6 billion in emergency appropriations to compensate agricultural producers for losses suffered due to drought, fires, and other natural disasters; to meet conservation needs; and to provide relief to rural communities.

Including Congressional budget scorekeeping adjustments and prior-year spending actions, this conference agreement provides total non-emergency discretionary spending for fiscal year 2001 of just over $15 billion in budget authority and outlays.

I am pleased to report that this conference report provides funding at the President's request level, an increase of nearly $58 million from the fiscal year 2000 level, for activities and programs in this bill which are part of the Administration's ''Food Safety Initiative.''

The conference report provides adequate funding in our view for the Food Safety and Inspection Service, which has the responsibility of conducting inspections and monitoring the safety of our Nation's food supply to ensure that the food that is consumed by Americans and produced and processed here is fit for human consumption, and free from contamination.

This is a big challenge. It is a big worry all over the country because there have been instances where there have been problems in this area. We think this conference report responds to those concerns and that will have a very positive influence in helping to solve problems in this area of food safety.

Let me also point out the emphasis in this conference report on agricultural research and education programs. We have to maintain a high level of technological sophistication in order to continue to produce an adequate amount of food and fiber for our country at reasonable prices, and to do so in a way that permits a level of profit for those engaged in farming operations to stay in business. It is very difficult in many areas of the country now for farmers and ranchers to make ends meet. They are confronted with a wide range of difficulties.

We have to invest in research to try to find new ways of improving yields for the crops that are produced in our country, and to do so in a way that is not threatening to the environment or to the citizens of our country. We have a heightened awareness of problems that can occur in this area.

There is almost a near hysteria in Europe over this issue. We are confronting difficulties in trade because we are having problems getting licenses for commodities and foods that are produced in the United States because they have genetically modified organisms—GMOs—which is a big issue in the U.K. particularly. The tabloids have been fanning the flames of the hysteria that has taken hold there. The European Union has been very hesitant and difficult to deal with in approving licenses from exporters who would like to sell what they are producing in the European market. In my view, many of these practices are unfair and not based on sound science.

But we need to have a regiment of research and development that is beyond question in terms of its impact on human health and our environment. That is why it is as important this year, more important than ever before, to have a robust research and education program that is supported by the Department of Agriculture. In colleges and universities and in Agricultural Research Service laboratories all around the country, there are funds that will be made available to help achieve the goals in this area.

This conference agreement provides increased appropriations for agriculture research and education programs. Total appropriations of nearly $2 billion are provided for the Agriculture Research Service and the Cooperative State Research, Education, and Extension Service, $126 million more than the fiscal year 2000 level and $62 million more than the Senate-passed bill level. In addition, as requested by the President and provided in the Senate bill, $120 million in fiscal year 2000 funding will be available in fiscal year 2001 to fund the Initiative for Future Agriculture and Food Systems.

Approximately $34 billion, close to 46 percent of the total new budget authority provided by this conference report, is for domestic food programs administered by the U.S. Department of Agriculture. These include food stamps; commodity assistance; the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); the school lunch and breakfast programs; and the school breakfast pilot program, which is funded at $6 million. Included in this amount is the Senate-

passed bill level of $4.052 billion for the WIC program, including $20 million for the WIC farmers' market nutrition program.

The WIC program is a very important nutrition program and health program for women, infants, and children. Everybody is aware of the importance of school lunch and breakfast programs to help equip our children with the nutrition they need as they are at school so they can learn and do a good job at school.

We also have a Food Stamp Program that is funded in this bill. In my view, these are funded at adequate levels to meet the demands and needs we have in our country. We have been very fortunate in this time of economic expansion and growth for jobs to be created so those who want to work can find work. We have people coming into the country now under special visa requirements because we have an inadequate labor supply, or at least an inadequately trained supply of labor to do many of the jobs that have to be done in this country. Many entry level positions are now being filled by those who are newly coming into the country, many just for the purpose of working on farms because people who live here and who have been here for a while either don't want to do the work or for some reason are unavailable to those who need help on their farms.

This is a challenge. The point I am making in connection with the food and nutrition programs is we have been able to reduce the costs of some of these programs, particularly the Food Stamp Program, because of the expansion in the economy and the availability of jobs. We need to make sure through our budget policies that we continue to have an environment economically for job growth and expansion.

For farm assistance programs, the conference report provides $1.3 billion in appropriations. Included in this amount is the full increase of $89 million above the fiscal year 2000 level requested by the Administration for Farm Service Agency salaries and expenses, as well as appropriations which, together with available carryover balances, will fund the fiscal year 2001 farm operating and farm ownership loan levels included in the President's budget request.

Appropriations for conservation programs administered by the Natural Resources Conservation Service total $873 million, $69 million more than the fiscal year 2000 level, and approximately $6 million more than the level recommended by the Senate.

Conservation programs, in my view, are some of the less well advertised programs of the Department of Agriculture. We have increased the amount of acreage available for the Wetlands Reserve Program by 100,000 acres.

We have also worked hard on these programs to ensure they help improve wildlife habitat on farms and on the lands that are owned by American citizens. We have incentive programs, not just mandatory programs, but programs that encourage the management of land so that conservation is enhanced, and the protection of soil and water resources is enhanced by the way landowners use and care for their lands.

We found that to be a very popular way of helping to encourage and obtain the best possible land management practices, rather than having a Federal Government come in with threats and other sanctions that can be imposed on landowners. It is better to do it in a way that is educational and nonthreatening and based on incentives rather than sanctions, fines, and penalties from the Federal Government.

We also see in this bill something that is important to every rural community: development programs, housing programs, water and sewer system programs. They are all important in rural America. Many of these communities have some of the lowest income families in America and therefore they don't have the economic base to pay the costs that would be required for utilities and other lifestyle enhancements that are available in the larger towns or the cities of our country. These programs are very important in States, such as mine and others, which have to depend upon Federal assistance to make sure they have safe drinking water, they have sewer systems, they have electric lights, they have telephone service access. These programs are funded in this bill this year.

For rural economic and community development programs, the conference report provides appropriations of $2.5 billion to support a total loan level of $8.8 billion. Included in this amount is $763 million for the Rural Community Advancement Program, $680 million for the rental assistance program, and a total rural housing loan program level of $5.1 billion.

A total of $1.1 billion is provided for foreign assistance and related programs of the Department of Agriculture, including $115 million in new budget authority for the Foreign Agricultural Service and total appropriations of $973 million for the P.L. 480 Food for Peace Program, $31 million above the fiscal year 2000 level, and the same as the President's request and Senate bill levels.

Total new budget authority for the Food and Drug Administration is $1.1 billion, $74 million more than the fiscal year 2000 level and $24 million more than the Senate-passed bill level. The conference report also makes available an additional $149 million in Prescription Drug User Fee Act collections. The increase in new budget authority, together with the redirection of base funds, provides FDA with an additional $130 million from the fiscal year 2000 level for funding requirements identified in the President's fiscal year 2001 budget request. These include the full increases requested in the budget of $30 million for food safety, $20 million for construction of the Los Angeles laboratory, and $22.9 million for premarket review. Also included is a portion of the increased funding requested for FDA to enforce Internet drug sales, enhance inspections, improve existing adverse events reporting systems, and continue counter-bioterrorism activities.

In addition, the conference report appropriates, contingent on a budget request, the $23 million FDA has identified it needs for fiscal year 2001 to carry out the Medicine Equity and Drug Safety Act of 2000. The FDA said it needed this amount for this next fiscal year to carry out the provisions of this conference report that provides these new responsibilities, to guarantee safety and efficacy of drugs in this new era, so that is included in this report.

For the Commodity Futures Trading Commission, $68 million is provided; and a limitation of $35.8 million is established on administrative expenses of the Farm Credit Administration.

As my colleagues recall, as passed by the Senate, this bill included not only the regular fiscal year 2001 appropriations bill, but a ''Division B'' providing supplemental appropriations, rescissions, and other emergency provisions relating not only to programs and activities under this Subcommittee's jurisdiction but to various other Departments and agencies of government. Provisions outside this Subcommittee's jurisdiction have been deleted by the conference committee and will be addressed, as appropriate, on other bills.

Funding for emergency assistance for farmers and landowners who have been affected by drought, fires, and other natural disasters that have occurred this year is now included as Title VIII of this conference report. The total assistance package has been scored by the Congressional Budget Office at $3.6 billion.

The Secretary of Agriculture is authorized to use such sums as necessary of the Commodity Credit Corporation to compensate farmers for crop and quality losses at the same rates as have been used in previous years. However, unlike years past, there is no limit on the amount of funds available for this assistance, thus eliminating proration of producers' payments and hopefully expediting payments.

Other assistance provided by the bill includes $490 million for the livestock assistance program, $473 million for dairy producers, and $328 million for producers of certain specialty crops.

The agreement provides needed conservation funding by making $35 million in technical assistance available for the Conservation Reserve Program and the Wetlands Reserve Program, and providing an additional $110 million for the Emergency Watershed Program of the Natural Resources Conservation Service.

Senators worked very hard in the conference on this issue, and other

issues as well. We have expanded the opportunities to sell what we produce in the international marketplace in this conference report as a result of changes in sanctions policy. There have been many initiatives introduced on this subject. I know the Senator from Indiana, Mr. LUGAR, has a wide, sweeping, and very thoughtful approach to this sanctions issue reflected in a bill he has introduced. I hope we can pass legislation in this area that sets new policies and establishes a new way of going about deciding when and where to impose sanctions that tie the hands of our exporters and have an adverse impact on our ability to sell what we produce on the international marketplace.

I am not saying sanctions are bad. We have to use them in certain cases. They have proven to be very effective in certain cases. Normally, this is when we have the cooperation of other countries. But when we just unilaterally impose sanctions, in many cases that ends up being more hurtful and harmful to our farmers and ranchers and businesses than to anybody else. We have to be careful how we approach this whole issue.

I think the conference committee exercised good judgment and an awareness of concerns throughout our country on this issue when it made the changes that are reflected here. I am hopeful with the emergency assistance provisions that are in the bill, the other programs that have been funded, the Senate will be able to enthusiastically support and approve the work that this conference committee has done.

This conference report carries a number of other legislative provisions adopted by the conference committee, including the Continued Dumping and Sudsidy Offset Act; the Conservation of Farmable Wetland Act; and the Hass Avocado Promotion, Research, and Information Act.

Mr. President, we are already well beyond the October 1 start of the new fiscal year. This conference agreement is the product of two lengthy sessions of the conference committee. The conference report was filed last Friday night, October 6, and was adopted by the House of Representatives on October 11 by a vote of 340 to 75. Senate passage of this conference report today is the final step necessary to send this fiscal year 2001 appropriations bill to the President for signature into law.

Senator KOHL is the ranking Democrat on the subcommittee. It has been a pleasure to work with him throughout the hearing phase of the development of our factual basis for writing this bill. In all the discussions we have had in working on challenges before the subcommittee, I could not have asked for more cooperation or careful and thoughtful assistance than Senator KOHL provided to me and to the committee as a whole.

The full committee, of course, had a role to play in this, all members of our subcommittee and full committee, too. I want to express my appreciation to all of them. It was a pleasure working in conference with Chairman JOE SKEEN, from New Mexico, who is serving in his last year as chairman of the subcommittee. This is his sixth year in that capacity. The House has term limits on subcommittee chairmen. It effectively prohibits his service beyond this year as chairman of the subcommittee. But he has really been a hard-working leader in the House on the development of this legislation and this appropriations bill. We will miss working with him as chairman. We hope to be able to continue working with him closely in the years ahead, though, as a fellow member of the Appropriations Committee in the House.

MARCY KAPTUR, from Ohio, is the distinguished ranking Democrat on the House committee. It is always a pleasure working with her. She was very helpful in the development of this bill during our consideration of it in conference with the House.

I know none of this excellent work product would have been possible without the outstanding assistance and hard work that has been turned in by our able staff members: Rebecca Davies, who is the chief clerk on this committee, Hunt Shipman, Martha Scott Poindexter, Les Spivey, and with the wise counsel and influence of my chief of staff, Mark Keenum, and with others who participated in the development of this bill. I say thank you. It would not have been possible without their help. This is an outstanding work product. We appreciate your excellent effort. I do not want to leave out Galen Fountain either. He is the chief clerk on the Democratic side of our subcommittee. He has been a very helpful person to work with, and we appreciate very much his outstanding assistance, too.

I know of no Senators who have asked to be recognized at this point, but I repeat what the majority leader provided by way of information to the Senate in the opening announcements this morning. We have time reserved today, we have time reserved on Tuesday, and a short period of time on Wednesday for discussion of this bill, and then a vote will occur at 11:30 on Wednesday morning. I hope Senators will take advantage of these opportunities if they have questions or if they have statements they want to make in connection with the bill.

I yield the floor.

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

Mr. SPECTER. Mr. President, I have sought recognition to commend the distinguished Senator from Mississippi for his leadership in producing a very sound Agriculture Appropriations bill. I have served with the Senator from Mississippi on that subcommittee for almost 20 years now and have participated in the conference just concluded which has produced this bill. I can personally attest to the professionalism, courtesy, and, perhaps most of all, the patience displayed by the Senator from Mississippi in presiding over those proceedings.

The public has little opportunity to know what goes on in the legislative process generally, but they do hear about the introduction of bills and they do see, on C–SPAN and otherwise, the committee meetings and the questioning of witnesses, and to some extent they see on C–SPAN II, to the extent anybody watches, what happens on the Senate floor. But the conferences are largely unseen by the public. That is crunch time, when the work is concluded. Everything else which is done is really of much less significance than the conferences, where the final touches are put on legislation which constitutes the laws of the country.

There are very long sessions. A week ago last night was illustrative of the point. The speeches tend to go very long. The presiding chairman has to have great patience, to have the proper balance between allowing every member to speak and getting the work completed. That conference had some very difficult issues, issues which related to relieving sanctions on Cuba, to allow more importations of food, and it went into an issue which is highly sensitive, where there really ought to be an evaluation as to our relations with Cuba. We did take a step in the right direction on releasing the sanctions as to food—really, largely as an economic matter for America's farmers.

In the foreign operations bill there is a provision, which this Senator introduced, to try to get more cooperation on drug interdiction, which the Cuban Government is willing to do. Then we had important provisions on reimportation of drugs, on which the distinguished Senator from Vermont, Mr. JEFFORDS, who is now presiding, was the leader.

It has come to pass that the appropriations bills, now, are the principal legislative vehicles, so to speak, for getting substantive legislation because it is only the appropriations bills, ultimately, which pass. So much of that is done in conference as opposed to amendments on the floor, which is the prescribed way.

The senior Senator from Mississippi presided at that conference, and we produced a very important bill. As I have heard him report on it today, I am struck by its promise and its importance for the American people under his leadership.

In the absence of any other Senator seeking recognition, 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. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COCHRAN. Mr. President, I first express my appreciation to the distinguished Senator from Pennsylvania, Mr. SPECTER, for his generous comments about my efforts in behalf of this legislation as chairman of the subcommittee. He also put in a lot of time and effort during the conference with the House and also during the development of this legislation in our subcommittee. He has been an outstanding member of the Appropriations Committee and, of course, chairs the Labor-HHS Subcommittee of the Appropriations Committee in the Senate and does an excellent job in that capacity. I thank him for his very generous statements.

I also commend, as he did, the Senator from Vermont, who is chairing the Senate this morning, for his leadership on the drug importation issue. I don't think this would have been included in this legislation—I know it would not—were it not for the leadership of Senator JEFFORDS. It was this amendment that was included in the bill when the bill was on the floor of the Senate.

As the occupant of the chair remembers, we had a very heated debate. It was contentious. It was a matter of a lot of controversy surrounding it. I offered an amendment to the Jeffords amendment, which was adopted as it turned out, helping protect the safety and efficacy of drugs that would be imported under the provision of the Jeffords amendment. Then in conference with the House, everybody got involved, not just the conferees but the leadership of the House and the leadership of the Senate. Everybody, it seemed, had an opinion or a viewpoint on how that language should be changed or modified or improved.

As it turned out, the end result is something in which the Senator from Vermont can take a great deal of pride. His influence will always be remembered on this issue. I thank him for his courtesies during the handling of the issue and his good advice and counsel all along the way.

Mr. President, the crop disaster provisions in this bill take a somewhat different approach to compensating producers who may have suffered significant quality losses during 2000 caused by bad weather, insects, or other natural occurrences. The bill authorizes the Secretary of Agriculture to compensate producers for quantity, quality, and severe economic losses. Loss thresholds for quantity and quality losses are separated in this bill, whereas they have been combined in previous disaster bills. Different crops have different values associated with declines in quality. The report language accompanying the conference report takes care to discuss special rules that should be considered for cotton, for example.

The conferees were concerned that this new calculation might have some unintended consequences and provided the Secretary of Agriculture with additional flexibility in devising an appropriate loss compensation program. Because there are crops, like cotton, that rarely have quality losses that are not accompanied by quantity losses, this bifurcated approach could have unintended detrimental consequences. The Secretary could use his authority to compensate for severe economic losses and calculate losses for cotton and other similar commodities in the manner done in 1999, when quality and quantity losses were combined to determine whether a producer had met the loss thresholds.

The Secretary could also use the authority provided him to provide assistance for severe economic losses to provide appropriate compensation to producers that incur the necessary expense to bring their 2000 crop all the way to harvest.

Mr. President, the distinguished Senator from Montana is on the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, when we finally vote on the Agriculture appropriations conference report, I intend to vote for it essentially because the bill provides so much that helps so many people, many of whom are in dire straits. I am referring specifically to a lot of the people living and working in farm communities in my State of Montana and throughout the Nation.

I am especially pleased the bill provides $3.6 billion for weather-related disasters. The droughts and fires in my State, as well as other parts of the Nation, have been quite severe and, in many areas, devastating. This bill will help our citizens get through the most difficult times. I commend the Senator from Mississippi and others who have worked to help pass this bill.

I want to mention a couple of points of this bill which I think are erroneous. I object strenuously to the provisions in the bill with respect to restrictions on food and medicine sales to Cuba and restrictions on the right of American citizens to travel to Cuba.

Last July, I flew to Havana, along with my colleagues, Senator ROBERTS and Senator AKAKA. It was a brief trip, but I returned from Havana more convinced than ever that it was time to end our outdated cold war policy toward Cuba. For example, I believe we should have normal trade relations with Cuba. We do not. The President just a day ago signed permanent normal trade relations with China, a Communist country which certainly presents more of a national security threat to the United States than Cuba, but yet we do not have normal trade relations with Cuba. It makes no sense.

As a consequence, we Americans, the Congress, and the Federal Government, prevent our farmers and ranchers from exporting their products to Cuba. But our Japanese, European, and Canadian competitors have no constraints. They fill the gap. The result, obviously, is it helps those countries, it helps the Cubans, but it hurts Americans. Also, our policy has no impact on those Cuban policies that we would like to see changed—none whatsoever.

Most Members in the Senate and House have also recognized the absurdity of this policy. Earlier this year, the Senate and the House agreed to end the ban on food and medicine sales to Cuba. We had overwhelming majorities in the Senate and the House. Those votes expressed the will of the Congress. The votes clearly reflected the will of the American people.

Yet the Republican conferees simply overturned those House and Senate votes. The Republican conferees thwarted the will of the American people. The result is that there will be restrictions on the sale of food and medicine to Cuba. These restrictions guarantee that there will be few such sales, and those few that do occur will be done only by major companies, shutting out the small farmer. That is not the way law is supposed to be made in a democracy.

To rub salt in the wounds, the Republican conferees agreed to codify in law the current administrative restrictions on travel to Cuba. That action removed the flexibility of this President and future Presidents to liberalize or not to liberalize, depending upon what seems to make the most sense. The result is a further infringement on the right of Americans to travel freely. It also diminishes the right of Cuban Americans to visit family members in Cuba.

An overwhelming majority of the Congress recognizes we must end the anachronistic cold war policy toward Cuba. That policy harms the average Cuban. Clearly, it harms the average American. The current policy against Castro is a foil. It helps prop him up. Were we to lift the bans that would take away that foil, it would make it more difficult for him to stay in power. It is amazing how foolhardy our policy is. It is also a policy that hurts the American public. It is a great danger.

Once the resistance of the Castro regime begins—think of that for a minute. We have to think very carefully about how to help manage the transition that occurs in Cuba from the current-Castro regime to the post-Castro regime. Of course, the Cubans must make that decision. The nature of that transition has a very direct bearing upon this country. We have to be very careful.

Clearly, if we were to open up now, we could help influence a transition that is more in America's national interest. Current policy also clearly abridges the freedoms of Americans to travel. If we had to vote separately on these Cuban provisions, I would work hard to defeat them, but the other provisions in the bill are so overwhelming important for the health and prosperity of Americans that I will vote in favor of the Agriculture appropriations bill. But I repeat, the Cuba provisions are a serious step backward.

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. 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.

Mr. CONRAD. Mr. President, we are now considering the Agriculture appropriations conference report. It is critically important to a number of our States. It certainly is critically important to mine.

We are faced with one of the toughest downturns in the agricultural markets in the history of our country. We currently have the lowest real prices for farm commodities in 50 years, and we are in a very serious situation as a result. Literally, thousands of farm families will be forced off the land if there is not an adequate Federal response to this crisis.

A number of years ago we passed a new farm bill. That farm bill is not working. I think the proof is abundantly clear. The fact is, we have had to write disaster bills every year for the last 3 years to try to deal with this collapse in farm prices.

The situation now is even more grave as we have dealt not only with collapsed prices but also with what I call the triple whammy of bad prices, bad policy, and bad weather.

In my State, as in many others, farmers have not only had to cope with very low prices but, in addition to that, weather conditions that have dramatically reduced the value of the crop even from these very low prices.

I just had a farmer stop me when I was home and tell me he was offered 75 cents a bushel for his grain—75 cents a bushel.

A lot of people wonder, what is a bushel? We talk about these things in farm terms. I think many people in the country have no idea what a bushel represents. A bushel is almost 60 pounds. Can you imagine getting 75 cents for that product? That is ruinous. That is confiscatory. And it will drive thousands of farm families into bankruptcy if there is not a response.

Thankfully, each of the last 3 years, there has been a Federal response. Three years ago, I am proud to say, the first amendment was mine, offered with Senator DORGAN, to begin to respond to this crisis of collapsed prices. That developed into a $6 billion assistance package.

Last year, we had another package. Senator GRASSLEY of Iowa and I offered the only bipartisan package of assistance, and it formed the basis for what was agreed to, an $8.7 billion package. This year, for the third year in a row, we have already passed, and the President has signed into law, a package of $7.2 billion of assistance, again to offset these collapsed prices. But since that package was passed and signed into law, we also have these weather disasters across the country. In my State, overly wet conditions have led to an outbreak of a disease called scab that has dramatically lowered the value of the crop. In other parts of the country, there has been devastating drought, a situation where farmers have not received any rain throughout the growing season. As a result, they have almost total losses.

In this bill we will vote on next week, there is an additional $3.5 billion of assistance, including provisions to address the quality loss affecting my State's farmers; $500 million to address the quality loss circumstance in which farmers go to the elevator and in some cases the people at the elevator say, we won't buy your grain at any price because it is so loaded with this fungus called scab. That is the nature of the crisis.

It is so important that next week we pass that bill. It is so important that this aid start to flow. It is so important that we say to farm families across America, we are not going to let you fail because of a failed farm policy written in Washington. We are not going to let you face a circumstance just because our major competitors, the Europeans, are outspending us 10 to 1 in their support for their producers, that we let our people fall by the wayside. We are not going to say to our producers, just because the Europeans account for 84 percent of all the world's agriculture export subsidy—we only account for 1.4 percent—just because they are outgunning us 60 to 1 on that measure of support, we are not going to let you go under because of a failed policy out of Washington.

These are critical times. Our major competitors, the Europeans, have done everything they can to support their producers. I am not being critical. I admire them. They have stood up for their people. They understand that if you just abandon them to this world market, where we see catastrophic prices, what that will mean is an exodus from the rural parts of Europe, just as we are seeing that kind of circumstance in America. We are seeing thousands of farm families leave the land because the economics just don't work.

We obviously need this rescue package. We need this assistance. More than that, we need a new farm policy, one for the longer term, one that recognizes what is happening in world agriculture, one that understands the Europeans are supporting their producers at a rate of $300 an acre on average while we support our producers at a rate of $30 an acre on average. It is no wonder that Europe is moving up in world market share and we are moving down because our friends in Europe are doing it the old-fashioned way—they are going out and buying markets that have traditionally been ours. They have a strategy; they have a plan. Their plan is to dominate world agricultural trade. They are putting the money up to do it.

The harsh reality is that USDA now tells us for the first time in as long as anyone can remember, Europe is poised to surpass us in world market share. Let me repeat that: This year USDA tells us for the first time in memory Europe is poised to pass us in world market share for agricultural products. That ought to be a warning to all of us of what is happening. It is happening because the Europeans have spent tens of billions of dollars a year, nearly $50 billion a year, supporting their producers, paying for export subsidies so they can buy markets that have traditionally been ours. Shame on us if we allow them to take us out of world markets that have been ours for decades. That would be a serious mistake.

When I ask the Europeans, how is it you are able to convince your people to step up and support your producers in the way that you do, they say, it is very simple: we have been hungry twice in Europe. We never intend to be hungry again. We are not going to rely on outside food sources to feed our people. We just are not going to do it.

I hope next year we will begin the debate on a new farm policy, and we will recognize that unilateral disarmament does not work. It doesn't work in military affairs; it doesn't work in an agricultural trade confrontation. It hasn't worked with this new Federal farm policy. It has been a disaster. I don't know of any better proof for that than the simple fact we have had to write disaster bills the last 3 years to try to cope with the wreckage that is represented by this Federal farm policy: the lowest prices in 50 years; thousands of farmers being pushed off the land; an agricultural economy that is in deep trouble.

I hope next week, when we take a vote on the Agriculture appropriations bill, there will be strong bipartisan support for that package, and then when we convene next year we will begin the debate on a new Federal farm policy, one that recognizes that our major competitors are on the move. They are on the march. They have a strategy. They have a plan. They have an intention to dominate world agricultural trade, and we have an obligation to fight back, to give our producers, our farmers a fair fighting chance.

So far we have said to our farmers, you go out there and compete against the French farmer or the German farmer. And while you are at it, you take on the French Government and the German Government, too. That is not a fair fight. Our producers can compete against any producers anywhere in the world, but only if they have a level playing field, only if it is a fair fight. They can't win if the deck is stacked against them. That is precisely what is happening now. The deck is stacked against our producers in a way that is devastating.

It reminds me of the cold war, where we built up to build down. I believe we have to follow that same principle in

this trade confrontation with Europe. We have to add resources to force them to the table to negotiate to level the playing field so our producers are not at this extraordinary disadvantage where Europe spends $300 an acre on average to support their producers while we spend $30, where the Europeans account for 84 percent of all the world's agricultural export subsidy while we account for only 1.4 percent, outgunned 60 to 1. It is pretty hard to win a fight when you are outgunned 60 to 1 or 10 to 1. It makes it virtually impossible for our very efficient producers, very hard-working people, to have any kind of a chance.

These are the harsh realities of what is occurring in world agriculture. I hope next week, when that bill comes before the Chamber, we will stand up and vote aye. I hope when we start next year the debate and discussion about a new farm bill, we will recognize the harsh realities of what is happening in these world agricultural markets.

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

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

Mr. JEFFORDS. Mr. President, I come to the floor today to urge my colleagues to support the Agriculture appropriations conference report that will be considered by this body in the next few days. I think it is a good bill with a number of desperately needed aid provisions for our Nation's farmers. The provisions included in the bill for prescriptions are also desirable.

First, though, I want to talk a little about my own family history and why I am so proud and honored to be the author of the legislation with respect to prescription drugs and pharmacies. My family, on the Jeffords side, came to Vermont back in 1794. At least, that is the first time they bought a piece of land. They settled in the northern part of Vermont up on the Canadian border. Gradually, they moved down to a community a little further south, about 20, 30 miles from the Canadian border. The family ran a drugstore in Enosberg Falls called Jeffords Drug Store for over a hundred years.

I remember the summers so vividly. We always spent 2 weeks in Enosberg Falls, spent a week on the family farm, and then spent a week down in town with Roger Pratt and Cora Pratt, my uncle and aunt who ran the drugstore. I remember some wonderful times there. I could go up to the soda fountain, without having to do anything, and I could get a soda. Sometimes, I would be given the job of trying to swat the flies and keep the flies away. That was before we had insecticides. I know sometimes I would probably get a little annoying when I was 8 or 9 years old while swatting them too close to the patrons sitting at the little tables where they got sodas. Later, I had the great thrill of being able to stand behind the pharmacy's soda fountain and make sundaes and all sorts of things. It was a wonderful experience.

But what I learned more than anything else was the importance of a pharmacy to a small town. In those days, it was probably as much of the health care plan as you could get, along with the local doctor. The pharmacy was your health care, unless you got really sick and you would go to the hospital. But more people came in to get advice from the pharmacist as to what they should take for this or for that. Things went along very fine for many years.

As time went on, my uncle died. My aunt, who was not a pharmacist, was working the drugstore and she had to hire a pharmacist to do that work. Unfortunately, she died. When she died, the question was, Who is going to get the drugstore and the property? I took the position that I would be willing to sell it to the pharmacist. I got it appraised, and a price was set. He said, ''I'm sorry, but I'm going to go down the street and open a pharmacy and I will run you out of business.'' I said, ''Okay, go right ahead''—because I am a stubborn Vermonter—''I will run you out of business.'' So I had to go around the State and find a pharmacist. So we kept the competition going.

I finally sold the drugstore for twice what he wanted to pay, and I learned important things such as if you want a generic aspirin, you can look right next to the Bayer aspirin, and you will find an aspirin that is identical but in a different bottle, and it is cheaper. I have used that knowledge all through the years to save a buck on aspirin and other things. Many useful lessons have come from that experience.

What I also understood by being near the Canadian border was what it meant to that pharmacist in recent years. The drugs his pharmacy purchased cost twice as much as the pharmacist paid across the border in Canada.

It is more than just a casual knowledge that led me to become deeply involved in the bill which we now have as part of the appropriations bill.

I thank Senator SPECTER and Chairman COCHRAN for their very kind words about me and my work in this area. I deeply appreciate that.

Mr. JEFFORDS. Mr. President, I come to the floor today to urge my colleagues to support the Agriculture Appropriations Conference Report that will be considered by this body within the next few days. I think it is a good bill, with a number of desperately needed aid provisions for our nation's farmers. But today I would like to address the Prescription Drug Importation provision included in the bill.

We are all familiar with the problem. The cost of drugs, as a percentage of our health care dollar, is skyrocketing to the point of unaffordability for average Americans. During a time when we are experiencing unprecedented economic growth, it is not uncommon to hear of patients who cut pills in half, or skip dosages in order to make prescriptions last longer, because they can't afford the refill. Prescription medicines have revolutionized the treatment of certain diseases, but they are only effective if patients have access to the medicines that their doctors prescribe. The fact is, failure to take certain medicine can be just as deadly as taking the wrong pill.

Today we are confounded by the question: Why do drugs cost so much more in the U.S. than in Canada or abroad? It's a good question—one for which the drug companies don't have any good answers.

It's true that these companies are making some miraculous breakthroughs. But why must Americans have to shoulder seemingly the entire burden of paying for research, development and a healthy return to shareholders?

I believe it is time we put an end to this unfair burden. I don't think it is fair to expect Americans, especially your senior citizens living on fixed incomes, to pay the highest costs in the world for prescription medicines, many of which are manufactured within our borders.

That's why more than a year ago I started working with the Food and Drug Administration (FDA), the agency responsible for overseeing the safety of the drug supply in this country, to see if there were a way we could safely reimport prescription medicines into our country.

In July, on an overwhelming vote of 74–21, the United States Senate agreed to an amendment I offered, based on S. 2520, cosponsored by Senators WELLSTONE, DORGAN, SNOWE, COLLINS, and others, to do just that. Importantly, for the first time, we had developed and passed a proposal that did not, in the eyes of FDA, present public health and safety concerns. This was critical to me, because we have the gold standard in the U.S. when it comes to drug safety, and I don't want to do anything to undermine it.

Over the past few months, the drug companies have waged a furious campaign against my amendment, taking out advertisements and sending legions of lobbyists to Capitol Hill to argue that it would undermine safety. I don't think my amendment will undermine safety, but I do think it will undermine the price Americans pay for prescription drugs.

I was heartened by the positive movement in the Clinton administration over the past few weeks, from neutrality in July to outright support for my amendment, provided Congress gave enough money—$23 million this year—to FDA to carry out its responsibilities. Congress has agreed to do so, and if my proposal works out as I hope, it will be a small price to pay on the

potential billions of dollars that Americans will save on prescription drug costs.

The negotiators for the House and Senate on the agriculture appropriations bill have completed their work. Unfortunately, the process used in reaching this agreement was marred by partisanship. But the product is as strong as the one endorsed by the Clinton administration, and even stronger in some respects.

The proposal before Congress, while slightly different from my plan, is a strong and workable proposal. Critics have argued that the proposal has been weakened because it allows drug companies to frustrate the intent through manipulations of sales contracts. The fact is, this bill is stronger than either the House-passed or Senate-passed versions because it includes a clear prohibition of such agreements—something that was missing in the House and Senate bills.

Critics have claimed that the latest version of the bill contains a loophole regarding the labeling requirements. The fact is, the bill requires manufacturers to provide all necessary labeling information, and gives the FDA very broad power to write any other rules necessary to accomplish the intent of the provision. How much stronger can we get than that.

Critics have claimed that the bill unfairly restricts the countries from which these products may come. The fact is that the bill lists 23 countries to start the process, and lets the FDA expand the list at any time.

Critics have complained that this bill will expire after about 7 years.

The fact is that this is a vast improvement over the House-passed version which would have expired after only one year. As we all know, major legislation is frequently required to be reauthorized on 5 year cycles in order to force Congress to make improvements, and popular laws always survive this process.

This bill, like any other, is not perfect. But critics are wrong to suggest that it is weaker than the original Jeffords amendment. I ought to know. And so should John Rector, senior vice president for the National Community Pharmacists Association who has been a leader in the effort to reimport lower cost drugs and whose members would be responsible for making this proposal work.

Mr. Rector recently took the position that the bill, ''will result in the importation of far less expensive drugs.''

Might the drug companies try to evade the spirit of this legislation? some probably will. Have we anticipated every action they might take? Of course not.

But I am confident that our proposal will work, and that the process has improved it. That is why the pharmaceutical industry is fighting this tooth and nail—they know it will work. They would like nothing more than to see us defeat this bill. That should tell you something about what they think the effect will be of this provision.

Mr. President, I must say—I am disappointed with how partisan this issue has become, and I am disappointed that the White House has moved the goal posts on this issue. In fact, I'd like to quote from the letter that President Clinton sent to Speaker HASTERT and Majority Leader LOTT less than 3 weeks ago. In that letter, he said ''I support the Medicine Equity and Drug Safety Act of 2000 which the Senate passed'' and ''I urge you to send me the Senate legislation—with full funding.'' Mr. President, that is exactly what we are doing, except that the bill we are sending the President is even stronger than the original language.

But I am glad that the President has said he will sign the bill. I think this is because he knows that, at the end of the day, this provision will work, despite all of the political rhetoric.

I urge my colleagues to support this provision and support this Agriculture appropriations conference report.

I also would like to discuss the chart that is behind me that very succinctly asks and answers questions about the differences between the House amendment, the Senate amendment, and the conference agreement.

I think you will find by just looking at the complete list on the conference agreement, the important improvements that were made as it wondered through the normal legislative process which we all have to follow.

I ask unanimous consent a letter from the White House of September 25 be printed in the RECORD.

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

THE WHITE HOUSE,
Santa Fe, September 25, 2000.

DEAR MR. SPEAKER: (DEAR MR. LEADER:) In your letter, you outlined a number of health care issues that you indicated could be resolved before Congress adjourns. I want to be equally clear about my priorities and hopes for progress this fall. As the days dwindle in this session of Congress, I am seriously concerned about the lack of movement on some of our most important issues. I am, however, encouraged to learn from your letter that the Republican leadership is now committed to providing Americans with access to prescription drugs available at lower cost from other countries.

As you know, our people are growing more and more concerned that the pharmaceutical industry often sells the same drugs for a much higher price in the United States than it does in other countries, even when those drugs are manufactured here at home. This forces some of our most vulnerable citizens, including seniors and people with disabilities, to pay the highest prices for prescription drugs in the world. This is simply unacceptable.

That is why I support the ''Medicine Equity and Drug Safety Act of 2000,'' which the Senate passed by an overwhelming vote of 74 to 21. This important legislation would give Americans access to quality medications at the lower prices paid by citizens in other nations. The Senate bill, sponsored by Senators JEFFORDS, WELLSTONE, DORGAN and others, would allow wholesalers and pharmacists to import FDA-approved prescription drugs and would establish a new safety system intended to track these imports and test them for authenticity and degradation. Before this provision could take effect, the Secretary of Health and Human Services would be required to certify that the regulations would, first, pose no risk to the public health; and, second, significantly decrease prices paid by consumers. With these protections in place and the $23 million necessary to implement them, this legislation would meet the test that we both believe is crucial—preserving the safety of America's drug supply.

Although your letter implies support for legislation similar to the Senate-passed bill, I am concerned by its statement that seniors would ''buy lower-priced drugs in countries like Canada'' [emphasis added]. Of course, few seniors live near the Canadian or Mexican borders and even fewer can afford to cross the border in search of lower-price drugs. Moreover, policies like the House's Coburn amendment would strip the FDA of all of its ability to monitor safety and prevent seniors from buying counterfeit drugs, putting their health in danger and their finances at risk.

I urge you to send me the Senate legislation—with full funding—to let wholesalers and pharmacists bring affordable prescription drugs to the neighborhoods where our seniors live. Though this initiative does not address seniors' most important need—meaningful insurance to cover the costs of expensive medications—it still has real potential to allow consumers to access prescription drug discounts.

I remain concerned that with less than one week left in this fiscal year, Congress has not passed eleven of thirteen appropriations bills; Congress has not raised the minimum wage; and Congress has not passed a strong, enforceable patients' bill of rights. And, according to your letter, the congressional leadership has given up on passing a meaningful, affordable and optional Medicare prescription-drug benefit.

I am extremely disappointed by your determination that it is impossible to pass a voluntary Medicare prescription-drug benefit this year. I simply disagree. There is indeed time to act, and I urge you to use the final weeks of this Congress to get this important work done. It is the only way we can ensure rapid, substantial and much-needed relief from prescription drug costs for all seniors and people with disabilities, including low-income beneficiaries.

On the issue of the Medicare lock-box, I have endorsed the Vice President's initiative, which has been effectively embodied in Senator Conrad's amendment that passed on the Labor-Health and Human Services appropriations bill. I am therefore encouraged by your commitment to passing this legislation; but we must still make all efforts to ensure that the Medicare payroll taxes in the lockbox are used solely for Medicare.

Similarly, I am pleased to learn of your commitment to pass a greatly-needed package of Medicare and Medicaid health care provider payment and beneficiary refinements. As you know, I proposed such refinements in my budget and in my June Mid-Session Review. This includes payment increases for hospitals, home health agencies, nursing homes and other providers as well as access to Medicaid for legal immigrants, certain uninsured women with breast cancer, and children with disabilities; extended Medicare coverage for people with disabilities; an extension of the Balanced Budget Act's diabetes provisions; and full funding for the Ricky Ray Trust Fund.

Again, I am pleased to learn of your commitment to providing Americans with access to high-quality, lower cost prescription drugs from other nations. There is no reason

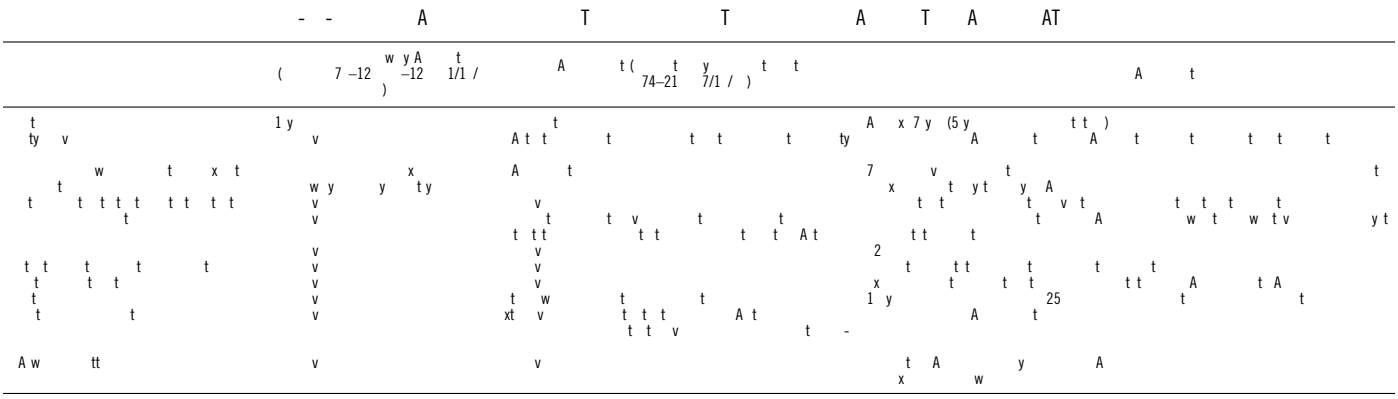
why we cannot work together to pass and enact such legislation immediately. As we do, we should not give up on passing both a workable, affordable and voluntary Medicare prescription-drug benefit for our nation's seniors and a meaningful patients' bill of rights for all Americans. I will do everything in my power to achieve that end, and I look forward to meeting with you on these issues as soon as possible.

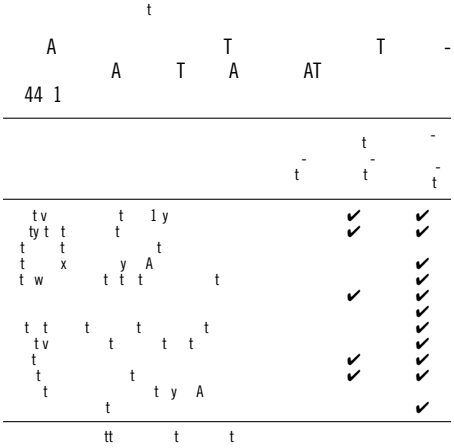
Sincerely,

WILLIAM J. CLINTON.

Mr. JEFFORDS. I ask unanimous consent to have printed a side-by-side comparison, which is the chart I have behind me.

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





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

Mr. GORTON. Mr. President, as expected, Chairman COCHRAN and Senator KOHL have once again crafted an excellent Agriculture Appropriations bill that benefits not only the State of Washington, but natural resource dependent communities and rural economies all across the nation.

For my own State of Washington, this equates to more than $5 million in essential research programs for wheat, apples, asparagus, animal diseases, small fruits, barley and potatoes to name a few. I have long advocated for increased emphasis on agriculture research, noting that projects such as these advance the development of new technology, generate healthy food systems, promote environmentally sound growing practices, and maintain the U.S. dominance in agriculture production.

Also included in the legislation are the indispensable relief funds necessary to ensure the longevity of the once highly profitable and prosperous tree fruit industry in Washington. The $138 million in direct payments to apple producers will provide necessary short-term relief favored by Washington's orchardists.

The cranberry industry, lesser known to most but still one of the hardest hit in the agriculture economy, will also benefit from $50 million in relief.

In response to the other natural disasters that have plagued our nation, $3.4 billion in emergency spending is included for farmers and rural areas that have already experienced continued low farm commodity prices.

While the core issues in the bill are of great significance, there are two other issues in the conference report I wish to highlight. Both the sanctions relief and drug re-importation provisions deserve the Senate's support.

With respect to sanctions relief, I believe few members of Congress would argue that food and medicine sanctions fail to cripple regimes or handicap the ability of dictators to simply find these goods elsewhere. What sanctions on food and medicine do promote are uncompensated losses to America's farmers and poor health in sanctioned countries.

For more than a year-and-a-half, many members of this body have fought to right this situation and remove these onerous barriers. Obviously our efforts to provide a comprehensive package of sanctions reform has been met with determined resistance.

With that said, however, the compromise my friend and colleague from Washington, Mr. Nethercutt, brokered to the best of his ability, without ever losing sight of the common goal of sanctions relief, and to the severe chagrin of several influential members, was agreed to by the Agriculture Appropriations conference committee, of which I was a member.

While some will argue that this compromise is not comprehensive enough and does not perfectly mirror the language of the original Senate bill, this language is unquestionably significant. What the language does include is sanctions relief for exports to Cuba, Iran, Sudan, North Korea, and Libya. If my colleagues believe this major shift in policy does not make a positive statement regarding Congress' intent to provide sanctions reform, I think they are sadly mistaken.

Perhaps even more pivotal, this language prohibits the Administration from imposing any new unilateral food or medicine sanctions without the consent of Congress. What with the Administration considering wheat sanctions on Japan for that country's whaling practices, I hope this change in policy will be supported by agriculture advocates. This is another significant goal the sanctions coalition has sought to attain.

I choose not to argue with my colleagues over the merits of the Cuba travel or financing restrictions contained in the bill, but instead choose to remind my colleagues that we have accomplished something great here.

While this compromise does not reflect everything we intended when we sought to achieve our goals, it does contain the core principles necessary in order to ensure unilateral sanctions reform. And I remind my colleagues that it is a compromise.

It's not perfect. It's a starting point, a means by which we test the system. If the changes we have incorporated into this bill aren't workable, then we will work to change them.

No one in this body believes agriculture trade will resurrect with each of these countries overnight. Will Iran announce a wheat tender in the next few months? Few years? We cannot tell. Sanctions reform will take work, and it will take time. But we must begin somewhere and we must begin now rather than later.

I fear some of my colleagues have lost sight of the ultimate goal, and I hope they and the Administration would not seek to undermine the language our agriculture community supports and desires.

As a representative for a Northern border state, I have been privy to issues surrounding drug prices. Everyday Americans pay 50 percent, 60 percent, 70 percent or more for prescription drugs than our neighbors in Canada, in Mexico and for that matter most of the rest of the world. Who does

this affect most? Those who take the most prescription drugs—typically seniors, and those without any kind of prescription drug coverage from their insurance. But all Americans pay more whether through higher prices at the drugstore counter or higher insurance premiums.

Why does this problem exist? American pharmaceutical companies sell the exact same prescription drugs overseas, drugs developed and manufactured here in the U.S., for a fraction of the price they demand from American citizens. Other countries have implemented price control policies that successfully tempt manufacturers to discriminate against American consumers with higher drug prices. Our drug companies agree because the costs of manufacturing are nominal, and they can make some profit overseas by simply charging Americans all of the high costs of research and development.

This bill takes a first step towards solving this problem. It allows wholesalers and pharmacists to go to Canada and other countries where prescription drugs are sold at deep discounts and bring the same FDA-approved, FDA-manufactured products back to the U.S. in order to pass the discounts on to American consumers.

It is important to note that safety is a priority in this bill. Only products that have been determined to be safe and effective can be brought into the United Sates. The importer is required to test for authenticity and degradation. And importers can only bring in these products from countries that the Secretary of HHS has determined have an appropriate regulatory infrastructure to ensure the safety of prescription drugs.

This provision should give our American families access to lower cost prescription drugs that are safe and effective.

Is it perfect? Probably not. But, I hope it will work and I hope it results in lower prices for consumers in the U.S. and eventually puts pressure on drug companies to end price discrimination in the U.S. Critics say the bill has loopholes and drug companies will find a way around it. Let me be clear—if they do I will be back to make sure this provision is even stronger. I hope that is not necessary, that drug companies will simply end the current discrimination against Americans by charging fair prices here in the United States.

This is not my favorite idea for dealing with price discrimination. It is a much more complicated solution than I would prefer.

My idea is straightforward and based on a law that has applied to every product sale in the U.S. since 1935—the Robinson-Patman Act. This law simply says that manufacturers can't use price to discriminate among buyers. If that principle is applied to prescription drug sales overseas—drug companies would no longer be allowed to discriminate against their best customers—American families.

But this bill is something that can be done this year to lower prices for American consumers. I believe it represents a genuine step forward to lower prescription drug costs for all Americans.

With all that said, the bill before the Senate not only represents a response to the core needs of agriculture, but signifies a profound shift in sanctions reform, and puts the drug companies on notice. While I have indicated that neither proposal represents perfection, what each does signify is the goal of Congress to address issues vital to those we represent. I sincerely hope my colleagues will work to pass this bill without hesitation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, we do have a number of items that have been cleared for consideration, including in this package a series of energy bills that Senator DASCHLE and I talked about yesterday on the floor. There are a number of Senators who have been involved in this effort. I thank them all. This is important legislation.

We do have a number of other unanimous consent requests we will need to go through. It will take a few minutes. There are a lot of very important issues here. Most of them have been cleared on both sides. There may be a couple here that there will be objections to, but there is a necessity to make that request.

UNANIMOUS CONSENT REQUEST—H.R. 4292

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4292, the Born Alive Infant Protection Act of 2000.

Mr. LOTT. I further ask consent that 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. Is there objection?

Mr. CONRAD. There are Members on our side who would like to offer amendments, and on their behalf I am constrained to object at this point.

The PRESIDING OFFICER. The objection is heard.

UNANIMOUS CONSENT REQUEST—H.R. 4201

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 779, H.R. 4201, the Noncommercial Broadcasting Freedom of Expression bill, and I further ask consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Again, there are Members on this side who would like to offer amendments to that legislation, and on their behalf I am constrained to object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. On this bill, Mr. President, we will continue working to see if we can come to some sort of agreement on how it might be considered. I have a special interest in this one because a former staff member of mine—now an outstanding Member of the House of Representatives—Congressman CHARLES ''CHIP'' PICKERING of Laurel, has been working on this and got it passed through the House. I will continue to see if we can find some way to get it passed before we leave.

CALENDAR

Mr. LOTT. Mr. President, with regard to the energy bills and water-related package, I ask unanimous consent that the Senate proceed en bloc to the following bills reported by the Energy Committee: Calendar No. 710, S. 2425; Calendar No. 774, H.R. 2348; Calendar No. 776, H.R. 3468; Calendar No. 849, S. 2594; Calendar No. 853, S. 2951; Calendar No. 856, H.R. 3236; Calendar No. 857, H.R. 3577; Calendar No. 882, S. 1848; Calendar No. 883, S. 2195; Calendar No. 884, S. 2301; Calendar No. 900, S. 2877; Calendar No. 929, S. 3022; Calendar No. 935, S. 1697; and Calendar No. 938, S. 2882.

I further ask unanimous consent that the committee amendments be agreed to, the bills be read the third time and passed, any amendments to the title be agreed to as necessary, the motion to reconsider be laid upon the table, and statements relating to any of these measures be printed in the RECORD, and all proceedings occur en bloc.

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

BEND FEED CANAL PIPELINE PROJECT ACT OF 2000

The Senate proceeded to consider the bill (S. 2425) to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(Omit the part in boldface brackets.)

S. 2425

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 ''Bend Feed Canal Pipeline Project Act of 2000''.

SEC. 2. FEDERAL PARTICIPATION.

(a) The Secretary of the Interior, in cooperation with the Tumalo Irrigation District (referred to in this section as the ''District''), is authorized to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

(b) The Federal share of the costs of the project shall not exceed 50 per centum of the total, and shall be non-reimbursable. The District shall receive credit from the Secretary toward the District's share of the project for any funds the District has provided toward the design, planning or construction prior to the enactment of this Act.

(c) Funds received under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

(d) Title to facilities constructed under this Act will be held by the District.

(e) Operations and maintenance of the facilities will be the responsibility of the District.

(f) There are authorized to be appropriated $2.5 million for the Federal share of the activities authorized under this Act.

[(g) The Bureau of Reclamation shall not charge the District more than one percent of the project cost for carrying out administrative or oversight activities under this Act.]

The committee amendment was agreed to.

The bill (S. 2425), as amended, was read the third time, and passed, as follows:

S. 2425

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 ''Bend Feed Canal Pipeline Project Act of 2000''.

SEC. 2. FEDERAL PARTICIPATION.

(a) The Secretary of the Interior, in cooperation with the Tumalo Irrigation District (referred to in this section as the ''District''), is authorized to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

(b) The Federal share of the costs of the project shall not exceed 50 per centum of the total, and shall be non-reimbursable. The District shall receive credit from the Secretary toward the District's share of the project for any funds the District has provided toward the design, planning or construction prior to the enactment of this Act.

(c) Funds received under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

(d) Title to facilities constructed under this Act will be held by the District.

(e) Operations and maintenance of the facilities will be the responsibility of the District.

(f) There are authorized to be appropriated $2,500,000 for the Federal share of the activities authorized under this Act.

COST SHARING FOR THE ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS FOR THE UPPER COLORADO AND SAN JUAN RIVER BASINS

The bill (H.R. 2348) to authorize the Bureau of Reclamation to provide cost sharing for endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins, was considered, ordered to a third reading, read the third time, and passed.

DUSCHENE CITY WATER RIGHTS CONVEYANCE ACT

The bill (H.R. 3468) to direct the Secretary of the Interior to convey certain water rights to Duschene City, Utah, was considered, ordered to a third reading, read the third time, and passed.

MANCOS WATER CONSERVANCY DISTRICT

The Senate proceeded to consider a bill (S. 2594) to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

[Omit the part in bold face brackets.]

S. 2594

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

SECTION 1. CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO.

(a) SALE OF EXCESS WATER.—

(1) IN GENERAL.—In carrying out the Act of August 11, 1939 (commonly known as the ''Water Conservation and Utilization Act'') (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the ''project''), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE.—A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS.—In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES.—The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED.—Nothing in this Act enlarges or attempts to enlarge the right of the United States, under existing law, to control any water in any State.

[(c) FUNDS RECEIVED AVAILABLE FOR OPERATION AND MAINTENANCE.—

[(1) IN GENERAL.—Any funds received by the United States under a contract under subsection (a) shall be available for expenditure for operation and maintenance of the project without further Act of appropriation.

[(2) REVENUE.—Any amount of funds received by the United States under a contract under subsection (a) that is in excess of the amount of funds needed for operation and maintenance of the project shall be applied against the repayment contract of the project.]

The committee amendment was agreed to.

The bill (S. 2594), as amended, was read the third time, and passed, as follows:

S. 2594

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

SECTION 1. CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO.

(a) SALE OF EXCESS WATER.—

(1) IN GENERAL.—In carrying out the Act of August 11, 1939 (commonly known as the ''Water Conservation and Utilization Act'') (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the ''project''), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE.—A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS.—In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES.—The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED.—Nothing in this Act enlarges or attempts to enlarge the right of the United States, under existing law, to control any water in any State.

SALMON CREEK WATERSHED OF THE UPPER COLUMBIA RIVER STUDY

The Senate proceeded to consider the bill (S. 2951) to authorize the Secretary

of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River, which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

(Omit the part in boldface brackets and insert the part printed in italic.)

S. 2951

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

SECTION 1. SALMON CREEK WATERSHED, WASHINGTON, WATER MANAGEMENT STUDY.

(a) IN GENERAL.—**[**The Commissioner of Reclamation**]** *The Secretary of the Interior* may conduct a study to investigate the opportunities to better manage the water resources in the Salmon Creek Watershed, a tributary to the Upper Columbia River system, Okanagoan County, Washington, so as to restore and enhance fishery resources (especially the endangered Upper Columbia Spring Chinook and Steelhead), while maintaining or improving the availability of water supplies for irrigation practices vital to the economic well-being of the county.

(b) PURPOSE.—The purpose of the study under subsection (a) shall be to derive the benefits of and further the objectives of the comprehensive, independent study commissioned by the Confederated Tribes of the Colville Reservation and the Okanagoan Irrigation District, which provides a credible basis for pursuing a course of action to simultaneously achieve fish restoration and improved irrigation conservation and efficiency.

(c) COST SHARE.—The Federal government's cost share for the feasibility study shall not exceed 50 percent.

Amend the title to read as follows: ''To authorize the Secretary of the Interior to conduct a study to investigate opportunties to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.''.

The committee amendment was agreed to.

The bill (S. 2951), as amended, was read the third time, and passed, as follows:

S. 2951

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

SECTION 1. SALMON CREEK WATERSHED, WASHINGTON, WATER MANAGEMENT STUDY.

(a) IN GENERAL.—The Secretary of the Interior may conduct a study to investigate the opportunities to better manage the water resources in the Salmon Creek Watershed, a tributary to the Upper Columbia River system, Okanagoan County, Washington, so as to restore and enhance fishery resources (especially the endangered Upper Columbia Spring Chinook and Steelhead), while maintaining or improving the availability of water supplies for irrigation practices vital to the economic well-being of the county.

(b) PURPOSE.—The purpose of the study under subsection (a) shall be to derive the benefits of and further the objectives of the comprehensive, independent study commissioned by the Confederated Tribes of the Colville Reservation and the Okanagoan Irrigation District, which provides a credible basis for pursuing a course of action to simultaneously achieve fish restoration and improved irrigation conservation and efficiency.

(c) COST SHARE.—The Federal Government's cost share for the feasibility study shall not exceed 50 percent.

WEBER BASIN WATER CONSERVANCY DISTRICT, UTAH CONTRACTS

The bill (H.R. 3236) to authorize the Secretary of the Interior to enter into contracts with the Weber Basin water Conservancy District, Utah, to use Weber Basin Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, was considered, ordered to a third reading, read the third time, and passed.

INCREASED AUTHORIZATION FOR MINIDOKA PROJECT, IDAHO

The bill (H.R. 3577) to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho, was considered, ordered to a third reading, read the third time, and passed.

RECLAMATION WASTEWATER AND GROUND WATER STUDY AND FACILITIES AMENDMENTS ACT

The Senate proceeded to consider a bill (S. 1848) to amend the Reclamation Wastewater and Ground water study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. DENVER WATER REUSE PROJECT.

(a) AUTHORIZATION.—The Secretary of the Interior, in cooperation with the appropriate State and local authorities, may participate in the design, planning, and construction of the Denver Water Reuse Project (''Project'') to reclaim and reuse water in the service area of the Denver Water Department of the city and county of Denver, Colorado.

(b) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the Project.

(d) FUNDING.—Funds appropriated pursuant to section 1615 of the Reclamation Wastewater and Groundwater Study and Facilities Act may be used for the Project.

SEC. 2. RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.

Design, planning, and construction of the Project authorized by the Act shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1848), as amended, was read the third time, and passed.

The title was amended so as to read: ''A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Ground Water Study and Facilities Act to participate in the design, planning, and construction of the Denver Water Reuse project.''

TRUCKEE WATERSHED RECLAMATION PROJECT

The Senate proceeded to consider a bill (S. 2195) to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. TRUCKEE WATERSHED RECLAMATION PROJECT.

(a) AUTHORIZATION.—The Secretary of the Interior, in cooperation with Washoe County, Nevada, may participate in the design, planning, and construction of, the Truckee watershed reclamation project, consisting of the North Valley Reuse Project and the Spanish Springs Valley Septic Conversion Project (''Project''), to reclaim and reuse wastewater (including degraded ground water) within and without the service area of Washoe County, Nevada.

(b) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(d) FUNDING.—Funds appropriated pursuant to section 1615 of the Reclamation Wastewater and Groundwater Study and Facilities Act may be used for the Project (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

SEC. 2. RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT

Design, planning, and construction of the Project shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2195), as amended, was read the third time, and passed.

The title was amended so as to read: ''A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Ground Water Study and Facilities Act to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water.''

RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT AMENDMENTS

The Senate proceeded to consider a bill (S. 2301) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in

the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. LAKEHAVEN WATER RECLAMATION PROJECT.

(a) AUTHORIZATION.—The Secretary of the Interior, in cooperation with the Lakehaven Utility District, Washington, may participate in the design, planning, and construction of, and land acquisition for, the Lakehaven water reclamation project (''Project''), Washington, to reclaim and reuse wastewater (including degraded groundwater) within and outside the service area of the Lakehaven Utility District.

(b) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the Project.

(d) FUNDING.—Funds appropriated pursuant to section 1615 of the Reclamation Wastewater and Groundwater Study and Facilities Act may be used for the Project (106 Stat. 4663–4669, 43 U.S.C. 380h et seq.), as amended.

SEC. 2. RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.

Design, planning, and construction of the Project shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

The committee amendment in the nature of a substitute was agreed to. The bill (S. 2301), as amended, was read the third time, and passed.

The title was amended so as to read: ''A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Ground Water Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water.''

BURNT, MALHEUR, OWYHEE, AND POWDER RIVER BASIN WATER OPTIMIZATION FEASIBILITY STUDY ACT OF 2000

The Senate proceeded to consider a bill (S. 2877) to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

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

S. 2877

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 ''Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2000''.

SEC. 2. STUDY.

The Secretary of the Interior may conduct [a feasibility study] *feasibility studies* on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment was agreed to.

The bill (S. 2877), as amended, was read the third time and passed, as follows:

S. 2877

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 ''Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2000''.

SEC. 2. STUDY.

The Secretary of the Interior may conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The title was amended so as to read: ''A bill to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.''

NAMPA AND MERIDIAN CONVEYANCE ACT

The Senate proceeded to consider a bill (S. 3022) to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nampa and Meridian Conveyance Act''.

SEC. 2. CONVEYANCE OF FACILITIES.

The Secretary of the Interior (in this Act referred to as the ''Secretary'') shall, as soon as practicable after the date of enactment of this Act, convey facilities to the Nampa and Meridian Irrigation District (in this Act referred to as the ''District'') in accordance with all applicable laws and pursuant to the terms of the Memorandum of Agreement (contract No. 1425–99MA102500, dated 7 July 1999) between the Secretary and the District. The conveyance of facilities shall include all right, title, and interest of the United States in and to any portion of the canals, laterals, drains, and any other portion of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District.

SEC. 3. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

SEC. 4. EXISTING RIGHTS NOT AFFECTED.

Nothing in this Act affects the rights of any person except as provided in this Act. No water rights shall be transferred, modified, or otherwise affected by the conveyance of facilities and interests to the Nampa and Meridian Irrigation District under this Act. Such conveyance shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3022), as amended, was read the third time and passed.

RECLAMATION REFORM ACT OF 2000

The Senate proceeded to consider a bill (S. 1697) to authorize the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This title may be cited as the ''Reclamation Reform Refund Act of 2000''.

SEC. 2. REFUND OF CERTAIN AMOUNTS RECEIVED UNDER RECLAMATION REFORM ACT OF 1982.

(a) REFUND REQUIRED.—Subject to the availability of appropriations, the Secretary of the Interior is authorized and directed to refund fully amounts received by the United States as payments for charges assessed by the Secretary before January 1, 1994, for failure to file or properly file certain certification or reporting forms pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ff, 390ww(c)) prior to the receipt of irrigation water. Such refunds shall be made regardless of whether such payments were required by the United States, were made pursuant to a compromise or settlement (whether court approved or otherwise), or were otherwise received by the United States. Any refund issued pursuant to this subsection shall include the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of that Act (43 U.S.C. 390ww(i)).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as necessary.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1697), as amended, was read the third time and passed.

KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 938, S. 2882.

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

The legislative clerk read as follows:

A bill (S. 2882) to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

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

had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Klamath Basin Water Supply Enhancement Act of 2000''.

SEC. 2. AUTHORIZATION TO CONDUCT FEASIBILITY STUDIES.

In order to help meet the growing water needs in the Klamath River basin, to improve water quality, to facilitate the efforts of the State of Oregon to resolve water rights claims in the Upper Klamath River Basin including facilitation of Klamath tribal water rights claims, and to reduce conflicts over water between the Upper and Lower Klamath Basins, the Secretary of the Interior (hereafter referred to as the ''Secretary'') is authorized and directed, in consultation with affected state, local and tribal interests, stakeholder groups and the interested public, to engage in feasibility studies of the following proposals related to the Upper Klamath Basin and the Klamath Project, a federal reclamation project in Oregon and California:

(1) Increasing the storage capacity, and/or the yield of the Klamath Project facilities while improving water quality, consistent with the protection of fish and wildlife.

(2) The potential for development of additional Klamath Basin groundwater supplies to improve water quantity and quality, including the effect of such groundwater development on non-project lands, groundwater and surface water supplies, and fish and wildlife.

(3) The potential for further innovations in the use of existing water resources, or market-based approaches, in order to meet growing water needs consistent with state water law.

SEC. 3. ADDITIONAL STUDIES.

(a) NON-PROJECT LANDS.—The Secretary may enter into an agreement with the Oregon Department of Water Resources to fund studies relating to the water supply needs of non-project lands in the Upper Klamath Basin.

(b) SURVEYS.—To further the purposes of this Act, the Secretary is authorized to compile information on native fish species in the Upper Klamath River Basin, upstream of Upper Klamath Lake. Wherever possible, the Secretary should use data already developed by Federal agencies and other stakeholders in the Basin.

(c) HYDROLOGIC STUDIES.—The Secretary is directed to complete ongoing hydrologic surveys in the Klamath River Basin currently being conducted by the U.S. Geological Survey.

(d) REPORTING REQUIREMENTS.—The Secretary shall submit the findings of the studies conducted under section 2 and Section 3(a) of this Act to the Congress within 90 days of each study's completion, together with any recommendations for projects.

SEC. 4. LIMITATION.

Activities funded under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

SEC. 5. WATER RIGHTS.

Nothing in this Act shall be construed to—

(1) create, by implication or otherwise, any reserved water right or other right to the use of water;

(2) invalidate, preempt, or create any exception to State water law or an interstate compact governing water;

(3) alter the rights of any State to any appropriated share of the waters of any body or surface or groundwater, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(4) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(5) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any groundwater resources.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized such sums as necessary to carry out the purposes of this Act. Activities conducted under this Act shall be non-reimbursable and nonreturnable.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2882), as amended, was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—S. 623 AND S. 1474

Mr. LOTT. I ask unanimous consent the Senate proceed to the consideration en bloc of Calendar No. 359, S. 623, and Calendar No. 709, S. 1474. I further ask unanimous consent amendment No. 4317 to S. 623 and amendment No. 4318 to S. 1474 be agreed to, the committee amendments be agreed to, the bills be read the third time and passed, with the motion to reconsider laid upon the table, and any statements be printed in the RECORD.

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

DAKOTA WATER RESOURCES ACT OF 1999

The Senate proceeded to consider the bill (S. 623) to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 623

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 ''Dakota Water Resources Act of 1999''.

SEC. 2. PURPOSES AND AUTHORIZATION.

Section 1 of Public Law 89–108 (79 Stat. 433; 100 Stat. 418) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''of'' and inserting ''within'';

(B) in paragraph (5), by striking ''more timely'' and inserting ''appropriate''; and

(C) in paragraph (7), by striking ''federally-assisted water resource development project providing irrigation for 130,940 acres of land'' and inserting ''multipurpose federally assisted water resource project providing irrigation, municipal, rural, and industrial water systems, fish, wildlife, and other natural resource conservation and development, recreation, flood control, ground water recharge, and augmented stream flows'';

(2) in subsection (b)—

(A) by inserting '', jointly with the State of North Dakota,'' after ''construct'';

(B) by striking ''the irrigation of 130,940 acres'' and inserting ''irrigation'';

(C) by striking ''fish and wildlife conservation'' and inserting ''fish, wildlife, and other natural resource conservation'';

(D) by inserting ''augmented stream flows, ground water recharge,'' after ''flood control,''; and

(E) by inserting ''(as modified by the Dakota Water Resources Act of 1999)'' before the period at the end;

(3) in subsection (e), by striking ''terminated'' and all that follows and inserting ''terminated.''; and

(4) by striking subsections (f) and (g) and inserting the following:

''(f) COSTS.—

''(1) ESTIMATE.—The Secretary shall estimate—

''(A) the actual construction costs of the facilities (including mitigation facilities) in existence as of the date of enactment of the Dakota Water Resources Act of 1999; and

''(B) the annual operation, maintenance, and replacement costs associated with the used and unused capacity of the features in existence as of that date.

''(2) REPAYMENT CONTRACT.—An appropriate repayment contract shall be negotiated that provides for the making of a payment for each payment period in an amount that is commensurate with the percentage of the total capacity of the project that is in actual use during the payment period.

[''(3) OPERATION AND MAINTENANCE COSTS.—The Secretary shall be responsible for the costs of operation and maintenance of the proportionate share attributable to the capacity of the facilities (including mitigation facilities) that remain unused.**]**

''(3) OPERATION AND MAINTENANCE COSTS.—Except as otherwise provided in this Act or Reclamation Law—

''(A) The Secretary shall be responsible for the costs of operation and maintenance of the proportionate share of unit facilities in existence on the date of enactment of the Dakota Water Resources Act of 1999 attributable to the capacity of the facilities (including mitigation facilities) that remain unused;

''(B) The State of North Dakota shall be responsible for costs of operation and maintenance of the proportionate share of existing unit facilities that are used and shall be responsible for the full costs of operation and maintenance of any facility constructed after the date of enactment of the Dakota Water Resources Act of 1999; and

''(C) The State of North Dakota shall be responsible for the costs of providing energy to authorized unit facilities.

''(g) AGREEMENT BETWEEN THE SECRETARY AND THE STATE.—The Secretary shall enter into 1 or more agreements with the State of North Dakota to carry out this Act, including operation and maintenance of the completed unit facilities and the design and construction of authorized new unit facilities by the State.

''(h) BOUNDARY WATERS TREATY OF 1909.—

[''(1) DELIVERY OF WATER INTO THE HUDSON BAY BASIN.—Water systems constructed under this Act may deliver Missouri River water into the Hudson Bay basin only after the Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, determines that adequate treatment has been provided to meet the requirements of the Treaty Between the United States and Great Britain relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the 'Boundary Waters Treaty of 1909').**]**

''(1) DELIVERY OF WATER INTO THE HUDSON BAY BASIN.—Prior to construction of any water

systems authorized under this Act to deliver Missouri River water into the Hudson Bay basin, the Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, must determine that adequate treatment can be provided to meet the requirements of the Treaty between the United States and Great Britain relating to Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (26 Stat. 2448; TS 548) (commonly known as the Boundary Waters Treaty of 1909).

''(2) COSTS.—All costs of construction, operation, maintenance, and replacement of water treatment and related facilities authorized by this Act and attributable to meeting the requirements of the treaty referred to in paragraph (1) shall be nonreimbursable.''.

SEC. 3. FISH AND WILDLIFE.

Section 2 of Public Law 89–108 (79 Stat. 433; 100 Stat. 419) is amended—

(1) by striking subsections (b), (c), and (d) and inserting the following:

''(b) FISH AND WILDLIFE COSTS.—All fish and wildlife enhancement costs incurred in connection with waterfowl refuges, waterfowl production areas, and wildlife conservation areas proposed for Federal or State administration shall be nonreimbursable.

''(c) RECREATION AREAS.—

''(1) COSTS.—If non-Federal public bodies continue to agree to administer land and water areas approved for recreation and agree to bear not less than 50 percent of the separable costs of the unit allocated to recreation and attributable to those areas and all the costs of operation, maintenance, and replacement incurred in connection therewith, the remainder of the separable capital costs so allocated and attributed shall be nonreimbursable.

''(2) APPROVAL.—The recreation areas shall be approved by the Secretary in consultation and coordination with the State of North Dakota.

''(d) NON-FEDERAL SHARE.—The non-Federal share of the separable capital costs of the unit allocated to recreation shall be borne by non-Federal interests, using the following methods, as the Secretary may determine to be appropriate:

''(1) Services in kind.

''(2) Payment, or provision of lands, interests therein, or facilities for the unit.

''(3) Repayment, with interest, within 50 years of first use of unit recreation facilities.'';

(2) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting ''(1)'' after ''(e)'';

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) in the first sentence—

(I) by striking ''within ten years after initial unit operation to administer for recreation and fish and wildlife enhancement'' and inserting ''to administer for recreation''; and

(II) by striking ''which are not included within Federal waterfowl refuges and waterfowl production areas''; and

(ii) in the second sentence, by striking ''or fish and wildlife enhancement''; and

(D) in the first sentence of paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking '', within ten years after initial operation of the unit,''; and

(ii) by striking ''paragraph (1) of this subsection'' and inserting ''paragraph (2)'';

(3) in subsection (f), by striking ''and fish and wildlife enhancement''; and

(4) in subsection (j)—

(A) in paragraph (1), by striking ''prior to the completion of construction of Lonetree Dam and Reservoir''; and

(B) by adding at the end the following:

''(4) TAAYER RESERVOIR.—Taayer Reservoir is deauthorized as a project feature. The Secretary, acting through the Commissioner of Reclamation, shall acquire (including acquisition through donation or exchange) up to 5,000 acres in the Kraft and Pickell Slough areas and to manage the area as a component of the National Wildlife Refuge System giving consideration to the unique wildlife values of the area. In acquiring the lands which comprise the Kraft and Pickell Slough complex, the Secretary shall acquire wetlands in the immediate vicinity which may be hydrologically related and nearby uplands as may be necessary to provide for proper management of the complex. The Secretary shall provide for appropriate visitor access and control at the refuge.

''(5) DEAUTHORIZATION OF LONETREE DAM AND RESERVOIR.—The Lonetree Dam and Reservoir is deauthorized, and the Secretary shall designate the lands acquired for the former reservoir site as a wildlife conservation area. The Secretary shall enter into an agreement with the State of North Dakota providing for the operation and maintenance of the wildlife conservation area as an enhancement feature, the costs of which shall be paid by the Secretary. If the features selected under section 8 include a buried pipeline and appurtenances between the McClusky Canal and New Rockford Canal, the use of the wildlife conservation area and Sheyenne Lake National Wildlife Refuge for such route is hereby authorized.''.

SEC. 4. INTEREST CALCULATION.

Section 4 of Public Law 89–108 (100 Stat. 435) is amended by adding at the end the following: ''Interest during construction shall be calculated only until such date as the Secretary declares any particular feature to be substantially complete, regardless of whether the feature is placed into service.''.

SEC. 5. IRRIGATION FACILITIES.

Section 5 of Public Law 89–108 (100 Stat. 419) is amended—

(1) by striking ''SEC. 5. (a)(1)'' and all that follows through subsection (c) and inserting the following:

''SEC. 5. IRRIGATION FACILITIES.

''(a) IN GENERAL.—

''(1) AUTHORIZED DEVELOPMENT.—In addition to the 5,000-acre Oakes Test Area in existence on the date of enactment of the Dakota Water Resources Act of 1999, the Secretary may develop irrigation in—

''(A) the Turtle Lake service area (13,700 acres);

''(B) the McClusky Canal service area (10,000 acres); and

''(C) if the investment costs are fully reimbursed without aid to irrigation from the Pick-Sloan Missouri Basin Program, the New Rockford Canal service area (1,200 acres).

''(2) DEVELOPMENT NOT AUTHORIZED.—None of the irrigation authorized by this section may be developed in the Hudson Bay/Devils Lake Basin.

''(3) NO EXCESS DEVELOPMENT.—The Secretary shall not develop irrigation in the service areas described in paragraph (1) in excess of the acreage specified in that paragraph, except that the Secretary shall develop up to 28,000 acres of irrigation in other areas of North Dakota (such as the Elk/Charbonneau, Mon-Dak, Nesson Valley, Horsehead Flats, and Oliver-Mercer areas) that are not located in the Hudson Bay/Devils Lake drainage basin or James River drainage basin.

''(4) PUMPING POWER.—Irrigation development authorized by this section shall be considered authorized units of the Pick-Sloan Missouri Basin Program and eligible to receive project pumping power.

[''(5) PRINCIPLE SUPPLY WORKS.—The Secretary shall complete and maintain the principle supply works as identified in the 1984 Garrison Diversion Unit Commission Final Report dated December 20, 1984 as modified by the Dakota Water Resources Act of 1999.'';**]**

''(5) PRINCIPAL SUPPLY WORKS.—The Secretary shall maintain the Snake Creek Pumping Plant, New Rockford Canal, and McClusky Canal features of the principal supply works. As appropriate, the Secretary shall rehabilitate or complete such features consistent with the purposes of this Act. Subject to the provisions of sections (8)(c) and (8)(d)(1) of this Act, the Secretary shall select a preferred alternative to implement the Dakota Water Resources Act of 1999. In making this section, one of the alternatives the Secretary shall consider is whether to connect the principal supply works in existence on the date of enactment.'';

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively;

(3) in the first sentence of subsection (b) (as redesignated by paragraph (2)), by striking ''(a)(1)'' and inserting ''(a)'';

(4) in the first sentence of subsection (c) (as redesignated by paragraph (2)), by striking ''Lucky Mound (7,700 acres), Upper Six Mile Creek (7,500 acres)'' and inserting ''Lucky Mound (7,700 acres) and Upper Six Mile Creek (7,500 acres), or such other lands at Fort Berthold of equal acreage as may be selected by the tribe and approved by the Secretary,''; and

(5) by adding at the end the following:

''(e) IRRIGATION REPORT TO CONGRESS.—

''(1) IN GENERAL.—The Secretary shall investigate and prepare a detailed report on the undesignated 28,000 acres in subsection (a)(3) as to costs and benefits for any irrigation units to be developed under Reclamation law.

''(2) FINDING.—The report shall include a finding on the *economic,* financial and engineering feasibility of the proposed irrigation unit, but shall be limited to the undesignated 28,000 acres.

''(3) AUTHORIZATION.—If the Secretary finds that the proposed construction is feasible, such irrigation units are authorized without further Act of Congress.

''(4) DOCUMENTATION.—No expenditure for the construction of facilities authorized under this section shall be made until after the Secretary, in cooperation with the State of North Dakota, has prepared the appropriate documentation in accordance with section 1 and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzing the direct and indirect impacts of implementing the report.''.

SEC. 6. POWER.

Section 6 of Public Law 89–108 (79 Stat. 435; 100 Stat. 421) is amended—

(1) in subsection (b)—

(A) by striking ''Notwithstanding the provisions of'' and inserting ''Pursuant to the provisions of''; and

(B) by striking ''revenues,'' and all that follows and inserting ''revenues.''; and

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

''(c) NO INCREASE IN RATES OR AFFECT ON REPAYMENT METHODOLOGY.—In accordance with the last sentence of section 302(a)(3) of the Department of Energy Organization Act (42 U.S.C. 7152(a)(3)), section 1(e) shall not result in any reallocation of project costs and shall not result in increased rates to Pick-Sloan Missouri Basin Program customers. Nothing in the Dakota Water Resources Act of 1999 alters or affects in any way the repayment methodology in effect as of the date of enactment of that Act for other features of the Pick-Sloan Missouri Basin Program.''.

SEC. 7. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

Section 7 of Public Law 89–108 (100 Stat. 422) is amended—

(1) in subsection (a)(3)—

(A) in the second sentence—

(i) by striking ''The non-Federal share'' and inserting ''Unless otherwise provided in this Act, the non-Federal share'';

(ii) by striking ''each water system'' and inserting ''water systems'';

(iii) by inserting after the second sentence the following: ''The State may use the Federal and non-Federal funds to provide grants or loans for municipal, rural, and industrial water systems. The State shall use the proceeds of repaid loans for municipal, rural, and industrial water systems. *Proceeds from loan repayments and any interest thereon shall be treated as Federal funds.''; and*

(iv) by striking the last sentence and inserting the following: ''The Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in the State of North Dakota shall be eligible for funding under the terms of this section. Funding provided under this section for the Red River Valley Water Supply Project shall be in addition to funding for that project under section 10(a)(1)(B). The amount of non-Federal contributions made after May 12, 1986, that exceeds the 25 percent requirement shall be credited to the State for future use in municipal, rural, and industrial projects under this section.''; and

(2) by striking subsections (b), (c), and (d) and inserting the following:

''(b) WATER CONSERVATION PROGRAM.—The State of North Dakota may use funds provided under subsections (a) and (b)(1)(A) of section 10 to develop and implement a water conservation program. The Secretary and the State shall jointly establish water conservation goals to meet the purposes of the State program and to improve the availability of water supplies to meet the purposes of this Act. If the State achieves the established water conservation goals, the non-Federal cost share for future projects under subsection (a)(3) shall be reduced to 24.5 percent.

''(c) NONREIMBURSABILITY OF COSTS.—With respect to the Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in North Dakota, the costs of the features constructed on the Missouri River by the Secretary of the Army before the date of enactment of the Dakota Water Resources Act of 1999 shall be nonreimbursable.

''(d) INDIAN MUNICIPAL RURAL AND INDUSTRIAL WATER SUPPLY.—The Secretary shall construct, operate, and maintain such municipal, rural, and industrial water systems as the Secretary determines to be necessary to meet the economic, public health, and environmental needs of the Fort Berthold, Standing Rock, Turtle Mountain (including the Trenton Indian Service Area), and Fort Totten Indian Reservations and adjacent areas.''.

SEC. 8. SPECIFIC FEATURES.

(a) IN GENERAL.—Public Law 89–108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

''SEC. 8. SPECIFIC FEATURES.

''(a) RED RIVER VALLEY WATER SUPPLY PROJECT.—

''(1) IN GENERAL.—The Secretary shall construct a feature or features to deliver Missouri River water to the Sheyenne River water supply and release facility or such other feature or features as are selected under subsection (d).

''(2) DESIGN AND CONSTRUCTION.—The feature shall be designed and constructed to meet only the water delivery requirements of the irrigation areas, municipal, rural, and industrial water supply needs, ground water recharge, and streamflow augmentation (as described in subsection (b)(2)) authorized by this Act.

''(3) COMMENCEMENT OF CONSTRUCTION.—The Secretary may not commence construction on the feature until a master repayment contract or water service agreement consistent with this Act between the Secretary and the appropriate non-Federal entity has been executed.

''(b) REPORT ON RED RIVER VALLEY WATER NEEDS AND DELIVERY OPTIONS.—

''(1) IN GENERAL.—Pursuant to section 1(g), not later than 90 days after the date of enactment of the Dakota Water Resources Act of 1999, the Secretary and the State of North Dakota shall jointly submit to Congress a report on the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

''(2) NEEDS.—The needs addressed in the report shall include such needs as—

''(A) augmenting streamflows;

''(B) ground water recharge; and

''(C) enhancing—

''(i) municipal, rural, and industrial water supplies;

''(ii) water quality;

''(iii) aquatic environment; and

''(iv) recreation.

''(3) STUDIES.—Existing and ongoing studies by the Bureau of Reclamation on Red River Water Supply needs and options shall be deemed to meet the requirements of this section.

''(c) ENVIRONMENTAL IMPACT STATEMENTS.—

''(1) DRAFT.—

''(A) DEADLINE.—Pursuant to an agreement between the Secretary and the State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 1999, the Secretary and the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including possible alternatives for delivering Missouri River water to the Red River Valley.

''(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 1999, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

''(2) FINAL.—

''(A) DEADLINE.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

''(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete a final environmental impact statement within 1 year of the completion of the draft environmental impact statement, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

''(d) PROCESS FOR SELECTION.—

''(1) IN GENERAL.—After reviewing the final report required by subsection (b)(1) and complying with subsection (c), the Secretary, in consultation and coordination with the State of North Dakota in coordination with affected local communities, shall select 1 or more project features described in subsection (a) that will meet the comprehensive water quality and quantity needs of the Red River Valley.

''(2) AGREEMENTS.—Not later than 180 days after the record of decision has been executed, the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features selected.

''(e) SHEYENNE RIVER WATER SUPPLY AND RELEASE OR ALTERNATE FEATURES.—The Secretary shall construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water or any other amount determined in the reports under this section, for the cities of Fargo and Grand Forks and surrounding communities, or such other feature or features as may be selected under subsection (d).''.

SEC. 9. OAKES TEST AREA TITLE TRANSFER.

Public Law 89–108 (100 Stat. 423) is amended by striking section 9 and inserting the following:

''SEC. 9. OAKES TEST AREA TITLE TRANSFER.

''(a) IN GENERAL.—Not later than 2 years after execution of a record of decision under section 8(d) on whether to use the New Rockford Canal as a means of delivering water to the Red River Basin as described in section 8, the Secretary shall enter into an agreement with the State of North Dakota, or its designee, to convey title and all or any rights, interests, and obligations of the United States in and to the Oakes Test Area as constructed and operated under Public Law 99–294 (100 Stat. 418) under such terms and conditions as the Secretary believes would fully protect the public interest.

''(b) TERMS AND CONDITIONS.—The agreement shall define the terms and conditions of the transfer of the facilities, lands, mineral estate, easements, rights-of-way and water rights including the avoidance of costs that the Federal Government would otherwise incur in the case of a failure to agree under subsection (d).

''(c) COMPLIANCE.—The action of the Secretary under this section shall comply with all applicable requirements of Federal, State, and local law.

''(d) FAILURE TO AGREE.—If an agreement is not reached within the time limit specified in subsection (a), the Secretary shall dispose of the Oakes Test Area facilities under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of Public Law 89–108 (100 Stat. 424; 106 Stat. 4669, [4739)] *4739) is amended—*

(1) in subsection (a)—

(A) by striking ''(a)(1) There are authorized'' and inserting the following:

''(a) WATER DISTRIBUTION FEATURES.—

''(1) IN GENERAL.—

''(A) MAIN STEM SUPPLY WORKS.—There is authorized'';

(B) in paragraph (1)—

(i) in the first sentence, by striking ''$270,395,000 for carrying out the provisions of section 5(a) through 5(c) and section 8(a)(1) of this Act'' and inserting ''$164,000,000 to carry out section 5(a)'';

(ii) by inserting after subparagraph (A) (as designated by clause (i)) the following:

''(B) RED RIVER VALLEY WATER SUPPLY PROJECT.—There is authorized to be appropriated to carry out section 8(a)(1) $200,000,000.''; and

(iii) by striking ''Such sums'' and inserting the following:

''(C) AVAILABILITY.—Such sums''; and

(C) in paragraph (2)—

(i) by striking ''(2) There is'' and inserting the following:

''(2) INDIAN IRRIGATION.—

''(A) IN GENERAL.—There is'';

(ii) by striking ''for carrying out section 5(e) of this Act'' and inserting ''to carry out section 5(c)''; and

(iii) by striking ''Such sums'' and inserting the following:

''(B) AVAILABILITY.—Such sums'';

(2) in subsection (b)—

(A) by striking ''(b)(1) There is'' and inserting the following:

''(b) MUNICIPAL, RURAL, AND INDUSTRIAL WATER SUPPLY.—

''(1) STATEWIDE.—

''(A) INITIAL AMOUNT.—There is'';

(B) in paragraph (1)—

(i) by inserting before ''Such sums'' the following:

''(B) ADDITIONAL AMOUNT.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(a) [$300,000,000.''] *$200,000,000.*''; and

(ii) by striking ''Such sums'' and inserting the following:

''(C) AVAILABILITY.—Such sums''; and

(C) in paragraph (2)—

(i) by striking ''(2) There are authorized to be appropriated $61,000,000'' and all that follows through ''Act.'' and inserting the following:

''(2) INDIAN MUNICIPAL, RURAL, AND INDUSTRIAL AND OTHER DELIVERY FEATURES.—

''(A) INITIAL AMOUNT.—There is authorized to be appropriated—

''(i) to carry out section 8(a)(1), $40,500,000; and

''(ii) to carry out section 7(d), $20,500,000.'';

(ii) by inserting before ''Such sums'' the following:

''(B) ADDITIONAL AMOUNT.—

''(i) IN GENERAL.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(d) $200,000,000.

''(ii) ALLOCATION.—The amount under clause (i) shall be allocated as follows:

''(I) $30,000,000 to the Fort Totten Indian Reservation.

''(II) $70,000,000 to the Fort Berthold Indian Reservation.

''(IV) $80,000,000 to the Standing Rock Indian Reservation.

''(V) $20,000,000 to the Turtle Mountain Indian Reservation.''; and

(ii) by striking ''Such sums'' and inserting the following:

''(C) AVAILABILITY.—Such sums'';

(3) in subsection (c)—

(A) by striking ''(c) There is'' and inserting the following:

''(c) RESOURCES TRUST AND OTHER PROVISIONS.—

''(1) INITIAL AMOUNT.—There is''; and

(B) by striking the second and third sentences and inserting the following:

''(2) ADDITIONAL AMOUNT.—In addition to amount under paragraph (1), there are authorized to be appropriated—

''(A) $6,500,000 to carry out recreational projects; and

''(B) an additional $25,000,000 to carry out section 11;

to remain available until expended.

''(3) RECREATIONAL PROJECTS.—Of the funds authorized under paragraph (2) for recreational projects, up to $1,500,000 may be used to fund a wetland interpretive center in the State of North Dakota.

''(4) OPERATION AND MAINTENANCE.—

''(A) IN GENERAL.— There are authorized to be appropriated such sums as are necessary for operation and maintenance of the unit (including the mitigation and enhancement features).

''(B) AUTHORIZATION LIMITS.—Expenditures for operation and maintenance of features substantially completed and features constructed before the date of enactment of the Dakota Water Resources Act of 1999, including funds expended for such purposes since the date of enactment of Public Law 99–294, shall not be counted against the authorization limits in this section.

''(5) MITIGATION AND ENHANCEMENT LAND.—On or about the date on which the features authorized by section 8(a) are operational, a separate account in the Natural Resources Trust authorized by section 11 shall be established for operation and maintenance of the mitigation and enhancement land associated with the unit.''; and

(4) by striking subsection (e) and inserting the following:

''(e) INDEXING.—The [$300,000,000] *$200,000,000* amount under subsection (b)(1)(B), the $200,000,000 amount under subsection (a)(1)(B), and the funds authorized under subsection (b)(2) shall be indexed as necessary to allow for ordinary fluctuations of construction costs incurred after the date of enactment of the Dakota Water Resources Act of 1999 as indicated by engineering cost indices applicable for the type of construction involved. All other authorized cost ceilings shall remain unchanged.

[''(f) FOUR BEARS BRIDGE.—There is authorized to be appropriated, for demolition of the existing structure and construction of the Four Bears Bridge across Lake Sakakawea within the Fort Berthold Indian Reservation, $40,000,000.''.]

SEC. 11. NATURAL RESOURCES TRUST.

Section 11 of Public Law 89–108 (100 Stat. 424) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) CONTRIBUTION.—

''(1) INITIAL AUTHORIZATION.—

''(A) IN GENERAL.—From the sums appropriated under section 10 for the Garrison Diversion Unit, the Secretary shall make an annual Federal contribution to a Natural Resources Trust established by non-Federal interests in accordance with subsection (b) and operated in accordance with subsection (c).

''(B) AMOUNT.—The total amount of Federal contributions under subparagraph (A) shall not exceed $12,000,000.

''(2) ADDITIONAL AUTHORIZATION.—

''(A) IN GENERAL.—In addition to the amount authorized in paragraph (1), the Secretary shall make annual Federal contributions to the Natural Resources Trust until the amount authorized by section 10(c)(2)(B) is reached, in the manner stated in subparagraph (B).

''(B) ANNUAL AMOUNT.—The amount of the contribution under subparagraph (A) for each fiscal year shall be the amount that is equal to 5 percent of the total amount that is appropriated for the fiscal year under subsections (a)(1)(B) and (b)(1)(B) of section 10.

[''(C) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amount authorized by section 10(c)(2)(B), not more than $10,000,000 shall be made available until the date on which the features authorized by section 8(a) are operational and meet the objectives of section 8(a), as determined by the Secretary and the State of North Dakota.'';]

(2) in subsection (b), by striking ''Wetlands Trust'' and inserting ''Natural Resources Trust''; and

(3) in subsection (c)—

(A) by striking ''Wetland Trust'' and inserting ''Natural Resources Trust'';

(B) by striking ''are met'' and inserting ''is met'';

(C) in paragraph (1), by inserting '', grassland conservation and riparian areas'' after ''habitat''; and

(D) in paragraph (2), by adding at the end the following:

''(C) The power to fund incentives for conservation practices by landowners.''

The committee amendments were agreed to.

The amendment (No. 4317) was agreed to, as follows:

On page 10, beginning on line 14, strike the sentence that begins ''If the features selected under section 8''.

On page 13, line 2, strike the sentence that begins ''As appropriate, the Secretary shall rehabilitate or complete''.

On page 13, line 5, strike ''Sections 8(c) and 8(d)(1)'' and insert ''section 8''.

Beginning on Page 18, strike line 17 and all that follows through Page 23, line 4, and insert the following:

SEC. 8. SPECIFIC FEATURES.

(a) SYKESTON CANAL.—Sykeston Canal is hereby deauthorized.

(b) IN GENERAL.—Public Law 89–108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

''SEC. 8. SPECIFIC FEATURES.

''(a) RED RIVER VALLEY WATER SUPPLY PROTECT.—

''(1) IN GENERAL.—Subject to the requirements of this section, the Secretary shall construct a feature or features to provide water to the Sheyenne River water supply and release facility or such other feature or features as are selected under subsection (d).

''(2) DESIGN AND CONSTRUCTION.—The feature or features shall be designed and constructed to meet only the following water supply requirements as identified in the report prepared pursuant to subsection (b) of this section: municipal, rural, and industrial water supply needs; ground water recharge; and streamflow augmentation.

''(3) COMMENCEMENT OF CONSTRUCTION.—

''(A) If the Secretary selects a project feature under this section that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section, no later than 90 days after the completion of the final environmental impact statement, the Secretary shall transmit to Congress a comprehensive report which provides—

''(i) a detailed description of the proposed project feature;

''(ii) a summary of major issues addressed in the environmental impact statement;

''(iii) likely effects, if any, on other States bordering the Missouri River and on the State of Minnesota; and

''(iv) a description of how the project feature complies with the requirements of section 1(h)(1) of this Act (relating to the Boundary Waters Treaty of 1909).

''(B) No project feature or features that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section shall be constructed unless such feature is specifically authorized by an Act of Congress approved subsequent to the Secretary's transmittal of the report required in paragraph (A). If, after complying with subsections (b) through (d) of this section, the Secretary selects a feature or features using only in-basin sources of water to meet the water needs of the Red River Valley identified in subsection (b), such features are authorized without further

Act of Congress. The Act of Congress referred to in this subparagraph must be an authorization bill, and shall not be a bill making appropriations.

''(C) The Secretary may not commence construction on the feature until a master repayment contract or water service agreement consistent with this Act between the Secretary and the appropriate non-Federal entity has been executed.''

(b) REPORT ON RED RIVER VALLEY WATER NEEDS AND OPTIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a comprehensive study of the water quality and quantity needs of the Red River Valley in North Dakota and possible options for meeting those needs.

(2) NEEDS.—The needs addressed in the report shall include such needs as—

(A) municipal, rural, and industrial water supplies;

(B) water quality;

(C) aquatic environment;

(D) recreation; and

(E) water conservation measures.

(3) PROCESS.—In conducting the study, the Secretary through an open and public process shall solicit input from gubernatorial designees from states that may be affected by possible options to meet such needs as well as designees from other federal agencies with relevant expertise. For any option that includes an out-of-basin solution, the Secretary shall consider the effect of the option on other states that may be affected by such option, as well as other appropriate considerations. Upon completion, a draft of the study shall be provided by the Secretary to such states and federal agencies. Such states and agencies shall be given not less than 120 days to review and comment on the study method, findings and conclusions leading to any alternative that may have an impact on such states or on resources subject to such federal agencies' jurisdiction. The Secretary shall receive and take into consideration any such comments and produce a final report and transmit the final report to Congress.

(4) LIMITATION.—No design or construction of any feature or features that facilitate an out-of-basin transfer from the Missouri River drainage basin shall be authorized under the provisions of this subsection.

(c) ENVIRONMENTAL IMPACT STATEMENT—

(1) IN GENERAL.—Nothing in this section shall be construed to supersede any requirements under the National Environmental Policy Act or the Administrative Procedures Act.

(2) DRAFT.—

(A) DEADLINE.—Pursuant to an agreement between the Secretary and State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary and the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

(3) FINAL.—

(A) DEADLINE.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete a final environmental impact statement within 1 year of the completion of the draft environmental impact statement, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

(d) PROCESS FOR SELECTION.—

(1) IN GENERAL.—After reviewing the final report required by subsection (b)(1) and complying with subsection (c), the Secretary, in consultation and coordination with the State of North Dakota in coordination with affected local communities, shall select 1 or more project features described in subsection (a) that will meet the comprehensive water quality and quantity needs of the Red River Valley. The Secretary's selection of an alternative shall be subject to judicial review.

(2) AGREEMENTS.—If the Secretary selects an option under subparagraph (1) that uses only in-basin sources of water, not later than 180 days after the record of decision has been executed, the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features selected. If the Secretary selects an option under subparagraph (1) that would require a further act of Congress under the provisions of subsection (a), not later than 180 days after the date of enactment of legislation required under subsection (a) the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features authorized by that legislation.

(e) SHEYENNE RIVER WATER SUPPLY AND RELEASE OR ALTERNATE FEATURES.—The Secretary shall construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water or any other amount determined in the reports under this section, for the cities of Fargo and Grand Forks and surrounding communities, or such other feature or features as may be selected under subsection (d).

(f) DEVILS LAKE.—No funds authorized under this Act may be used to carry out the portion of the feasibility study of the Devils Lake basin, North Dakota, authorized under the Energy and Water Development Appropriations Act of 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River drainage basin into Devils Lake, North Dakota.

Make the following technical amendments:

Page 2, line 5, strike ''1999'' and insert ''2000''.

Page 3, line 13, strike ''1999'' and insert ''2000''.

Page 3, line 25, strike ''1999'' and insert ''2000''.

Page 4, line 23, strike ''1999'' and insert ''2000''.

Page 5, line 7, strike ''1999'' and insert ''2000''.

Page 11, line 14, strike ''1999'' and insert ''2000''.

Page 13, line 7, strike ''1999'' and insert ''2000''.

Page 15, line 19, strike ''1999'' and insert ''2000''.

Page 18, line 8, strike ''1999'' and insert ''2000''.

Page 29, line 5, strike ''1999'' and insert ''2000''.

Page 29, line 25, strike ''1999'' and insert ''2000''.

Mr. DORGAN. Mr. President, I am pleased that today the Senate has passed S. 623, the Dakota Water Resources Act. My colleague from North Dakota, Senator KENT CONRAD, and I have worked on this legislation for quite some time. We have worked closely with others who have an interest in this bill and passage of S. 623 today is a result of tireless negotiation between our delegation and the downstream states, especially Missouri and Minnesota. The compromise that the Senate adopted today strikes an important balance between meeting the water needs of North Dakota and protecting the needs of other states.

This bill is essential to meeting the water needs of North Dakota. The bill, as amended, will provide authorization for the development of municipal, rural, and industrial water projects across the State of North Dakota. The bill would also help to meet the water needs of the four Indian Reservations in the state.

The Dakota Water Resources Act authorizes $631.5 million. This includes a $200 million authorization for municipal, rural and industrial water development and another $200 million authorization to meet the critical water needs of the four Indian reservations in the state. The Red River Valley water supply needs will also receive a $200 millions authorization. The bill includes $25 million for a natural resources trust and $6.5 million for recreation projects in North Dakota. Mr. President, the Dakota Water Resources Act represents a responsible way for the federal government to fulfill their role in the state. It also represents a serious compromise on the part of North Dakota, while still meeting our highest priority water supply needs.

The bill clearly lays out the process for meeting the water needs for the Red River Valley in eastern North Dakota. First, the Secretary of the Interior will identify these water needs and evaluate options for meeting them. The Department must submit a report on the needs and suggest possible solutions to the Congress. The Secretary is also required to complete an environmental impact statement, EIS, on the Red River Valley project and select the best option.

In the event that the Secretary of the Interior determines that the best option includes a transfer of Missouri River water to meet the Red River Valley needs, then a further act of Congress authorizing that option must occur before construction of that feature or features could begin. This is a key provision that will allow all of our colleagues downstream to have input on such a proposal. However, if an in-basin source of water is chosen, then no further action is needed from Congress.

This is a good bill that reflects hard work and compromise of many stakeholders all along the Missouri River. I am pleased that we were able to develop a win-win solution, that allows us to move forward in meeting the needs of North Dakotans while protecting the interests of those who are

downstream. I am confident that this bill can be signed into law this year, and look forward to working with our friends in the other body to pass this bill and send it to the President for his signature.

● Mr. WELLSTONE. Mr. President, I rise to speak about S. 623, the Dakota Water Resources Act of 2000, as amended by this critical amendment currently pending before the Senate.

Over the last two years, I have worked to preserve and protect Minnesota's precious water rights and resources, in consultation with a number of my Republican and Democratic colleagues, and to ensure that the concerns expressed about the original bill by those in my state were taken into account as this legislation was developed. While it does not resolve the roughest underlying issues—indeed it does not even attempt to resolve them—I believe this amendment takes into account those concerns, and I appreciate the willingness of my distinguished colleagues from North Dakota to accommodate their neighbors to the east.

It is clear this legislation, as amended by Senators BOND, CONRAD, and DORGAN, is a very different bill than the one which was originally introduced. While I, along with the State of Minnesota, had serious reservations about the original version, in the past year my office has conducted extensive consultations and discussions with Minnesota Department of Natural Resources water officials, who have indicated that the amended version of this legislation—at least the sections which apply to Minnesota interests—is a reasonable measure which meets their concerns. I agree that the key elements of this legislation, in which I have been most interested, will now simply provide for a comprehensive and unbiased review of the water quality and quantity needs of the Red River Valley, and of the environmental implications of any proposed water transfers—either within the basin or on an inter-basin basis—and thus I have not objected, as I did to earlier requests, to bringing it to the Senate floor for consideration. There are other parts of the bill, as amended, which primarily affect existing or planned facilities in North Dakota, which have not raised concerns in my state.

The amended bill does not pose the same concerns about biota transfer, inter-basin transfer, and water quality that I, and the State of Minnesota, had raised in forceful objection to the original legislation. In fact, it explicitly requires prior Congressional action and approval before any inter-basin transfer can be made. Under the bill, only after careful, reasoned study by the Secretary of the Interior—including extensive consultation with all of the interested stakeholders on the water quality and quantity needs of the Red River Valley, the various portions for meeting those needs, and the environmental implications of any further steps to address them—would Congress even consider an inter-basin transfer of water, which I and others would continue to oppose. Let me restate that, because it's important: this legislation would preclude any transfer of water from the Missouri River or its tributaries to the Red River Valley, unless specifically authorized by a future Act of Congress, thus allowing concerns of biota transfer, inter-basin transfers and water quality to be discussed and fairly resolved by all the parties involved beforehand.

As many of my colleagues know, I have long opposed the original version of this legislation. I would continue to oppose any attempts to transfer water into the basin without adequate safeguards—if such safeguards can be devised, which is not at all clear. Many of my original concerns, and those of the state of Minnesota, including especially the Department of Natural Resources, remain about the detrimental environmental effects and potential adverse precedents of an inter-basin transfer. Even so, I recognize the real needs of our neighbors in North Dakota to resolve their continuing water problems, and I believe that the study provided for in this bill may help to further that effort. I believe this legislation represents a reasonable effort to move the process forward, while protecting the rights and resources of those in my state and elsewhere in the Upper Midwest. I commend my colleagues for their hard work and determination over these many years.●

The bill (S. 623), as amended, was read the third time and passed, as follows:

S. 623

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 ''Dakota Water Resources Act of 2000''.

SEC. 2. PURPOSES AND AUTHORIZATION.

Section 1 of Public Law 89–108 (79 Stat. 433; 100 Stat. 418) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''of'' and inserting ''within'';

(B) in paragraph (5), by striking ''more timely'' and inserting ''appropriate''; and

(C) in paragraph (7), by striking ''federally-assisted water resource development project providing irrigation for 130,940 acres of land'' and inserting ''multipurpose federally assisted water resource project providing irrigation, municipal, rural, and industrial water systems, fish, wildlife, and other natural resource conservation and development, recreation, flood control, ground water recharge, and augmented stream flows'';

(2) in subsection (b)—

(A) by inserting '', jointly with the State of North Dakota,'' after ''construct'';

(B) by striking ''the irrigation of 130,940 acres'' and inserting ''irrigation'';

(C) by striking ''fish and wildlife conservation'' and inserting ''fish, wildlife, and other natural resource conservation'';

(D) by inserting ''augmented stream flows, ground water recharge,'' after ''flood control,''; and

(E) by inserting ''(as modified by the Dakota Water Resources Act of 2000)'' before the period at the end;

(3) in subsection (e), by striking ''terminated'' and all that follows and inserting ''terminated.''; and

(4) by striking subsections (f) and (g) and inserting the following:

''(f) COSTS.—

''(1) ESTIMATE.—The Secretary shall estimate—

''(A) the actual construction costs of the facilities (including mitigation facilities) in existence as of the date of enactment of the Dakota Water Resources Act of 2000; and

''(B) the annual operation, maintenance, and replacement costs associated with the used and unused capacity of the features in existence as of that date.

''(2) REPAYMENT CONTRACT.—An appropriate repayment contract shall be negotiated that provides for the making of a payment for each payment period in an amount that is commensurate with the percentage of the total capacity of the project that is in actual use during the payment period.

''(3) OPERATION AND MAINTENANCE COSTS.—Except as otherwise provided in this Act or Reclamation Law—

''(A) The Secretary shall be responsible for the costs of operation and maintenance of the proportionate share of unit facilities in existence on the date of enactment of the Dakota Water Resources Act of 2000 attributable to the capacity of the facilities (including mitigation facilities) that remain unused;

''(B) The State of North Dakota shall be responsible for costs of operation and maintenance of the proportionate share of existing unit facilities that are used and shall be responsible for the full costs of operation and maintenance of any facility constructed after the date of enactment of the Dakota Water Resources Act of 2000; and

''(C) The State of North Dakota shall be responsible for the costs of providing energy to authorized unit facilities.

''(g) AGREEMENT BETWEEN THE SECRETARY AND THE STATE.—The Secretary shall enter into 1 or more agreements with the State of North Dakota to carry out this Act, including operation and maintenance of the completed unit facilities and the design and construction of authorized new unit facilities by the State.

''(h) BOUNDARY WATERS TREATY OF 1909.—

''(1) DELIVERY OF WATER INTO THE HUDSON BAY BASIN.—Prior to construction of any water systems authorized under this Act to deliver Missouri River water into the Hudson Bay basin, the Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, must determine that adequate treatment can be provided to meet the requirements of the Treaty between the United States and Great Britain relating to Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (26 Stat. 2448; TS 548) (commonly known as the Boundary Waters Treaty of 1909).

''(2) COSTS.—All costs of construction, operation, maintenance, and replacement of water treatment and related facilities authorized by this Act and attributable to meeting the requirements of the treaty referred to in paragraph (1) shall be nonreimbursable.''.

SEC. 3. FISH AND WILDLIFE.

Section 2 of Public Law 89–108 (79 Stat. 433; 100 Stat. 419) is amended—

(1) by striking subsections (b), (c), and (d) and inserting the following:

''(b) FISH AND WILDLIFE COSTS.—All fish and wildlife enhancement costs incurred in connection with waterfowl refuges, waterfowl production areas, and wildlife conservation areas proposed for Federal or State administration shall be nonreimbursable.

''(c) RECREATION AREAS.—

''(1) COSTS.—If non-Federal public bodies continue to agree to administer land and water areas approved for recreation and agree to bear not less than 50 percent of the separable costs of the unit allocated to recreation and attributable to those areas and all the costs of operation, maintenance, and replacement incurred in connection therewith, the remainder of the separable capital costs so allocated and attributed shall be nonreimbursable.

''(2) APPROVAL.—The recreation areas shall be approved by the Secretary in consultation and coordination with the State of North Dakota.

''(d) NON-FEDERAL SHARE.—The non-Federal share of the separable capital costs of the unit allocated to recreation shall be borne by non-Federal interests, using the following methods, as the Secretary may determine to be appropriate:

''(1) Services in kind.

''(2) Payment, or provision of lands, interests therein, or facilities for the unit.

''(3) Repayment, with interest, within 50 years of first use of unit recreation facilities.'';

(2) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting ''(1)'' after ''(e)'';

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) in the first sentence—

(I) by striking ''within ten years after initial unit operation to administer for recreation and fish and wildlife enhancement'' and inserting ''to administer for recreation''; and

(II) by striking ''which are not included within Federal waterfowl refuges and waterfowl production areas''; and

(ii) in the second sentence, by striking ''or fish and wildlife enhancement''; and

(D) in the first sentence of paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking '', within ten years after initial operation of the unit,''; and

(ii) by striking ''paragraph (1) of this subsection'' and inserting ''paragraph (2)'';

(3) in subsection (f), by striking ''and fish and wildlife enhancement''; and

(4) in subsection (j)—

(A) in paragraph (1), by striking ''prior to the completion of construction of Lonetree Dam and Reservoir''; and

(B) by adding at the end the following:

''(4) TAAYER RESERVOIR.—Taayer Reservoir is deauthorized as a project feature. The Secretary, acting through the Commissioner of Reclamation, shall acquire (including acquisition through donation or exchange) up to 5,000 acres in the Kraft and Pickell Slough areas and to manage the area as a component of the National Wildlife Refuge System giving consideration to the unique wildlife values of the area. In acquiring the lands which comprise the Kraft and Pickell Slough complex, the Secretary shall acquire wetlands in the immediate vicinity which may be hydrologically related and nearby uplands as may be necessary to provide for proper management of the complex. The Secretary shall provide for appropriate visitor access and control at the refuge.

''(5) DEAUTHORIZATION OF LONETREE DAM AND RESERVOIR.—The Lonetree Dam and Reservoir is deauthorized, and the Secretary shall designate the lands acquired for the former reservoir site as a wildlife conservation area. The Secretary shall enter into an agreement with the State of North Dakota providing for the operation and maintenance of the wildlife conservation area as an enhancement feature, the costs of which shall be paid by the Secretary.''.

SEC. 4. INTEREST CALCULATION.

Section 4 of Public Law 89–108 (100 Stat. 435) is amended by adding at the end the following: ''Interest during construction shall be calculated only until such date as the Secretary declares any particular feature to be substantially complete, regardless of whether the feature is placed into service.''.

SEC. 5. IRRIGATION FACILITIES.

Section 5 of Public Law 89–108 (100 Stat. 419) is amended—

(1) by striking ''SEC. 5. (a)(1)'' and all that follows through subsection (c) and inserting the following:

''SEC. 5. IRRIGATION FACILITIES.

''(a) IN GENERAL.—

''(1) AUTHORIZED DEVELOPMENT.—In addition to the 5,000-acre Oakes Test Area in existence on the date of enactment of the Dakota Water Resources Act of 2000, the Secretary may develop irrigation in—

''(A) the Turtle Lake service area (13,700 acres);

''(B) the McClusky Canal service area (10,000 acres); and

''(C) if the investment costs are fully reimbursed without aid to irrigation from the Pick-Sloan Missouri Basin Program, the New Rockford Canal service area (1,200 acres).

''(2) DEVELOPMENT NOT AUTHORIZED.—None of the irrigation authorized by this section may be developed in the Hudson Bay/Devils Lake Basin.

''(3) NO EXCESS DEVELOPMENT.—The Secretary shall not develop irrigation in the service areas described in paragraph (1) in excess of the acreage specified in that paragraph, except that the Secretary shall develop up to 28,000 acres of irrigation in other areas of North Dakota (such as the Elk/Charbonneau, Mon-Dak, Nesson Valley, Horsehead Flats, and Oliver-Mercer areas) that are not located in the Hudson Bay/Devils Lake drainage basin or James River drainage basin.

''(4) PUMPING POWER.—Irrigation development authorized by this section shall be considered authorized units of the Pick-Sloan Missouri Basin Program and eligible to receive project pumping power.

''(5) PRINCIPAL SUPPLY WORKS.—The Secretary shall maintain the Snake Creek Pumping Plant, New Rockford Canal, and McClusky Canal features of the principal supply works. Subject to the provisions of section (8) of this Act, the Secretary shall select a preferred alternative to implement the Dakota Water Resources Act of 2000. In making this section, one of the alternatives the Secretary shall consider is whether to connect the principal supply works in existence on the date of enactment.'';

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively;

(3) in the first sentence of subsection (b) (as redesignated by paragraph (2)), by striking ''(a)(1)'' and inserting ''(a)'';

(4) in the first sentence of subsection (c) (as redesignated by paragraph (2)), by striking ''Lucky Mound (7,700 acres), Upper Six Mile Creek (7,500 acres)'' and inserting ''Lucky Mound (7,700 acres) and Upper Six Mile Creek (7,500 acres), or such other lands at Fort Berthold of equal acreage as may be selected by the tribe and approved by the Secretary,''; and

(5) by adding at the end the following:

''(e) IRRIGATION REPORT TO CONGRESS.—

''(1) IN GENERAL.—The Secretary shall investigate and prepare a detailed report on the undesignated 28,000 acres in subsection (a)(3) as to costs and benefits for any irrigation units to be developed under Reclamation law.

''(2) FINDING.—The report shall include a finding on the economic, financial and engineering feasibility of the proposed irrigation unit, but shall be limited to the undesignated 28,000 acres.

''(3) AUTHORIZATION.—If the Secretary finds that the proposed construction is feasible, such irrigation units are authorized without further Act of Congress.

''(4) DOCUMENTATION.—No expenditure for the construction of facilities authorized under this section shall be made until after the Secretary, in cooperation with the State of North Dakota, has prepared the appropriate documentation in accordance with section 1 and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzing the direct and indirect impacts of implementing the report.''.

SEC. 6. POWER.

Section 6 of Public Law 89–108 (79 Stat. 435; 100 Stat. 421) is amended—

(1) in subsection (b)—

(A) by striking ''Notwithstanding the provisions of'' and inserting ''Pursuant to the provisions of''; and

(B) by striking ''revenues,'' and all that follows and inserting ''revenues.''; and

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

''(c) NO INCREASE IN RATES OR AFFECT ON REPAYMENT METHODOLOGY.—In accordance with the last sentence of section 302(a)(3) of the Department of Energy Organization Act (42 U.S.C. 7152(a)(3)), section 1(e) shall not result in any reallocation of project costs and shall not result in increased rates to Pick-Sloan Missouri Basin Program customers. Nothing in the Dakota Water Resources Act of 2000 alters or affects in any way the repayment methodology in effect as of the date of enactment of that Act for other features of the Pick-Sloan Missouri Basin Program.''.

SEC. 7. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

Section 7 of Public Law 89–108 (100 Stat. 422) is amended—

(1) in subsection (a)(3)—

(A) in the second sentence—

(i) by striking ''The non-Federal share'' and inserting ''Unless otherwise provided in this Act, the non-Federal share'';

(ii) by striking ''each water system'' and inserting ''water systems'';

(iii) by inserting after the second sentence the following: ''The State may use the Federal and non-Federal funds to provide grants or loans for municipal, rural, and industrial water systems. The State shall use the proceeds of repaid loans for municipal, rural, and industrial water systems. Proceeds from loan repayments and any interest thereon shall be treated as Federal funds.''; and

(iv) by striking the last sentence and inserting the following: ''The Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in the State of North Dakota shall be eligible for funding under the terms of this section. Funding provided under this section for the Red River Valley Water Supply Project shall be in addition to funding for that project under section 10(a)(1)(B). The amount of non-Federal contributions made after May 12, 1986, that exceeds the 25 percent requirement shall be credited to the State for future use in municipal, rural, and industrial projects under this section.''; and

(2) by striking subsections (b), (c), and (d) and inserting the following:

''(b) WATER CONSERVATION PROGRAM.—The State of North Dakota may use funds provided under subsections (a) and (b)(1)(A) of section 10 to develop and implement a water conservation program. The Secretary and the State shall jointly establish water conservation goals to meet the purposes of the

State program and to improve the availability of water supplies to meet the purposes of this Act. If the State achieves the established water conservation goals, the non-Federal cost share for future projects under subsection (a)(3) shall be reduced to 24.5 percent.

''(c) NONREIMBURSABILITY OF COSTS.—With respect to the Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in North Dakota, the costs of the features constructed on the Missouri River by the Secretary of the Army before the date of enactment of the Dakota Water Resources Act of 2000 shall be nonreimbursable.

''(d) INDIAN MUNICIPAL RURAL AND INDUSTRIAL WATER SUPPLY.—The Secretary shall construct, operate, and maintain such municipal, rural, and industrial water systems as the Secretary determines to be necessary to meet the economic, public health, and environmental needs of the Fort Berthold, Standing Rock, Turtle Mountain (including the Trenton Indian Service Area), and Fort Totten Indian Reservations and adjacent areas.''.

SEC. 8. SPECIFIC FEATURES.

(a) SYKESTON CANAL.—Sykeston Canal is hereby deauthorized.

(b) IN GENERAL.—Public Law 89–108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

''SEC. 8. SPECIFIC FEATURES.

''(a) RED RIVER VALLEY WATER SUPPLY PROJECT.—

''(1) IN GENERAL.—Subject to the requirements of this section, the Secretary shall construct a feature or features to provide water to the Sheyenne River water supply and release facility or such other feature or features as are selected under subsection (d).

''(2) DESIGN AND CONSTRUCTION.—The feature or features shall be designed and constructed to meet only the following water supply requirements as identified in the report prepared pursuant to subsection (b) of this section: Municipal, rural, and industrial water supply needs; ground water recharge; and streamflow augmentation.

''(3) COMMENCEMENT OF CONSTRUCTION.—(A) If the Secretary selects a project feature under this section that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section, no later than 90 days after the completion of the final environmental impact statement, the Secretary shall transmit to Congress a comprehensive report which provides—

''(i) a detailed description of the proposed project feature;

''(ii) a summary of major issues addressed in the environmental impact statement;

''(iii) likely effects, if any, on other States bordering the Missouri River and on the State of Minnesota; and

''(iv) a description of how the project feature complies with the requirements of section 1(h)(1) of this Act (relating to the Boundary Waters Treaty of 1909).

''(B) No project feature or features that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section shall be constructed unless such feature is specifically authorized by an Act of Congress approved subsequent to the Secretary's transmittal of the report required in subparagraph (A). If, after complying with subsections (b) through (d) of this section, the Secretary selects a feature or features using only in-basin sources of water to meet the water needs of the Red River Valley identified in subsection (b), such features are authorized without further Act of Congress. The Act of Congress referred to in this subparagraph must be an authorization bill, and shall not be a bill making appropriations.

''(C) The Secretary may not commence construction on the feature until a master repayment contract or water service agreement consistent with this Act between the Secretary and the appropriate non-Federal entity has been executed.

''(b) REPORT ON RED RIVER VALLEY WATER NEEDS AND OPTIONS.—

''(1) IN GENERAL.—The Secretary of the Interior shall conduct a comprehensive study of the water quality and quantity needs of the Red River Valley in North Dakota and possible options for meeting those needs.

''(2) NEEDS.—The needs addressed in the report shall include such needs as—

''(A) municipal, rural, and industrial water supplies;

''(B) water quality;

''(C) aquatic environment;

''(D) recreation; and

''(E) water conservation measures.

''(3) PROCESS.—In conducting the study, the Secretary through an open and public process shall solicit input from gubernatorial designees from states that may be affected by possible options to meet such needs as well as designees from other federal agencies with relevant expertise. For any option that includes an out-of-basin solution, the Secretary shall consider the effect of the option on other states that may be affected by such option, as well as other appropriate considerations. Upon completion, a draft of the study shall be provided by the Secretary to such states and federal agencies. Such states and agencies shall be given not less than 120 days to review and comment on the study method, findings and conclusions leading to any alternative that may have an impact on such states or on resources subject to such federal agencies' jurisdiction. The Secretary shall receive and take into consideration any such comments and produce a final report and transmit the final report to Congress.

''(4) LIMITATION.—No design or construction of any feature or features that facilitate an out-of-basin transfer from the Missouri River drainage basin shall be authorized under the provisions of this subsection.

''(c) ENVIRONMENTAL IMPACT STATEMENT.—

''(1) IN GENERAL.—Nothing in this section shall be construed to supersede any requirements under the National Environmental Policy Act or the Administrative Procedures Act.

''(2) DRAFT.—

''(A) DEADLINE.—Pursuant to an agreement between the Secretary and State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary and the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

''(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

''(3) FINAL.—

''(A) DEADLINE.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

''(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete a final environmental impact statement within 1 year of the completion of the draft environmental impact statement, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

''(d) PROCESS FOR SELECTION.—

''(1) IN GENERAL.—After reviewing the final report required by subsection (b)(1) and complying with subsection (c), the Secretary, in consultation and coordination with the State of North Dakota in coordination with affected local communities, shall select 1 or more project features described in subsection (a) that will meet the comprehensive water quality and quantity needs of the Red River Valley. The Secretary's selection of an alternative shall be subject to judicial review.

''(2) AGREEMENTS.—If the Secretary selects an option under paragraph (1) that uses only in-basin sources of water, not later than 180 days after the record of decision has been executed, the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features selected. If the Secretary selects an option under paragraph (1) that would require a further act of Congress under the provisions of subsection (a), not later than 180 days after the date of enactment of legislation required under subsection (a) the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features authorized by that legislation.

''(e) SHEYENNE RIVER WATER SUPPLY AND RELEASE OR ALTERNATE FEATURES.—The Secretary shall construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water or any other amount determined in the reports under this section, for the cities of Fargo and Grand Forks and surrounding communities, or such other feature or features as may be selected under subsection (d).

''(f) DEVILS LAKE.—No funds authorized under this Act may be used to carry out the portion of the feasibility study of the Devils Lake basin, North Dakota, authorized under the Energy and Water Development Appropriations Act of 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River drainage basin into Devils Lake, North Dakota.''.

SEC. 9. OAKES TEST AREA TITLE TRANSFER.

Public Law 89–108 (100 Stat. 423) is amended by striking section 9 and inserting the following:

''SEC. 9. OAKES TEST AREA TITLE TRANSFER.

''(a) IN GENERAL.—Not later than 2 years after execution of a record of decision under section 8(d) on whether to use the New Rockford Canal as a means of delivering water to the Red River Basin as described in section 8, the Secretary shall enter into an agreement with the State of North Dakota, or its designee, to convey title and all or any rights, interests, and obligations of the United States in and to the Oakes Test Area as constructed and operated under Public Law 99–

294 (100 Stat. 418) under such terms and conditions as the Secretary believes would fully protect the public interest.

''(b) TERMS AND CONDITIONS.—The agreement shall define the terms and conditions of the transfer of the facilities, lands, mineral estate, easements, rights-of-way and water rights including the avoidance of costs that the Federal Government would otherwise incur in the case of a failure to agree under subsection (d).

''(c) COMPLIANCE.—The action of the Secretary under this section shall comply with all applicable requirements of Federal, State, and local law.

''(d) FAILURE TO AGREE.—If an agreement is not reached within the time limit specified in subsection (a), the Secretary shall dispose of the Oakes Test Area facilities under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of Public Law 89–108 (100 Stat. 424; 106 Stat. 4669, 4739) is amended—

(1) in subsection (a)—

(A) by striking ''(a)(1) There are authorized'' and inserting the following:

''(a) WATER DISTRIBUTION FEATURES.—

''(1) IN GENERAL.—

''(A) MAIN STEM SUPPLY WORKS.—There is authorized'';

(B) in paragraph (1)—

(i) in the first sentence, by striking ''$270,395,000 for carrying out the provisions of section 5(a) through 5(c) and section 8(a)(1) of this Act'' and inserting ''$164,000,000 to carry out section 5(a)'';

(ii) by inserting after subparagraph (A) (as designated by clause (i)) the following:

''(B) RED RIVER VALLEY WATER SUPPLY PROJECT.—There is authorized to be appropriated to carry out section 8(a)(1) $200,000,000.''; and

(iii) by striking ''Such sums'' and inserting the following:

''(C) AVAILABILITY.—Such sums''; and

(C) in paragraph (2)—

(i) by striking ''(2) There is'' and inserting the following:

''(2) INDIAN IRRIGATION.—

''(A) IN GENERAL.—There is'';

(ii) by striking ''for carrying out section 5(e) of this Act'' and inserting ''to carry out section 5(c)''; and

(iii) by striking ''Such sums'' and inserting the following:

''(B) AVAILABILITY.—Such sums'';

(2) in subsection (b)—

(A) by striking ''(b)(1) There is'' and inserting the following:

''(b) MUNICIPAL, RURAL, AND INDUSTRIAL WATER SUPPLY.—

''(1) STATEWIDE.—

''(A) INITIAL AMOUNT.—There is'';

(B) in paragraph (1)—

(i) by inserting before ''Such sums'' the following:

''(B) ADDITIONAL AMOUNT.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(a) $200,000,000.''; and

(ii) by striking ''Such sums'' and inserting the following:

''(C) AVAILABILITY.—Such sums''; and

(C) in paragraph (2)—

(i) by striking ''(2) There are authorized to be appropriated $61,000,000'' and all that follows through ''Act.'' and inserting the following:

''(2) INDIAN MUNICIPAL, RURAL, AND INDUSTRIAL AND OTHER DELIVERY FEATURES.—

''(A) INITIAL AMOUNT.—There is authorized to be appropriated—

''(i) to carry out section 8(a)(1), $40,500,000; and

''(ii) to carry out section 7(d), $20,500,000.'';

(ii) by inserting before ''Such sums'' the following:

''(B) ADDITIONAL AMOUNT.—

''(i) IN GENERAL.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(d) $200,000,000.

''(ii) ALLOCATION.—The amount under clause (i) shall be allocated as follows:

''(I) $30,000,000 to the Fort Totten Indian Reservation.

''(II) $70,000,000 to the Fort Berthold Indian Reservation.

''(IV) $80,000,000 to the Standing Rock Indian Reservation.

''(V) $20,000,000 to the Turtle Mountain Indian Reservation.''; and

(ii) by striking ''Such sums'' and inserting the following:

''(C) AVAILABILITY.—Such sums'';

(3) in subsection (c)—

(A) by striking ''(c) There is'' and inserting the following:

''(c) RESOURCES TRUST AND OTHER PROVISIONS.—

''(1) INITIAL AMOUNT.—There is''; and

(B) by striking the second and third sentences and inserting the following:

''(2) ADDITIONAL AMOUNT.—In addition to amount under paragraph (1), there are authorized to be appropriated—

''(A) $6,500,000 to carry out recreational projects; and

''(B) an additional $25,000,000 to carry out section 11;

to remain available until expended.

''(3) RECREATIONAL PROJECTS.—Of the funds authorized under paragraph (2) for recreational projects, up to $1,500,000 may be used to fund a wetland interpretive center in the State of North Dakota.

''(4) OPERATION AND MAINTENANCE.—

''(A) IN GENERAL.— There are authorized to be appropriated such sums as are necessary for operation and maintenance of the unit (including the mitigation and enhancement features).

''(B) AUTHORIZATION LIMITS.—Expenditures for operation and maintenance of features substantially completed and features constructed before the date of enactment of the Dakota Water Resources Act of 2000, including funds expended for such purposes since the date of enactment of Public Law 99–294, shall not be counted against the authorization limits in this section.

''(5) MITIGATION AND ENHANCEMENT LAND.—On or about the date on which the features authorized by section 8(a) are operational, a separate account in the Natural Resources Trust authorized by section 11 shall be established for operation and maintenance of the mitigation and enhancement land associated with the unit.''; and

(4) by striking subsection (e) and inserting the following:

''(e) INDEXING.—The $200,000,000 amount under subsection (b)(1)(B), the $200,000,000 amount under subsection (a)(1)(B), and the funds authorized under subsection (b)(2) shall be indexed as necessary to allow for ordinary fluctuations of construction costs incurred after the date of enactment of the Dakota Water Resources Act of 2000 as indicated by engineering cost indices applicable for the type of construction involved. All other authorized cost ceilings shall remain unchanged.''.

SEC. 11. NATURAL RESOURCES TRUST.

Section 11 of Public Law 89–108 (100 Stat. 424) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) CONTRIBUTION.—

''(1) INITIAL AUTHORIZATION.—

''(A) IN GENERAL.—From the sums appropriated under section 10 for the Garrison Diversion Unit, the Secretary shall make an annual Federal contribution to a Natural Resources Trust established by non-Federal interests in accordance with subsection (b) and operated in accordance with subsection (c).

''(B) AMOUNT.—The total amount of Federal contributions under subparagraph (A) shall not exceed $12,000,000.

''(2) ADDITIONAL AUTHORIZATION.—

''(A) IN GENERAL.—In addition to the amount authorized in paragraph (1), the Secretary shall make annual Federal contributions to the Natural Resources Trust until the amount authorized by section 10(c)(2)(B) is reached, in the manner stated in subparagraph (B).

''(B) ANNUAL AMOUNT.—The amount of the contribution under subparagraph (A) for each fiscal year shall be the amount that is equal to 5 percent of the total amount that is appropriated for the fiscal year under subsections (a)(1)(B) and (b)(1)(B) of section 10.''.

(2) in subsection (b), by striking ''Wetlands Trust'' and inserting ''Natural Resources Trust''; and

(3) in subsection (c)—

(A) by striking ''Wetland Trust'' and inserting ''Natural Resources Trust'';

(B) by striking ''are met'' and inserting ''is met'';

(C) in paragraph (1), by inserting '', grassland conservation and riparian areas'' after ''habitat''; and

(D) in paragraph (2), by adding at the end the following:

''(C) The power to fund incentives for conservation practices by landowners.''

PALMETTO BEND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 1474) providing for conveyance of the Palmetto Bend project to the State of Texas, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Palmetto Bend Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PROJECT.—the term ''Project'' means the Palmetto Bend Reclamation Project in the State of Texas authorized under Public Law 90–562 (82 Stat. 999).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Texas, acting through the Texas Water Development Board or the Lavaca-Navidad River Authority or both.

SEC. 3. CONVEYANCE.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law, and subject to the conditions set forth in sections 4 and 5, convey to the State all right, title and interest (excluding the mineral estate) in and to the Project held by the United States.

(b) REPORT.—If the conveyance under Section 3 has not been completed within 1 year and 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the status of the conveyance;

(2) any obstacles to completion of the conveyance; and

(3) the anticipated date for completion of the conveyance.

SEC. 4. PAYMENT.

(a) IN GENERAL.—As a condition of the conveyance, the State shall pay the Secretary the adjusted net present value of current repayment obligations on the Project, calculated 30 days prior to closing using a discount rate equal to the average interest rate on 30-year U.S. Treasury notes during the proceeding calendar month, which following application of the State's August 1, 1999 payment, is currently calculated to be $45,082,675 using a discount rate of 6.070%. The State shall also pay interest on the adjusted net present value of current repayment obligations from the date of State's most recent annual payment until closing at the interest rate for constant maturity U.S. Treasury notes of an equivalent term.

(b) OBLIGATION EXTINGUISHED.—Upon payment by the State under subsection (a), the obligation of the State and the Bureau of Reclamation under the Bureau of Reclamation Contract No. 14–06–500–1880, as amended shall be extinguished. After completion of conveyance provided for in Section 3, the State shall assume full responsibility for all aspects of operation, maintenance and replacement of the Project.

(c) ADDITIONAL COSTS.—The State shall bear the cost of all boundary surveys, title searches, appraisals, and other transaction costs for the conveyance.

(d) RECLAMATION FUND.—All funds paid by the State to the Secretary under this section shall be credited to the Reclamation Fund in the Treasury of the United States.

SEC. 5. FUTURE MANAGEMENT.

(a) IN GENERAL.—As a condition of the conveyance under section 3, the State shall agree that the lands, water, and facilities of the Project shall continue to be managed and operated for the purposes for which the Project was originally authorized; that is, to provide a dependable municipal and industrial water supply, to conserve and develop fish and wildlife resources, and to enhance recreational opportunities. In future management of the Project, the State shall, consistent with other project purposes and the provision of dependable municipal and industrial water supply:

(1) provide full public access to the Project's lands, subject to reasonable restrictions for purposes of Project security, public safety, and natural resource protection;

(2) not sell or otherwise dispose of the lands conveyed under Section 3;

(3) prohibit private or exclusive uses of lands conveyed under Section 3;

(4) maintain and manage the Project's fish and wildlife resource and habitat for the benefit and enhancement of those resources;

(5) maintain and manage the Project's existing recreational facilities and assets, including open space, for the benefit of the general public;

(6) not charge the public recreational use fees that are more than is customary and reasonable.

(b) FISH, WILDLIFE, AND RECREATION MANAGEMENT.—As a condition of conveyance under Section 3, management decisions and actions affecting the public aspects of the Project (namely, fish, wildlife, and recreation resources) shall be conducted according to a management agreement between all recipients of title to the Project and the Texas Parks and Wildlife Department and shall extend for the useful life of the Project that has been approved by the Secretary.

(c) EXISTING OBLIGATIONS.—The United States shall assign to the State and the State shall accept all surface use obligations of the United States associated with the Project existing on the date of the conveyance including contracts, easements, and any permits or license agreements.

SEC. 6. MANAGEMENT OF MINERAL ESTATE.

All mineral interests in the Project retained by the United States shall be managed consistent with Federal Law and in a manner that will not interfere with the purposes for which the Project was authorized.

SEC. 7. LIABILITY.

(a) IN GENERAL.—Effective on the date of conveyance of the Project, the United States shall be liable for damages of any kind arising out of any act, omission, or occurrence relating to the Project, except for damages caused by acts of negligence committed prior to the date of conveyance by—

(1) the United States; or

(2) an employee, agent, or contractor of the United States.

(b) NO INCREASE IN LIABILITY.—Nothing in this Act increases the liability of the United States beyond that provided for in the Federal Tort Claims Act, (28 U.S.C. 2671 et seq.).

SEC. 8. FUTURE BENEFITS.

(a) DEAUTHORIZATION.—Effective on the date of conveyance of the Project, the Project conveyed under this Act shall be deauthorized.

(b) NO RECLAMATION BENEFITS.—After deauthorization of the Project under subsection (a), the State shall not be entitled to receive any benefits for the Project under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

The amendment (No. 4318) was agreed to, as follows:

In the Committee amendment:

In section 4(a), after ''August 1, 1999 payment,'' strike ''is currently'' and insert ''was, as of October, 1999,''.

In section 5(b), strike ''and shall extend for the useful life of the Project that has been approved by the Secretary.'' and insert ''that has been approved by the Secretary and shall extend for the useful life of the Project.''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1474), as amended, was read the third time, and passed, as follows:

S. 1474

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 ''Palmetto Bend Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PROJECT.—the term ''Project'' means the Palmetto Bend Reclamation Project in the State of Texas authorized under Public Law 90–562 (82 Stat. 999).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Texas, acting through the Texas Water Development Board or the Lavaca-Navidad River Authority or both.

SEC. 3. CONVEYANCE.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law, and subject to the conditions set forth in sections 4 and 5, convey to the State all right, title and interest (excluding the mineral estate) in and to the Project held by the United States.

(b) REPORT.—If the conveyance under Section 3 has not been completed within 1 year and 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the status of the conveyance;

(2) any obstacles to completion of the conveyance; and

(3) the anticipated date for completion of the conveyance.

SEC. 4. PAYMENT.

(a) IN GENERAL.—As a condition of the conveyance, the State shall pay the Secretary the adjusted net present value of current repayment obligations on the Project, calculated 30 days prior to closing using a discount rate equal to the average interest rate on 30-year United States Treasury notes during the proceeding calendar month, which following application of the State's August 1, 1999 payment, was, as of October 1999, calculated to be $45,082,675 using a discount rate of 6.070 percent. The State shall also pay interest on the adjusted net present value of current repayment obligations from the date of the State's most recent annual payment until closing at the interest rate for constant maturity United States Treasury notes of an equivalent term.

(b) OBLIGATION EXTINGUISHED.—Upon payment by the State under subsection (a), the obligation of the State and the Bureau of Reclamation under the Bureau of Reclamation Contract No. 14–06–500–1880, as amended shall be extinguished. After completion of conveyance provided for in Section 3, the State shall assume full responsibility for all aspects of operation, maintenance and replacement of the Project.

(c) ADDITIONAL COSTS.—The State shall bear the cost of all boundary surveys, title searches, appraisals, and other transaction costs for the conveyance.

(d) RECLAMATION FUND.—All funds paid by the State to the Secretary under this section shall be credited to the Reclamation Fund in the Treasury of the United States.

SEC. 5. FUTURE MANAGEMENT.

(a) IN GENERAL.—As a condition of the conveyance under section 3, the State shall agree that the lands, water, and facilities of the Project shall continue to be managed and operated for the purposes for which the Project was originally authorized; that is, to provide a dependable municipal and industrial water supply, to conserve and develop fish and wildlife resources, and to enhance recreational opportunities. In future management of the Project, the State shall, consistent with other project purposes and the provision of dependable municipal and industrial water supply:

(1) provide full public access to the Project's lands, subject to reasonable restrictions for purposes of Project security, public safety, and natural resource protection;

(2) not sell or otherwise dispose of the lands conveyed under Section 3;

(3) prohibit private or exclusive uses of lands conveyed under Section 3;

(4) maintain and manage the Project's fish and wildlife resource and habitat for the benefit and enhancement of those resources;

(5) maintain and manage the Project's existing recreational facilities and assets, including open space, for the benefit of the general public;

(6) not charge the public recreational use fees that are more than is customary and reasonable.

(b) FISH, WILDLIFE, AND RECREATION MANAGEMENT.—As a condition of conveyance under Section 3, management decisions and actions affecting the public aspects of the Project (namely, fish, wildlife, and recreation resources) shall be conducted according to a management agreement between all recipients of title to the Project and the Texas Parks and Wildlife Department that has been approved by the Secretary and shall extend for the useful life of the Project.

(c) EXISTING OBLIGATIONS.—The United States shall assign to the State and the State shall accept all surface use obligations of the United States associated with the Project existing on the date of the conveyance including contracts, easements, and any permits or license agreements.

SEC. 6. MANAGEMENT OF MINERAL ESTATE.

All mineral interests in the Project retained by the United States shall be managed consistent with Federal Law and in a manner that will not interfere with the purposes for which the Project was authorized.

SEC. 7. LIABILITY.

(a) IN GENERAL.—Effective on the date of conveyance of the Project, the United States shall be liable for damages of any kind arising out of any act, omission, or occurrence relating to the Project, except for damages caused by acts of negligence committed prior to the date of conveyance by—

(1) the United States; or

(2) an employee, agent, or contractor of the United States.

(b) NO INCREASE IN LIABILITY.—Nothing in this Act increases the liability of the United States beyond that provided for in the Federal Tort Claims Act, (28 U.S.C. 2671 et seq.).

SEC. 8. FUTURE BENEFITS.

(a) DEAUTHORIZATION.—Effective on the date of conveyance of the Project, the Project conveyed under this Act shall be deauthorized.

(b) NO RECLAMATION BENEFITS.—After deauthorization of the Project under subsection (a), the State shall not be entitled to receive any benefits for the Project under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

EDUCATION LAND GRANT ACT

Mr. LOTT. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill (S. 624).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 624) entitled ''An Act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort Peck Reservation Rural Water System Act of 2000''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

(2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State, outside the Fort Peck Indian Reservation, in developing safe and adequate municipal, rural, and industrial water supplies.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—The term ''Assiniboine and Sioux Rural Water System'' means the rural water system within the Fort Peck Indian Reservation authorized by section 4.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—The term ''Dry Prairie Rural Water System'' means the rural water system authorized by section 5 in the Roosevelt, Sheridan, Daniels, and Valley Counties of the State.

(3) FORT PECK RESERVATION RURAL WATER SYSTEM.—The term ''Fort Peck Reservation Rural Water System'' means the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System.

(4) FORT PECK TRIBES.—The term ''Fort Peck Tribes'' means the Assiniboine and Sioux Indian Tribes within the Fort Peck Indian Reservation.

(5) PICK-SLOAN.—The term ''Pick-Sloan'' means the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STATE.—The term ''State'' means the State of Montana.

SEC. 4. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.

(a) AUTHORIZATION.—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the ''Assiniboine and Sioux Rural Water System'', as generally described in the report required by subsection (g)(2).

(b) COMPONENTS.—The Assiniboine and Sioux Rural Water System shall consist of—

(1) pumping and treatment facilities located along the Missouri River within the boundaries of the Fort Peck Indian Reservation;

(2) pipelines extending from the water treatment plant throughout the Fort Peck Indian Reservation;

(3) distribution and treatment facilities to serve the needs of the Fort Peck Indian Reservation, including—

(A) public water systems in existence on the date of the enactment of this Act that may be purchased, improved, and repaired in accordance with the cooperative agreement entered into under subsection (c); and

(B) water systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation;

(4) appurtenant buildings and access roads;

(5) all property and property rights necessary for the facilities described in this subsection;

(6) electrical power transmission and distribution facilities necessary for services to Fort Peck Reservation Rural Water System facilities; and

(7) such other pipelines, pumping plants, and facilities as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the Fort Peck Indian Reservation, including water storage tanks, water lines, and other facilities for the Fort Peck Tribes and the villages, towns, and municipalities in the Fort Peck Indian Reservation.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Fort Peck Tribal Executive Board for planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(3) OPTIONAL PROVISIONS.—The cooperative agreement under paragraph (1) may include provisions relating to the purchase, improvement, and repair of water systems in existence on the date of the enactment of this Act, including systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation.

(4) TERMINATION.—The Secretary may terminate a cooperative agreement under paragraph (1) if the Secretary determines that—

(A) the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

(B) the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

(5) TRANSFER.—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary may transfer to the Fort Peck Tribes, on a nonreimbursable basis, funds made available for the Assiniboine and Sioux Rural Water System under section 9.

(d) SERVICE AREA.—The service area of the Assiniboine and Sioux Rural Water System shall be the area within the boundaries of the Fort Peck Indian Reservation.

(e) CONSTRUCTION REQUIREMENTS.—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

(f) TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall not be transferred unless a transfer is authorized by an Act of Congress enacted after the date of the enactment of this Act.

(g) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Assiniboine and Sioux Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Assiniboine and Sioux Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Assiniboine and Sioux Rural Water System that have been shown to be economically and financially feasible.

(h) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is necessary to enable the Fort Peck Tribes to plan, design, construct, operate, maintain, and replace the Assiniboine and Sioux Rural Water System, including operation and management training.

(i) APPLICATION OF INDIAN SELF-DETERMINATION ACT.—Planning, design, construction, operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System within the Fort Peck Indian Reservation shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(j) COST SHARING.—

(1) CONSTRUCTION.—The Federal share of the cost of construction of the Assiniboine and Sioux Rural Water System shall be 100 percent, and shall be funded through annual appropriations to the Bureau of Reclamation.

(2) OPERATION AND MAINTENANCE.—The Federal share of the cost of operation and maintenance of the Assiniboine and Sioux Rural Water System shall be 100 percent, and shall be funded through annual appropriations to the Bureau of Indian Affairs.

SEC. 5. DRY PRAIRIE RURAL WATER SYSTEM.

(a) PLANNING AND CONSTRUCTION.—

(1) AUTHORIZATION.—The Secretary shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated

(or any successor non-Federal entity) to provide Federal funds for the planning, design, and construction of the Dry Prairie Rural Water System in Roosevelt, Sheridan, Daniels, and Valley Counties, Montana, outside the Fort Peck Indian Reservation.

(2) USE OF FEDERAL FUNDS.—

(A) FEDERAL SHARE.—The Federal share of the cost of planning, design, and construction of the Dry Prairie Rural Water System shall be not more than 76 percent, and shall be funded with amounts appropriated from the reclamation fund. Such amounts shall not be returnable or reimbursable under the Federal reclamation laws.

(B) COOPERATIVE AGREEMENTS.—Federal funds made available to carry out this section may be obligated and expended only through a cooperative agreement entered into under subsection (c).

(b) COMPONENTS.—The components of the Dry Prairie Rural Water System facilities on which Federal funds may be obligated and expended under this section shall include—

(1) storage, pumping, interconnection, and pipeline facilities;

(2) appurtenant buildings and access roads;

(3) all property and property rights necessary for the facilities described in this subsection;

(4) electrical power transmission and distribution facilities necessary for service to Dry Prairie Rural Water System facilities; and

(5) other facilities customary to the development of rural water distribution systems in the State, including supplemental water intake, pumping, and treatment facilities.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary, with the concurrence of the Assiniboine and Sioux Rural Water System Board, shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated to provide Federal assistance for the planning, design, and construction of the Dry Prairie Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and Dry Prairie Rural Water Association Incorporated—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(d) SERVICE AREA.—

(1) IN GENERAL.—Except as provided in paragraph (2), the service area of the Dry Prairie Rural Water System shall be the area in the State—

(A) north of the Missouri River;

(B) south of the border between the United States and Canada;

(C) west of the border between the States of North Dakota and Montana; and

(D) east of the western line of range 39 east.

(2) FORT PECK INDIAN RESERVATION.—The service area shall not include the area inside the Fort Peck Indian Reservation.

(e) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Dry Prairie Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Dry Prairie Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Dry Prairie Rural Water System that have been shown to be economically and financially feasible.

(f) INTERCONNECTION OF FACILITIES.—The Secretary shall—

(1) interconnect the Dry Prairie Rural Water System with the Assiniboine and Sioux Rural Water System; and

(2) provide for the delivery of water to the Dry Prairie Rural Water System from the Missouri River through the Assiniboine and Sioux Rural Water System.

(g) LIMITATION ON USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The operation, maintenance, and replacement expenses associated with water deliveries from the Assiniboine and Sioux Rural Water System to the Dry Prairie Rural Water System shall not be a Federal responsibility and shall be borne by the Dry Prairie Rural Water System.

(2) FEDERAL FUNDS.—The Secretary may not obligate or expend any Federal funds for the operation, maintenance, or replacement of the Dry Prairie Rural Water System.

(h) TITLE TO DRY PRAIRIE RURAL WATER SYSTEM.—Title to the Dry Prairie Rural Water System shall be held by Dry Prairie Rural Water Association, Incorporated.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available, at the firm power rate, the capacity and energy required to meet the pumping and incidental operational requirements of the Fort Peck Reservation Rural Water System.

(b) QUALIFICATION TO USE PICK-SLOAN POWER.—For as long as the Fort Peck Reservation rural water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this Act shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

(c) RECOVERY OF EXPENSES.—

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—In the case of the Assiniboine and Sioux Rural Water System, the Western Area Power Administration shall recover expenses associated with power purchases under subsection (a) through a separate power charge sufficient to cover such expenses. Such charge shall be paid fully through the annual appropriations to the Bureau of Indian Affairs.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—In the case of the Dry Prairie Rural Water System, the Western Area Power Administration shall recover expenses associated with power purchases under subsection (a) through a separate power charge sufficient to cover expenses. Such charge shall be paid fully by the Dry Prairie Rural Water System.

(d) ADDITIONAL POWER.—If power in addition to that made available under subsection (a) is required to meet the pumping requirements of the Fort Peck Reservation Rural Water System, the Administrator of the Western Area Power Administration may purchase the necessary additional power at the best available rate. The costs of such purchases shall be reimbursed to the Administrator according to the terms identified in subsection (c).

SEC. 7. WATER CONSERVATION PLAN.

(a) IN GENERAL.—The Fort Peck Tribes and Dry Prairie Rural Water Association Incorporated shall develop a water conservation plan containing—

(1) a description of water conservation objectives;

(2) a description of appropriate water conservation measures; and

(3) a time schedule for implementing the measures and this Act to meet the water conservation objectives.

(b) PURPOSE.—The water conservation plan under subsection (a) shall be designed to ensure that users of water from the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System will use the best practicable technology and management techniques to conserve water.

(c) PUBLIC PARTICIPATION.—Section 210(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390jj(c)) shall apply to an activity authorized under this Act.

SEC. 8. WATER RIGHTS.

(a) IN GENERAL.—This Act does not—

(1) impair the validity of or preempt any provision of State water law or any interstate compact governing water;

(2) alter the right of any State to any appropriated share of the water of any body of surface or ground water, whether determined by any past or future interstate compact or by any past or future legislative or final judicial allocation;

(3) preempt or modify any Federal or State law or interstate compact concerning water quality or disposal;

(4) confer on any non-Federal entity the authority to exercise any Federal right to the water of any stream or to any ground water resource;

(5) affect any right of the Fort Peck Tribes to water, located within or outside the external boundaries of the Fort Peck Indian Reservation, based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in Winters v. United States, 207 U.S. 564 (1908) (commonly known as the ''Winters Doctrine''), or other law; or

(6) validate or invalidate any assertion of the existence, nonexistence, or extinguishment of any water right held or Indian water compact entered into by the Fort Peck Tribes or by any other Indian tribe or individual Indian under Federal or State law.

(b) OFFSET AGAINST CLAIMS.—Any funds received by the Fort Peck Tribes pursuant to this Act shall be used to offset any claims for money damages against the United States by the Fort Peck Tribes, existing on the date of the enactment of this Act, for water rights based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in Winters v. United States, 207 U.S. 564 (1908), or other law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—There are authorized to be appropriated—

(1) to the Bureau of Reclamation over a period of 10 fiscal years, $124,000,000 for the planning, design, and construction of the Assiniboine and Sioux Rural Water System; and

(2) to the Bureau of Indian Affairs such sums as are necessary for the operation and maintenance of the Assiniboine and Sioux Rural Water System.

(b) DRY PRAIRIE RURAL WATER SYSTEM.—There is authorized to be appropriated, over a period of 10 fiscal years, $51,000,000 for the planning, design, and construction of the Dry Prairie Rural Water System.

(c) COST INDEXING.—The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1998, as indicated by engineering cost indices applicable for the type of construction involved.

Mr. LOTT. I ask unanimous consent the Senate agree to the amendment of the house.

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

CONVEYING WATER FACILITIES TO THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT

Mr. LOTT. I ask unanimous consent the Senate proceed to H.R. 4389, which was received from the House.

The PRESIDING OFFICER. The clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4389) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

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

Mr. LOTT. 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 be printed in the RECORD.

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

The bill (H.R. 4389) was read the third time and passed.

MISSOURI RIVER BASIN PROJECT

PROSSER DIVERSION DAM

Mr. LOTT. I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 2984 and H.R. 3986. I further ask consent the Senate proceed en bloc to their consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 2984) to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska;

A bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

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

Mr. GORTON. Mr. President, today, the Senate will pass H.R. 3986, a bill introduced by Representative DOC HASTINGS, R-Washington, that will authorize the Bureau of Reclamation to study the feasibility of moving the intake system for the Kennewick Irrigation District from the Yakima River to the Columbia River. I introduced a similar bill earlier this year, S. 2163, which was passed by the Senate Energy and Natural Resources Committee earlier this month. The Senate's action today sends this bill, critical to Central Washington's efforts to recover threatened and endangered salmon, to the President's desk—an achievement long sought by the Yakama Indian Nation and the irrigators of the Yakima River Basin.

Disputes over how to allocate and use water have always been contentious in the Pacific Northwest, and the disputes have only become more difficult as the region has been forced to deal with the recovery of threatened and endangered salmon and steelhead species. Over the past year, however, I have been pleased to support a new era of cooperation among tribes and various irrigation districts in Eastern Washington. An area of consensus has developed around the concept of ''pump exchanges,'' which move the intake systems of irrigation districts from over appropriated streams and rivers to rivers downstream with more water. In July, I introduced legislation that authorizes the study of a pump exchange for the Okanogan Irrigation District and the Confederated Tribes of the Colville Reservation. I hope this legislation will receive quick approval during the 107th Congress.

H.R. 3986 will amend the Yakima River Basin Water Enhancement Program, YRBWEP, first approved by Congress in 1994 (P.L. 103–434). That legislation established a comprehensive framework for increasing critical flows in the Yakima River in order to reverse a longstanding trend of declining salmon and steelhead runs. One portion of that legislation, Section 1208, authorized a specific project to electrify hydraulic turbines at the Chandler Pumping Plant near Prosser, Washington. By converting these pumps from hydraulic to electrical power, an additional 400 second feet of water would be added to a 12-mile stretch of the Yakima River below Prosser Dam called Chandler Reach. This project would increase survival rates and provide important new habitat for both the anadramous and resident fisheries in this critical section of the Yakima River. This electrification project is still a good approach to augmenting Yakima River flows, but early in its implementation an even better idea was developed that can nearly double the benefits projected from electrification.

The pump exchange approach proposed in H.R. 3986 could result in completely eliminating the need to divert water at Prosser Dam and Wanawish Dam for use by the Kennewick Irrigation District, K.I.D., and the Columbia River Irrigation District, C.I.D. This plan will require building a new pumping plant on the Columbia River and a pipeline to connect this new facility to K.I.D. This approach could add back to the Yakima River during critical flow periods the entire 749 second feet of water now diverted at Prosser Dam. This project might well be the key to the success of the rest of the YRBWEP program. For the extensive efforts being made farther upstream to be entirely successful, the lower sections of the Yakima River must provide the conditions necessary for salmon and steelhead to survive their journey to and from the upper river and its tributaries. The Chandler Reach and the lower Yakima must have sufficient water at the right time for anadromous fish to be able to transit this area. Without it, the programs upstream will be less effective.

The legislation passed today authorizes the Bureau of Reclamation to spend some of the funds previously authorized for the electrification project to develop this new approach. There are several studies and undertakings necessary to determine with certainty the efficacy and cost of this pump exchange project. These include carrying out a feasibility study, including an estimate of project benefits, an environmental impact analysis, and preparing a feasibility level design and cost estimates as well as securing critical right-of-way areas.

This change in approach to enhancing flows in the lower Yakima is enthusiastically supported by the resource agencies of the State of Washington, including the Washington State Department of Ecology, as well as by the Northwest Power Planning Council, the Bonneville Power Administration, National Marine Fisheries Service, and the United States Fish and Wildlife Service.

It is important to note that a change in the diversion for K.I.D. from the Yakima River to the Columbia River will completely change the current operational philosophy of the district. It will evolve from a relatively simple system relying on gravity to supply its customers to one of significant additional complexity involving a major pump station and pressure pipeline to the main feeder canals. This remodeling of K.I.D. will have significant impact on the existing system and its users during construction, startup, and transition. That is why it is essential for K.I.D. to be in a position to develop these facilities in a way that best fits their current and future operational goals and causes the least impact to the district water users. This legislation requires the Bureau of Reclamation to give K.I.D. substantial control over the planning and design work in this study with the Bureau, of course, having final approval. It is an approach that will continue local improvement and support, which is vital to the success of this project and other projects.

I thank Representative DOC HASTINGS for his leadership on this bill in the House of Representatives and appreciate the support of my colleagues in passing this bill that will provide a crucial component to the salmon recovery efforts in the Yakima Basin.

Mr. LOTT. I ask unanimous consent the bills be read the third time and passed, the motions to reconsider be laid upon the table, any statements be printed in the RECORD with the above occurring en bloc.

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

The bill (H.R. 2984) was read the third time and passed.

The bill (H.R. 3986) was read the third time and passed.

CORRECTING THE ENROLLMENT OF H.R. 2348

Mr. LOTT. I ask unanimous consent the Senate proceed to the consideration of S. Con. Res. 151, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 151) to make corrections in enrollment of the bill H.R. 2348 to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 151) was agreed to, as follows:

S. CON. RES. 151

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 2348) to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins, the Clerk of the House shall make the following correction: Strike section 4 and insert:

SEC. 4. EFFECT OF RECLAMATION LAW

Specifically with regard to the acreage limitation provisions of Federal reclamation law, any action taken pursuant to or in furtherance of this title will not:

(1) be considered in determining whether a district as defined in section 202(2) of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb) has discharged its obligation to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(2) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of its construction obligation; or

(3) serve as the basis for increasing the construction repayment obligation of the district and thereby extending the period during which the acreage limitation provisions will apply.

AUTHORIZING USE OF THE CAPITOL GROUNDS FOR THE MILLION FAMILY MARCH

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 423, which is at the desk.

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

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 423) authorizing the use of the Capitol Grounds for the Million Family March.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 423) was agreed to.

RAILS TO RESOURCES ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 718, S. 2253.

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

The assistant legislative clerk read as follows:

A bill (S. 2253) to authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system to Alaska to the North American continental rail system, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rails to Resources Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) rail transportation is an essential component of the North American intermodal transportation system;

(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the states, territories and provinces of the two countries;

(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the state of Alaska and the Yukon Territory;

(4) both public and private lands in Alaska, the Yukon Territory and northern British Columbia, including lands held by aboriginal peoples, contain extensive deposits of oil, gas, coal and other minerals as well as valuable forest products which presently are inaccessible, but which could provide significant economic benefit to local communities and to both nations if an economically efficient transportation system was available;

(5) rail transportation in otherwise isolated areas facilitates controlled access and reduced overall impact to environmentally sensitive areas;

(6) the extension of the continental rail system through northern British Columbia and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the U.S. and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

(7) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

SEC. 3. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

The President is authorized and urged to enter into an agreement with the Government of Canada to establish a joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

SEC. 4. COMPOSITION OF COMMISSION.

(a) MEMBERSHIP.—

(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 20 members, of which 10 members are appointed by the President and 10 members are appointed by the Government of Canada.

(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources (such as minerals and timber), social sciences, fish and game management, environmental sciences, and transportation.

(b) UNITED STATES MEMBERSHIP.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

(5) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation.

(c) CANADIAN MEMBERSHIP.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

SEC. 5. GOVERNANCE AND STAFFING OF COMMISSION.

(a) CHAIRMAN.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

(b) COMPENSATION AND EXPENSES OF UNITED STATES MEMBERS.—

(1) COMPENSATION.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away

from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

(2) COMPENSATION.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) OFFICE.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

(e) MEETINGS.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

(f) PROCUREMENT OF SERVICES.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 6. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—The Agreement should provide for the Commission to study and assess, on the basis of all available relevant information, the feasibility and advisability of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

(2) SPECIFIC ISSUES.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

(A) Railroad engineering.

(B) Land ownership.

(C) Geology.

(D) Proximity to mineral, timber, tourist, and other resources.

(E) Market outlook.

(F) Environmental considerations.

(G) Social effects, including changes in the use or availability of natural resources.

(H) Potential financing mechanisms.

(3) ROUTE.—The Agreement should provide for the Commission, upon finding that it is feasible and advisable to link the rail system in Alaska as described in paragraph (1), to determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, and such other factors as the Commission determines relevant.

(4) COMBINED CORRIDOR EVALUATION.—The Agreement should also provide for the Commission to consider whether it would be feasible and advisable to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system of Alaska.

(b) REPORT.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the Government of Canada, not later than 3 years after the Commission commencement date, a report on the results of the study, including the Commission's findings regarding the feasibility and advisability of linking the rail system in Alaska as described in subsection (a)(1) and the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

SEC. 7. COMMENCEMENT AND TERMINATION OF COMMISSION.

(a) COMMENCEMENT.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

(b) TERMINATION.—The Commission should be terminated 90 days after the date on which the Commission submits its report under section 6.

SEC. 8. FUNDING.

(a) RAILS TO RESOURCES FUND.—The Agreement should provide for the following:

(1) ESTABLISHMENT.—The establishment of an interest-bearing account to be known as the ''Rails to Resources Fund''.

(2) CONTRIBUTIONS.—The contribution by the United States and the Government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

(3) AVAILABILITY.—The availability of amounts in the Fund to pay the costs of Commission activities.

(4) DISSOLUTION.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts remaining in the Fund between the United States and the Government of Canada.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to any fund established as described in subsection (a)(1) $6,000,000, to remain available until expended.

SEC. 9. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means an agreement described in section 2.

(2) COMMISSION.—The term ''Commission'' means a commission established pursuant to any Agreement.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill, as amended, 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 committee amendment in the nature of a substitute was agreed to.

The bill (S. 2253), as amended, was read the third time and passed.

ADJUSTMENT OF STATUS OF CERTAIN SYRIAN NATIONALS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H.R. 4681.

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

The assistant legislative clerk read as follows:

A bill (H.R. 4681) to provide for the adjustment of status of certain Syrian nationals.

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

Mr. SCHUMER. Mr. President, I rise today to applaud the passage of a bill that will grant permanent residency status to a small group of Syrian Jews who fled the brutal dictatorship of Hafez Assad almost a decade ago.

In 1992, through negotiations between our State Department and the Syrian regime, President Assad allowed the last remnants of Syria's Jewish community to leave Syria. For years, this community faced religious persecution, restrictions on the right to travel and emigrate, and other forms of harassment. When Assad finally agreed to let them go, he insisted that they come to this country as tourists, rather than as refugees fleeing religious tyranny, in order to avoid the appearance that his repression had driven out a considerable number of his own citizens. We permitted this fiction in order to rescue people desperate for freedom, but obviously, the 2000 Syrian Jews who came here in 1992 were never tourists—they were seeking a permanent home and a life free of religious and political oppression.

Once safely in the United States, the Syrian Jews had no choice but to request asylum, and asylum was granted. But because of the long delays that asylees face in obtaining permanent resident status, the Syrian Jews still have not become permanent residents and gotten green cards. If they had come to the United States as the refugees they truly were, instead of as tourists, they would have become permanent residents years ago because there is no annual cap on the number of refugees permitted to move to permanent residency.

The Syrian Jews have suffered for years because of this situation, imposed on them by the terms of the secret 1992 deal with Assad. Without green cards, those among them who are doctors and dentists, as many are, are unable to practice their professions under the New York State licensing system. As asylees, the Syrian Jews face restrictions on their right to travel abroad. Finally and most important, the Syrian Jews have been stalled for years in the efforts to become full citizens of our country, something all of them ardently want.

This legislation corrects this anomaly and directs the Attorney General to grant permanent resident status to the Syrian Jews who came here in 1992. This will give this small group of people the immigration status they should have had years ago, but for the fiction that they were coming to the United States as tourists. It will permit them to begin practicing their chosen professions and moving toward full citizenship. It will finally effectuate the agreement by which they emigrated from Syria in the first place. Most of all, it will guarantee the full blessings of liberty to people who want nothing more than to live in peace in a land where the government doesn't mistreat you simply because of your religion.

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

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

The bill (H.R. 4681) was read the third time and passed.

STEWART B. McKINNEY HOMELESS ASSISTANCE ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5417, which is at the desk.

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

The assistant legislative clerk read as follows:

A bill (H.R. 5417) to rename the Stewart B. McKinney Homeless Assistance Act as the ''McKinney-Vento Homeless Assistance Act.''

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

Mr. SARBANES. Mr. President, I rise today to ask the Senate to pass legislation that has been sent to us by the House of Representatives that would change the name of the Stewart B. McKinney Homeless Assistance Act to the McKinney-Vento Homeless Assistance Act. This is one, small step we can take to honor a colleague who devoted his life to public service, particularly service on behalf of the most disadvantaged Americans.

Bruce F. Vento has been one of the most effective advocates on behalf of homeless people throughout his career. Mr. Vento was one of the first Members of Congress to bring the plight of the nation's homeless to the public's attention. In 1982, Bruce introduced legislation in the House of Representatives to create the Emergency Shelter Grant Program. He attached an amendment to a housing bill to provide matching grants to repair vacant buildings to be used as temporary shelters. This became the first national legislation to provide federal assistance for emergency homeless shelters.

Throughout the 1980s, Mr. Vento worked repeatedly, with his colleagues on the House Banking Committee, to raise the profile of this issue and to build the coalitions necessary to enact comprehensive legislation to help the homeless across this nation. In early 1987, Representative Vento worked to pass an aid package that included $100 million for a program of emergency shelter grants to help charitable organizations and state and local governments renovate buildings for the homeless and succeeded in enacting the legislation into law.

In that same year, Congressman Vento was an original author of a larger, more comprehensive measure that became known as the Stewart B. McKinney Homeless Assistance Act, the first and only coordinated federal initiative directed toward the problem of homelessness and the only social program that was passed during the Reagan era. The McKinney Act seeks to meet some of the immediate needs of the homeless: shelter, food, health care, education, job training services, and transitional housing through programs at HUD, FEMA, HHS, and the Education and Labor Departments. This legislation continues to be at the heart of the federal government's response to the ongoing problem of homelessness in America.

It is indeed fitting to honor Bruce Vento by joining his name with that of his friend and colleague, Stewart B. McKinney, on this legislation. In 1987, after Representative McKinney's passing, Bruce took a leading role in seeking to name the programs that would serve persons who are homeless as the McKinney Act because of Stewart McKinney's ''close association and concern and compassion that he espoused and reflected throughout his service'' in Congress. We all recognize how well these very same words, which Mr. Vento used to describe Stewart McKinney, embody the work and career of Bruce F. Vento himself.

Shortly after taking office, President Clinton asked then-speaker of the House Tom Foley to organize a Task Force to look into the problem of homelessness. In February of that year, Mr. Vento was appointed as the Chairman of that Task Force, which issued a comprehensive, nationally recognized report to the Speaker one year later.

During the past few years, Mr. Vento continued to work hard on the McKinney Act. He added language that improved prevention planning and activities so that people do not become homeless due to lack of foresight or planning. The Vento prevention language added discharge planning requirements for persons who are discharged from publicly funded institutions, that is, mental health facilities, youth facilities and correctional facilities, so that people are not merely discharged to the streets.

Mr. Vento also introduced the ''Stand Down Authorization Act.'' Created by several Vietnam veterans, Stand Downs are designed to give homeless veterans a brief respite from life on the streets. The Stand Down bill would, in conjunction with the grassroots community, expand the VA's role in providing outreach assistance to homeless veterans. In this Congress, H.R. 566 gained the strong support of over 100 bipartisan cosponsors, the VA, the American Legion, the Veterans of Foreign Wars (VFW) and the Disabled American Vets (DAV).

Bruce Vento worked throughout his entire career to improve and save the lives of homeless men, women and children around this nation. In the tradition of Minnesota's great leader, Hubert H. Humphrey, Bruce has always believed that we are elected to formulate and enact policies which improve the quality of life of our citizens. I have had the pleasure of working with him these many years to do just that. That is why I urge you to join me in enacting into law this legislation to rename our nation's fundamental homeless statute the McKinney-Vento Act. This act will duly honor a colleague who has worked long and hard for the most vulnerable Americans, people who are without a home to call their own.

Mr. President, while this legislation deals with homelessness, I want to make it clear that Mr. Vento's interests and accomplishments go far beyond this important area. He was one of the strongest proponents of FHA in the Congress. He understood how FHA has been a crucial tool in helping millions of families attain the dream of homeownership in America.

Mr. Vento played an active role in helping craft the bipartisan public housing reform legislation that passed in 1998. He was a leader in the effort to preserve affordable housing that has been threatened by expiring use restrictions or rental assistance contracts. Important progress as made on this front last year. He was a strong supporter of the effort to increase and strengthen community-based non-profits in their efforts to develop affordable housing and revitalize our communities.

Mr. Vento has been a longstanding supporter of the Community Reinvestment Act, CRA, because he understood how access to capital for homeownership and small businesses is the key to ensuring equal opportunity for all Americans, regardless of the neighborhoods they live in or their economic status. I was privileged to work closely with him to preserve CRA during the debate on financial services modernization legislation.

Finally, Mr. Vento was a strong supporter of consumer protection laws, from the Fair Credit Reporting Act, to the Equal Credit Opportunity Act, to the Home Ownership Equity Protection Act.

Renaming the McKinney Act is one small way that all of us can honor Mr. Vento's memory. Mr. President, Bruce Vento will be sorely missed in the Congress of the United States. I want to join President Clinton, my colleagues, and many others in expressing my deepest sympathies to Mr. Vento's family and friends.

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

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

The bill (H.R. 5417) was read the third time and passed.

NATIONAL POLICE ATHLETIC LEAGUE YOUTH ENVIRONMENT ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3235, which is at the desk.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3235) to improve academic and social outcomes for youth and reduce both

juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

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

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mrs. FEINSTEIN. Mr. President, I am pleased that the Senate today, by unanimous consent, passed H.R. 3235, the National Police Athletic League Youth Enrichment Act of 2000, a bill that will authorize the Department of Justice to provide grant money to police after-school programs to reduce crime and drug use. This bill is companion legislation to S. 1874, a bill introduced by Senator GRAHAM, Senator BINGAMAN, and myself. The Senate bill has a total of 22 cosponsors.

I want to thank my colleagues in this body, particularly my friend Senator HATCH, for their support of this legislation. I also want to thank Representative TOM BARRETT for his work on the bill, and Representatives CANADY and SCOTT for helping shepherd the legislation through the House.

I also want to acknowledge the tremendous efforts of the Police Athletic League in spreading the word about the bill. In particular, Ron Exley of the California Police Activities League labored tirelessly to build support for the legislation.

H.R. 3235 would create a program directing the Department of Justice's Office of Justice Programs to award grants to the Police Athletic League, PAL, to establish new PAL chapters to serve public housing projects and other distressed areas and to expand existing chapters to assist additional youth.

To do this, the bill would authorize $16 million a year for 5 years beginning with fiscal year 2001. The money would be used to enhance the services provided by the existing 320 established PAL chapters and provide seed money for the establishment of an additional 250 chapters over 5 years.

The Police Athletic League was founded by police officers in New York City in 1914. Its mission is to offer an alternative to crime, drugs, and violence for our nation's most at-risk youth. In the last 75 years, PAL has become one of the largest youth-crime prevention programs in the nation, with a network of 1700 facilities serving more than 3000 communities and 1.5 million young people. Over one-third of existing PALs are in California, and these chapters serve more than 300,000 at-risk youth. Off-duty police officers staff local chapters, and PALs receive most of their funding from private sources.

PALs currently provide kids with after-school recreational, educational, mentoring, and crime prevention programs. By keeping kids busy and out of trouble, PALs have significantly reduced juvenile crime and victimization in hundreds of communities across the country. One study found, for example, that PALs have cut crime in Baltimore by 30 percent and decreased juvenile victimization there by 40 percent. Another study concluded that PAL reduced crime and gang activity in a HUD housing development in El Centro, California by 64 percent.

PAL programs involve close, positive interaction between kids and cops, encouraging youngsters to view the police in a favorable light and obey the law. The programs are generally held after school, during the prime hours that some youth turn to crime and other anti-social activities.

PAL programs more than pay for themselves, saving taxpayers millions of dollars in crime, drug, and dropout costs. The Department of Justice has found, for example, that each youngster who drops out of high school and turns to crime and drugs costs taxpayers a staggering $2–3 million. Even so, the legislation requires any new chapter seeking a grant to explain the manner in which it will operate without additional direct federal assistance when the act is discontinued.

In short, this valuable legislation will help fight crime and benefit kids in California and across the country. It will now go to President Clinton's desk for signature.●

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

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

The bill (H.R. 3235) was read the third time and passed.

PRESIDENTIAL THREAT PROTECTION ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 775, H.R. 3048.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3048) to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

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

AMENDMENT NO. 4319

Mr. LOTT. Mr. President, Senator HATCH has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HATCH, for himself, Mr. LEAHY, and Mr. THURMOND, proposes an amendment numbered 4319.

The amendment is as follows:

On page 3, strike lines 19 through 24 and insert the following:

''(e)(1) When directed by the President, the United States Secret Service is authorized to participate, under the direction of the Secretary of the Treasury, in the planning, coordination, and implementation of security operations at special events of national significance, as determined by the President.

''(2) At the end of each fiscal year, the President through such agency or office as the President may designate, shall report to the Congress—

''(A) what events, if any, were designated special events of national significance for security purposes under paragraph (1); and

''(B) the criteria and information used in making each designation.''.

On page 7, line 6, after ''offense'' insert ''or apprehension of a fugitive''.

On page 8, strike lines 17 through 19.

On page 9, strike line 14 and insert the following:

issuance.

''(11) With respect to subpoenas issued under paragraph (1)(A)(i)(III), the Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to that paragraph. The guidelines required by this paragraph shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice and of the United States Attorney for the judicial district in which the administrative subpoena shall be served.''.

At the end of the bill, insert the following:

SEC. 6. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) AUTHORITY OF ATTORNEY GENERAL.—Section 3486(a)(1) of title 18, United States Code, as amended by section 5 of this Act is further amended in subparagraph (A)(i)—

(1) by striking ''offense or'' and inserting ''offense,''; and

(2) by inserting ''or (III) with respect to the apprehension of a fugitive,'' after ''children,''.

(b) ADDITIONAL BASIS FOR NONDISCLOSURE ORDER.—Section 3486(a)(6) of title 18, United States Code, as amended by section 5 of this Act, is further amended in subparagraph (B)—

(1) by striking ''or'' and the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting ''; or''; and

(3) by adding at the end the following:

''(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.''.

(c) DEFINITIONS.—Section 3486 of title 18, as amended by section 5 of this Act, is further amended by adding at the end the following:

''(g) DEFINITIONS.—In this section—

''(1) the term 'fugitive' means a person who—

''(A) having been accused by complaint, information, or indictment under Federal law of a serious violent felony or serious drug offense, or having been convicted under Federal law of committing a serious violent felony or serious drug offense, flees or attempts to flee from, or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

''(B) having been accused by complaint, information, or indictment under State law of a serious violent felony or serious drug offense, or having been convicted under State law of committing a serious violent felony or serious drug offense, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

''(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment of a serious violent felony or serious drug offense or having been convicted of committing a serious violent felony or serious drug offense; or

''(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073;

''(2) the terms 'serious violent felony' and 'serious drug offense' shall have the meanings given those terms in section 3559(c)(2) of this title; and

''(3) the term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.''.

SEC. 7. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section $30,000,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 8. STUDY AND REPORTS ON ADMINISTRATIVE SUBPOENAS.

(a) STUDY ON USE OF ADMINISTRATIVE SUBPOENAS.—Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

(b) REPORT ON FREQUENCY OF USE OF ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued by them under this section, whether each matter involved a fugitive from Federal or State charges, and the identity of the agency or component of the Department of Justice or the Department of the Treasury issuing the subpoena and imposing the charges.

(2) EXPIRATION.—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

Mr. LEAHY. Mr. President, the Presidential Threat Protection Act, H.R. 3048, is a high priority for the Secret Service and the Service's respected Director, Brian Stafford, and I am pleased that this legislation is passing the Senate today, along with legislation that Senators THURMOND, HATCH and I have crafted to assist the U.S. Marshals Service in apprehending fugitives.

The Presidential Threat Protection Act, H.R. 3048, would expand or clarify the Secret Service's authority in four ways. First, the bill would amend current law to make clear it is a federal crime, which the Secret Service is authorized to investigate, to threaten any current or former President or their immediate family, even if the person is not currently receiving Secret Service protection and including those people who have declined continued protection, such as former Presidents, or have not yet received protection, such as major Presidential and Vice-Presidential candidates and their families.

Second, the bill would incorporate in statute certain authority, which is currently embodied in a classified Executive Order, PDD 62, clarifying that the Secret Service is authorized to coordinate, design, and implement security operations for events deemed of national importance by the President ''or the President's designee.''

Third, the bill would establish a ''National Threat Assessment Center' within the Secret Service to provide training to State, local and other Federal law enforcement agencies on threat assessments and public safety responsibilities.

Finally, the bill authorizes the Secretary of the Treasury to issue administrative subpoenas for investigations of ''imminent'' threats made against an individual whom the service is authorized to protect. The Secret Service has requested that the Congress grant this administrative subpoena authority to expedite investigation procedures particularly in situations where an individual has made threats against the President and is en route to exercise those threats.

''Administrative subpoena'' is the term generally used to refer to a demand for documents or testimony by an investigative entity or regulatory agency that is empowered to issue the subpoena independently and without the approval of any grand jury, court or other judicial entity. I am generally skeptical of administrative subpoena power. Administrative subpoenas avoid the strict grant jury secrecy rules and the documents provided in response to such subpoenas are, therefore, subject to broader dissemination. Moreover, since investigative agents issue such subpoenas directly, without review by a judicial officer or even a prosecutor, fewer ''checks'' are in place to ensure the subpoena is issued with good cause and not merely as a fishing expedition.

H.R. 3048 addresses these general concerns with the following procedural safeguards, some of which would apply not only to the new administrative subpoena authority of the Secret Service but also to current administrative subpoena authority granted to the FBI to issue administrative subpoenas in cases involving child abuse, child sexual exploitation, and Federal health care offenses.

The new administrative subpoena authority in threat cases may only be exercised by the Secretary of the Treasury upon determination of the Director of the Secret Service that the threat is imminent, and the Secret Service must notify the Attorney General of the issuance of each subpoena. I should note that this requirement will help ensure that administrative subpoenas will be used in only the most significant investigations since obtaining the authorization for such a subpoena from senior Treasury and Secret Service personnel may take longer than simply going to the local U.S. Attorney's office to get a grand jury subpoena.

The bill would limit the scope of both current and new administrative subpoena authority of the FBI for obtaining records in child sex abuse and exploitation cases from Internet Service Providers to the name, address, local and long distance telephone billing records, telephone number or services used by a subscriber.

The bill would also expressly allow a person whose records are demanded pursuant to an administrative subpoena to contest the administrative subpoena by petitioning a federal judge to modify or set aside the subpoena.

The bill would authorize a court to order non-disclosure of the administrative subpoena for up to 90 days (and up to a 90 day extension) upon a showing that disclosure would adversely affect the investigation in an enumerated way.

Upon written demand, the agency must return the subpoenaed records or things if no case or proceedings arise from the production of records ''within a reasonable time.''

The administrative subpoena may not require production in less than 24 hours after service so agencies may have to wait for at least a day before demanding production.

The Senate amendment to H.R. 3048 would modify the House-passed version, which provides that violation of the administrative subpoena is punishable by fine or up to five years' imprisonment. This penalty provision in the House version of the bill is both unnecessary and excessive since current law already provides that failure to comply with the subpoena may be punished as a contempt of court—which is

either civil or criminal. See 18 U.S.C. §3486(c). Under current law, the general term of imprisonment for some forms of criminal contempt is up to six months. See, e.g., 18 U.S.C. §402. The Senate amendment would strike that provision in the House bill.

Secret Service protective function Privilege. While passage of this legislation will assist the Secret Service in fulfilling its critical mission, this Congress is unfortunately coming to a close without addressing another significant challenge to the Secret Service's ability to fulfill its vital mission of protecting the life and safety of the President and other important persons. I refer to the misguided and unfortunately successful litigation of Special Counsel Kenneth Starr to compel Secret Service agents to answer questions about what they may have observed or overheard while protecting the life of the President.

As a result of Mr. Starr's zealous efforts, the courts refused to recognize a protective function privilege and required that at least seven Secret Service officers appear before a federal grand jury to respond to questions regarding President Clinton, and others. In re Grand Jury Proceedings, 1998 W.L. 272884 (May 22, 1998 D.C.), affirmed 1998 WL 370584 (July 7, 1998 D.C. Cir) (per curiam). These recent court decisions, which refused to recognize a protective function privilege, could have a devastating impact upon the Secret Service's ability to provide effective protection. The Special Counsel and the courts ignored the voices of experience—former Presidents, Secret Service Directors, and others—who warned of the potentially deadly consequences. The courts disregarded the lessons of history. We cannot afford to be so cavalier; the stakes are just too high.

In order to address this problem, I introduced the Secret Service Protective Privilege Act, S. 1360, on July 13, 1999, to establish a Secret Service protective function privilege so Secret Service agents will not be put in the position of revealing private information about protected officials as Special Prosecutor Kenneth Starr compelled the Secret Service to do with respect to President Clinton. Unfortunately, the Senate Judiciary Committee took no action on this legislation in this Congress.

Few national interests are more compelling than protecting the life of the President of the United States. The Supreme Court has said that the nation has ''an overwhelming interest in protecting the safety of its Chief Executive and in allowing him to perform his duties without interference from threats of physical violence.'' Watts v. United States, 394 U.S. 705, 707 (1969). What is at stake is not merely the safety of one person: it is the ability of the Executive Branch to function in an effective and orderly fashion, and the capacity of the United States to respond to threats and crises. Think of the shock waves that rocked the world in November 1963 when President Kennedy was assassinated. The assassination of a President has international repercussions and threatens the security and future of the entire nation.

The threat to our national security and to our democracy extends beyond the life of the President to those in direct line of the Office of the President—the Vice President, the President-elect, and the Vice President elect. By Act of Congress, these officials are required to accept the protection of the Secret Service—they may not turn it down. This statutory mandate reflects the critical importance that Congress has attached to the physical safety of these officials.

Congress has also charged the Secret Service with responsibility for protecting visiting heads of foreign states and foreign governments. The assassination of a foreign head of state on American soil could be catastrophic from a foreign relations standpoint and could seriously threaten national security.

The bill I introduced, S. 1360, would enhance the Secret Service's ability to protect these officials, and the nation, from the risk of assassination. It would do this by facilitating the relationship of trust between these officials and their Secret Service protectors that is essential to the Secret Service's protective strategy. Agents and officers surround the protectee with an all-encompassing zone of protection on a 24-hour-a-day basis. In the face of danger, they will shield the protectee's body with their own bodies and move him to a secure location.

That is how the Secret Service averted a national tragedy on March 30, 1981, when John Hinckley attempted to assassinate President Reagan. Within seconds of the first shot being fired, Secret Service personnel had shielded the President's body and maneuvered him into the waiting limousine. One agent in particular, Agent Tim McCarthy, positioned his body to intercept a bullet intended for the President. If Agent McCarthy had been even a few feet farther from the President, history might have gone very differently.

For the Secret Service to maintain this sort of close, unremitting proximity to the President and other protectees, it must have their complete, unhesitating trust and confidence. Secret Service personnel must be able to remain at the President's side even during confidential and sensitive conversations, when they may overhear military secrets, diplomatic exchanges, and family and private matters. If our Presidents do not have complete trust in the Secret Service personnel who protect them, they could try to push away the Secret Service's ''protective envelope'' or undermine it to the point where it could no longer be fully effective.

This is more than a theoretical possibility. Consider what former President Bush wrote in April, 1998, after hearing of the independent counsel's efforts to compel Secret Service testimony:

> The bottom line is I hope that [Secret Service] agents will be exempted from testifying before the Grand Jury. What's at stake here is the protection of the life of the President and his family and the confidence and trust that a President must have in the [Secret Service]. If a President feels that Secret Service agents can be called to testify about what they might have seen or heard then it is likely that the President will be uncomfortable having the agents nearby. I allowed the agents to have proximity first because they had my full confidence and secondly because I knew them to be totally discreet and honorable. . . . I can assure you that had I felt they would be compelled to testify as to what they had seen or heard, no matter what the subject, I would not have felt comfortable having them close in. . . . I feel very strongly that the [Secret Service] agents should not be made to appear in court to discuss that which they might or might not have seen or heard. What's at stake here is the confidence of the President in the discretion of the [Secret Service]. If that confidence evaporates the agents, denied proximity, cannot properly protect the President.

As President Bush's letter makes plain, requiring Secret Service agents to betray the confidence of the people whose lives they protect could seriously jeopardize the ability of the Service to perform its crucial national security function.

The possibility that Secret Service personnel might be compelled to testify about their protectees could have a particularly devastating affect on the Service's ability to protect foreign dignitaries. The mere fact that this issue has surfaced is likely to make foreign governments less willing to accommodate Secret Service both with respect to the protection of the President and Vice President on foreign trips, and the protection of foreign heads of state traveling in the United States.

The security of our chief executive officers and visiting foreign heads of state should be a matter that transcends all partisan politics and I regret that this legislation does not do more to help the Secret Service by providing a protective function privilege.

The Fugitive Apprehension Act. The Senate amendment to H.R. 3048 incorporates into the bill the substance of the Thurmond-Biden-Leahy substitute amendment to S. 2516, the Fugitive Apprehension Act, which passed the Senate unanimously on July 26, 2000. That substitute amendment reconciled the significant differences between S. 2516, as introduced, and S. 2761, ''The Capturing Criminals Act,'' which I introduced with Senator KOHL on June 21, 2000. The Senate amendment to H.R. 3048 makes certain changes to S. 2516 to ensure that the authority granted is consistent with privacy and other appropriate safeguards.

As a former prosecutor, I am well aware that fugitives from justice are an important problem and that their capture is an essential function of law enforcement. According to the FBI, nearly 550,000 people are currently fugitives from justice on federal, state, and local felony charges combined. This means that there are almost as many

fugitive felons as there are citizens residing in my home state of Vermont.

The fact that we have more than one half million fugitives from justice, a significant portion of whom are convicted felons in violation of probation or parole, who have been able to flaunt court order and avoid arrest, breeds disrespect for our laws and poses undeniable risks to the safety of our citizens.

Our Federal law enforcement agencies should be commended for the job they have been doing to date on capturing federal fugitives and helping the states and local communities bring their fugitives to justice. The U.S. Marshals Service, our oldest law enforcement agency, has arrested over 120,000 federal, state and local fugitives in the past four years, including more federal fugitives than all the other federal agencies combined. In prior years, the Marshals Service spearheaded special fugitive apprehension task forces, called FIST Operations, that targeted fugitives in particular areas and was singularly successful in arresting over 34,000 fugitive felons.

Similarly, the FBI has established twenty-four Safe Streets Task Forces exclusively focused on apprehending fugitives in cities around the country. Over the period of 1995 to 1999, the FBI's efforts have resulted in the arrest of a total of 65,359 state fugitives.

Nevertheless, the number of outstanding fugitives is too large. The Senate amendment to H.R. 3028 will help make a difference by providing new but limited administrative subpoena authority to the Department of Justice to obtain documentary evidence helpful in tracking down fugitives and by authorizing the Attorney General to establish fugitive task forces.

Unlike initial criminal inquiries, fugitive investigations present unique difficulties. Law enforcement may not use grand jury subpoenas since, by the time a person is a fugitive, the grand jury phase of an investigation is usually over. Use of grand jury subpoenas to obtain phone or bank records to track down a fugitive would be an abuse of the grand jury. Trial subpoenas may also not be used, either because the fugitive is already convicted or no trial may take place without the fugitive.

This inability to use trial and grand jury subpoenas for fugitive investigations creates a gap in law enforcement procedures. Law enforcement partially fills this gap by using the All Writs Act, 28 U.S.C. §1651(a), which authorizes federal courts to ''issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.'' The procedures, however, for obtaining orders under the Act, and the scope and non-disclosure terms of such orders, vary between jurisdictions. Authorizing administrative subpoena power will help bridge the gap in fugitive investigations by providing a uniform mechanism for federal law enforcement agencies to obtain records useful for tracking a fugitive's whereabouts.

The Thurmond-Biden-Leahy substitute amendment, which previously passed the Senate, incorporated a number of provisions from the Leahy-Kohl ''Capturing Criminals Act'' and made significant and positive modifications to the original version of S. 2516. These improvements are largely incorporated into the current Hatch-Leahy-Thurmond amendments to H.R. 3048, which the Senate considers today. First, as introduced, S. 2516 would have limited use of an administrative subpoena to those fugitives who have been ''indicted,'' and failed to address the fact that fugitives flee after arrest on the basis of a ''complaint'' and may flee after the prosecutor has filed an ''information'' in lieu of an amendment. The prior substitute amendment and the current Hatch-Leahy-Thurmond amendment to H.R. 3048, by contrast, would allow use of such subpoenas to track fugitives who have been accused in a ''complaint, information or indictment.''

Second, S. 2516, as introduced, would have required the U.S. Marshals Service to report quarterly to the Attorney General (who must transmit the report to Congress) on use of the administrative subpoenas. While a reporting requirement is useful, the requirement as described in the original S. 2516 was overly burdensome and insufficiently specific. The prior substitute amendment and the current Hatch-Leahy-Thurmond amendment to H.R. 3048 would require, as set forth in the Capturing Criminals Act, that the Attorney General report for the next three years to the Judiciary Committees of both the House and Senate on the following information about the use of administrative subpoenas in fugitive investigations: the number issued, by which agency, identification of the charges on which the fugitive was wanted and whether the fugitive was wanted on federal or state charges.

Third, although the original S. 2516 outlined the procedures for enforcement of an administrative subpoena, it was silent on the mechanisms for contesting the subpoena by the recipient. The procedures outlined in H.R. 3048 address this issue in a manner fully consistent with those I originally outlined in the Capturing Criminals Act by allowing a person, who is served with an administrative subpoena, to petition a court to modify or set aside the subpoena.

Fourth, the original S. 2516 set forth no procedure for the government to command a custodian of records to avoid disclosure or delay notice to a customer about the existence of the subpoena. This is particularly critical in fugitive investigations when law enforcement does not want to alert a fugitive that the police are on the person's trail. Both the prior substitute amendment to S. 2516, which passed the Senate last July, and H.R. 3048, which the Senate considers today, provide express authority for law enforcement to apply for a court order directing the custodian of records to delay notice to subscribers of the existence of the subpoena on the same terms applicable in current law to other subpoenas issued, for example, to telephone companies and financial institutions. This procedure is consistent with provisions I originally proposed in the Capturing Criminals Act.

Fifth, S. 2516, as introduced, would have authorized use of an administrative subpoena in fugitive investigations upon a finding by the Attorney General that the documents are ''relevant and material,'' which is further defined to mean that ''there are articulable facts that show the fugitive's whereabouts may be discerned from the records sought.'' In my view, changing the standard for issuance of a subpoena from ''relevancy'' to a hybrid of ''relevant and material'' would set a confusing precedent. Accordingly, the current Hatch-Leahy-Thurmond amendment to H.R. 3048 amendment would authorize issuance of an administrative subpoena in fugitive investigations based on the same standard as for other administrative subpoenas, i.e., that the documents may be relevant to an authorized law enforcement inquiry.

Sixth, the original S. 2516 authorized the Attorney General to issue guidelines delegating authority for issuance of administrative subpoenas in fugitive investigations only to the Director of the U.S. Marshals Service, despite the fact that the FBI, and the Drug Enforcement Administration also want this authority to find fugitives on charges over which they have investigative authority. The substitute amendment to S. 2516, which previously passed the Senate, and the current Hatch-Leahy-Thurmond amendment to H.R. 3048, which we consider today, would authorize the Attorney General to issue guidelines delegating authority for issuance of administrative subpoenas to supervisory personnel within components of the Department. In addition, the current Hatch-Leahy-Thurmond amendment to H.R. 3048 would require that the Attorney General's guidelines require that administrative subpoenas in fugitive investigations be issued only upon the review and approval of senior supervisory personnel within the respective investigating agency and of the U.S. Attorney in the judicial district in which the subpoena would be served.

Seventh, the original S. 2516 did not address the issue that a variety of administrative subpoena authorities exist in multiple forms in every agency. The substitute amendment to S. 2516, which previously passed the Senate, and the Hatch-Leahy-Thurmond amendment to H.R. 3048, which we consider today, incorporates from the Capturing Criminals Act a requirement that the Attorney General provide a report on this issue.

Eighth, the current Hatch-Leahy-Thurmond amendment to H.R. 3048 would limit the use of administrative subpoenas in fugitive investigations to those fugitives who have been accused or convicted of serious violent felony or serious drug offenses.

Finally, as introduced, S. 2516 authorized the U.S. Marshal Service to establish permanent Fugitive Apprehension Task Forces. By contrast, the substitute amendment to S. 2516, which previously passed the Senate, and the Hatch-Leahy-Thurmond amendment to H.R. 3048, which we consider today, would authorize $40,000,000 over three years for the Attorney General to establish multi-agency task forces (which will be coordinated by the Director of the Marshals Service) in consultation with the Secretary of the Treasury and the States, so that the Secret Service, BATF, the FBI and the States are able to participate in the Task Forces to find their fugitives.

The Hatch-Leahy-Thurmond amendment to H.R. 3048 will help law enforcement—with increased resources for regional fugitive apprehension task forces and administrative subpoena authority—to bring to justice both federal and state fugitives who, by their conduct, have demonstrated a lack of respect for our nation's criminal justice system.

I urge that the Senate pass H.R. 3048 with the Hatch-Leahy-Thurmond amendment without delay.

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

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

The amendment (No. 4319) was agreed to.

The bill (H.R. 3048), as amended, was read the third time and passed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2000—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the conference report to accompany H.R. 1654, which is the NASA authorization conference report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.)

(The conference report is printed in the House proceedings of the RECORD of September 12, 2000.)

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 1654 which authorizes appropriations for the National Aeronautics and Space Administration for fiscal years 2000 to 2002.

We have taken a long road to reach this point. I particularly want to thank my fellow conferees, Senators MCCAIN, FRIST, STEVENS, and BREAUX. You and your staffs have worked in a professional, bipartisan manner to get this bill done. Congratulations.

In the past year alone, we have heard of great successes at NASA—launch of the first element of the International Space Station, discoveries about the nature of our universe by our new Chandra X-Ray Observatory, the discovery of evidence to show liquid water on Mars. However, NASA has also seen some chinks in its armor with the failure of the Mars Climate Orbiter and the Mars Polar Lander and subsequent questions about the ''faster, better, cheaper'' mission concept. I note that Section 301 of the bill requires an independent cost analysis of missions that are projected to cost more than $150 million so that we do not operate under unrealistic budget constraints that have been blamed, in part, for these losses.

It seems that NASA is at a bit of a crossroads both in trying to operate more efficiently without losing its effectiveness and in looking forward to the day when the International Space Station will be complete. So you see, this is the perfect time for an authorization bill like this one to help lay down a road map for the agency.

Specifically, H.R. 1654 authorizes $13.6 billion for NASA in FY 2000, $14.2 billion in FY 2001, and $14.6 billion in FY 2002. These are at or above the requested level. The conference report highlights some priorities within NASA's accounts. I want to make it very clear for the record, though—this is an authorization bill. None of this money in any of these accounts can be spent until appropriated. The VA–HUD appropriations law will have the final say on spending, and that is as it should be.

Senator MCCAIN and Senator BREAUX, I am sure, will summarize the major provisions of this legislation. I would like to discuss, briefly, why the conferees did what we did in a few places.

The bill imposes a cap on the total development cost of the International Space Station and related Space Shuttle launch costs. While I am no supporter of the International Space Station, I support the cap as a way of imposing a program that until recently was bleeding more and more red ink every day.

Nonetheless, I am concerned about the safety of the Shuttle, the Station, and our astronauts. As soon as NASA expressed concerns about safety, we immediately listened to their concerns and accommodated them without putting a hole in the cap that you could fly the Shuttle through.

Section 324 of the bill alters the provisions of the Space Act relating to insurance, indemnification, and cross waivers for experimental launch vehicles. Current law provides broad authority for the Administrator of NASA to indemnify the developers of experimental launch vehicles. As you may know, the parallel authority under FAA's licensing authority for operational vehicles sunsets periodically. H.R. 1654 places a sunset on the authority for experimental vehicles to allow us to review its use. The bill also does not allow reciprocal waivers of liability in a case where a loss results from the willful misconduct of a party to such waiver.

I am pleased we could include section 322 which would prohibit the licensing of the U.S. launch of a payload containing advertising which would be visible to the naked eye from space. It also encourages the President to seek agreements with other nations to do the same. I, for one, do not believe that advertisements should compete for space in the sky with constellations, meteor showers, and planets.

The conferees have authorized $25 million in FY 2001 and 2002 for the Commercial Remote Sensing Program's data purchases. I hope that such funding would be used to assist local and state government users acquire and use remote sensing data in their operations.

The conferees have worked with the Administration to resolve several complicated policy issues. We did not come to the exact place the Administration wanted us to be. Nonetheless, I think we have come to provisions which satisfy the Administration's bottom line. Does the Administration love the bill? Of course not—what agency likes oversight, likes an authorization bill, especially if that agency has been operating in the absence of authorization since FY 1993. Nonetheless, I think we have done a good job. This is a bill the President can and should sign.

We resolve the Administration's concerns regarding onerous provisions relating to Russian involvement in the Space Station program by making them country-neutral and forward-looking. The bill keeps the Space Station Commercial Demonstration Program in law, albeit for a shorter authorization period. H.R. 1654 will allow NASA to lease an inflatable habitation module or ''Trans-HAB.'' The bill does not terminate the Triana satellite program. And, as I mentioned before, the bill accounts for safety-related concerns about the cap provision.

Unfortunately, we could not include some meritorious provisions which were transmitted to the Hill with NASA's FY 2001 budget submission. I would be happy to work in the next Congress with NASA on a policy bill which meets these needs.

Finally, I thank the chairman of the Commerce Committee once again. When our negotiations with the House threatened to dissolve, he stood firm on the need for a bipartisan NASA bill this year. I speak for all of the conferees when I congratulate him for putting together this bill. While it is not perfect, I support H.R. 1654 and hope that the Senate will adopt the conference report.

Mr. BREAUX. Mr. President, I rise in support of the conference report on H.R. 1654, the NASA Authorization bill. First, I thank Chairman MCCAIN and the other Senate conferees. We have come to a bi-partisan agreement after many months of conference and now we have the opportunity to pass a NASA Authorization bill for the first time since fiscal year 1993.

As you know, NASA is one of the agencies of government that captures the spirit of the American people. Who can fail to be awed by the liftoff of a Space Shuttle, a walk in space, or the discovery of water on Mars? Because NASA is such a treasure, it is important that we in Congress exercise our duty to oversee and authorize its programs.

And that is just what this conference report does. H.R. 1654 would authorize funding for the National Aeronautics and Space Administration at the appropriated level of $13.6 billion in FY 2000. It provides $14.2 billion in FY 2001 and $14.6 billion in FY 2002, slightly more than the President's requested level.

The bill fully funds the Space Shuttle program, the International Space Station, and the Space Launch Initiative. It provides authorizations above the requested levels for the Space Grant College program, the Experimental Program to Stimulate Competitive Research, EPSCoR, and NASA's research into aircraft noise reduction and cleaner, more energy-efficient aircraft engine technology—research that can improve the quality of life of Americans who live near airports.

When we were nearing the finish line with this bill, the Administration contacted us about several key concerns they had with the bill. We have resolved their concerns, and now I would like to run through these issues: our interaction with International Space Station partners, commercialization of the Space Station, Trans-Hab, Shuttle Safety, and Triana.

International partners and the space station: We successfully altered House-proposed lauguage which was overly punitive. The provision contained in H.R. 1654 encourages NASA to provide for equitable use of the Space Station by seeking reduction in utilization rights (like crew allocation) for International Partners that willfully violate any of their commitments to the program.

Space station commercialization: The conferees agreed to leave in place the Space Station Commercial Development program and did not agree to the House's proposal to eliminate the program. We did, however, shorten the period of time for which the program is authorized from 2004 to 2002. The program will be up for reauthorization at the same time that NASA itself is due for reauthorization.

Trans-hab: NASA has considered replacing the ''hard'' habitation module for the Space Station with an inflatable ''Trans-Hab.'' The House had sought to prohibit NASA from using its funds to develop an inflatable habitation module. The conference agreement clarifies that NASA is permitted to lease or use a commercially-developed Trans-Hab. It is my understanding that NASA is currently evaluating a very serious commercial proposal for an inflatable space structure capable of accommodating humans in space, and this language should allow them to participate in such an agreement.

Shuttle safety: The Administration was concerned that the Senate-passed cost cap on the International Space Station and Shuttle flights to assemble the Station might send the wrong message about Shuttle and Station crew safety. That concern sent up a red flag to the conferees—no cost limitation proposed in this legislation should make NASA hesitate for one moment in launching the Shuttle if a life was at stake. No one wants to jeopardize the life and safety of the crew of the Space Station. We inserted language to ensure that the cap would not apply to costs incurred to ensure or enhance the safety or reliability of the Space Shuttle and another provision to allow the Administrator to use monies provided beyond the cap to improve safety or to launch a shuttle to protect the Station and its crew.

Triana: Finally, the House agreed to take out its provision to terminate the Triana program. Triana will be the world's first Earth-observing mission to L1, the gravitational mid-point between the sun and the Earth. From this vantage point, the satellite has a continuous view of the Sun-lit portion of the Earth. Over 90 percent of the instrument development has already taken place, and we've already spent about $40 million.

NASA highlighted several legislative provisions which they feel would be beneficial, yet are not included in the bill. While I would not support all of those provisions, I am disappointed we could not include some of the provisions that represent their greatest needs in this Conference Report.

I would also like to highlight a few of H.R. 1654's other major provisions. The Conference Report imposes a $25.0 billion cost cap for International Space Station development and a $17.7 billion cost cap for Space Shuttle launch costs in connection with Station assembly. The cap would not apply to operations, research, or crew return activities after the Station is complete. An additional contingency fund of $5 billion for Station development and $3.5 billion for Space Shuttle is authorized to provide flexibility in case of an emergency or other unusual circumstance.

As you know, I am a strong supporter of the International Space Station Program. The Space Shuttle *Discovery* is currently on the 100th Space Shuttle mission, putting cargo and other items in place so that the Station is ready to be occupied by its permanent crew next month.

The cap on Station development in the bill does not seek to alter or impede that program in any way. It merely seeks to limit the development costs so we stick to the plan and put a fully-operational Space Station on orbit in a timely manner.

The bill also directs NASA, after Congressional review of their plan, to establish a non-governmental organization (NGO) to manage Space Station research and commercial activities upon completion of the Station. I understand that some members are concerned about this provision. I will simply note: (1) NASA is already in the process of evaluating and establishing an NGO to manage station research; and (2) our bill allows Congress nearly 4 months to react to NASA's proposal before it can be implemented. If we don't like what they come back with, we can tell them not to do it.

H.R. 1654 represents the culmination of several years of hard work, and it is a good piece of legislation. I don't like every provision in the bill, but it represents a fine compromise—and one it looked like we might never reach. Again, I would like to thank Chairman MCCAIN and Senator FRIST for their hard work and to thank our staffs, in particular Floyd DesChamps, Elizabeth Prostic, and Jean Toal Eisen.

I urge the swift adoption of the conference report.

Mr. LOTT. Mr. President, I ask unanimous consent that the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the report be printed in the RECORD.

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

CORRECTING THE ENROLLMENT OF H.R. 1654

Mr. LOTT. Mr. President, I ask unanimous consent that H. Con. Res. 409, a concurrent resolution, which corrects the enrollment of H.R. 1654 be agreed to and the motion to reconsider with laid upon the table.

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

The concurrent resolution (H. Con. Res. 409) was agreed to.

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM AMENDMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 2842, 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 assistant legislative clerk read as follows:

A bill (H.R. 2842) to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage.

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

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

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

The bill (H.R. 2842) was read the third time and passed.

TO COMPLETE THE ORDERLY WITHDRAWAL OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FROM THE CIVIL ADMINISTRATION OF THE PRIBILOF ISLANDS, ALASKA

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 3417 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 assistant legislative clerk read as follows:

A bill (H.R. 3417) to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

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

AMENDMENT NO. 4320

(Purpose: To reauthorize the Coastal Zone Management Act and the Atlantic Striped Bass Conservation Act, and for other purposes.)

Mr. LOTT. Mr. President, Senators SNOWE and KERRY have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Ms. SNOWE, for herself and Mr. KERRY, proposes an amendment numbered 4320.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 4320) was agreed to.

Ms. SNOWE. Mr. President, I rise to support H.R. 3417, the Pribilof Islands Transition Act with the amendment I have offered. This bill, as amended, contains a number of ocean, coastal, and fisheries related titles that will result in major conservation gains for our nation's marine resources at a time when we are placing enormous demands on them. The bill not only attempts to provide additional environmental protections through a number of state and local programs, but also tools for better management.

Title I of this bill is the Pribilof Islands Transition Act. The Alaskan Pribilof Islands in the Bering Sea were a former reserve for harvesting fur seals. The Commerce Department, acting through the National Oceanic and Atmospheric Administration (NOAA), has been involved in municipal and social services on the islands since 1910. In 1983, NOAA tried to remove themselves from administering these programs. However, despite the $20 million in funds the Pribilof Islands received to replace future annual Federal appropriations, the Pribilof Islanders claim that the terms of the transition process were not met and the withdrawal failed.

This title authorizes $28 million over five years to again attempt to achieve the orderly withdrawal of NOAA from the civil administration of the Pribilof Islands. Additionally, it authorizes $10 million a year for five years for NOAA to complete its environmental cleanup and landfill closure obligations prior to the final transfer of federal property to the six local entities. The Pribilof Islands have historically been a very expensive program to the American taxpayers. Congress expects that this title will provide a final termination of NOAA's municipal and social service responsibilities on the islands and a distinct end to federal taxpayer funding of those services.

Title II of this bill is the Coastal Zone Management Act of 2000, which refines and reauthorizes funding for the nation's coastal zone management program. This is the same language that was passed by unanimous consent in the Senate on September 28, 2000. Not only is this federal-state partnership important to my home state of Maine, but it is also a significant management tool for coastal states throughout the country. Despite the fact that the coastal zone only comprises 10 percent of the contiguous U.S. land area, it is home to more than 53 percent of the U.S. population, and more than 3,600 people relocate there annually. Not only is it an important economic region, but the coastal zone is also critical ecologically.

We are currently facing a very serious problem in the coastal zone in the form of non-point source pollution. This type of runoff pollution is degrading the condition of our coastal rivers, wetlands, and marine environments. Compromising the environmental integrity of the coastal zone can in turn have a large impact on the regions' economic viability in a number of sectors, including tourism and fishing. The Coastal Zone Management Act of 2000 addresses this issue by encouraging and funding states to implement local solutions to their non-point source pollution problems. We have not created any new mandates or programs addressing non-point source pollution. Rather, the Coastal Community program can be used at the states' discretion if they want to create and implement local community-based solutions to problems, which would include non-point source pollution control strategies and measures.

This title greatly increases authorization levels for the coastal zone management program, allowing states to better address their coastal management plan goals. While we have achieved many successes through the CZMA, the states have made it clear that they can do more and that they can raise additional funds to match the increased federal funding. Therefore, we have authorized a total of $136.5 million for fiscal year 2001 and increased authorization levels by $5.5 million a year through fiscal year 2004. This total authorization includes an increase for the National Estuarine Research and Reserve System (NERRS) to $12 million in fiscal year 2001, with an additional $1 million increase each year through fiscal year 2004.

Mr. President, Title III of the bill deals with the management of several Atlantic coast fisheries. Subtitle A reauthorizes the Atlantic Striped Bass Conservation Act (ASBCA). The ASBCA was originally passed to help coordinate and improve interstate management of Atlantic striped bass, an important commercial and recreational fish. Because striped bass migrate along the eastern seaboard, it is imperative that management measures be coordinated among the various states. The rebuilding of striped bass populations is considered one of our fisheries management success stories and it is critical that we continue these efforts. This subtitle authorizes $1.25 million a year for fiscal years 2001 through 2003 to carry out the provisions of the act and another $250,000 to conduct a population study on the Atlantic striped bass.

Subtitle B, the Atlantic Costal Fisheries Act of 2000, will reauthorize the highly successful interstate program that manages coastal fisheries that cross jurisdictional boundaries along the east coast. The states have proven that joint management of these resources is far more effective than a piecemeal approach by individual states. In an effort to further increase the effectiveness of interstate management, the states have initiated the Atlantic Coastal Cooperative Statistics Program. This joint data collection and analysis program is intended to meet the need for improved fishery statistics for management purposes. It is a comprehensive effort to address all

areas and fisheries and could serve as a model for a national cooperative statistics program. This subtitle authorizes $10 million in fiscal year 2001, increasing the authorization by $2 million a year until fiscal year 2005.

Subtitle C of this title deals with a significant problem facing the Atlantic bluefin tuna, ABT, fishery. In 1998, the Highly Migratory Species Advisory Panel unanimously requested and advised the Secretary of Commerce to ban the use of spotter aircraft in the General and Harpoon categories of the ABT fishery. Spotter aircraft tend to accelerate the catch of the ABT, and thus can create significant impacts on both the communities that depend on the fishery and the conservation intentions of the ABT management plans. Because NMFS has been unable to successfully implement a rule to ban the use of spotter aircraft in the ABT fishery over the past two years, it has become necessary for Congress to take legislative action. Subtitle C prohibits the unfair use of spotter aircraft to locate or assist in fishing for ABT in the General and Harpoon categories of the ABT fishery. This action follows numerous public hearings held by NMFS and the discussion of this issue at several Senate hearings. This provision passed by unanimous consent in the Senate as part of an amendment to H.R. 1651, the Fishermen's Protective Act, on June 26, 2000.

Mr. President, to many Americans, as well as myself, the practice of shark finning is both wasteful and disturbing. Shark finning is a method by which the dorsal fin and tail of a shark are cut off and retained, while the rest of the shark carcass is discarded as waste. Much of the fin product is then exported for sale to Asian countries. Title IV, the Shark Conservation Act, attempts to address this problem by prohibiting the domestic landing and at-sea transhipment of shark fins. It also directs the Administration to begin international negotiations to reduce foreign shark finning.

Title V of the bill is the Fishermen's Protective Act Amendments of 2000. It amends the Fishermen's Protective Act of 1967 to lengthen the period during which reimbursement can be provided to owners of U.S. fishing vessels for costs incurred when a vessel is illegally seized, detained, or charged certain fees by a foreign country. Under the title, the reimbursement period is extended until fiscal year 2003. This provision passed by unanimous consent in the Senate on June 26, 2000.

Mr. President, title VI of the bill is the Yukon River Salmon Act of 2000. It creates a Yukon River Salmon Panel to advise both the Secretary of State regarding negotiation of any international agreements with Canada relating to management of Yukon River salmon stocks and Secretary of the Interior regarding management of those stocks. An Advisory Committee is created to make advisory recommendations to a number of entities, including the Panel. A total of four million dollars a year for fiscal years 2000 through 2003 is authorized. Of these funds, up to $3 million a year can be used for a Yukon River salmon survey, restoration, enhancement activities; $600,000 of the total is to be available for cooperative Yukon River salmon research and management projects. This provision passed by unanimous consent in the Senate on June 26, 2000.

This bill also address the very serious problem of an aging fishery research vessel, FRV, fleet. Because these vessels are used to conduct the majority of fishery stock assessments, they are a critical tool for improving management and regulation of our commercial fish species. Over the past year, I have conducted a series of six hearings across the country on fisheries management. At every hearing, the need for more and better data was raised repeatedly by the witnesses. The seventh title of the bill directs the Secretary of Commerce to acquire vessels, authorizing $60 million a year for fiscal years 2002 through 2004. They will be outfitted with the latest technology and enable innovative research. New England is in particular need of a replacement FRV, since the current NOAA vessel, the Albatross IV, is 38 years old and at the end of its useful life. Without a new vessel, the ability for NOAA to collect long term fisheries, oceanographic, and biological data in New England will be seriously compromised. I had offered this provision as an amendment to the Fishermen's Protective Act which passed by unanimous consent in the Senate on June 26, 2000.

Mr. President, the bill also makes significant conservation and management improvements for our nation's coral reefs. Title VIII, the Coral Reef Conservation Act of 2000, requires the creation of a national coral reef action strategy. Of particular note is the use of marine protected areas to serve as replenishment zones. The U.S. Coral Reef Task Force has called for setting aside 20 percent of coral reefs in each region of the United States that contains reefs as no-take areas. However, many of the U.S. islands that have coral reefs have significant cultural ties to these reefs. It is imperative that any new marine protected areas are developed in close cooperation with the people of these islands and account for traditional and cultural uses of these resources. Without such cooperation, there will not be public support. The national strategy will address how such traditional uses will be incorporated into these replenishment zones.

The national program will also incorporate such important topics as mapping; research, monitoring, and assessment; international and regional management; outreach and education; and restoration. According to NOAA, the majority of our nation's coral reefs are within federal waters, therefore it is expected that NOAA will continue to work cooperatively with the states, territories, and commonwealths in the development and implementation of coral reef management plans and shift the burden of responsibility onto these states, territories, and commonwealths.

The title also creates a new coral reef conservation program, which will provide grants to states, governmental authorities, educational institutions, and non-governmental organizations. This is intended to foster locally based coral reef conservation and management. Creation of a coral reef conservation fund is also authorized. This fund would allow the Administration to enter into agreements with nonprofit organizations to support partnerships between the public and private sectors to further the conservation of coral reefs and help raise the matching funds required as part of the new grants program.

The title authorizes a total of $16 million a year for fiscal years 2001 through 2004 to be spilt equally between the local coral reef conservation program and national coral reef activities.

Title IX of the bill amends the American Fisheries Act to allow for the participation of two additional catcher vessels in the Alaskan pollock fishery. These vessels were able to demonstrate that they should have been included in the Act when it passed in 1998. This title also makes a number of minor technical changes to other fisheries laws.

Title X creates a new marine mammal rescue assistance grant program. This new program will assist eligible marine mammal stranding network participants by providing funding for recovery and treatment of marine mammals. Grants can also be used for data collection and the continued operation of these stranding centers. Efforts of these centers are critical for the continued conservation and management of marine mammals in our nation's waters. This program is authorized at $5 million for each of fiscal years 2001, 2002, and 2003.

I would like to thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to thank Senator INOUYE for his support, particularly for his contributions to the coral reef conservation section of the bill. In addition, I would like to thank Senator MCCAIN, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking member of the Committee, for their bipartisan support of this measure. We have before us an opportunity to significantly improve our Nation's ability to conserve and manage our marine resources and I urge the Senate to pass H.R. 3417, as amended.

Mr. KERRY. Mr. President, I rise to make a few remarks on H.R. 3417 and amendments to it that will pass the Senate today. It is a package of several bills all designed to benefit our coastal

and marine environment. It is my hope, Mr. President, that the House of Representatives will consider and pass the bill immediately. They are sound proposals with broad support.

Since the day I first arrived in the Senate more than 15 years ago, I have worked hard to address the many challenges confronting our common ocean and coastal resources. After all, few states draw as much of their national and regional identity from their coasts as does Massachusetts. And I have been fortunate that the Commerce Committee includes members of both parties who are ready and willing to work together, to find compromise and pass sound legislation. In that regard, I want to thank Senators SNOWE, MCCAIN and HOLLINGS for their work on this bill.

The major provisions of H.R. 3417, as amended, are the Pribilof Islands Transition Act, the Shark Finning Prohibition Act, the Atlantic Striped Bass Conservation Act, the Atlantic Coastal Fisheries Cooperative Management Act, the Coastal Zone Management Act, the Fishermen's Protective Act Amendments, the Coral Reef Conservation Act and the Marine Mammal Rescue Assistance Act. Each of these major proposals in the bill, except the corals bill, has already passed the House, the Senate or both. The bill also includes a ban on the use of spotter aircraft in certain bluefin tuna fishery categories. This proposal has passed the Senate.

I would like to make a few short comments on the Coastal Zone Management Act. To begin, I want to thank Senator SNOWE, our chairman on the Oceans and Fisheries Subcommittee on the Commerce Committee, for putting this legislation on the Committee agenda this Congress and working for its enactment.

Mr. President, when Congress enacted the Coastal Zone Management Act in 1972, it made the critical finding that, ''Important ecological, cultural, historic, and esthetic values in the coastal zone are being irretrievably damaged or lost.'' As we deliberated CZMA's reauthorization this session, I measured our progress against that almost 30-year-old congressional finding. And, I concluded that while we have made tremendous gains in coastal environmental protection, the increasing challenges have made this congressional finding is as true today as it was then.

It is clear from the evidence presented to the Committee in our oversight process and from other input that I have received, that a great need exists for the federal government to increase its support for states and local communities that are working to protect and preserve our coastal zone. To accomplish that goal, the Committee has reported a bill that substantially increases annual authorizations for the CZMA program and targets funding at controlling coastal polluted runoff, one the more difficult challenges we face in the coastal environment.

This reauthorization tackles the problem of polluted coastal runoff. This is one of the great environmental and economic challenges we face in the coastal zone. At the same time that pollution from industrial, commercial and residential sources has increased in the coastal zone, the destruction of wetlands, marshes, mangroves and other natural systems has reduced the capacity of these systems to filter pollution. Together, these two trends have resulted in environmental and economic damage to our coastal areas. These effects include beach closures around the nation, the discovery of a recurring ''Dead Zone'' covering more than 6,000 square miles in the Gulf of Mexico, the outbreak of Pfiesteria on the Mid-Atlantic, the clogging of shipping channels in the Great Lakes, and harm to the Florida Bay and Keys ecosystems. In Massachusetts, we've faced a dramatic rise in shell fish beds closures, which have put many of our fishermen out of work.

To tackle this problem, the Coastal Zone Management Act of 2000 targets up $10 million annually to, ''assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.'' This is an important amendment. For the first time, we have elevated the local management of runoff as national priority within the context of the CZMA program. Runoff is not a state-by-state problem; the marine environment is far too dynamic. States share the same coastlines and border large bodies of waters, such as the Gulf of Mexico, the Chesapeake Bay or the Long Island Sound, so that pollutants from one state can detrimentally affect the quality of the marine environment in other states. We are seeing the effects of polluted runoff both in our coastal communities and on our nation's living marine resources and habitats. Mr. President, I'm pleased that we've included the runoff provision in the bill. It's an important step forward and I believe we will see the benefits in our coastal environment and economy.

The Coastal Zone Management Act of 2000, Mr. President, has been endorsed by the 35 coastal states and territories through the Coastal States Organization. It also has the endorsement of the Great Lakes Commission, American Oceans Campaign, Coast Alliance, Center for Marine Conservation, Sierra Club, Environmental Defense, California CoastKeeper and many other groups. It's a long list that makes clear that this is a consensus proposal. We heard from all sides and did our best to fine compromise, and I believe that we succeeded.

I also want to make a short statement on shark finning. H.R. 3417 would prohibit the practice of shark finning. Sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity and small number of offspring leave them exceptionally vulnerable to overfishing and slow to recover from depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea. While many of our other highly migratory species such as tunas and swordfish are subject to rigorous management regimes, sharks have largely been overlooked until recently.

The bill bans the wasteful practice of removing a shark's fins and returning the remainder of the shark to sea. National Marine Fisheries Service regulations in the Atlantic Ocean prohibit the practice of shark finning, but a nationwide prohibition does not currently exist. Shark fins comprise only a small percentage of the weight of the shark, and yet this is often the only portion of the shark retained. The Magnuson-Stevens Act and international commitments discourage unnecessary waste of fish, and thus I believe this bill ensures our domestic regulations are consistent on this point. Another goal of the Magnuson-Stevens Act—the minimization of bycatch and bycatch mortality—is an issue that I have been particularly committed to over the years. Because most of the sharks caught and finned are incidentally captured in fisheries targeting other species, I believe establishing a domestic ban will help us further reduce this type of shark mortality.

The next step in this process is to act internationally. At present, foreign fleets transship or land approximately 180 metric tons of shark fins annually through ports in the Pacific alone. The global shark fin trade involves at least 125 countries, and the demand for shark fins and other shark products has driven dramatic increases in shark fishing and shark mortality around the world. International measures are an absolutely critical component of achieving effective shark conservation.

Finally, the bill authorizes a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments, identify fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks, and provide data on the international shark fin trade.

The United States is a global leader in fisheries conservation and management. I believe this legislation provides us the opportunity to further this role, and take the first step in addressing an international fisheries management issue. In addition, I believe the U.S. should continue to lead efforts at the United Nations and international conventions to achieve coordinated international management of sharks, including an international ban on shark-finning.

Mr. President, this package also includes a provision to ban the use of spotter aircraft in both the harpoon and general categories of the Atlantic bluefin tuna fishery. This has been an

ongoing issue in New England since 1996. Several of my Senate colleagues, including Senators SNOWE, KENNEDY, GREGG, and COLLINS, have asked the agency to ban aircraft in the past. Unfortunately Mr. President, because aircraft do not catch fish, our legal system has determined that the agency cannot regulate these aircraft. Let me point out that the fisheries service has gone through two rounds of public rulemaking on this issue and in both instances an overwhelming number of public comments were in support of this ban. The Atlantic bluefin tuna fishery is one of the last open fisheries in New England, and spotter aircraft provide an unfair competitive advantage to those fishermen who use them. Banning spotter aircraft will level the playing field and provide the opportunity for thousands of New Englanders to experience the thrill of landing a 400 pound bluefin tuna that, depending on the quality of the fish, can easily be worth $10,000.

Mr. President, H.R. 3417 also includes an authorization for the Secretary of Commerce to acquire fishery research vessels in 2002, 2003, and 2004 at a cost of $60 million. These state-of-the-art fishery research vessels will replace a fleet of vessels that are becoming technologically obsolete and reaching the end of their useful lives. In New England, the primary vessel used for our stock assessments is the 38-year old Albatross IV. Over the years NOAA has assumed increased responsibilities for managing our marine resources under the Magnuson-Stevens Fisheries Conservation and Management Act, the Marine Mammal Protection Act, and the Endangered Species Act. It is absolutely imperative that we give NOAA scientists the tools necessary to carry out the mandates Congress has given them.

Mr. President, I sincerely hope that the House will move to pass this legislation. This is a very reasonable proposal. Indeed, it includes several proposals the House has initiated and passed. We have made every effort to act on their priorities and we ask that they do the same with our priorities.

ATLANTIC STRIPED BASS CONSERVATION ACT

Mr. SMITH of New Hampshire. Mr. President, I rise today to applaud my colleague from Arizona, Senator MCCAIN, on his efforts to reauthorize the Atlantic Striped Bass Conservation Act in a package of oceans and fisheries legislation. I would also like to reaffirm the continued interest of the Committee on Environment and Public Works in this important legislation, over which our two committees have traditionally shared jurisdiction. As my colleague knows, this legislation is critically important to the northeast.

The populations of striped bass, which can be found all along the east coast, began to decline dramatically during the 1970s. In 1979, Congress responded by authorizing the Emergency Striped Bass Study as part of the Anadromous Fish Conservation Act. And in 1984, Congress enacted the Atlantic Striped Bass Conservation Act. This Act promotes a coordinated Federal-State partnership for striped bass management. The National Marine Fisheries Service and the U.S. Fish and Wildlife Service have been jointly responsible for working with State agencies to recover the fishery. Their efforts have been very successful. The commercial catch of striped bass peaked in 1998 at 19 million pounds, which is a dramatic increase from 1983 when the catch was 2.9 million pounds.

Historically, both the Environment and Public Works Committee, which I chair, and the Commerce, Science, and Transportation Committee, which is chaired by Senator MCCAIN, have shared jurisdiction over the conservation of striped bass. Because both the Department of Commerce and the Department of the Interior are involved in the conservation of the fishery, legislation to reauthorize the 1984 Atlantic Striped Bass Conservation Act has always been of interest to both the Commerce Committee and the Environment and Public Works Committee. The most recent reauthorizing legislation, the Atlantic Striped Bass Conservation Act Amendments of 1997, was sequentially referred, by unanimous consent, to the Environment and Public Works Committee after the Commerce Committee ordered the bill to be reported. The Environment Committee then amended and reported the bill. It was signed into law on December 16, 1997.

In order to facilitate passage of reauthorizing legislation this year, I have agreed to the language being offered by Senator MCCAIN in H.R. 3417, as amended, the Pribilof Islands Transition Act, and will not request sequential referral. However, I want to reaffirm, with the agreement of my colleague, that this in no way affects the future jurisdiction of the Environment and Public Works Committee over the Atlantic Striped Bass Conservation Act.

Mr. MCCAIN. As the Senator from New Hampshire stated, the Commerce Committee and the Environment and Public Works Committee have historically shared jurisdiction over the Atlantic Striped Bass Conservation Act. Our two committees have in the past always worked together to reauthorize and amend the Atlantic Striped Bass Conservation Act. I expect that relationship to continue.

In order to facilitate the passage of this year's Atlantic Striped Bass reauthorization, Subtitle A of Title III of H.R. 3417, as amended, reauthorizes the Atlantic Striped Bass Conservation Act. Although the Pribilof Islands Transition Act and the other provisions in this legislation are under the sole jurisdiction of the Commerce Committee, I understand that my colleague from New Hampshire has reviewed and approved the language contained in Title III; therefore, the shared jurisdiction of the Commerce Committee and the Environment and Public Works Committee over the conservation of Atlantic Striped bass should not be altered.

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

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

The bill (H.R. 3417), as amended, was read the third time and passed.

PROMOTING THE DEVELOPMENT OF THE COMMERCIAL SPACE TRANSPORTATION INDUSTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2607, 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 assistant legislative clerk read as follows:

A bill (H.R. 2607) to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

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

AMENDMENT NO. 4321

Mr. LOTT. Mr. President, Senators MCCAIN and FRIST have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. MCCAIN, for himself and Mr. FRIST, proposes an amendment numbered 4321.

The amendment is as follows:

(Purpose: To promote the development of the commercial space transportation industry, and for other purposes)

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commercial Space Transportation Competitiveness Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) a robust United States space transportation industry is vital to the Nation's economic well-being and national security;

(2) enactment of a 5-year extension of the excess third party claims payment provision of chapter 701 of title 49, United States Code, (Commercial Space Launch Activities) will have a beneficial impact on the international competitiveness of the United States space transportation industry;

(3) space transportation may evolve into airplane-style operations;

(4) during the next 3 years the Federal Government and the private sector should analyze the liability risk-sharing regime to determine its appropriateness and effectiveness, and, if needed, develop and propose a new regime to Congress at least 2 years prior

to the expiration of the extension contained in this Act;

(5) the areas of responsibility of the Office of the Associate Administrator for Commercial Space Transportation have significantly increased as a result of—

(A) the rapidly expanding commercial space transportation industry and associated government licensing requirements;

(B) regulatory activity as a result of the emerging commercial reusable launch vehicle industry; and

(C) the increased regulatory activity associated with commercial operation of launch and reentry sites; and

(6) the Office of the Associate Administrator for Commercial Space Transportation should continue to limit its promotional activities to those which support its regulatory mission.

SEC. 3. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

(a) AMENDMENT.—Section 70119 of title 49, United States Code, is amended to read as follows:

"§ 70119. Office of Commercial Space Transportation.

''There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

''(1) $12,607,000 for fiscal year 2001; and

''(3) $16,478,000 for fiscal year 2002.''.

(b) TABLE OF SECTIONS AMENDMENT.—The item relating to section 70119 of the table of sections of chapter 701 of title 49, United States Code, is amended to read as follows:

''70119. Office of Commercial Space Transportation.''.

SEC. 4. OFFICE OF SPACE COMMERCIALIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Comercialization—

(1) $590,000 for fiscal year 2001;

(2) $608,000 for fiscal year 2002; and

(3) $626,000 for fiscal year 2003.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Congress a report on the Office of Space Commercialization detailing the activities of the Office, the materials produced by the Office, the extent to which the Office has fulfilled the functions established for it by the Congress, and the extent to which the Office has participated in interagency efforts.

SEC. 5. COMMERCIAL SPACE TRANSPORTATION INDEMNIFICATION EXTENSION.

(a) IN GENERAL.—If, on the date of enactment of this Act, section 70113(f) of title 49, United States Code, has not been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking ''December 31, 2000'' and inserting ''December 31, 2004'.

(b) AMENDMENT OF MODIFIED SECTION.—If, on the date of enactment of this Act, section 70113(f) of title 49, United States Code, has been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking ''December 31, 2001'' and inserting ''December 31, 2004''.

SEC. 6. TECHNICAL AMENDMENT TO SECTION 70113 OF TITLE 49.

(a) Section 70113 of title 49, Untied States Code, is amended by striking ''_____, 19___.',' in subsection (e)(1)(A) and inserting ''_____, 20____.',''.

(b) The amendment made by subsection (a) takes effect on January 1, 2000.

SEC. 7. LIABILITY REGIME FOR COMMERCIAL SPACE TRANSPORTATION.

(a) REPORT REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report on the liability risk-sharing regime in the United States for commercial space transportation.

(b) CONTENTS.—The report required by this section shall—

(1) analyze the adequacy, propriety, and effectiveness of, and the need for, the current liability risk-sharing regime in the United States for commercial space transportation;

(2) examine the current liability and liability risk-sharing regimes in other countries with space transportation capabilities;

(3) examine the appropriateness of deeming all space transportation activities to be ''ultrahazardous activities'' for which a strict liability standard may be applied and which liability regime should attach to space transportation activities, whether ultrahazardous activities or not;

(4) examine the effect of relevant international treaties on the Federal Government's liability for commercial space launches and how the current domestic liability risk-sharing regime meets or exceeds the requirements of those treaties;

(5) examine the appropriateness, as commercial reusable launch vehicles enter service and demonstrate improved safety and reliability, of evolving the commercial space transportation liability regime towards the approach of the airline liability regime;

(6) examine the need for changes to the Federal government's indemnification policy to accommodate the risks associated with commercial spaceport operations; and

(7) recommend appropriate modifications to the commercial space transportation liability regime and the actions required to accomplish those modifications.

(c) SECTIONS.—The report required by this section shall contain sections expressing the views and recommendations of—

(1) interested Federal agencies, including—

(A) the Office of the Associate Administrator for Commercial Space Transportation;

(B) the National Aeronautics and Space Administration;

(C) the Department of Defense; and

(D) the Office of Space Commercialization; and

(2) the public, received as a result of notice in Commerce Business Daily, the Federal Register, and appropriate Federal agency Internet websites.

SEC. 8. AUTHORIZATION OF INTERAGENCY SUPPORT FOR GLOBAL POSITIONING SYSTEM.

The use of interagency funding and other forms of support is hereby authorized by Congress for the functions and activities of the Interagency Global Positioning System Executive Board, including an Executive Secretariat to be housed at the Department of Commerce.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 4321) was agreed to.

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

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

The bill (H.R. 2607), as amended, was read the third time and passed.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 841, H.R. 4868.

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

The legislative clerk read as follows:

A bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tariff Suspension and Trade Act of 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.07.10	9902.29.89	9902.30.55
9902.08.07	9902.29.94	9902.30.57
9902.29.10	9902.29.99	9902.30.61
9902.29.14	9902.30.00	9902.30.62
9902.29.22	9902.30.05	9902.30.81
9902.29.25	9902.30.08	9902.30.82
9902.29.27	9902.30.11	9902.30.85
9902.29.30	9902.30.13	9902.30.88
9902.29.31	9902.30.14	9902.30.94
9902.29.33	9902.30.15	9902.30.95
9902.29.38	9902.30.21	9902.30.97
9902.29.39	9902.30.23	9902.31.05
9902.29.40	9902.30.25	9902.38.07
9902.29.41	9902.30.27	9902.39.08
9902.29.42	9902.30.30	9902.39.10
9902.29.47	9902.30.32	9902.44.21
9902.29.48	9902.30.34	9902.57.02
9902.29.49	9902.30.35	9902.62.01
9902.29.56	9902.30.36	9902.62.04
9902.29.59	9902.30.37	9902.64.02
9902.29.64	9902.30.39	9902.70.12
9902.29.70	9902.30.40	9902.70.13
9902.29.71	9902.30.42	9902.70.14
9902.29.73	9902.30.43	9902.70.15
9902.29.77	9902.30.46	9902.78.01
9902.29.78	9902.30.47	9902.84.47
9902.29.79	9902.30.48	9902.85.40
9902.29.80	9902.30.50	9902.85.44
9902.29.81	9902.30.51	9902.98.00
9902.29.83	9902.30.52	
9902.29.84		

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.98	[4R- [3(2S*,3S*), 4R*]]-3-[2-Hydroxy-3-[(3-hydroxy-2-methyl- benzoyl)amino]-1-oxo-4-phenylbutyl]-5,5-dimethyl-N-[(2-methylphenyl)-methyl]-4-thiazolidine-carboxamide (CAS No. 186538–00–1) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1102. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.99	5-[(3,5-Dichlorophenyl)-thio]-4-(1-methylethyl)-1-(4-pyridinylmethyl)-1H-imidazole-2-methanol carbamate (CAS No. 178979–85–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1103. TRIACETONEAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.80	2,2,6,6-Tetramethyl-4-piperidine (CAS No. 826–36–8) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1104. INSTANT PRINT FILM IN ROLLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.37.02	Instant print film, in rolls (provided for in subheading 3702.20.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1105. COLOR INSTANT PRINT FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.37.01	Instant print film of a kind used for color photography (provided for in subheading 3701.20.00)	2.8%	No change	No change	On or before 12/31/2003	".

SEC. 1106. MIXTURES OF SENNOSIDES AND MIXTURES OF SENNOSIDES AND THEIR SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.75	Mixtures of sennosides and mixtures of sennosides and their salts (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1107. CIBACRON RED LS–B HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.04	Reactive Red 270 (CAS No. 155522–05–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1108. CIBACRON BRILLIANT BLUE FN–G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.88	6,13-Dichloro-3,10-bis[[2-[[4-fluoro-6-[(2-sulfonyl)amino]-1,3,5-triazin-2-yl]amino]propyl]amino]-4,11-triphenodioxazinedisulfonic acid lithium sodium salt (CAS No. 163062–28–0) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1109. CIBACRON SCARLET LS–2G HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.86	Reactive Red 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1110. MUB 738 INT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.91	2-Amino-4-(4-aminobenzoylamino)-benzenesulfonic acid (CAS No. 167614–37–1) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1111. FENBUCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.87	α-(2-(4-Chlorophenyl)ethyl-α-phenyl-1H-1,2,4-triazole-1-propanenitrile (Fenbuconazole) (CAS No. 114369–43–6) (provided for in subheading 2933.90.06)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1112. 2,6-DICHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.82	2,6-Dichlorotoluene (CAS No. 118–69–4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1113. 3-AMINO-3-METHYL-1-PENTYNE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.84	3-Amino-3-methyl-1-pentyne (CAS No. 18369–96–5) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1114. TRIAZAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.89	Acetic acid, [[1-[(dimethylamino)carbonyl]-3-(1,1-dimethylethyl)-1H-1,2,4-triazol-5-yl]thio]-, ethyl ester (CAS No. 112143–82–5) (provided for in subheading 2933.90.17)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1115. METHOXYFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.93	Benzoic acid, 3-methoxy-2-methyl-,2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide (CAS No. 161050–58–4) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1116. 1-FLUORO-2-NITROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.04	1-Fluoro-2-nitrobenzene (CAS No. 001493–27–2) (provided for in subheading 2904.90.30)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1117. PHBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.03	p-Hydroxybenzoic acid (CAS No. 99–96–7) (provided for in subheading 2918.29.22)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1118. THQ (TOLUHYDROQUINONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.05	Toluhydroquinone, (CAS No. 95–71–6) (provided for in subheading 2907.29.90)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1119. 2,4-DICUMYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.19.80	2,4-Dicumylphenol (CAS No. 2772–45–4) (provided for in subheading 2907.19.20 or 2907.19.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1120. CERTAIN CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.42	Cathode-ray data/graphic display tubes, color, with a less than 90 degree deflection (provided for in subheading 8540.60.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1121. OTHER CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.41	Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch smaller than 0.4 mm, and with a less than 90 degree deflection (provided for in subheading 8540.40.00)	1%	No change	No change	On or before 12/31/2003	".

SEC. 1122. CERTAIN RAW COTTON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.52.01	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in general note 15 of the tariff schedule and entered pursuant to its provisions (provided for in subheading 5201.00.22)	Free	No change	No change	On or before 12/31/2003	

	9902.52.03	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in additional U.S. note 7 of chapter 52 and entered pursuant to its provisions (provided for in subheading 5201.00.34)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1123. RHINOVIRUS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.97	(2E,4S)-4-(((2R,5S)-2-((4-Fluorophenyl)-methyl)-6-methyl-5-(((5-methyl-3-isoxazolyl)-carbonyly) amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester (CAS No. 223537–30–2) (provided for in subheading 2934.90.39)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1124. BUTRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.00	N-sec-Butyl-4-tert-butyl-2,6-dinitroaniline (CAS No. 33629–47–9) or preparations thereof (provided for in subheading 2921.42.90 or 3808.31.15)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1125. BRANCHED DODECYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.01	Branched dodecylbenzenes (CAS No. 123–01–3) (provided for in subheading 2902.90.30)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1126. CERTAIN FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.96	(4-Fluorophenyl)-[3-[(4-fluorophenyl)-ethynyl]phenyl]methanone (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1127. CERTAIN LIGHT ABSORBING PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.55	4-Chloro-3-[4-[[4-(dimethylamino)phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-yl]benzenesulfonic acid, compound with pyridine (1:1) (CAS No. 160828–81–9) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1128. FILTER BLUE GREEN PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.62	Iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes (CAS No. 85187–44–6) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1129. CERTAIN LIGHT ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.34	4-[4-[3-[4-(Dimethylamino)phenyl]-2-propenylidene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, compound with N,N-diethylethanamine (1:1) (CAS No. 109940–17–2); 4-[3-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2-propenylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, sodium salt, compound with N,N-diethylethanamine (CAS No. 90066–12–9); 4-[4,5-dihydro-4-[[5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H- pyrazol-4-yl]methylene]-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, dipotassium salt (CAS No. 94266–02–1); 4-[4-[[4-(Dimethylamino)-phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-l-yl]benzenesulfonic acid, potassium salt (CAS No. 27268–31–1); 4,5-dihydro-5-oxo-4-[(phenylamino)methylene]-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt; and 4-[5-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazol-4-yl]-2,4-pentadienylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, tetrapotassium salt (CAS No. 134863–74–4) (all of the foregoing provided for in subheading 2933.19.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1130. 4,4'-DIFLUOROBENZOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.85	Bis(4-fluorophenyl)methanone (CAS No. 345–92–6) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1131. A FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.14	(4-Fluorophenyl)phenylmethanone (CAS No. 345–83–5) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1132. DITMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.10	Di-trimethylolpropane (CAS No. 23235–61–2 (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1133. HPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.09	Hydroxypivalic acid (CAS No. 4835–90–9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1134. APE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.15	Allyl pentaerythritol (CAS No. 1471–18–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1135. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.58	Trimethylolpropane, diallyl ether (CAS No. 682–09–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1136. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.59	Trimethylolpropane monoallyl ether (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1137. TUNGSTEN CONCENTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.26.11	Tungsten concentrates (provided for in subheading 2611.00.60)	Free	No Change	No change	On or before 12/31/2003	".

SEC. 1138. 2 CHLORO AMINO TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.62	2-Chloro-p-toluidine (CAS No. 95–74–9) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1139. CERTAIN ION-EXCHANGE RESINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.30	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, ethenylethylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353–60–5) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.31	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with 1,2,4-triethylenylcyclohexane, hydrolyzed (CAS No. 109961–42–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.32	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, hydrolyzed (CAS No. 135832–76–7) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1140. 11-AMINOUNDECANOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.49	11-Aminoundecanoic acid (CAS No. 2432–99–7) (provided for in subheading 2922.49.40)	1.6%	No change	No change	On or before 12/31/2003	".

SEC. 1141. DIMETHOXY BUTANONE (DMB).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.16	4,4-Dimethoxy-2-butanone (CAS No. 5436–21–5) (provided for in subheading 2914.50.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1142. DICHLORO ANILINE (DCA).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.17	2,6-Dichloro aniline (CAS No. 608–31–1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1143. DIPHENYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.06	Diphenyl sulfide (CAS No. 139–66–2) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1144. TRIFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.02	α,α,α-Trifluoro-2,6-dinitro-p-toluidine (CAS No. 1582–09–8) (provided for in subheading 2921.43.15)	5%	No change	No change	On or before 12/31/2003	".

SEC. 1145. DIETHYL IMIDAZOLIDINONE (DMI).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.26	1,3-Diethyl-2-imidazolidinone (CAS No. 80–73–9) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1146. ETHALFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.30.49	N-Ethyl-N-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl)- benzenamine (CAS No. 55283–68–6) (provided for in subheading 2921.43.80)	7.9%	No change	No change	On or before 12/31/2003	''.

SEC. 1147. BENFLURALIN.

Subchapter II of chapter 99 is amended by striking heading 9902.29.59 and by inserting the following new heading:

''	9902.29.59	N-Butyl-N-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine (CAS No. 1861–40–1) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1148. 3-AMINO-5-MERCAPTO-1,2,4–TRIAZOLE (AMT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.08	3-Amino-5-mercapto-1,2,4-triazole (CAS No. 16691–43–3) (provided for in subheading 2933.90.97)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1149. DIETHYL PHOSPHOROCHLORODOTHIOATE (DEPCT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.58	O,O-Diethyl phosphorochlorodothioate (CAS No. 2524–04–1) (provided for in subheading 2920.10.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1150. REFINED QUINOLINE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.61	Quinoline (CAS No. 91–22–5) (provided for in subheading 2933.40.70)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1151. DMDS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.33.92	2,2-Dithiobis(8-fluoro-5-methoxy)-1,2,4-triazolo[1,5-c] pyrimidine (CAS No. 166524–74–9) (provided for in subheading 2933.59.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1152. VISION INSPECTION SYSTEMS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.90.20	Automated visual inspection systems of a kind used for physical inspection of capacitors (provided for in subheadings 9031.49.90 and 9031.80.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1153. ANODE PRESSES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.84.70	Presses for pressing tantalum powder into anodes (provided for in subheading 8462.99.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1154. TRIM AND FORM MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.84.40	Trimming and forming machines used in the manufacture of surface mounted electronic components other than semiconductors prior to marking (provided for in subheadings 8462.21.80, 8462.29.80, and 8463.30.00)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1155. CERTAIN ASSEMBLY MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.84.30	Assembly machines for assembling anodes to lead frames (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1156. THIONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.01	Thionyl chloride (CAS No. 7719–09–7) (provided for in subheading 2812.10.50)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1157. PHENYLMETHYL HYDRAZINECARBOXYLATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.96	Phenylmethyl hydrazinecarboxylate (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1158. TRALKOXYDIM FORMULATED.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new headings:

‘‘	9902.06.62	2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820–88–0) (provided for in subheading 2925.20.60)	Free	No change	No change	On or before 12/31/2001	
	9902.06.01	Mixtures of 2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820–88–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	’’.

(b) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—
(A) by striking ‘‘Free’’ each place it appears and inserting ‘‘1.1%’’; and
(B) by striking ‘‘On or before 12/31/2001’’ each place it appears and inserting ‘‘On or before 12/31/2002’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(c) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—
(A) by striking ‘‘1.1%’’ each place it appears and inserting ‘‘2.3%’’; and
(B) by striking ‘‘On or before 12/31/2002’’ each place it appears and inserting ‘‘On or before 12/31/2003’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1159. KN002.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.63	2-[2,4-Dichloro-5-hydroxyphenyl)-hydrazono]-1-piperidine-carboxylic acid, methyl ester (CAS No. 159393–46–1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1160. KL084.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.69	2-Imino-1-methoxycarbonyl-piperidine hydrochloride (CAS No. 159393–48–3) (provided for in subheading 2933.39.61)	5.4%	No change	No change	On or before 12/31/2000	’’.

(b) CALENDAR YEAR 2001.—
(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—
(A) by striking ‘‘5.4%’’ and inserting ‘‘4.7%’’; and
(B) by striking ‘‘On or before 12/31/2000’’ and inserting ‘‘On or before 12/31/2001’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.
(c) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—
(A) by striking ‘‘4.7%’’ and inserting ‘‘4.0%’’; and
(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(d) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—
(A) by striking ‘‘4.0%’’ and inserting ‘‘3.3%’’; and
(B) by striking ‘‘On or before 12/31/2002’’ and inserting ‘‘On or before 12/31/2003’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1161. IN–N5297.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.35	2-(Methoxycarbonyl)- benzylsulfonamide (CAS No. 59777–72–9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1162. AZOXYSTROBIN FORMULATED.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.38.01	Methyl (E)-2-2[6-(2-cyanophenoxy)-pyrimidin-4-xloxy]phenyl-3-methoxyacrylate (CAS No. 131860–33–8) (provided for in subheading 3808.20.15)	5.7%	No change	No change	On or before 12/31/2003	’’.

SEC. 1163. FUNGAFLOR 500 EC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.09	Mixtures of enilconazole (CAS No. 35554–44–0 or 73790–28–0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1164. NORBLOC 7966.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.22	2-(2’-Hydroxy-5’-methacrylyloxyethylphenyl)-2H-benzotriazole (CAS No. 96478–09–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1165. IMAZALIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.10	Enilconazole (CAS No. 35554–44–0 or 73790–28–0) (provided for in subheading 2933.29.35)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1166. 1,5-DICHLOROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.14	1,5-Dichloroanthraquinone (CAS No. 82–46–2) (provided for in subheading 2914.70.40)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1167. ULTRAVIOLET DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.28.19	9-Anthracene-carboxylic acid, (triethoxysilyl)-methyl ester (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1168. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.20	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (CAS No. 50471–44–8) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1169. TEPRALOXYDIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.64	Mixtures of E-2-[1-[[(3-chloro-2-propenyl)oxy]-imino]propyl]-3-hydroxy-5- (tetrahydro-2H-pyran-4-yl)-2-cyclohexen-1-one (CAS No. 149979–41–9) and application adjuvants (provided for in subheading 3808.30.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1170. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.30	4-Chloro-2-(1,1-dimethylethyl)-5-(((4-(1,1-dimethylethyl)phenyl)-methyl)thio)-3-(2H)-pyridazinone (CAS No. 96489–71–3) (provided for in subheading 2933.90.22)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1171. 2-ACETYLNICOTINIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.02	2-Acetylnicotinic acid (CAS No. 89942–59–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1172. SAME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.21.06	Food supplement preparation of S-adenosylmethionine 1,4-butanedisulfonate (CAS No. 101020–79–5) (provided for in subheading 2106.90.99)	5.5%	No change	No change	On or before 12/31/2003	’’.

SEC. 1173. PROCION CRIMSON H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.60	1,5-Naphthalene-disulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)-azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)amino)-methyl)phenyl)-amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)-azo)-, octa- (CAS No. 186554–26–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1174. DISPERSOL CRIMSON SF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.05	Mixture of 3-phenyl-7-(4-propoxyphenyl)benzo-(1,2-b:4,5-b’)-difuran-2,6-dione (CAS No. 79694–17–0); 4-(2,6-dihydro-2,6-dioxo)-7-phenylbenzo-(1,2-b:4,5-b’)-difuran-3-ylphenoxyacetic acid, 2-ethoxyethyl ester (CAS No. 126877–05–2); and 4-(2,6-dihydro-2,6-dioxo-7-(4-propoxphenyl)-benzo-(1,2-b:4,5-b’)-difuran-3-yl)-phenoxy)phenoxy)-acetic acid, 2-ethoxyethyl ester (CAS No. 126877–06–3) (the foregoing mixture provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1175. PROCION NAVY H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.50	Mixture of 2,7-naphthalenedisulfonic acid, 4-amino-3,6-bis[[5-[[4-chloro-6-[(2-methyl-4-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-, hexasodium salt (CAS No. 186554–27–8); and 1,5-Naphthalenedisulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)-amino)methyl)-phenyl)amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)azo)-, octa- (CAS No. 186554–26–7) (the foregoing mixture provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1176. PROCION YELLOW H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.46	Reactive yellow 138:1 mixed with non-color dispersing agent, anti-dusting agent and water (CAS No. 72906–25–3) (the foregoing provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1177. 2-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.25	2-Phenylphenol (CAS No. 90–43–7) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1178. 2-METHOXY-1-PROPENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.27	2-Methoxy-1-propene (CAS No. 116–11–0) (provided for in subheading 2909.19.18)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1179. 3,5-DIFLUOROANILINE.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.56	3,5-Difluoroaniline (CAS No. 372–39–4) (provided for in subheading 2921.42.65)	7.4%	No change	No change	On or before 12/31/2001	''.

(b) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—
(A) by striking ''7.4%'' and inserting ''6.7%''; and
(B) by striking ''On or before 12/31/2001'' and inserting ''On or before 12/31/2002''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(c) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—
(A) by striking ''6.7%'' and inserting ''6.3%''; and
(B) by striking ''On or before 12/31/2002'' and inserting ''On or before 12/31/2003''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1180. QUINCLORAC.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.47	3,7-Dichloro-8-quinolinecarboxylic acid (CAS No. 84087–01–4) (provided for in subheading 2933.40.30)	6.8%	No change	No change	On or before 12/31/2001	''.

(b) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—
(A) by striking ''6.8%'' and inserting ''5.9%''; and
(B) by striking ''On or before 12/31/2001'' and inserting ''On or before 12/31/2002''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(c) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—
(A) by striking ''5.9%'' and inserting ''5.4%''; and
(B) by striking ''On or before 12/31/2002'' and inserting ''On or before 12/31/2003''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1181. DISPERSOL BLACK XF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.81	Mixture of Disperse blue 284, Disperse brown 19 and Disperse red 311 with non-color dispersing agent (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1182. FLUROXYPYR, 1-METHYLHEPTYL ESTER (FME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.77	Fluoroxypyr, 1-methylheptyl ester (1-Methylheptyl ((4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy)acetate) (CAS No. 81406–37–3) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1183. SOLSPERSE 17260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.29	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene (CAS No. 70879–66–2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1184. SOLSPERSE 17000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.02	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl, 1, 3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1185. SOLSPERSE 5000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.03	1-Octadecanaminium, N,N-dimethyl-N-octadecyl-, (Sp-4-2)-[29H,31H-phthalocyanine-2-sulfonato(3-)-N^{29},N^{30},N^{31},N^{32}]cuprate(1-) (CAS No. 70750–63–9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1186. CERTAIN TAED CHEMICALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.70	Tetraacetylethylenediamine (CAS Nos. 10543–57–4) (provided for in subheading 2924.10.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1187. ISOBORNYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.71	Isobornyl acetate (CAS No. 125–12–2) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1188. SOLVENT BLUE 124.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.73	Solvent blue 124 (CAS No. 29243–26–3) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1189. SOLVENT BLUE 104.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.72	Solvent blue 104 (CAS No. 116–75–6) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1190. PRO-JET MAGENTA 364 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.00	5-[4-(4,5-Dimethyl-2-sulfophenylamino)-6-hydroxy-[1,3,5-triazin-2-yl amino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naphthalene-2,7-disulfonic acid, sodium ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1191. 4-AMINO-2,5-DIMETHOXY-N-PHENYLBENZENE SULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.73	4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide (CAS No. 52298–44–9) (provided for in subheading 2935.00.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1192. UNDECYLENIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.78	10-Undecylenic acid (CAS No. 112–38–9) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1193. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.81	2-Methyl-4-chlorophenoxyacetic acid (CAS No. 94–74–6) and its 2-ethylhexyl ester (CAS No. 29450–45–1) (provided for in subheading 2918.90.20); and 2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039–46–5) (provided for in subheading 2921.19.60)	2.6%	No change	No change	On or before 12/31/2003	".

SEC. 1194. IMINODISUCCINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.83	Mixtures of sodium salts of iminodisuccinic acid (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1195. IMINODISUCCINATE SALTS AND AQUEOUS SOLUTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.10	Mixtures of sodium salts of iminodisuccinic acid, dissolved in water (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1196. POLY(VINYL CHLORIDE) (PVC) SELF-ADHESIVE SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.01	Poly(vinyl chloride) (PVC) self-adhesive sheets, of a kind used to make bandages (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1197. 2-BUTYL-2-ETHYLPROPANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.84	2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115–84–4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1198. CYCLOHEXADEC-8-EN-1-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.85	Cyclohexadec-8-en-1-one (CAS No. 3100–36–5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1199. PAINT ADDITIVE CHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.33	N-Cyclopropyl-N′-(1,1-dimethylethy)-6-(methylthio)-1,3,5-triazine-2,4-diamine (CAS No. 28159–98–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1200. O-CUMYL-OCTYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.86	o-Cumyl-octylphenol (CAS No. 73936–80–8) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1201. CERTAIN POLYAMIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.08	Micro-porous, ultrafine, spherical forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS No. 25038–54–4, 25038–74–8, and 25191–04–1) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1202. MESAMOLL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.14	Mixture of phenyl esters of C_{10}–C_{18} alkylsulfonic acids (CAS No. 70775–94–9) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1203. VULKALENT E/C.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.31	Mixtures of N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil (provided for in 3824.90.28)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1204. BAYTRON M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.87	3,4-Ethylenedioxythiophene (CAS No. 126213–50–1) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1205. BAYTRON C–R.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.15	Aqueous catalytic preparations based on iron (III) toluenesulfonate (CAS No. 77214–82–5) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1206. BAYTRON P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.15	Aqueous dispersions of poly(3,4-ethylenedioxythiophene) poly-(styrenesulfonate) (cationic) (CAS No. 155090–83–8) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1207. DIMETHYL DICARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.89	Dimethyl dicarbonate (CAS No. 4525–33–1) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1208. KN001 (A HYDROCHLORIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.88	2,4-Dichloro-5-hydrazinophenol monohydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1209. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.91	Methyl-4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1210. DPC 083.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.92	(S)-6-Chloro-3,4-dihydro-4E-cyclopropylethnyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287–99–7) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1211. DPC 961.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.20.05	(S)-6-Chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287–88–4) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1212. PETROLEUM SULFONIC ACIDS, SODIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.34.01	Petroleum sulfonic acids, sodium salts (CAS No. 68608–26–4) (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1213. PRO-JET CYAN 1 PRESS PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.20	Direct blue 199 acid (CAS No. 80146–12–9) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1214. PRO-JET BLACK ALC POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.23	Direct black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1215. PRO-JET FAST YELLOW 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.99	Direct yellow 173 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1216. SOLVENT YELLOW 145.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.30.46	Solvent yellow 145 (CAS No. 27425–55–4) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1217. PRO-JET FAST MAGENTA 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.24	Direct violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1218. PRO-JET FAST CYAN 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.17	Direct blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1219. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.25	[(2-Hydroxyethylsulfamoyl)-sulfophthalocyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1220. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.50	Methyl 2-[[[[[-4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl] amino]carbonyl] amino]sulfonyl] -3-methylbenzoate (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1221. PRO-JET FAST CYAN 3 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.30.11	[29H,31H-Phthalocyaninato(2-)-xN29,xN30,xN31,xN32] copper,[[2-[4-(2-aminoethyl)-1-piperazinyl]-ethyl]amino]sulfonylamino-sulfonyl[(2-hydroxyethyl)amino]-sulfonyl [[2-[[2-(1-piperazinyl)ethyl]-amino)ethyl]-amino]sulfonyl sulfo derivatives and their sodium salts (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1222. PRO-JET CYAN 1 RO FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.65	Direct blue 199 sodium salt (CAS No. 90295–11–7) (provided for in subheading 3204.14.30)	9.5%	No change	No change	On or before 12/31/2000	''.

(b) CALENDAR YEAR 2001.—
(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a), is amended—
(A) by striking ''9.5%'' and inserting ''8.5%''; and
(B) by striking ''On or before 12/31/2000'' and inserting ''On or before 12/31/2001''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.
(c) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a) and amended by subsection (b), is further amended—
(A) by striking ''8.5%'' and inserting ''7.4%''; and
(B) by striking ''On or before 12/31/2001'' and inserting ''On or before 12/31/2002''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1223. PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.67	Direct black 195 (CAS No. 160512–93–6) (provided for in subheading 3204.14.30)	7.8%	No change	No change	On or before 12/31/2000	''.

(b) CALENDAR YEAR 2001.—
(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a), is amended—
(A) by striking ''7.8%'' and inserting ''7.1%''; and
(B) by striking ''On or before 12/31/2000'' and inserting ''On or before 12/31/2001''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.
(c) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a) and amended by subsection (b), is further amended—
(A) by striking ''7.1%'' and inserting ''6.4%''; and
(B) by striking ''On or before 12/31/2001'' and inserting ''On or before 12/31/2002''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1224. 4-(CYCLOPROPYL-A-HYDROXYMETHYLENE)-3,5-DIOXO-CYCLOHEXANECARBOXYLIC ACID ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.93	4-(Cyclopropyl-α-hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid, ethyl ester (CAS No. 95266–40–3) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1225. 4''-EPIMETHYLAMINO-4''-DEOXYAVERMECTIN B_{1A} AND B_{1B} BENZOATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.94	4''-Epimethyl-amino-4''-deoxyavermectin B_{1a} and B_{1b} benzoates (CAS No. 137512–74–4, 155569–91–8, or 179607–18–2) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1226. FORMULATIONS CONTAINING 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]-PHENOXY]-2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.51	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2003	''.

SEC. 1227. MIXTURES OF 2-(2-CHLOROETHOXY)-N-[[4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)-AMINO] CARBONYLBENZENESULFONAMIDE] AND 3,6-DICHLORO-2-METHOXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.21	Mixtures of 2-(2-chloroethoxy)-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonylbenzene-sulfonamide] (CAS No. 82097–50–5) and 3,6-dichloro-2-methoxybenzoic acid (CAS No. 1918–00–9) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1228. (E,E)-α- (METHOXYIMINO)-2-[[[[1-[3-(TRIFLUOROMETHYL)PHENYL]- ETHYLIDENE] AMINO]OXY]METHYL] BENZENEACETIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.41	(E,E)-α-(Methoxyimino)-2-[[[[1-[3-(trifluoromethyl)phenyl]- ethylidene]amino]oxy]- methyl]benzeneacetic acid, methyl ester (CAS No. 141517–21–7) (provided for in subheading 2929.90.20)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1229. FORMULATIONS CONTAINING SULFUR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.13	Mixtures of sulfur (80 percent by weight) and application adjuvants (CAS No. 7704–34–9) (provided for in subheading 3808.20.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1230. MIXTURES OF 3-(6-METHOXY-4-METHYL-1,3,5-TRIAZIN-2-YL)-1-[2-(2-CHLOROETHOXY)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.52	Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea (CAS No. 82097–50–5) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1231. MIXTURES OF 4-CYCLOPROPYL-6-METHYL-N-PHENYL-2-PYRIMIDINAMINE-4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.53	Mixtures of 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341–86–1) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1232. (R)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER AND (S)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.31	(R)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester (CAS No. 69516–34–3) (both of the foregoing provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1233. MIXTURES OF BENZOTHIADIAZOLE-7-CARBOTHIOIC ACID, S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.22	Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158–54–2) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1234. BENZOTHIALDIAZOLE-7-CARBOTHIOIC ACID, S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.42	Benzothialdiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158–54–2) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1235.O-(4-BROMO-2-CHLOROPHENYL)-O-ETHYL-S-PROPYL PHOSPHOROTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.30	O-(4-Bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate (CAS No. 41198–08–7) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1236. 1-[[2-(2,4-DICHLOROPHENYL)-4-PROPYL-1,3-DIOXOLAN-2-YL]-METHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.80	1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole (CAS No. 60207–90–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1237. TETRAHYDRO-3-METHYL-N-NITRO-5-[[2-PHENYLTHIO)-5-THIAZOLYL]-4H-1,3,5-OXADIAZIN-4-IMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.76	Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio)-5-thiazolyl]-4-H-1,3,5-oxadiazin-4-imine (CAS No. 192439–46–6) (provided for in subheading 2934.10.10)	4.3%	No change	No change	On or before 12/31/2003	".

SEC. 1238. 1-(4-METHOXY-6-METHYLTRIAZIN-2-YL)-3-[2-(3,3,3-TRIFLUOROPROPYL)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.40	1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea (CAS No. 94125–34–5) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1239. 4,5-DIHYDRO-6-METHYL-4-[(3-PYRIDINYLMETHYLENE)AMINO]-1,2,4-TRIAZIN-3(2H)-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.94	4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one (CAS No. 123312–89–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1240. 4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.97	4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341–86–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1241. MIXTURES OF 2-(((((4,6-DIMETHOXYPYRIMIDIN-2-YL)AMINO)-CARBONYL)SULFONYL)-N,N-DIMETHYL-3-PYRIDINECARBOXAMIDE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.69	Mixtures of 2-(((((4,6-dimethoxypyrimidin-2-yl)amino)-carbonyl)sulfonyl)-N,N-dimethyl-3-pyridinecarboxamide and application adjuvants (CAS No. 111991–09–4) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1242. MONOCHROME GLASS ENVELOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.70.01	Monochrome glass envelopes (provided for in subheading 7011.20.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1243. CERAMIC COATER.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.84.00	Ceramic coater for laying down and drying ceramic (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1244. PRO-JET BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.13	5-[4-(7-Amino-1-hydroxy-3-sulfonaphthalen-2-ylazo)-2,5-bis(2-hydroxyethoxy)-phenylazo]isophthalic acid, lithium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1245. PRO-JET FAST BLACK 286 PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.44	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo-6-sulfo-1-naphthalenylazo]-, sodium salt (CAS No. 201932–24–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1246. BROMINE-CONTAINING COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.28.08	2-Bromoethanesulfonic acid, sodium salt (CAS No. 4263–52–9) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2003	
	9902.28.09	4,4'-Dibromobiphenyl (CAS No. 92–86–4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	
	9902.28.10	4-Bromotoluene (CAS No. 106–38–7) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1247. PYRIDINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.29.38	1,4-Dihydro-2,6-dimethyl-1,4-diphenyl-3,5-pyridinedicarboxylic acid, dimethyl ester (CAS No. 83300–85–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	

	9902.29.39	1-[2-[2-Chloro-3-[(1,3-dihydro-1,3,3-trimethyl-2H-indol-2-ylidene)ethylidene]-1-cyclopenten-1-yl]ethenyl]-1,3,3-trimethyl-3H-indolium salt with trifluoromethane- sulfonic acid (1:1) (CAS No. 128433–68–1) (provided for in subheading 2933.90.24)	Free	No change	No change	On or before 12/31/2003	
	9902.29.40	N-[4-[5-[4-(Dimethylamino)-phenyl]-1,5-diphenyl-2,4-pentadienylidene]-2,5-cyclohexadien-1-ylidene]-N-methylmethanaminium salt with trifluoromethane- sulfonic acid (1:1) (CAS No. 100237–71–6) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1248. CERTAIN SEMICONDUCTOR MOLD COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.07	Thermosetting epoxide molding compounds of a kind suitable for use in the manufacture of semiconductor devices, via transfer molding processes, containing 70 percent or more of silica, by weight, and having less than 75 parts per million of combined water-extractable content of chloride, bromide, potassium and sodium (provided for in subheading 3907.30.00)	3.5%	No change	No change	On or before 12/31/2003	”.

SEC. 1249. SOLVENT BLUE 67.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.53	Solvent blue 67 (CAS No. 81457–65–0) (provided for in subheading 3204.19.11)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1250. PIGMENT BLUE 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.08	Pigment blue 60 (CAS No. 81–77–6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1251. MENTHYL ANTHRANILATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.10	Menthyl anthranilate (CAS No. 134–09–08) (provided for in subheading 2922.49.27)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1252. 4-BROMO-2-FLUOROACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.15	4-Bromo-2-fluoroacetanilide (CAS No. 326–66–9) (provided for in subheading 2924.21.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1253. PROPIOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.16	Propiophenone (CAS No. 93–55–0) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1254. M-CHLOROBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.17	m-Chlorobenzaldehyde (CAS No. 587–04–2) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1255. CERAMIC KNIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.69.01	Knives having ceramic blades, such blades containing over 90 percent zirconia by weight (provided for in subheading 6911.10.80 or 6912.00.48)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1256. STAINLESS STEEL RAILCAR BODY SHELLS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.86.07	Railway car body shells of stainless steel, the foregoing which are designed for gallery type railway cars each having an aggregate capacity of 138 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1257. STAINLESS STEEL RAILCAR BODY SHELLS OF 148-PASSENGER CAPACITY.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.86.08	Railway car body shells of stainless steel, the foregoing which are designed for use in gallery type cab control railway cars each having an aggregate capacity of 148 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1258. PENDIMETHALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.21.42	N-(Ethylpropyl)-3,4-dimethyl-2,6-dinitroaniline (Pendimethalin) (CAS No. 40487–42–1) (provided for in subheading 2921.49.50)	1.1%	No change	No change	On or before 12/31/2003	’’.

SEC. 1259. 3,5-DIBROMO-4-HYDOXYBENZONITRIL ESTER AND INERTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.04	Mixtures of octanoate and heptanoate esters of bromoxynil (3,5-Dibromo-4-hydroxybenzonitrile) (CAS Nos. 1689–99–2 and 56634–95–8) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1260. 3,5-DIBROMO-4-HYDOXYBENZONITRIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.28.18	Bromoxynil (3,5-dibromo-4-hydroxybenzonitrile), octanoic acid ester (CAS No. 1689–99–2) (provided for in subheading 2926.90.25)	4.2%	No change	No change	On or before 12/31/2003	’’.

SEC. 1261. ISOXAFLUTOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.79	4-(2-Methanesulfonyl-4-trifluoromethylbenzoyl)-5-cyclopropylisoxazole (CAS No. 141112–29–0) (provided for in subheading 2934.90.15)	1.0%	No change	No change	On or before 12/31/2003	’’.

SEC. 1262. CYCLANILIDE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.64	1-(2,4-Dichlorophenylaminocarbonyl)-cyclopropanecarboxylic acid (CAS No. 113136–77–9) (provided for in subheading 2924.29.47)	5.7%	No change	No change	On or before 12/31/2003	’’.

SEC. 1263. R115777.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.33.40	(R)-6-[Amino(4-chlorophenyl)(1-methyl-1H-imidazol-5-yl)methyl]-4-(3- chlorophenyl)-1-methyl-2(1H)-quinoline (CAS No. 192185–72–1) (provided for in subheading 2933.40.26)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1264. BONDING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new superior heading and subheading:

‘‘	9902.84.16	Bonding machines for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8479.89.97)	1.7%	No change	No change	On or before 12/31/2003	’’.

SEC. 1265. GLYOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.13	Glyoxylic acid (CAS No. 298–12–4) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1266. FLUORIDE COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

‘‘	9902.28.20	Ammonium bifluoride (CAS No. 1341–49–7) (provided for in subheading 2826.11.10)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1267. COBALT BORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.80.05	Cobalt boron (provided for in subheading 8105.10.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1268. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.84.02	Watertube boilers with a steam production exceeding 45 t per hour, for use in nuclear facilities (provided for in subheading 8402.11.00)	4.9%	No change	No change	On or before 12/31/2003	’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods—

(1) entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act; and

(2) purchased pursuant to a binding contract entered into on or before the date of the enactment of this Act.

SEC. 1269. FIPRONIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.98	5-Amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((l,r,s)-(trifluromethylsulfinyl))-1H-pyrazole-3-carbonitrile (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)	5.6%	No change	No change	On or before 12/31/2003	’’.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting ''12/31/2003'':

(1) Heading 9902.32.12 (relating to DEMT).

(2) Heading 9902.39.07 (relating to a certain polymer).

(3) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(4) Heading 9902.29.37 (relating to certain sensitizing dyes).

(5) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(6) Heading 9902.71.08 (relating to certain semi-manufactured forms of gold).

(7) Heading 9902.33.59 (relating to DPX–E6758).

(8) Heading 9902.33.60 (relating to rimsulfuron).

(9) Heading 9902.70.03 (relating to rolled glass).

(10) Heading 9902.72.02 (relating to ferroboron).

(11) Heading 9902.70.06 (relating to substrates of synthetic quartz or synthetic fused silica).

(12) Heading 9902.32.90 (relating to diiodomethyl-p-tolylsulfone).

(13) Heading 9902.32.92 (relating to β-bromo-β-nitrostyrene).

(14) Heading 9902.32.06 (relating to yttrium).

(15) Heading 9902.32.55 (relating to methyl thioglycolate).

(b) EXISTING DUTY REDUCTION.—Heading 9902.29.68 (relating to Ethylene/tetrafluoroethylene copolymer (ETFE)) is amended by striking out the date in the effective period column and inserting ''12/31/2003''.

(c) OTHER MODIFICATIONS.—

(1) METHYL ESTERS.—

(A) CALENDAR YEAR 2001.—

(i) IN GENERAL.—Heading 9902.38.24 (relating to methyl esters) is amended—

(I) by striking ''Free'' and inserting ''1.6%''; and

(II) by striking ''12/31/2000'' and inserting ''12/31/2001''.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2001.

(B) CALENDAR YEAR 2002.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (A), is amended—

(I) by striking ''1.6%'' and inserting ''1.8%''; and

(II) by striking ''12/31/2001'' and inserting ''12/31/2002''.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2002.

(C) CALENDAR YEAR 2003.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (B), is amended—

(I) by striking ''1.8%'' and inserting ''1.9%''; and

(II) by striking ''12/31/2002'' and inserting ''12/31/2003''.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2003.

(2) CERTAIN MANUFACTURING EQUIPMENT.—Headings 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, and 9902.84.91 (relating to certain manufacturing equipment) are each amended—

(A) by striking ''4011.91.50'' each place it appears and inserting ''4011.91'';

(B) by striking ''4011.99.40'' each place it appears and inserting ''4011.99'';

(C) by striking ''86 cm'' each place it appears and inserting ''63.5 cm''; and

(D) by striking ''Free'' in the column 1 general rate of duty and inserting ''1.5%.''.

(3) CARBAMIC ACID (U-9069).— Heading 9902.33.61 (relating to carbamic acid (U–9069)) is amended—

(A) by striking ''7.6%'' and inserting ''Free''; and

(B) by striking the date in the effective period column and inserting ''12/31/2003''.

(4) DPX–E9260.— Heading 9902.33.63 (relating to DPX–E9260) is amended—

(A) by striking ''5.3%'' and inserting ''Free''; and

(B) by striking the date in the effective period column and inserting ''12/31/2003''.

SEC. 1302. EFFECTIVE DATE.

Except as otherwise provided in this chapter, the amendments made by this chapter apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1401. CERTAIN TELEPHONE SYSTEMS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c), in accordance with the final decision of the Department of Commerce of February 7, 1990 (case number A580–803–001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
E85–0001814–6	10/05/89	Miami, FL
E85–0001844–3	10/30/89	Miami, FL
E85–0002268–4	07/21/90	Miami, FL
E85–0002510–9	12/15/90	Miami, FL
E85–0002511–7	12/15/90	Miami, FL
E85–0002509–1	12/15/90	Miami, FL
E85–0002527–3	12/12/90	Miami, FL
E85–0002550–0	12/20/90	Miami, FL
102–0121558–8	12/11/91	Miami, FL
E85–0002654–5	04/08/91	Miami, FL
E85–0002703–0	05/01/91	Miami, FL
E85–0002778–2	06/05/91	Miami, FL
E85–0002909–3	08/05/91	Miami, FL
E85–0002913–5	08/02/91	Miami, FL
102–0120990–4	10/18/91	Miami, FL
102–0120668–6	09/03/91	Miami, FL
102–0517007–8	11/20/91	Miami, FL
102–0122145–3	03/05/91	Miami, FL
102–0121173–6		Miami, FL
102–0121559–6		Miami, FL
E85–0002636–2		Miami, FL

SEC. 1402. COLOR TELEVISION RECEIVER ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c) in accordance with the final results of the administrative reviews, covering the periods from April 1, 1989, through March 31, 1990, and from April 1, 1990, through March 31, 1991, undertaken by the International Trade Administration of the Department of Commerce for such entries (case number A–583–009).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
509–0210046–5	August 18, 1989
815–0908228–5	June 25, 1989
707–0836829–8	April 4, 1990
707–0836940–3	April 12, 1990
707–0837161–5	April 25,1990
707–0837231–6	May 3, 1990
707–0837497–3	May 17, 1990
707–0837498–1	May 24, 1990
707–0837612–7	May 31, 1990
707–0837817–2	June 13, 1990
707–0837949–3	June 19, 1990
707–0838712–4	August 7, 1990
707–0839000–3	August 29, 1990
707–0839234–8	September 15, 1990
707–0839284–3	September 12, 1990
707–0839595–2	October 2, 1990
707–0840048–9	November 1, 1990
707–0840049–7	November 1, 1990
707–0840176–8	November 8, 1990

SEC. 1403. COPPER AND BRASS SHEET AND STRIP.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
110–1197671–6	10/18/86	7/6/92
110–1198090–8	12/19/86	1/23/87
110–1271919–8	11/12/86	11/6/87
110–1272332–3	11/26/86	11/20/87
110–1955373–1	12/17/86	7/26/96
110–1271914–9	11/12/86	11/6/87
110–1279006–6	09/09/87	8/26/88
110–1279699–8	10/06/87	11/6/87
110–1280399–2	11/03/87	12/11/87
110–1280557–5	11/11/87	12/28/87
110–1280780–3	11/24/87	01/29/88
110–1281399–1	12/16/87	2/12/88
110–1282632–4	02/17/88	3/18/88
110–1286027–3	02/26/88	2/17/89
110–1286056–2	02/23/88	2/12/89
719–0736650–5	07/27/87	3/13/92
110–1285877–2	09/08/88	06/02/89
110–1285885–5	09/08/88	06/02/89
110–1285959–8	09/13/88	06/02/89
110–1286057–0	03/01/88	04/01/88
110–1286061–2	03/02/88	02/24/89
110–1286120–6	03/13/88	03/03/89
110–1286122–2	03/13/88	03/03/89
110–1286123–0	03/13/88	03/03/89
110–1286124–8	03/13/88	03/03/89
110–1286133–9	03/20/88	04/15/88
110–1286134–7	03/20/88	04/15/88
110–1286151–1	03/15/88	09/15/89
110–1286194–1	03/22/88	08/24/90
110–1286262–6	04/04/88	06/09/89
110–1286264–2	03/30/88	06/09/89
110–1286293–1	04/09/88	06/02/89
110–1286294–9	04/09/88	06/02/89
110–1286330–1	04/13/88	06/02/89
110–1286332–7	04/13/88	06/02/89
110–1286376–4	04/20/88	06/02/89
110–1286398–8	04/29/88	06/02/89
110–1286399–6	04/29/88	06/02/89
110–1286418–4	05/06/88	06/02/89
110–1286419–2	05/06/88	06/02/89
110–1286465–5	05/13/88	06/02/89
110–1286467–1	05/13/88	06/02/89
110–1286488–7	05/20/88	07/01/88
110–1286489–5	05/20/88	07/01/88
110–1286490–3	05/20/88	07/01/88
110–1286567–8	05/27/88	06/02/89
110–1286578–5	06/03/88	06/02/89
110–1286579–3	06/03/88	06/02/89
110–1286638–7	06/10/88	06/02/89
110–1286683–3	06/17/88	06/02/89
110–1286685–8	06/17/88	06/02/89
110–1286703–9	06/24/88	07/29/88
110–1286725–2	06/24/88	06/02/89
110–1286740–1	07/01/88	06/02/89
110–1286824–3	07/08/88	06/02/89
110–1286863–1	07/20/88	06/02/89
110–1286910–0	07/24/88	06/02/89

Entry number	Date of entry	Date of liquidation
110–1286913–4	07/29/88	06/02/89
110–1286942–3	07/26/88	09/09/88
110–1286990–2	08/02/88	06/02/89
110–1287007–4	08/05/88	06/02/89
110–1287058–7	08/09/88	06/02/89
110–1287195–7	09/22/88	06/02/89
110–1287376–3	09/29/88	06/02/89
110–1287377–1	09/29/88	06/02/89
110–1287378–9	09/29/88	06/02/89
110–1287573–5	10/06/88	06/02/89
110–1287581–8	10/06/88	06/02/89
110–1287756–6	10/11/88	06/29/90
110–1287762–4	10/11/88	06/02/89
110–1287780–6	10/14/88	06/02/89
110–1287783–0	10/14/88	06/02/89
110–1287906–7	10/18/88	06/02/89
110–1288061–0	10/25/88	06/02/89
110–1288086–7	10/27/88	06/02/89
110–1288229–3	11/03/88	06/02/89
110–1288370–5	11/08/88	06/29/90
110–1288408–3	11/10/88	06/29/90
110–1288688–0	11/24/88	06/02/89
110–1288692–2	11/24/88	06/02/89
110–1288847–2	11/29/88	06/29/90
110–1289041–1	12/07/88	06/02/89
110–1289248–2	12/22/88	06/02/89
110–1289250–8	12/21/88	06/02/89
110–1289260–7	12/22/88	06/02/89
110–1289376–1	12/29/88	06/02/89
110–1289588–1	01/15/89	06/02/89
110–0935207–8	01/05/90	03/13/92
110–1294738–5	10/31/89	03/20/90
110–1204990–1	06/08/89	09/29/89
11036694146	01/17/91	12/18/92
11036706841	03/06/91	2/19/93
11036725270	05/24/91	2/19/93
110–1231352–1	07/24/88	08/26/88
110–1231359–6	07/31/88	09/09/88
110–1286029–9	02/25/88	03/25/88
110–1286078–6	03/04/88	04/08/88
110–1286079–4	03/04/88	06/29/90
110–1286107–3	03/10/88	04/08/88
110–1286153–7	03/11/88	04/15/88
110–1286154–5	03/17/88	04/22/88
110–1286155–2	03/31/88	04/22/88
110–1286203–0	03/24/88	06/29/90
110–1286218–8	03/18/88	04/22/88
110–1286241–0	03/31/88	03/24/89
110–1286272–5	03/31/88	08/03/90
110–1286278–2	04/04/88	08/03/90
110–1286362–4	04/21/88	06/29/90
110–1286447–3	05/06/88	06/29/90
110–1286448–1	05/06/88	06/29/90
110–1286472–1	05/11/88	06/29/90
110–1286664–3	06/16/88	06/29/90
110–1286666–8	06/16/88	07/13/90
110–1286889–6	07/22/88	08/03/90
110–1286982–9	08/04/88	06/29/90
110–1287022–3	08/11/88	06/29/90
110–1804941–8	05/04/88	07/29/94
037–0022571–1	01/05/89	02/17/89
110–1135050–8	04/01/89	02/19/93
110–1135292–6	04/23/89	02/19/93
110–1135479–9	05/04/89	12/28/92
110–1136014–3	06/01/89	02/19/93
110–1136111–7	06/09/89	02/19/93
110–1136287–5	06/15/89	12/28/92
110–1136678–5	07/14/88	02/19/93
110–1136815–3	07/17/89	12/28/92
110–1137008–4	07/17/89	02/19/93
110–1137010–0	07/28/89	02/19/93
110–1231614–4	12/06/88	02/17/89
110–1231630–0	12/13/88	02/17/89
110–1231666–4	12/30/88	02/17/89
110–1231694–6	01/16/89	03/24/89
110–1231708–4	01/30/89	03/24/89
110–1231767–0	03/12/89	07/14/89
110–1232086–4	07/27/89	12/01/89
110–1287256–7	09/20/88	09/08/89
110–1287285–6	09/22/88	09/15/89
110–1287442–3	09/29/88	06/29/90
110–1287491–0	09/27/88	06/29/90
110–1287631–1	09/29/88	06/29/90
110–1287693–1	10/06/88	06/29/90
110–1288491–9	11/10/88	06/29/90
110–1288492–7	11/10/88	06/29/90
110–1288937–1	12/08/88	06/29/90
110–1710118–6	01/27/89	01/13/89
110–1137082–9	09/03/89	2/19/93
110–1138058–8	10/11/89	2/19/93
110–1138059–6	09/28/89	2/19/93
110–1138691–6	11/02/89	2/19/93
110–1138698–1	11/02/89	2/19/93
110–1139217–9	12/09/89	2/19/93
110–1139218–7	12/09/89	12/21/89
110–1139219–5	12/02/89	2/19/93
110–1139481–1	01/05/90	2/19/93
110–1140423–0	02/17/90	2/19/93
110–1140641–7	03/08/90	2/19/93
110–1141086–4	04/01/90	2/19/93
110–1142313–1	06/06/90	2/19/93
110–1142728–0	06/30/90	2/19/93
110–1232095–5	08/06/89	12/01/89
110–1232136–7	09/02/89	12/29/89
110–1293737–8	08/29/89	8/21/92
110–1293738–6	08/31/89	8/21/92
110–1293859–0	09/07/89	8/21/92
110–1293861–6	09/06/89	8/21/92
110–1294009–1	09/14/89	8/21/92
110–1294111–5	09/19/89	8/21/92
110–1294328–5	10/05/89	8/21/92
110–1294685–8	10/24/89	8/21/92
110–1294686–6	10/24/89	8/21/92
110–1294798–9	10/31/89	8/21/92
110–1295026–4	11/09/89	8/21/92
110–1295087–6	11/14/89	3/16/90
110–1295088–4	11/16/89	8/21/92
110–1295089–2	11/16/89	8/21/92
110–1295245–0	11/21/89	8/21/92
110–1295493–6	12/05/89	8/21/92
110–1295497–7	12/05/89	8/21/92
110–1295898–6	12/28/89	8/21/92
110–1295903–4	12/28/89	8/21/92
110–1296025–5	01/04/90	8/21/92
110–1296161–8	01/11/90	8/21/92
11011443535	09/25/90	12/18/92
11011448211	10/25/90	12/18/92
11001688032	04/12/88	06/03/88
11001691390	06/01/88	06/02/88
11009971950	03/07/88	03/03/89
11009972545	04/06/88	04/21/89
11012860745	03/04/88	04/08/88
11012861024	03/08/88	04/08/88
11012862071	03/24/88	04/29/88
11012862139	03/22/88	04/22/88
11012869316	07/28/88	06/29/90
11018048717	04/25/88	05/31/88
11018051323	06/08/88	07/08/88
11018054467	07/27/88	07/27/88
11018055324	08/10/88	08/20/88
11009976470	08/29/88	09/01/89
11017086056	10/26/88	12/02/88
11018057726	09/14/88	11/04/88
11018061991	11/09/88	12/30/88
11011366611	07/13/89	03/05/93
11012044811	03/18/89	04/23/93
11012053952	07/27/89	06/12/92
11012906159	03/09/89	06/29/90
11012908841	03/21/89	06/29/90
11012910227	03/28/89	06/29/90
11012911407	04/06/89	07/21/89
11012911415	04/06/89	06/29/90
11012911423	04/06/89	06/29/90
11012916240	05/04/89	06/29/90
11012922586	06/06/89	06/29/90
11012923964	06/15/89	06/29/90
11012928534	07/11/89	06/29/90
11012929771	07/19/89	06/29/90
11010060926	12/05/89	12/14/90
11012137037	10/02/90	06/12/92
11012941107	09/19/89	08/21/92
11012942238	09/28/89	08/21/92
11012943319	10/05/89	08/21/92
11012944374	10/13/89	03/02/90
11012944390	10/12/89	08/21/92
11012944408	10/13/89	08/21/92
11012946932	10/26/89	08/21/92
11012950918	11/17/89	11/09/90
11012952351	11/21/89	08/21/92
11012953821	11/29/89	08/21/92
11012954621	12/07/89	08/21/92
11012954803	12/07/89	08/21/92
11010103270	01/23/90	05/11/90
11011425391	06/16/90	02/19/93
11015255588	07/03/90	11/02/90
11018670254	01/11/90	01/22/90
11018671211	01/11/90	01/30/90
11018113123	06/06/90	
11010113105	09/06/90	01/04/91
11018133634	12/05/90	

SEC. 1404. ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(1001)016–0112010–6	May 26, 1989
(4601)016–0112028–8	June 28, 1989
(4601)016–0112126–0	December 5, 1989
(4601)016–0112132–8	December 18, 1989
(4601)016–0112164–1	February 5, 1990
(4601)016–0112229–2	April 12, 1990
(4601)016–0112211–0	March 21, 1990.

SEC. 1405. OTHER ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(4601)016–0112223–5	April 4, 1990
(4601)710–0225218–8	August 24, 1990
(4601)710–0225239–4	September 5, 1990
(4601)710–0226079–3	May 21, 1991
(1704)J50–0016544–7	January 31, 1991
(4601)016–0112237–5	April 19, 1990
(4601)710–0226033–0	May 7, 1991
(4601)710–0226078–5	May 15, 1991
(4601)710–0225181–8	August 24, 1990
(4601)710–0225381–4	October 3, 1990.

SEC. 1406. PRINTING CARTRIDGES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.90.08 of the Harmonized Tariff Schedule of the United States (relating to parts of facsimile machines) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8473.30.50 of the Harmonized Tariff Schedule of the United States (relating to parts and accessories of machines classified under heading 8471 of such Schedule).

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Date of liquidation
01/29/97	112–9640193–6	05/23/97
01/30/97	112–9640390–8	05/16/97
02/01/97	112–9640130–8	05/16/97
02/21/97	112–9642191–8	06/06/97
02/18/97	112–9642236–1	06/06/97
02/24/97	112–9642831–9	06/06/97
02/28/97	112–9643311–1	06/13/97
03/07/97	112–9644155–1	06/20/97
03/14/97	112–9645020–6	06/27/97
03/18/97	112–9645367–1	07/07/97
03/20/97	112–9646067–6	07/11/97
03/20/97	112–9646027–0	07/11/97
03/24/97	112–9646463–7	07/11/97
03/26/97	112–9646461–1	07/11/97
03/24/97	112–9646390–2	07/11/97
03/31/97	112–9647021–2	07/18/97
04/04/97	112–9647329–9	07/18/97
04/07/97	112–9647935–3	02/20/98
04/11/97	112–9300307–3	02/20/98
04/11/97	112–9300157–2	02/20/98
04/24/97	112–9301788–3	03/06/98
04/25/97	112–9302061–4	03/06/98
04/28/97	112–9302268–5	03/13/98
04/25/97	112–9302328–7	03/13/98
04/25/97	112–9302453–3	03/13/98
04/25/97	112–9302438–4	03/13/98
04/25/97	112–9302388–1	03/13/98
05/30/97	112–9306611–2	10/31/97
05/02/97	112–9302488–9	03/13/98
05/09/97	112–9303720–4	03/20/98
05/06/97	112–9303761–8	03/20/98
05/14/97	112–9304827–6	03/27/98
05/16/97	112–9304932–4	03/27/98
01/02/97	112–9636637–8	04/18/97
01/10/97	112–9637688–0	04/25/97
01/06/97	112–9637316–8	04/18/97
01/31/97	112–9640064–9	05/16/97
01/28/97	112–9639734–0	05/09/97
01/25/97	112–9639410–7	05/09/97
01/24/97	112–9639109–5	05/09/97
04/04/97	112–9647321–6	07/18/97

SEC. 1407. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF N,N-DICYCLOHEXYL-2-BENZOTHIAZOLESULFENAMIDE.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, the Customs Service shall—

(1) not later than 90 days after receiving a request described in subsection (b), liquidate or reliquidate as free from duty the entries listed in subsection (c); and

(2) within 90 days after such liquidation or reliquidation, refund any duties paid with respect to such entries, including interest from the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
0359145–4	November 26, 1996
0359144–7	November 26, 1996
0358011–9	October 30, 1996
0358010–1	October 30, 1996
0357091–2	October 8, 1996
0356909–6	October 1, 1996
0356480–8	September 27, 1996
0356482–4	September 24, 1996
0354733–2	August 7, 1996
0355663–0	August 27, 1996
0355278–7	August 20, 1996
0353571–7	July 3, 1996
0354382–8	July 23, 1996
0354204–4	July 18, 1996
0353162–5	June 25, 1996
0351633–7	May 14, 1996
0351558–6	May 7, 1996
0351267–4	April 27, 1996
0350615–5	April 12, 1996
0349995–5	March 25, 1996
0349485–7	March 11, 1996
0349243–0	February 27, 1996
0348597–6	February 17, 1996
0347203–6	January 2, 1996
0347759–7	January 17, 1996
0346113–8	December 12, 1995
0346119–5	November 29, 1995
0345065–1	October 31, 1995
0345066–9	October 31, 1995
0343859–9	October 3, 1995
0343860–7	October 3, 1995
0342557–0	August 30, 1995
0342558–8	August 30, 1995
0341557–1	July 31, 1995
0341558–9	July 31, 1995
0340382–5	July 6, 1995
0340838–6	June 28, 1995
0339139–2	June 7, 1995
0339144–2	May 31, 1995
0337866–2	April 26, 1995
0337667–4	April 26, 1995
0347103–8	April 12, 1995
0336953–9	March 29, 1995
0336954–7	March 29, 1995
0335799–7	March 1, 1995
0335800–3	March 1, 1995
0335445–7	February 14, 1995
0335020–8	February 9, 1995
0335019–0	February 1, 1995

SEC. 1408. CERTAIN ENTRIES OF TOMATO SAUCE PREPARATION.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
599–1501057–9	10/26/89
614–2717371–3	10/28/89
614–2717788–8	11/16/89
614–2717875–3	11/17/89
614–2723776–5	10/31/90
614–2725016–4	01/14/91
614–2725155–0	01/28/91
614–2725267–3	02/04/91
614–2725531–2	02/26/91
614–2725662–5	03/06/91
614–2725767–2	03/20/91
614–2725944–7	03/27/91
614–2726273–0	04/23/91
614–2726465–2	05/06/91
614–2726863–8	06/05/91
614–2727011–3	06/13/91
614–2727277–0	07/03/91
614–2727724–1	07/30/91
112–4021152–1	11/13/91
112–4021203–2	11/13/91
112–4021204–0	11/13/91
614–0081685–8	12/19/91
614–0081763–3	12/30/91
614–0082193–2	01/23/92
614–0082201–3	01/23/92
614–0082553–7	02/12/92
614–0082572–7	02/18/92
614–0082785–5	02/25/92
614–0082831–7	03/02/92
614–0083084–2	03/10/92
614–0083228–5	03/18/92
614–0083267–3	03/19/92
614–0083270–7	03/19/92
614–0083284–8	03/19/92
614–0083370–5	03/24/92
614–0083371–3	03/24/92
614–0083372–1	03/24/92
614–0083395–2	03/24/92
614–0083422–4	03/26/92
614–0083426–5	03/26/92
614–0083444–8	03/26/92
614–0083468–7	03/26/92
614–0083517–1	03/30/92
614–0083518–9	03/30/92
614–0083519–7	03/30/92
614–0083574–2	04/02/92
614–0083626–0	04/07/92
614–0083641–9	04/08/92
614–0083655–9	04/08/92
614–0083782–1	04/13/92
614–0083812–6	04/14/92
614–0083862–1	04/20/92
614–0083880–3	04/20/92
614–0083940–5	04/22/92
614–0083967–8	04/22/92
614–0084008–0	04/28/92
614–0084052–8	04/28/92
614–0084076–7	04/29/92
614–0084128–6	04/30/92
614–0084127–8	05/04/92
614–0084163–3	05/05/92
614–0084181–5	05/06/92
614–0084182–3	05/06/92
614–0084498–3	05/19/92
614–0084620–2	05/26/92
614–0084724–2	06/02/92
614–0084725–9	06/02/92
614–0084981–8	06/14/92
614–0084982–6	06/14/92
614–0084983–4	06/14/92
614–0086456–9	08/11/92
614–0086707–5	08/21/92
614–0086807–3	08/28/92
614–0086808–1	08/28/92
614–0088148–0	11/05/92
614–0088687–7	11/24/92
614–0091241–8	03/30/93
614–0091756–5	04/22/93
614–0091803–5	04/26/93
614–0096840–2	12/06/93
614–0095883–3	10/22/93
614–0095940–1	10/21/93
614–0096051–6	10/22/93
614–0096058–1	10/22/93
614–0096063–1	10/25/93
614–0096069–8	10/25/93
614–0100624–4	04/28/94
614–0100701–0	05/02/94
614–0099508–2	06/07/94
614–0002824–9	02/09/95
788–1003306–4	07/14/89

SEC. 1409. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1990 THROUGH 1992.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described

in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
521–0010813–4	11/28/90
521–0011263–1	3/15/91
551–2047066–5	3/18/92
551–2047231–5	3/19/92
551–2047441–0	3/20/92
551–2053210–0	4/28/92
819–0565392–9	12/12/92

SEC. 1410. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 THROUGH 1995.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
614–2716855–6	10–11–89
614–2717619–5	11–11–89
614–2717846–4	11–25–89
614–2722580–2	09–01–90
614–2723739–3	11–03–90
614–2722163–7	08–04–90
614–2723558–7	10–25–90
614–2723104–0	09–29–90
614–2720674–5	05–10–90
614–2721638–9	07–07–90
614–2718704–4	01–06–90
614–2718411–6	12–16–89
614–2719146–7	02–03–90
614–2719562–5	03–03–90
614–2726258–1	04–26–91
614–2726290–4	05–03–91
614–2725646–8	03–21–91
614–2725926–4	04–06–91
614–2725443–0	02–23–91
614–0081157–8	12–02–91
614–0081303–8	12–03–91
614–2725276–4	02–09–91
614–2728765–3	10–05–91
614–2729005–3	10–19–91
614–2728060–9	08–24–91
614–2727885–0	08–10–91
614–2726744–0	06–01–91
614–2726987–5	06–15–91
614–2725094–1	01–26–91
614–2724766–4	01–07–91
614–2724768–1	12–30–90
614–0084694–7	05–30–92
614–0085303–4	06–30–92
614–0081812–8	01–07–92
614–0082595–8	02–23–92
614–0083467–9	03–31–92
614–0083466–1	03–31–92
614–0083680–7	04–18–92
614–0084025–4	05–02–92
614–0092533–7	05–14–93
614–0093248–1	06–25–93
614–0095915–3	10–26–93
614–0095752–0	10–13–93
614–0095753–8	10–13–93
614–0095275–2	09–24–93
614–0095445–1	10–07–93
614–0095421–2	10–08–93
614–0095814–8	10–22–93
614–0095813–0	10–22–93
614–0095811–4	10–22–93
614–0095914–6	10–26–93
614–0102424–7	06–23–94
614–0096922–8	12–07–93
614–0001090–8	10–20–94
614–0006610–8	06–23–95
614–0004345–3	03–29–95
614–0005582–0	04–28–95

SEC. 1411. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 AND 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
812–0507705–0	07/27/89
812–0507847–0	08/03/89
812–0507848–8	08/03/89
812–0509191–1	10/18/89
812–0509247–1	10/25/89
812–0509584–7	11/08/89
812–0510077–9	12/08/89
812–0510659–4	01/12/90

SEC. 1412. NEOPRENE SYNCHRONOUS TIMING BELTS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate the entry described in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of the entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY.—The entry referred to in subsection (a) is the following:

Entry number	Date of entry	Date of liquidation
469–0015023–9	11/14/89	3/9/90

SEC. 1413. RELIQUIDATION OF DRAWBACK CLAIM NUMBER R74–10343996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1994	R74–1034399 6	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1414. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1993	R74–1034035 6	07/03/96
April 1993	R74–1034070 3	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1415. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS OF MERCHANDISE FROM MAY 1993 TO JULY 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
May 1993	R74–1034098 4	07/03/96
June 1993	R74–1034126 3	07/03/96
July 1993	R74–1034154 5	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1416. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS CLAIMS FILED BETWEEN APRIL 1994 AND JULY 1994.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
April 1994	R74–1034427 5	07/03/96
May 1994	R74–1034462 2	07/03/96
July 1994	C04–0032112 8	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1417. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
August 1993	R74–1034189 1	07/03/96
September 1993	R74–1034217 0	07/03/96
December 1993	R74–1034308 7	07/03/96
January 1994	R74–1034336 8	07/03/96
February 1994	R74–1034371 5	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1418. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1997.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Drawback Claim Number	Filing Date
WJU1111015–0	May 30, 1997
WJU1111030–9	August 6, 1997
WJU1111006–9	April 16, 1997
WJU1111005–2	February 26, 1997

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1419. RELIQUIDATION OF DRAWBACK CLAIM NUMBER WJU1111031–7.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following:

Drawback Claim Number	Filing Date
WJU1111031–7 (excluding Invoice #24051)	October 16, 1997

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1420. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF ATHLETIC SHOES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate each drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following claims, filed between August 1, 1993 and June 1, 1998:

Drawback Claims

221–0590991–9
221–0890500–5 through 221–0890675–5
221–0890677–1 through 221–0891427–0
221–0891430–4 through 221–0891537–6
221–0891539–2 through 221–0891554–1
221–0891556–6 through 221–0891557–4
221–0891559–0
221–0891561–6 through 221–0891565–7
221–0891567–3 through 221–0891578–0
221–0891582–0
221–0891584–8 through 221–0891587–1
221–0891589–7
221–0891592–1 through 221–0891597–0
221–0891604–4 through 221–0891605–1
221–0891607–7 through 221–0891609–3

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1421. DESIGNATION OF MOTOR FUELS AND JET FUELS AS COMMERCIALLY INTERCHANGEABLE.

Section 313(p)(3)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(B)) is amended by adding at the end the following: ''Notwithstanding any change or modification to the Harmonized Tariff Schedule of the United States, motor fuel and jet fuel classifiable under subheading 2710.00.15 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 2000, shall be considered commercially interchangeable for purposes of drawback under this subsection.''.

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

SEC. 1431. SHORT TITLE.

This chapter may be cited as the ''Product Development and Testing Act of 2000''.

SEC. 1432. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1)(A) A substantial amount of development and testing occurs in the United States incident to the introduction and manufacture of new products for both domestic consumption and export overseas.

(B) Testing also occurs with respect to merchandise that has already been introduced into commerce to insure that it continues to meet specifications and performs as designed.

(2) The development and testing that occurs in the United States incident to the introduction and manufacture of new products, and with respect to products which have already been introduced into commerce, represents a significant industrial activity employing highly-skilled workers in the United States.

(3)(A) Under the current laws affecting the importation of merchandise, such as the provisions of part I of title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.), goods commonly referred to as ''prototypes'', used for product development testing and product evaluation purposes, are subject to customs duty upon their importation into the United States unless the prototypes qualify for duty-free treatment under special trade programs or unless the prototypes are entered under a temporary importation bond.

(B) In addition, the United States Customs Service has determined that the value of prototypes is to be included in the value of production articles if the prototypes are the result of the same design and development effort as the articles.

(4)(A) Assessing duty on prototypes twice, once when the prototypes are imported and a second time thereafter as part of the cost of imported production merchandise, discourages development and testing in the United States, and thus encourages development and testing to occur overseas, since, in that case, duty will only be assessed once, upon the importation of production merchandise.

(B) Assessing duty on these prototypes twice unnecessarily inflates the cost to businesses, thus reducing their competitiveness.

(5) Current methods for avoiding the excessive assessment of customs duties on the importation of prototypes, including the use of temporary importation entries and obtaining drawback, are unwieldy, ineffective, and difficult for both importers and the United States Customs Service to administer.

(b) PURPOSE.—The purpose of this chapter is to promote product development and testing in the United States by permitting the importation of prototypes on a duty-free basis.

SEC. 1433. AMENDMENTS TO HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) HEADING.—Subchapter XVII of Chapter 98 is amended by inserting in numerical sequence the following new heading:

‘‘	9817.85.01	Prototypes to be used exclusively for development, testing, product evaluation, or quality control purposes	Free		The rate applicable in the absence of this heading	’’.

(b) U.S. NOTE.—The U.S. Notes to subchapter XVII of chapter 98 are amended by adding at the end the following:

‘‘6. The following provisions apply to heading 9817.85.01:

‘‘(a) For purposes of this subchapter, including heading 9817.85.01, the term ‘prototypes’ means originals or models of articles that—

‘‘(i) are either in the preproduction, production, or postproduction stage and are to be used exclusively for development, testing, product evaluation, or quality control purposes; and

‘‘(ii) in the case of originals or models of articles that are either in the production or postproduction stage, are associated with a design change from current production (including a refinement, advancement, improvement, development, or quality control in either the product itself or the means for producing the product).

For purposes of clause (i), automobile racing for purse, prize, or commercial competition shall not be considered to be ‘‘development, testing, product evaluation, or quality control.’’.

‘‘(b)(i) Prototypes may only be imported in limited noncommercial quantities in accordance with industry practice.

‘‘(ii) Except as provided for by the Secretary of the Treasury, prototypes or parts of prototypes, may not be sold after importation into the United States or be incorporated into other products that are sold.

‘‘(c) Articles subject to quantitative restrictions, antidumping orders, or countervailing duty orders, may not be classified as prototypes under this note. Articles subject to licensing requirements, or which must comply with laws, rules, or regulations administered by agencies other than the United States Customs Service before being imported, may be classified as prototypes, provided that they comply with all applicable provisions of law and otherwise meet the definition of ‘prototypes’ under paragraph (a).’’.

SEC. 1434. REGULATIONS RELATING TO ENTRY PROCEDURES AND SALES OF PROTOTYPES.

(a) IDENTIFICATION OF PROTOTYPES.—The Secretary of the Treasury shall promulgate regulations regarding the identification of prototypes at the time of importation into the United States in accordance with the provisions of this chapter and the amendments made by this chapter.

(b) SALES OF PROTOTYPES.—Within 10 months of the date of enactment of this Act, the Secretary of the Treasury shall promulgate final regulations regarding the sale of prototypes entered under heading 9817.85.01 of the Harmonized Tariff Schedule of the United States as scrap, or waste, or for recycling, provided that all duties are tendered for sales of the prototypes, including prototypes and parts of prototypes incorporated into other products, as scrap, waste, or recycled materials, at the rate of duty in effect for such scrap, waste, or recycled materials at the time of importation of the prototypes.

SEC. 1435. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to—

(1) an entry of a prototype under heading 9817.85.01, as added by section 1433(a), on or after the date of enactment of this Act; and

(2) an entry of a prototype (as defined in U.S. Note 6(a) to subchapter XVII of chapter 98, as added by section 1433(b)) under heading 9813.00.30 for which liquidation has not become final as of the date of enactment of this Act.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

SEC. 1441. SHORT TITLE.

This chapter may be cited as the ‘‘Dog and Cat Protection Act of 2000’’.

SEC. 1442. FINDINGS AND PURPOSES.

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

(1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

(2) The United States represents one of the largest markets for the sale of fur and fur products in the world. Market demand for fur products in the United States has led to the introduction of dog and cat fur products into United States commerce, frequently based on deceptive or fraudulent labeling of the products to disguise the true nature of the fur and mislead United States wholesalers, retailers, and consumers.

(3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink, and synthetic materials made to resemble real fur. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs, which provides an incentive to engage in unfair or fraudulent trade practices in the importation, exportation, distribution, or sale of fur products, including deceptive labeling and other practices designed to disguise the true contents or origin of the product.

(4) Forensic texts have documented that dog and cat fur products are being imported into the United States subject to deceptive labels or other practices designed to conceal the use of dog or cat fur in the production of wearing apparel, toys, and other products.

(5) Publicly available evidence reflects ongoing significant use of dogs and cats bred expressly for their fur by foreign fur producers for manufacture into wearing apparel, toys, and other products that have been introduced into United States commerce. The evidence indicates that foreign fur producers also rely on the use of stray dogs and cats and stolen pets for the manufacture of fur products destined for the world and United States markets.

(6) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.

(7) The trade of dog and cat fur products is ethically and aesthetically abhorrent to United States citizens. Consumers in the United States have a right to know if products offered for sale contain dog or cat fur and to ensure that they are not unwitting participants in this gruesome trade.

(8) Persons who engage in the sale of dog or cat fur products, including the fraudulent trade practices identified above, gain an unfair competitive advantage over persons who engage in legitimate trade in apparel, toys, and other products, and derive an unfair benefit from consumers who buy their products.

(9) The imposition of a ban on the sale, manufacture, offer for sale, transportation, and distribution of dog and cat fur products, regardless of their source, is consistent with the international obligations of the United States because it applies equally to domestic and foreign producers and avoids any discrimination among foreign sources of competing products. Such a ban is also consistent with provisions of international agreements to which the United States is a party that expressly allow for measures designed to protect the health and welfare of animals and to enjoin the use of deceptive trade practices in international or domestic commerce.

(b) PURPOSES.—The purposes of this chapter are to—

(1) prohibit imports, exports, sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products, in order to ensure that United States market demand does not provide an incentive to slaughter dogs or cats for their fur;

(2) require accurate labeling of fur species so that consumers in the United States can make informed choices and ensure that they are not unwitting contributors to this gruesome trade; and

(3) ensure that the customs laws of the United States are not undermined by illicit international traffic in dog and cat fur products.

SEC. 1443. PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.

(a) IN GENERAL.—Title III of the Tariff Act of 1930 is amended by inserting after section 307 the following new section:

‘‘SEC. 308. PROHIBITION ON IMPORTATION OF DOG AND CAT FUR PRODUCTS.

‘‘(a) DEFINITIONS.—In this section:

‘‘(1) CAT FUR.—The term ‘cat fur’ means the pelt or skin of any animal of the species Felis catus.

‘‘(2) COMMERCE.—The term ‘commerce’ means the transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

‘‘(3) CUSTOMS LAWS.—The term ‘customs laws of the United States’ means any other law or regulation enforced or administered by the United States Customs Service.

‘‘(4) DOG FUR.—The term ‘dog fur’ means the pelt or skin of any animal of the species Canis familiaris.

‘‘(5) DOG OR CAT FUR PRODUCT.—The term ‘dog or cat fur product’ means any item of merchandise which consists, or is composed in

whole or in part, of any dog fur, cat fur, or both.

''(6) PERSON.—The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(8) UNITED STATES.—The term 'United States' means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

''(b) PROHIBITIONS.—

''(1) IN GENERAL.—It shall be unlawful for any person to—

''(A) import into, or export from, the United States any dog or cat fur product; or

''(B) introduce into interstate commerce, manufacture for introduction into interstate commerce, sell, trade, or advertise in interstate commerce, offer to sell, or transport or distribute in interstate commerce in the United States, any dog or cat fur product.

''(2) EXCEPTION.—This subsection shall not apply to the importation, exportation, or transportation by an individual, for noncommercial purposes, of his or her personal pet that is deceased, including a pet preserved through taxidermy.

''(c) PENALTIES AND ENFORCEMENT.—

''(1) CIVIL PENALTIES.—

''(A) IN GENERAL.—Any person who violates any provision of this section or any regulation issued under this section may, in addition to any other civil or criminal penalty that may be imposed under title 18 of the United States Code or any other provision of law, be assessed a civil penalty by the Secretary of not more than—

''(i) $10,000 for each separate knowing and intentional violation;

''(ii) $5,000 for each separate grossly negligent violation; or

''(iii) $3,000 for each separate negligent violation.

''(B) DEBARMENT.—The Secretary may debar a person from importing, exporting, transporting, distributing, manufacturing, or selling any fur product in the United States, if—

''(i) the Secretary finds that the person has been convicted of a criminal violation of any provision of this section or any regulation issued under this section; or

''(ii) the Secretary finds that the person has engaged in a pattern or practice of actions that has resulted in a final administrative determination with respect to the assessment of civil penalties for knowing and intentional or grossly negligent violations of any provision of this section or any regulation issued under this section.

''(C) NOTICE.—No penalty may be assessed under this paragraph unless such person is given notice and opportunity for a hearing with respect to such violation in accordance with section 554 of title 5, United States Code.

''(2) CRIMINAL PENALTIES.—Any person who knowingly violates any provision of this section or any regulation issued under this section shall, upon conviction for each violation, be imprisoned for not more than 1 year, fined in accordance with title 18, United States Code, or both.

''(3) FORFEITURE.—Any dog or cat fur product manufactured, taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, imported, or exported contrary to the provisions of this section or any regulation issued under this section shall be subject to forfeiture to the United States.

''(4) ENFORCEMENT.—The provisions of this section and any regulations issued under this section shall be enforced by the Secretary.

''(5) REGULATIONS.—Not later than 270 days after the date of enactment of this section, the Secretary shall, after notice and opportunity for comment, issue regulations to carry out the provisions of this section. The regulations shall provide for a process by which testing laboratories, whether domestic or foreign, can qualify for certification by the United States Customs Service by demonstrating the reliability of the procedures used for determining the type of fur contained in articles intended for sale or consumption in the interstate commerce of the United States.

''(6) REWARD.—The Secretary shall pay a reward of not less than $500 to any person who furnishes information that establishes probable cause or leads to an arrest, criminal conviction, civil penalty assessment, debarment, or forfeiture of property for any violation of this section or any regulation issued under this section.

''(7) AFFIRMATIVE DEFENSE.—It shall be a defense against any civil or criminal action brought under this section or any regulations issued under this section if the person accused of a violation under this section can establish by a preponderance of the evidence that the person exercised reasonable care—

''(A) in determining the nature of the products alleged to have resulted in such violation; and

''(B) in ensuring that the products were accompanied by documentation, packaging, and labeling that were accurate as to the nature of the products.

''(8) COORDINATION WITH OTHER LAWS.—Nothing in this section shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the customs laws of the United States.

''(d) PUBLICATION OF NAMES OF CERTAIN VIOLATORS.—The Secretary of the Treasury shall publish periodically in the Federal Register a list of the names of any producer, manufacturer, supplier, seller, importer, or exporter, whether or not located within the customs territory of the United States, against whom a criminal conviction has been rendered or against whom a final administrative determination with respect to the assessment of a civil penalty for a knowing and intentional or a grossly negligent violation has been made under this section.

''(e) REPORTS.—In order to enable Congress to engage in active, continuing oversight of this section, the Secretary shall provide the following:

''(1) PLAN FOR ENFORCEMENT.—Within 3 months after the date of enactment of this section, the Secretary shall submit to Congress a plan for the enforcement of the provisions of this section, including training and procedures to ensure that Customs Service personnel are equipped with state-of-the-art technologies to identify potential dog or cat fur products and to determine the true content of such products.

''(2) REPORT ON ENFORCEMENT EFFORTS.—Not later than 1 year after the date of enactment of this section, and on an annual basis thereafter, the Secretary shall submit a report to Congress on the efforts of the Department of the Treasury to enforce the provisions of this section and the adequacy of the resources to do so. The report shall include an analysis of the training of Customs Service personnel to identify dog and cat fur products effectively and to take appropriate action to enforce this section. The report shall include the findings of the Secretary as to whether any government has engaged in a pattern or practice of support for trade in products the importation of which are prohibited under this section.''.

(b) CONFORMING AMENDMENT.—Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by striking ''; except that such term shall not include such articles as the Commission shall exempt by reason of the relatively small quantity or value of the fur or used fur contained therein''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

CHAPTER 4—MISCELLANEOUS PROVISIONS

SEC. 1451. ALTERNATIVE MID-POINT INTEREST ACCOUNTING METHODOLOGY FOR UNDERPAYMENT OF DUTIES AND FEES.

Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by striking ''For the period beginning on'' and all that follows through ''the Secretary may prescribe'' and inserting ''The Secretary may prescribe''.

SEC. 1452. EXCEPTION FROM MAKING REPORT OF ARRIVAL AND FORMAL ENTRY FOR CERTAIN VESSELS.

(a) REPORT OF ARRIVAL AND FORMAL ENTRY OF VESSELS.—(1) Section 433(a)(1)(C) of the Tariff Act of 1930 (19 U.S.C. 1433(a)(1)(C)) is amended by striking ''bonded merchandise, or''.

(2) Section 434(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1434(a)(3)) is amended by striking ''bonded merchandise or''.

(3) Section 91(a)(2) of the Appendix to title 46, United States Code, is amended by striking ''bonded merchandise or''.

(b) ADDITIONAL AMENDMENT.—Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by adding at the end the following new paragraph:

''(7) Any vessel required to anchor at the Belle Isle Anchorage in the waters of the Detroit River in the State of Michigan, for the purposes of awaiting the availability of cargo or berthing space or for the purpose of taking on a pilot or awaiting pilot services, or at the direction of the Coast Guard, prior to proceeding to the Port of Toledo, Ohio, where the vessel makes entry under section 434 or obtains clearance under section 4197 of the Revised Statutes of the United States.''.

SEC. 1453. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) DESIGNATION.—For the 2-year period beginning on the date of the enactment of this Act, the Commissioner of the Customs Service shall designate the San Antonio International Airport in San Antonio, Texas, as an airport at which private aircraft described in subsection (b) may land for processing by the Customs Service in accordance with section 122.24(b) of title 19, Code of Federal Regulations.

(b) PRIVATE AIRCRAFT.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of San Antonio International Airport in San Antonio, Texas; and

(2) would otherwise be required to land for processing by the Customs Service at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) DEFINITION.—In this section, the term ''private aircraft'' has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

(d) REPORT.—The Commissioner of the Customs Service shall prepare and submit to Congress a report on the implementation of this section for 2001 and 2002.

SEC. 1454. INTERNATIONAL TRAVEL MERCHANDISE.

Section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) is amended by adding at the end the following:

''(c) INTERNATIONAL TRAVEL MERCHANDISE.—

''(1) DEFINITIONS.—For purposes of this section—

''(A) the term 'international travel merchandise' means duty-free or domestic merchandise which is placed on board aircraft on international flights for sale to passengers, but which is not merchandise incidental to the operation of a duty-free sales enterprise;

''(B) the term 'staging area' is an area controlled by the proprietor of a bonded warehouse

outside of the physical parameters of the bonded warehouse in which manipulation of international travel merchandise in carts occurs;

''(C) the term 'duty-free merchandise' means merchandise on which the liability for payment of duty or tax imposed by reason of importation has been deferred pending exportation from the customs territory;

''(D) the term 'manipulation' means the repackaging, cleaning, sorting, or removal from or placement on carts of international travel merchandise; and

''(E) the term 'cart' means a portable container holding international travel merchandise on an aircraft for exportation.

''(2) BONDED WAREHOUSE FOR INTERNATIONAL TRAVEL MERCHANDISE.—The Secretary shall by regulation establish a separate class of bonded warehouse for the storage and manipulation of international travel merchandise pending its placement on board aircraft departing for foreign destinations.

''(3) RULES FOR TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE AND BONDED WAREHOUSES AND STAGING AREAS.—(A) The proprietor of a bonded warehouse established for the storage and manipulation of international travel merchandise shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. The warehouse proprietor's bond shall also secure the manipulation of international travel merchandise in a staging area.

''(B) A transfer of liability from the international carrier to the warehouse proprietor occurs when the carrier assigns custody of international travel merchandise to the warehouse proprietor for purposes of entry into warehouse or for manipulation in the staging area.

''(C) A transfer of liability from the warehouse proprietor to the international carrier occurs when the bonded warehouse proprietor assigns custody of international travel merchandise to the carrier.

''(D) The Secretary is authorized to promulgate regulations to require the proprietor and the international carrier to keep records of the disposition of any cart brought into the United States and all merchandise on such cart.''.

SEC. 1455. CHANGE IN RATE OF DUTY OF GOODS RETURNED TO THE UNITED STATES BY TRAVELERS.

Subchapter XVI of chapter 98 is amended as follows:

(1) Subheading 9816.00.20 is amended—

(A) effective January 1, 2000, by striking ''10 percent'' each place it appears and inserting ''5 percent'';

(B) effective January 1, 2001, by striking ''5 percent'' each place it appears and inserting ''4 percent''; and

(C) effective January 1, 2002, by striking ''4 percent'' each place it appears and inserting ''3 percent''.

(2) Subheading 9816.00.40 is amended—

(A) effective January 1, 2000, by striking ''5 percent'' each place it appears and inserting ''3 percent'';

(B) effective January 1, 2001, by striking ''3 percent'' each place it appears and inserting ''2 percent''; and

(C) effective January 1, 2002, by striking ''2 percent'' each place it appears and inserting ''1.5 percent''.

SEC. 1456. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN INTERNATIONAL ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter XVII of chapter 98 is amended by inserting in numerical sequence the following new heading:

''	9817.60.00	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, an international athletic event held in the United States, such as the Olympics and Paralympics, the Goodwill Games, the Special Olympics World Games, the World Cup Soccer Games, or any similar international athletic event as the Secretary of the Treasury may determine, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with any such foregoing event by or on behalf of the foregoing persons or the organizing committee of such an event, articles to be used in exhibitions depicting the culture of a country participating in such an event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow	.....	Free	Free	''.

(b) TAXES, FEES, INSPECTION.—The U.S. Notes to chapter XVII of chapter 98 are amended by adding at the end the following new note:

''6. Any article exempt from duty under heading 9817.60.00 shall be free of taxes and fees that may otherwise be applicable, but shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.''

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse, for consumption, on or after the date of the enactment of this Act.

(c) TERMINATION OF TEMPORARY PROVISIONS.—Heading 9902.98.08 shall, notwithstanding any provision of such heading, cease to be effective on the date of the enactment of this Act.

SEC. 1457. COLLECTION OF FEES FOR CUSTOMS SERVICES FOR ARRIVAL OF CERTAIN FERRIES.

Section 13031(b)(1)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(iii)) is amended to read as follows:

''(iii) the arrival of a ferry, except for a ferry whose operations begin on or after August 1, 1999, and that operates south of 27 degrees latitude and east of 89 degrees longitude; or''.

SEC. 1458. ESTABLISHMENT OF DRAWBACK BASED ON COMMERCIAL INTERCHANGEABILITY FOR CERTAIN RUBBER VULCANIZATION ACCELERATORS.

(a) IN GENERAL.—The United States Customs Service shall treat the chemical N-cyclohexyl-2-benzothiazolesulfenamide and the chemical N-tert-Butyl-2-benzothiazolesulfenamide as ''commercially interchangeable'' within the meaning of section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) for purposes of permitting drawback under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313.).

(b) APPLICABILITY.—Subsection (a) shall apply with respect to any entry, or withdrawal from warehouse for consumption, of the chemical N-cyclohexyl-2-benzothiazolesulfenamide before, on, or after the date of the enactment of this Act, that is eligible for drawback within the time period provided in section 313(j)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)(B)).

SEC. 1459. CARGO INSPECTION.

The Commissioner of Customs is authorized to establish a fee-for-service agreement for a period of not less than 2 years, renewable thereafter on an annual basis, at Fort Lauderdale-Hollywood International Airport. The agreement shall provide personnel and infrastructure necessary to conduct cargo clearance, inspection, or other customs services as needed to accommodate carriers using this airport. When such servcies have been provided on a fee-for-service basis for at least 2 years and the commercial consumption entry level reaches 29,000 entries per year, the Commissioner of Customs shall continue to provide cargo clearance, inspection or other customs services, and no charges, other than those fees authorized by section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)), may be collected for those services.

SEC. 1460. TREATMENT OF CERTAIN MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE ENTRY.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following:

''(j) TREATMENT OF MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE TRANSACTION.—In the case of merchandise that is purchased and invoiced as a single entity but—

''(1) is shipped in an unassembled or disassembled condition in separate shipments due to the size or nature of the merchandise, or

''(2) is shipped in separate shipments due to the inability of the carrier to include all of the merchandise in a single shipment (at the instruction of the carrier),

the Customs Service may, upon application by an importer in advance, treat such separate shipments for entry purposes as a single transaction.''.

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations to carry out section 484(j) of the Tariff Act of 1930, as added by subsection (a).

SEC. 1461. REPORT ON CUSTOMS PROCEDURES.

(a) REVIEW AND REPORT.—The Secretary of the Treasury shall—

(1) review, in consultation with United States importers and other interested parties, including independent third parties selected by the Secretary for the purpose of conducting such review, customs procedures and related laws and regulations applicable to goods and commercial conveyances entering the United States; and

(2) report to the Congress, not later than 180 days after the date of enactment of this Act, on changes that should be made to reduce reporting and record retention requirements for commercial parties, specifically addressing changes needed to—

(A) separate fully and remove the linkage between data reporting required to determine the admissibility and release of goods and data reporting for other purposes such as collection of revenue and statistics;

(B) reduce to a minimum data required for determining the admissibility of goods and release of goods, consistent with the protection of public health, safety, or welfare, or achievement of other policy goals of the United States;

(C) eliminate or find more efficient means of collecting data for other purposes that are unnecessary, overly burdensome, or redundant; and

(D) enable the implementation, as soon as possible, of the import activity summary statement authorized by section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) as a means of—

(i) fully separating and removing the linkage between the functions of collecting revenue and statistics and the function of determining the admissibility of goods that must be performed for each shipment of goods entering the United States; and

(ii) allowing for periodic, consolidated filing of data not required for determinations of admissibility.

(b) SPECIFIC MATTERS.—In preparing the report required by subsection (a), the Secretary of the Treasury shall specifically report on the following:

(1) Import procedures, including specific data items collected, that are required prior and subsequent to the release of goods or conveyances, identifying the rationale and legal basis for each procedure and data requirement, uses of data collected, and procedures or data requirements that could be eliminated, or deferred and consolidated into periodic reports such as the import activity summary statement.

(2) The identity of data and factors necessary to determine whether physical inspections should be conducted.

(3) The cost of data collection.

(4) Potential alternative sources and methodologies for collecting data, taking into account the costs and other consequences to importers, exporters, carriers, and the Government of choosing alternative sources.

(5) Recommended changes to the law, regulations of any agency, or other measures that would improve the efficiency of procedures and systems of the United States Government for regulating international trade, without compromising the effectiveness of procedures and systems required by law.

SEC. 1462. DRAWBACKS FOR RECYCLED MATERIALS.

(a) IN GENERAL.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

''(x) DRAWBACKS FOR RECOVERED MATERIALS.—For purposes of subsections (a), (b), and (c), the term 'destruction' includes a process by which materials are recovered from imported merchandise or from an article manufactured from imported merchandise. In determining the amount of duties to be refunded as drawback to a claimant under this subsection, the value of recovered materials (including the value of any tax benefit or royalty payment) that accrues to the drawback claimant shall be deducted from the value of the imported merchandise that is destroyed, or from the value of the merchandise used, or designated as used, in the manufacture of the article.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to drawback claims filed on or after the date of enactment of this Act.

SEC. 1463. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 163 of the Trade Act of 1974 (19 U.S.C. 2213).

(2) Section 181 of the Trade Act of 1974 (19 U.S.C. 2241).

Subtitle C—Effective Date

SEC. 1471. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. TRADE ADJUSTMENT ASSISTANCE FOR CERTAIN WORKERS AFFECTED BY ENVIRONMENTAL REMEDIATION OR CLOSURE OF A COPPER MINING FACILITY.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a ''qualified worker'' means a worker who—

(A) was employed at the copper mining facility referenced in Trade Adjustment Assistance Certification TAW–31,402 during any part of the period covered by that certification and was separated from employment after the expiration of that certification; and

(B) was necessary for the environmental remediation or closure of such mining facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

SEC. 3001. FINDINGS.

Congress finds that Georgia has—

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction;

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974;

(4) made progress toward democratic rule and creating a free market economic system since its independence from the Soviet Union;

(5) committed to developing a system of governance in accord with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the ''Helsinki Final Act'') regarding human rights and humanitarian affairs;

(6) endeavored to address issues related to its national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

(7) also committed to enacting legislation to provide protection against incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility, or hatred, including anti-Semitism;

(8) continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of Georgia and establishing the legal framework for completion of this process in the future;

(9) concluded a bilateral trade agreement with the United States in 1993 and a bilateral investment agreement in 1994;

(10) demonstrated a strong desire to build a friendly and cooperative relationship with the United States; and

(11) acceded to the World Trade Organization on June 14, 2000, and the extension of unconditional normal trade relations treatment to the products of Georgia will enable the United States to avail itself of all rights under the World Trade Organization with respect to Georgia.

SEC. 3002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO GEORGIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Georgia; and

(2) after making a determination under paragraph (1) with respect to Georgia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Georgia, title IV of the Trade Act of 1974 shall cease to apply to that country.

TITLE IV—GRAY MARKET CIGARETTE COMPLIANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Gray Market Cigarette Compliance Act of 2000''.

SEC. 4002. MODIFICATIONS TO RULES GOVERNING REIMPORTATION OF TOBACCO PRODUCTS.

(a) RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.—Section 5754 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 5754. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED TOBACCO PRODUCTS.

''(a) EXPORT-LABELED TOBACCO PRODUCTS.—

''(1) IN GENERAL.—Tobacco products and cigarette papers and tubes manufactured in the United States and labeled for exportation under this chapter—

''(A) may be transferred to or removed from the premises of a manufacturer or an export warehouse proprietor only if such articles are being transferred or removed without tax in accordance with section 5704;

''(B) may be imported or brought into the United States, after their exportation, only if such articles either are eligible to be released from customs custody with the partial duty exemption provided in section 5704(d) or are returned to the original manufacturer of such article as provided in section 5704(c); and

''(C) may not be sold or held for sale for domestic consumption in the United States unless such articles are removed from their export packaging and repackaged by the original manufacturer into new packaging that does not contain an export label.

''(2) ALTERATIONS BY PERSONS OTHER THAN ORIGINAL MANUFACTURER.—This section shall apply to articles labeled for export even if the packaging or the appearance of such packaging to the consumer of such articles has been modified or altered by a person other than the original manufacturer so as to remove or conceal or attempt to remove or conceal (including by the placement of a sticker over) any export label.

''(3) EXPORTS INCLUDE SHIPMENTS TO PUERTO RICO.—For purposes of this section, section 5704(d), section 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

''(b) EXPORT LABEL.—For purposes of this section, an article is labeled for export or contains an export label if it bears the mark, label, or notice required under section 5704(b).

''(c) CROSS REFERENCES.—

''(1) For exception to this section for personal use, see section 5761(c).

''(2) For civil penalties related to violations of this section, see section 5761(c).

''(3) For a criminal penalty applicable to any violation of this section, see section 5762(b).

''(4) For forfeiture provisions related to violations of this section, see section 5761(c).''.

(b) CLARIFICATION OF REIMPORTATION RULES.—Section 5704(d) of such Code (relating to tobacco products and cigarette papers and tubes exported and returned) is amended—

(1) by striking ''a manufacturer of'' and inserting ''the original manufacturer of such'', and

(2) by inserting ''authorized by such manufacturer to receive such articles'' after ''proprietor of an export warehouse''.

(c) REQUIREMENT TO DESTROY FORFEITED TOBACCO PRODUCTS.—The last sentence of subsection (c) of section 5761 of such Code is amended by striking ''the jurisdiction of the United States'' and all that follows through the end period and inserting ''the jurisdiction of the United States shall be forfeited to the United States and destroyed. All vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place

where relanded, shall be forfeited to the United States.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(e) STUDY.—The Secretary of the Treasury shall report to Congress on the impact of requiring export warehouses to be authorized by the original manufacturer to receive relanded export-labeled cigarettes.

SEC. 4003. TECHNICAL AMENDMENT TO THE BALANCED BUDGET ACT OF 1997.

(a) IN GENERAL.—Subsection (c) of section 5761 of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 9302 of the Balanced Budget Act of 1997.

SEC. 4004. REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES.

The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following:

''TITLE VIII—REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES

''SEC. 801. DEFINITIONS.

''In this title:

''(1) SECRETARY.—Except as otherwise indicated, the term 'Secretary' means the Secretary of the Treasury.

''(2) PRIMARY PACKAGING.—The term 'primary packaging' refers to the permanent packaging inside of the innermost cellophane or other transparent wrapping and labels, if any. Warnings or other statements shall be deemed 'permanently imprinted' only if printed directly on such primary packaging and not by way of stickers or other similar devices.

''SEC. 802. REQUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES.

''(a) GENERAL RULE.—Except as provided in subsection (b), cigarettes may be imported into the United States only if—

''(1) the original manufacturer of those cigarettes has timely submitted, or has certified that it will timely submit, to the Secretary of Health and Human Services the lists of the ingredients added to the tobacco in the manufacture of such cigarettes as described in section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

''(2) the precise warning statements in the precise format specified in section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

''(A) the primary packaging of all those cigarettes; and

''(B) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers;

''(3) the manufacturer or importer of those cigarettes is in compliance with respect to those cigarettes being imported into the United States with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c));

''(4) if such cigarettes bear a United States trademark registered for such cigarettes, the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

''(5) the importer has submitted at the time of entry all of the certificates described in subsection (c).

''(b) EXEMPTIONS.—Cigarettes satisfying the conditions of any of the following paragraphs shall not be subject to the requirements of subsection (a):

''(1) PERSONAL-USE CIGARETTES.—Cigarettes that are imported into the United States in personal use quantities that are allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States.

''(2) CIGARETTES IMPORTED INTO THE UNITED STATES FOR ANALYSIS.—Cigarettes that are imported into the United States solely for the purpose of analysis in quantities suitable for such purpose, but only if the importer submits at the time of entry a certificate signed, under penalties of perjury, by the consignee (or a person authorized by such consignee) providing such facts as may be required by the Secretary to establish that such consignee is a manufacturer of cigarettes, a Federal or State government agency, a university, or is otherwise engaged in bona fide research and stating that such cigarettes will be used solely for analysis and will not be sold in domestic commerce in the United States.

''(3) CIGARETTES INTENDED FOR NONCOMMERCIAL USE, REEXPORT, OR REPACKAGING.—Cigarettes—

''(A) for which the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

''(B) for which the importer submits a certificate signed by the manufacturer or export warehouse (or a person authorized by such manufacturer or export warehouse) to which such cigarettes are to be delivered (as provided in subparagraph (A)) stating, under penalties of perjury, with respect to those cigarettes, that it will not distribute those cigarettes into domestic commerce unless prior to such distribution all steps have been taken to comply with paragraphs (1), (2), and (3) of subsection (a), and, to the extent applicable, section 5754(a)(1) (B) and (C) of the Internal Revenue Code of 1986.

For purposes of this section, a trademark is registered in the United States if it is registered in the Patent and Trademark Office under the provisions of title I of the Act of July 5, 1946 (popularly known as the 'Trademark Act of 1946'), and a copy of the certificate of registration of such mark has been filed with the Secretary. The Secretary shall make available to interested parties a current list of the marks so filed.

''(c) CUSTOMS CERTIFICATIONS REQUIRED FOR CIGARETTE IMPORTS.—The certificates that must be submitted by the importer of cigarettes at the time of entry in order to comply with subsection (a)(5) are—

''(1) a certificate signed by the manufacturer of such cigarettes or an authorized official of such manufacturer stating under penalties of perjury, with respect to those cigarettes, that such manufacturer has timely submitted, and will continue to submit timely, to the Secretary of Health and Human Services the ingredient reporting information required by section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

''(2) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that—

''(A) the precise warning statements in the precise format required by section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

''(i) the primary packaging of all those cigarettes; and

''(ii) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers; and

''(B) with respect to those cigarettes being imported into the United States, such importer has complied, and will continue to comply, with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c)); and

''(3)(A) if such cigarettes bear a United States trademark registered for cigarettes, a certificate signed by the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) stating under penalties of perjury that such owner (or authorized person) consents to the importation of such cigarettes into the United States; and

''(B) a certificate signed by the importer or an authorized official of such importer stating under penalties of perjury that the consent referred to in subparagraph (A) is accurate, remains in effect, and has not been withdrawn.

The Secretary may provide by regulation for the submission of certifications under this section in electronic form if, prior to the entry of any cigarettes into the United States, the person required to provide such certifications submits to the Secretary a written statement, signed under penalties of perjury, verifying the accuracy and completeness of all information contained in such electronic submissions.

''SEC. 803. ENFORCEMENT.

''(a) CIVIL PENALTY.—Any person who violates a provision of section 802 shall, in addition to the tax and any other penalty provided by law, be liable for a civil penalty for each violation equal to the greater of $1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes that are the subject of such violation.

''(b) FORFEITURES.—Any tobacco product, cigarette papers, or tube that was imported into the United States or is sought to be imported into the United States in violation of, or without meeting the requirements of, section 802 shall be forfeited to the United States. Notwithstanding any other provision of law, any product forfeited to the United States pursuant to this title shall be destroyed.''.

Mr. MOYNIHAN. Mr. President, my great thanks to the chairman of the Finance Committee for his efforts in bringing this legislation, the Tariff Suspension and Trade Act of 2000, to a successful conclusion. Last November, the World Trade Organization Seattle Ministerial ended in what The Economist magazine labeled a ''global disaster.'' Mr. President, our trade policy of 60 years—first established by Cordell Hull's Reciprocal Trade Agreements Act of 1934—was in a crisis. Since then, the Senate has worked hard to put our trade policy back on track. On May 11, 2000, Congress passed the Trade and Development Act of 2000, extending preferential tariff treatment to our friends in Africa and expanding benefits to our neighbors in the Caribbean Basin. Just this week, the President signed into law H.R. 4444, authorizing permanent normal trade relations for China. And today, the Senate has passed—by unanimous consent—our third piece of trade legislation this year, the Tariff Suspension and Trade Act of 2000. There has not been a year in Congress so productive on trade issues since 1988, when we considered the Omnibus Trade and Competitiveness Act and the legislation implementing the U.S.-Canada Free Trade Agreement.

H.R. 4868 contains over 150 tariff suspensions and reductions on a wide range of products, 19 reliquidations of prior entries, and 11 technical Customs

provisions, including one which provides economic incentives for importers to recycle. Notably, the bill also authorizes the President to grant Georgia permanent normal trade relations, bringing the total number of nations we have normalized trade relations with this year to four.

Finally, Mr. President, I would like to take this opportunity to thank the staff which have worked late nights and long weekends to ensure that the Tariff Suspension and Trade Act of 2000 was a success. On the Finance Committee Minority staff, Linda Menghetti, Timothy Hogan, Holly Vineyard, and Pat Heck, and on the Majority staff, Grant Aldonas, Faryar Shirzad, Tim Keeler, and Carrie Clark worked tirelessly to ensure the passage of this important bill. Polly Craighill, of the Legislative Counsel's Office, spent countless hours drafting and redrafting this extensive piece of legislation. Anita Horn and Gary Myrick of the Minority leadership were also crucial to its final passage. Mr. President, we have taken three major steps forward since Seattle, and I hope the momentum will continue.

THE REPUBLIC OF GEORGIA

Mr. LEVIN. Mr. President, before the Senate passes the miscellaneous tariff bill, I would like to bring attention to a provision in the bill that would grant permanent normal trade relations, PNTR to the Republic of Georgia. In general, I support the proposition that the time is ripe for Georgia to receive PNTR. However, I also think we should recognize that the Republic of Georgia has demonstrated enforcement of internationally recognized core labor standards.

Georgia grants its citizens the right to emigrate. It is a leader in democratic reform in the Caucuses. It has a relatively strong human rights record. It has been shedding its status as a non-market economy, and this year became a member of the WTO. And it has been an important strategic partner of the United States.

To a certain extent, these accomplishments are acknowledged in the preambulatory clauses to the PNTR grant. But there is something missing. There is no recognition of Georgia's effective record of enforcing internationally recognized core labor labor standards and its demonstrated commitment to continue its protection of worker rights in the future. I hope that this gap can be filled in when the bill goes to conference.

Why should a grant of PNTR to Georgia acknowledge that country's protection of worker rights and its commitment to continue protecting worker rights? Because, increasingly, U.S. trade policy is reflecting the link between trade and labor. Different countries' different levels of protection of core labor standards have an impact on trade. We cannot ignore that. Indeed, we affirmatively recognized that fact in both the China/PNTR bill and in the Africa/CBI bill.

It stands to reason that when we make a significant change in our trade relationship with another country—as when we grant PNTR—we ought to take account of that country's enforcement (or lack of enforcement) of core labor standards. Here, the country in issue has a strong record in this area. We ought to recognize that fact, since it reinforces the case for granting PNTR. This sends an important signal to future PNTR candidates.

Therefore, I hope that, in conference, we will be able to include a simple recognition of Georgia's record and its commitment going forward.

Mr. MOYNIHAN. The Senator's point is a good one and I will press it in conference.

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

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

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 4868), as amended, was read the third time and passed.

MAKING A TECHNICAL CORRECTION IN THE ENROLLMENT OF H.R. 4868

Mr. LOTT. Mr. President, I also ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 152, which makes a technical correction in the enrollment of H.R. 4868 and, further, the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 152) was agreed to, as follows:

S. CON. RES. 152

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

On page 160, line 8, strike ''': and'' and all that follows through line 10, and insert a period.

SITUATION IN THE MIDDLE EAST

Mr. DASCHLE. Mr. President, I come to the floor today to discuss the troubling developments in the Middle East. Given what has happened in the past several days, it is increasingly apparent that we are at a dangerous juncture in a critically important region of the world. The United States can and must stay engaged in the Middle East.

First and foremost, Mr. President, my heart goes out to the families of the seventeen sailors reported killed and the 36 injured in the explosion yesterday on the U.S.S. *Cole* off the coast of Yemen. These brave individuals lost their lives or suffered injury in defense of our country, our values, and our future. This explosion underscores the danger that the men and women of our Armed Forces face every day, and our debt of gratitude for the duty they undertake.

All evidence strongly suggests that yesterday's explosion was a terrorist attack. Such an attack is senseless and cowardly, and those responsible will be found and brought to justice. The world should know that the President and the Congress stand united on this score.

We will not grant the perpetrators an ounce of satisfaction that they have succeeded in altering the way the United States conducts business. We will remain a force for stability. We will continue to press for a negotiated peace in the Middle East. We will stand against insecurity and senseless violence in the Middle East and throughout the world. We owe that much to the brave sailors who were killed yesterday.

Recent days have also confronted us with a stream of horribly violent incidents in Israel and the territories. Unfortunately, efforts to end unrest have yet to succeed. Yesterday two Israeli soldiers were killed in a distressing scene of mob violence as protests gave way to deadly confrontation. I deplore that violence, Mr. President, and I call on Chairman Arafat to raise his voice in favor of peace.

I have followed with grave concern the violence that has gripped Israel and the territories for more than two weeks. After years of instability and violence, this region of the world—so riven with religious and strategic interests—was experiencing relative calm. This state of affairs was born out of an emerging consensus among all parties in the region that the future peace and security of Israel and the territories could be decided only through negotiation. The outlines of and expectations for a lasting peace were beginning to take shape. A successful conclusion to these negotiations seemed tantalizingly close just two short months ago when Israel made unprecedented compromises in the name of peace.

In addition to the human toll exacted by the recent string of violent incidents, there has been another equally tragic casualty—at least in the short term. The events of the past week or so have apparently punctured the hope for a quick peace settlement, putting at risk the great progress that had been made toward settling long-standing Israeli-Palestinian differences. Moreover, the latest crisis in Israel and the territories also threatens wider regional conflict, as evidenced by the abduction of three Israeli soldiers by Hezbollah guerrillas operating out of Lebanon as well as Iraqi troop movements. The stakes, Mr. President, are high and the time is short.

If we are to return to the path of a peaceful settlement after the events of the last two weeks, we must first end the violence. A cessation of hostilities can only be accomplished if all sides demonstrate leadership by condemning the violence. I am sorely disappointed in Arafat and the Palestinian Authority and in the fact that they have allowed violence to be carried out without restraint or comment.

Preferring instead to blame the violence on what he terms Israeli provocations, Arafat has refused to publicly and unequivocally call for an end to violent protests and confrontations. Palestinian police have failed to control mob violence. And efforts at re-establishing negotiations have been rebuffed. The result is despicable violence that has cost far too many innocent lives.

Rather than being unable to control the violence—as Chairman Arafat claims—his silence leaves the impression that he condones it. The on-again off-again cooperation with Israeli security forces suggests that Arafat prefers using violence and the threat of wider war as a negotiating tool. Such tactics are cynical, dangerous and stand in stark contrast to the Oslo process that brought the region to brink of a comprehensive peace just two short months ago.

Meanwhile Prime Minister Barak has remained committed to negotiations and the Oslo Process. He took great risks at Camp David in July. He offered remarkable concessions on issues that go to the very core of his country's history and identity—compromises that no one had considered possible before President Clinton convened the Camp David talks.

Despite subsequent violence provocations, Barak has repeated his interest in restoring calm, ending the violence and returning to the negotiating table. When he was approached by President Clinton to join an emergency summit, he readily stated his interest and willingness in participating.

And unlike Arafat, Barak has clearly denounced violence. He implored Israelis not to participate in the violence when he said, ''I urge our Jewish citizens to refrain from attacking Arabs and their property under any circumstances.''

Time is short in the Middle East, Mr. President. The risk of a wider regional conflict is very real. The first step toward assuring that the situation improves is a strong public statement from Chairman Arafat calling for an end to the violence.

RETIREMENT OF SENATOR CONNIE MACK

Ms. SNOWE. Mr. President, I rise today to pay tribute to a friend and an outstanding public servant who is retiring from the United States Senate this year after 18 years in public service, Senator CONNIE MACK of Florida.

I have had the privilege of serving with Senator MACK in both houses of Congress. And I know him as a man deeply committed to the finest ideals of public service, as well as the beliefs he so passionately holds.

Perhaps no one believes more fervently in the inherent potential of each and every individual than Senator MACK. For him, it is not government that creates wealth or success or personal fulfillment. It is the American people. To give people opportunity—to give them the skills they need to compete and reach their greatest potential—is for Senator MACK perhaps the greatest end that government can serve.

I have also known Senator MACK as a staunch proponent of fiscal responsibility, back to the days when it often seemed that talk of balanced budgets was only slightly more fashionable than actually balancing the budget. I have to believe he must share my sense of wonder as to how far we've come, and it is thanks in no small part to the efforts of Senator MACK and those like him who have fought for years to make the current surpluses a reality.

Senator MACK has been a strong voice for the Sunshine State in the United States Senate. Most recently, his tireless efforts in helping to shepherd through the Senate the historic Everglades restoration plan, the Restoring the Everglades, an American Legacy Act, leaves a positive and lasting mark on Florida and one of our nation's true natural treasures that will be appreciated for generations to come.

One could argue, however, that Senator MACK has pursued no other goal with a higher degree of dogged determination than increasing our federal investment in medical research. He rightly sees this issue as a matter of national importance, knowing no political, social, financial, or racial boundaries.

He recognizes that disease touches every American family. Certainly, it has had a profound impact on his own family, including his wife, daughter, brother, and both parents—as well as affecting his own life.

Characteristically, Senator MACK and his wife, Priscilla, who is a courageous breast cancer survivor, met these challenges first with courage and dignity, and then with an unyielding determination to do something about them.

Both have been extremely active in spreading the word on the importance of early detection. As co-Chair of the bipartisan Senate Cancer Coalition, Senator MACK has provided outstanding leadership on matters relating to our fight against cancer, and in particular I have been honored to work with Senator MACK on providing greater funding for breast cancer research.

The depth of Senator MACK's concern when it comes to this dread disease cannot truly be measured. Certainly, having worked on this issue throughout my tenure in Congress, I was honored and thankful for Senator MACK's participation in a breast cancer hearing, or ''breast cancer summit'', we convened in 1996, but I was not surprised that he would be there to contribute his wisdom and his support.

From that summit came legislation to establish a national data bank of information on clinical trials involving experimental treatments for serious or life-threatening diseases. It also mandated that a toll-free number be instituted for patients, doctors and others to access this information.

Senator MACK has literally been instrumental in securing increased funding for medical research in general, and indeed for the fiscal year 2000 fought for the inclusion of a $2.3 billion increase for the National Institutes of Health. And he has rightfully called for funding to NIH to be doubled from $12.75 billion to over $25 billion over the next five years.

Finally, Mr. President, to quote a piece from the St. Petersburg Times from last year, ''the Senate will lose one of its nicest members.'' And that is absolutely true. Senator MACK has strongly held beliefs on the issues, let there be no doubt.

But he has always understood the fine but certain distinction between disagreeing and being disagreeable. He has been a credit to the Senate, to Florida, to the nation, and to his family. I wish him well as he returns to his beloved state and embarks on a new chapter in his life—one that I hope will be filled with happiness and good health for him and his wife, Priscilla. He will be missed by all those fortunate enough to have worked with him.

CONSIDERATION OF IMMIGRATION MATTERS

Mr. LEAHY. I would like to commend Senator REED for allowing us to proceed on several important immigration matters even though the Republican majority has refused to act on his compelling legislation to do justice for Liberians. Senator REED has been a persistent advocate for the Liberian nationals who have fled the strife in their nation for the United States. He has recognized that the U.S. has a special relationship with Liberia's citizens and has sought to respect and enhance that relationship. But his efforts have been resisted by the majority, which has consistently denied his requests to take up his bipartisan bill, which would allow Liberians who fled here and meet certain criteria to become legal permanent residents of the United States. I hope that we will change course and address this issue before we adjourn. I commend the Administration for its commitment to insist on action.

Meanwhile, I am pleased that we were able to pass H.R. 2883, a bill that will confer automatic citizenship upon foreign-born children who are adopted by the American parents. Given the severe curtailment of noncitizens' rights under the immigration laws we passed in 1996, it is all the more important to

extend this right to American parents and their adopted children. Everyone in the Senate supports adoption, and we should make sure the law expresses that support.

Many Senators on both sides of the aisle worked hard to see this bill become law, and I would like in particular to commend Senator LANDRIEU for her efforts. She and her staff were dedicated to this bill and were instrumental in its passage.

I hope that we are able today to move forward on a number of pieces of legislation. First, I hope we can pass the bill that extends the program under which religious workers can obtain visas to enter the U.S. Senator KENNEDY has championed this legislation, it has significant bipartisan support, and there is no reason not to act quickly to pass it. We should also pass the bill benefiting Syrian Jews that Senator SCHUMER has advocated, as well as legislation benefiting the Hmong people, which the late Congressman Bruce Vento did so much to promote. Although many of the larger immigration issues that should have been addressed in this Congress—from reforming expedited removal to restoring due process rights for legal permanent residents—may regrettably remain unresolved, we can at least take these more limited steps and demonstrate some commitment to immigrants and a sound immigration policy.

VOTE EXPLANATION

Mr. ABRAHAM. Mr. President, I rise today to explain my vote against the Boxer amendment No. 4308 to the FY01 VA/HUD Appropriations bill.

This amendment addressed two issues which are very important to Michiganians: clean air and clean water. Unfortunately, whatever the intentions of the author, the amendment would have done more harm than good. I particular, I was troubled by the attempt to strike language which will prevent the EPA from designating Michigan counties as being in nonattainment, or not meeting clear air requirements.

On May 14, 1999, the United States Court of Appeals for the District of Columbia Circuit, in American Trucking Association v USEPA, ruled that the 8-hour ozone standard as proposed by EPA be remanded to EPA for further consideration. The 8-hour standard was therefore suspended. The court specifically noted that USEPA retains the power to designate areas as nonattainment under a revised national Ambient Air Quality Standard (NAAQS), however, there must be a legal standard in place before USEPA makes such designations. Since the 8-hour standard was remanded, it is not legal NAAQS.

In response, EPA announced its intention to reinstate applicability of the one-hour ozone standard. However, in determining which communities were in nonattainment under the one-hour standard, EPA intended to make air quality designations based on the designations of these areas at the time the 1-hour standard was originally revoked, rather than rely on the most recent air quality data.

Under this proposed action, six Michigan counties would have been in nonattainment even though all six have monitoring data measuring attainment—Midland, Bay, Saginaw, Genesee, Muskegon, and Allegan. These are counties that were previously designated as nonattainment of the 1-hour standard. Although they were previously designated as nonattainment, only Muskegon was ''classified'' under the classification scheme of the Clean Air Act. Thus, only Muskegon County was subject to the major ozone control programs, but all nonattainment counties are subject to tougher permit and offset requirements.

Even though these counties are now in attainment, tougher permit standards would have been required for new major stationary sources just because these counties were previously designated as nonattainment for the 1-hour standard. Additionally, offset requirements for major stationary sources would have applied. In addition, these six counties would have had to resume doing transportation and general conformity for projects receiving federal funds. Under the revocation, conformity was not a requirement. Conformity was a continuing requirement for redesignated areas.

Shortly after the announcement, I made clear to USEPA that in my opinion there was no rational basis for intentionally jeopardizing economic development and the construction of much-needed road projects in areas that are meeting attainment levels for the 1-hour ozone standard. Further, I noted that EPA should not disregard air quality improvements made in several areas of the state and should base any non-attainment designations under this rulemaking on the most current air quality monitoring data available.

To date, I have not been satisfied with the response from USEPA and for that reason, I supported the language included in the FY01 VA/HUD Appropriations bill. This language will prevent EPA from designating any Michigan county as nonattainment for the next 12 months or until the courts have settled the pending matter, whichever happens first. In fact, I understand that EPA actually agreed to this language in a compromise with the house.

It was unfortunate that the Boxer amendment also sought to permit EPA to move forward on a new arsenic standard. This is an issue which I believe merits independent consideration. I understand the arsenic standard has not been updated in almost 60 years. However, I am concerned that the push to lower the standard to 5ppb from the current 50ppb may be too extreme. While large water systems may be able to comply with such a strict requirement, I am not at all certain that smaller systems which serve a great percentage of the Michigan population would be able to comply with that standard. They would therefore be subject to penalties for their inability to comply with yet another unfunded mandate. In any event, I look forward to the opportunity to consider this issue on its own merit, and urge the EPA to base whatever standard it eventually proposes on sound science and even then only after extensive peer review.

NATIONAL HISPANIC MONTH

Mr. LEVIN. Mr. President, it is with great pleasure that I join many of my colleagues in commemorating National Hispanic Heritage Month. The nationwide celebration of Hispanic heritage was initiated by the 90th Congress in 1968, which designated National Hispanic Heritage Week. Twenty years later, the 100th Congress transformed this week into a month, designating the period of September 15 to October 15 as a time to recognize the Hispanic influence in and contributions to our culture and society.

For over 400 years, Hispanic Americans have played a fundamental role in the history of the United States. The first European expedition in recorded history to land in what is today the continental United States was led by the former Spanish Governor of the Island of Puerto Rico, Juan Ponce de Leon.

America's diverse and vibrant Hispanic population has made an enormous contributions to the building and strengthening of our nation, its culture, and its economic prowess. As we cross the threshold of a new century, we look to the outstanding contributions of Hispanic Americans for inspiration and leadership. My hometown, Detroit, was made great in the twentieth century in part by immigrants who went there to find work and provide for their families. This great dream lives on today as thousands of immigrants come to Detroit every year from countries like Mexico, El Salvador, Guatemala and Cuba. In fact, Southwest Detroit, known as Mexicantown by its residents, is the fastest growing part of Detroit. Hispanics who have come to Detroit have opened businesses, bought homes and turned a once neglected urban neighborhood into a thriving community that has become one of the centers of the city.

One woman, Maria Elena Rodriguez, has had a lot to do with this turnaround. Her hard work as president of the Mexicantown Community Development Corporation has helped to provide the spark needed to reinvigorate a community. Ms. Rodriguez is currently in the process of helping to build a welcome center for people coming into Detroit across the Ambassador Bridge, an effort she hopes will fulfil her mission to bring more business and visitors to her neighborhood.

Hispanic contributions to Michigan businesses abound. The Kellogg Company, founded and headquartered in Battle Creek, Michigan, has millions of customers in over 160 countries, and is the world's leading producer of cereal. Its CEO is Carlos Gutierrez, who started with Kellogg's as a sales representative in Mexico City, and after 25 years with the company is now in charge of this global giant.

Education has long played a prominent role in Hispanic culture. The first free integrated public school was established in St. Augustine, Florida in September of 1787. On March 31, 2000 Rebecca Arenas was awarded the ''Caesar Chavez Civil Rights Achievement Award'' for her work to better the lives of Hispanics in general, and migrant workers in particular. Rebecca's parents brought her to Michigan at the age of 5 from Crystal City, Texas. Her parents were migrant workers who chose to stay in Michigan because they believed it would allow Rebecca to have a better education. Because of the actions of her parents, Rebecca developed a commitment to education that would last a lifetime. Rebecca passed this commitment to education onto her children, all seven of whom have received a post-secondary education. In addition to the ''Caesar Chavez'' award, Rebecca has received recognition on numerous other occasions because of her work in education, health care, and voter registration.

For these and countless others reasons, it is a pleasure for me to stand today with my Senate colleagues in commemorating National Hispanic Heritage Month.

STRATEGIC PETROLEUM RESERVE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that a letter dated Oct. 11, 2000, to Secretary Richardson from myself be printed in the RECORD.

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

COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, October 11, 2000.

Hon. BILL RICHARDSON,
Secretary of Energy, U.S. Department of Energy, Washington, DC.

DEAR MR. SECRETARY: I am writing to request that the Department provide the Committee the following information with respect to the proposed exchange of 30 million barrels of crude oil from the Strategic Petroleum Reserve:

1. A list of the bidders for the SPR oil.
2. For each bidder, the date on which their bid was submitted, the amount of SPR oil they bid for and the bid they made.
3. For each winning bidder, the amount and type of SPR oil they were awarded and the terms of the award.
4. For each winning bidder, the assurance they provided that they will be able to return oil to the SPR as is required.
5. Why DOE did not have any financial qualification for bidders.
6. For each losing bidder, the reasons why their bid was not accepted.
7. A list of all persons who the Department contacted to inform them of the proposed exchange, and the means by which such person was contacted.
8. Provisions in the contracts that require heating oil to be refined from the SPR oil.
9. Provisions in the contracts that require heating oil refined from the SPR oil to be delivered to the Northeast market.
10. Provisions in the contracts that prohibit the export of the SPR oil or petroleum product refined from the SPR oil, including export by exchange.

Please provide the Committee with this information as soon as possible, no later than 12:00 p.m., Monday, October 16, 2000. If you or your staff have any questions you may contact Mr. Brian Malnak (224–4970).

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

OUR PART FOR SCHOOL SAFETY

Mr. LEVIN. Mr. President, over the last few years, high profile school shootings across this country have left teachers, parents, and students scared and confused. In response, the FBI has conducted an exhaustive study on school shootings in an effort to assess, intervene and prevent such tragedies from occurring in the future. The report, entitled, ''School Shooter: A Threat Assessment Perspective,'' recommends specific steps for school officials to take to prevent youth violence. The report notes that in the vast majority of cases, kids do not turn violent overnight. Instead, those who become violent tend to exhibit increasingly disturbing patterns of behavior as their fascination with violence builds. By learning to recognize these behavioral signs, teachers and students can be prepared to investigate and intervene before potentially violent situations get out of control.

The FBI report goes on to suggest specific measures schools can take to head off potential shootings. The report recommends that students and faculty should be trained to recognize certain warning signs that students may be considering committing violent acts; groups of faculty and students should be established to encourage students not to keep silent when they recognize potential threats; programs should be developed to teach parents to recognize behavior that may indicate that their children are prone to acts of violence. In addition to these preventive measures, the FBI recommends that schools establish specially trained Threat Assessment Teams to handle evaluating and responding to threats if and when they arise.

The FBI warns teachers, parents, and students that they should not ignore any threat of violence. We in Congress should follow the same advice. Yet, while parents and school officials are pursuing more vigorous responses to potential violence, we in Congress seem to be less responsive to such danger. Over the last few years, many of us in Congress have continually tried to close the loopholes in our laws that permit school children to gain access to firearms. Unfortunately, our efforts have been stymied by the leadership in the House of Representatives. In a few weeks, this session of Congress will come to an end. Before we adjourn, let's do our part and reduce the threat of gun violence in our schools and communities.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

THE COUNTERTEROURISM ACT OF 2000

● Mrs. FEINSTEIN. Mr. President, I am delighted to join my good friend Senator JON KYL in sponsoring S. 3205, the Counterterrorism Act of 2000. This bill, introduced last night, seeks to improve our ability to prevent and respond to terrorist attacks.

In light of the events yesterday in the Middle East, there can be no doubt of the need for this legislation, and I urge my colleagues to act quickly to pass this important bill.

All the evidence now indicates that the cowardly and reprehensible attack on the U.S. Navy destroyer U.S.S. *Cole* yesterday in Aden was a terrorist suicide attack. It appears that the bombers had infiltrated the port's harbor operations and carefully planned the operation. It is fortunate that the explosion did not set off Tomahawk cruise missiles or other ordnance on board, causing even more devastation.

If found to be a terrorist incident, the attack on the U.S.S. *Cole* would be the worst against the U.S. military since the bombing of an Air Force barracks in Saudi Arabia killed 19 airmen in 1996. It would also be the worst attack on a Navy ship since an Iraqi missile struck an American guided-missile frigate in 1987, killing 37 sailors.

My heart goes out to the families of the American sailors who were killed or injured or who are still missing. Their tragedy underlines the constant danger faced by our armed forces around the world and the need for this country to remain vigilant in protecting them from terrorist and other attacks.

The attack on the U.S.S. *Cole* was no isolated incident. In fact, just today, a bomb was hurled at the British embassy in Yemen, causing a massive explosion.

I believe that we need to take strong action to combat terrorism. There is no question that terrorist attacks will continue and that they will become more deadly. Terrorists today often act out of a visceral hatred of the U.S. or the West and seek to wreak maximum destruction and kill as many people as possible.

At the same time, I believe that our counterterrorism policy must be conducted in a way that remains consistent with our democratic values and our commitment to an open, free society.

To help avert attacks such as those on the U.S.S. *Cole*, Senator KYL and I have introduced S. 3205. This legislation implements major recommendations from a bipartisan, blue-ribbon commission on terrorism.

Specifically, the bill aims to review legal authority for responding to catastrophic terrorist attacks and increase long-term research and development to counter such attacks, improve controls on biological pathogens and equipment that could be used in a terrorist assault, discourage terrorist fundraising, improve the sharing of information about terrorists, keep Syria and Iran on the list of countries that sponsor terrorism, and fully reimburse counterintelligence personnel for insurance they purchase to protect themselves from professional liability.

In many ways, the Kyl-Feinstein Counterterrorism Act of 2000 is a counterpart bill to the Justice for Victims of Terrorism Act that just passed the Senate 95 to 0. That legislation, of which I was a chief cosponsor, will make it easier for American victims of terrorism abroad to collect court-awarded compensation and to ensure that the responsible state sponsors of terrorism pay a price for their crimes. The act also contained an amendment I authored with Senator PATRICK LEAHY that will provide faster and better assistance to victims of terrorism abroad. This legislation, which has passed the House as well, will now go the desk of President Clinton, who will sign it.

While I strongly support assisting terrorist victims, I also believe that we need to do more to prevent Americans from becoming victims of terrorism in the first place. And I believe that we should act now—before terrorists strike again, killing and injuring more Americans and leaving more families grieving. I urge Congress to act pass S. 3205 before we adjourn.●

CONGRESS MUST ADDRESS INEQUITIES SUFFERED BY FEDERAL RETIREES

Mr. JOHNSON. Mr. President, I rise today to commend the Congress and the President on the recent enactment of S. 2420, the bill to provide long-term healthcare insurance for federal employees. As the nation's largest employer, we have set an example for the private sector in establishing a long-term care insurance program for federal workers and retirees. At least thirteen million people are expected to benefit from this far-sighted effort, but there is more work to be done on those issues affecting current and former Federal employees. Today, I wish to highlight three proposals on which I have received much correspondence from my constituents: repeal of the Government Pension Offset, GPO, elimination of the Social Security Windfall Elimination Provision, WEP; and, health insurance premium conversion availability.

I am a cosponsor of S. 717, Senator MIKULSKI's proposal to reform the GPO. Additionally, I am a supporter of initiatives in the House of Representatives to eliminate the WEP. Both pieces of legislation alleviate current laws that block Federal annuitants and their spouses from collecting full Social Security benefits. Because of the current budget rules requiring the offsetting of spending cuts or tax increases, passage of these reforms have been complicated.

We should not penalize people who have worked hard and contributed to the country simply because they worked for the Federal government and receive a Federal pension. This Senate must consider these bills a priority, and seriously review the offsets necessary to achieve these essential and fair changes. I believe that we need to enforce a budget discipline which will balance the budget without borrowing payroll tax dollars from the Social Security trust fund and any other federal trust funds. However, now that the budget is balanced, we should first restore the change that helped bring us toward fiscal soundness.

Finally, I wish to address the availability of health insurance premium conversion arrangements. As my colleagues may be aware, no Senate legislation has been introduced, but H.R. 4277 has been introduced in the House. Under the provisions of this bill, the Office of Personnel Management, OPM, would be directed to take necessary measures to ensure that enrollees have the option to paying charges out of pre-tax earnings. This would ensure equal premium tax treatment for federal workers and retirees. I urge my House and Senate colleagues to provide full consideration to this legislation, and bring Federal employees and retirees pay and benefit equity and fairness.

Mr. President, these are just three issues of concern to me and my constituents. While enactment of the long-term care bill was a great step forward, I must reiterate my call for more work to be done. I am hopeful that we may make a serious effort on this legislation on the few remaining days of the 106th Congress. These concerns will not go away, and I know we will surely be hearing about the GPO, WEP, and premium conversion in the next Congress is we do not take action this year.

225TH BIRTHDAY OF THE UNITED STATES NAVY

Mr. LUGAR. Mr. President, I ask my colleagues to join me in commemorating the 225th birthday to the United States Navy, by passing Senate Resolution 373. Several of the Senate's other veterans of naval service have joined me in sponsoring this resolution and I thank Senator MCCAIN, Senator MOYNIHAN, Senator WARNER, Senator COCHRAN, Senator ROBB, Senator BOB SMITH, Senator MILLER, Senator BOB KERREY and Senator JOHN KERRY.

While we like to celebrate on a birthday, we must pause in solemn reflection, for yesterday, the Navy family suffered a tragic loss. I send my heartfelt condolences to the U.S.S. *Cole* and her extended family. Like thousands of Sailors before them, these brave men and women have made the ultimate sacrifice in service to their country. The loss is felt by the entire nation, and the entire nation grieves with you and expresses gratitude for your sacrifice.

October 13, 1775, was the day that the Continental Congress established a ''Naval Committee'' to acquire and fit out vessels for sea and draw up regulations. By the following month the committee procured two ships, two brigs and later two sloops and two schooners. From these modest beginnings, the greatest Navy in the world has grown. Down through the years, the Navy has been central to the history of this nation, and ever-integral to her longevity and prosperity.

Mr. President, I had the honor of serving in the Navy. Perhaps my greatest honor during my service as a young naval intelligence officer was working for Admiral Arleigh ''31-Knot'' Burke, when he was Chief of Naval Operations. A heroic WWII destroyer squadron commander, Admiral Burke was truly a man of vision. Under his tutelage I learned valuable lessons about the Navy's place in our history, but also about the key role it plays today in economics, science, politics, and international relations. Then as now, the world was an uncertain place, and the Navy played a vital role in calming the waters.

Admiral Burke is the namesake for the class of destroyers to which the U.S.S. *Cole* belongs. The *Cole* tragedy brings the spotlight on the Navy and the day-in, day-out honor, courage and commitment of her sailors. At the commissioning of the lead ship in the class, Admiral Burke stated fittingly ''This ship is built to fight, you had better know how.'' A quote reminiscent of Captain John Paul Jones legendary declaration: ''I wish to have no connection with any ship that does not sail fast, for I intend to go in harm's way.'' These are the best ships in the world, manned by the world's best Sailors, but they are not impregnable fortresses, they do sail in harm's way.

Many have expressed incredulity at the attack on the warship *Cole*. But, she was in a vulnerable situation—coming pierside to replenish fuel in a presumed-benign environment. The task that was to occupy *Cole* and her crew over the next several months—maritime interdiction duty in the Persian Gulf—was more precarious. Ships refuel in foreign ports daily as they have for many years. But this tragedy is a reminder that the peace and prosperity we enjoy is not without cost, nor are the commitments we make to our allies.

The U.S.S. *Cole* is one of the Navy's finest warships—one of 318 operational ships. 4108 Navy aircraft are also operational today. 42 percent of those ships are away from homeport and 32 percent, like the *Cole* and the U.S.S. *George Washington* Battlegroup, of which she was a member, are deployed. These numbers provide a snapshot of

the Navy's diligence around the globe. Their involvement in contingency operations over the last 10 years is also very telling. From 1946 to 1989 (44 years) the U.S. Navy responded to 195 crises, while from 1990 to 1999 (10 years) the Navy responded to 122 crises. Such optempos demand much of the men and women in uniform, and their loved ones back home. It also places tremendous stress on our ships and aircraft. While deployed battlegroups have maintained their readiness, they often do so at the expense of non-deployed units. In my view, we must maintain our commitment to support the fleet and ensure they continue to be the best equipped in the world. We have a distinct responsibility to our Navy, not to blindly increase ship production in response to rampant deployment rates, but to ensure we are ready to face clearly defined missions and threats.

Today, as in the future, America relies on its Navy. For 225 years, the Navy has responded to each new demand and comes through in the clutch. Ever-present, around the globe, minutes away from crises as they occur, today's Navy is deterring would-be aggressors; and providing fledgling democracies with visible reassurance of U.S. support. Daily, Navy men and women are our ambassadors in ports of call and as participants in multi-national operations and exercises. As one of the eleven members of this Senate to have worn the Navy uniform, I am pleased to share my pride in our sea service with all who have worn Navy blue down through the years. I also send greetings to the 373,910 men and women on active duty today, the 182,970 ready reservists, and the extended Navy family of civilian personnel, families and loved ones.

As we celebrate this 225th birthday, I close solemnly, and offer the first verse of the Navy Hymn in memory of those who have most recently perished in service to their Navy and their country:

Eternal Father, Strong to save,
Whose arm hath bound the restless wave,
Who bid'st the mighty Ocean deep
Its own appointed limits keep;
O hear us when we cry to thee,
for those in peril on the sea.

ADDITIONAL STATEMENTS

TRIBUTE TO MONSIGNOR BOLDUC

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Reverend Monsignor Norman P. Bolduc, 48, Chancellor of the Diocese of Manchester, as New Hampshire mourns his tragic loss.

Monsignor Bolduc was ordained a priest in April 1979 after entering his religious training at Saint Thomas Seminary in Connecticut at the tender age of 13. As a Lieutenant Colonel, Monsignor Bolduc served as a Chaplain of the United States Air Force Reserves. He earned a master's in philosophy at the Catholic University of America in Washington, D.C., where he also earned his licentiate in Canon law.

Upon the recommendation of Bishop Odore Gendron, the seventh Bishop of Manchester, Pope John Paul II appointed Reverend Norman Bolduc as a Chaplain to His Holiness with the title of Monsignor in 1991. As Chancellor, Monsignor Bolduc was the third-ranking official in the diocese. He served as the bishop's Secretary for Pastoral Services and represented the bishop in Concord, New Hampshire, speaking on legislative matters. Reverend Edward Arsenault, Secretary for Administration of the diocese, noted Monsignor Bolduc's keen intellect and his ''great ability to explain and teach the church's teaching. He was a noted and gifted homilist.''

Monsignor Bolduc was a talented baseball player, an avid golfer and had a passion for travel, often traveling to foreign lands. Many New Hampshire residents were fortunate to share his love of travel and accompanied him on pilgrimages to the Holy Land. Monsignor Bolduc was the eldest of seven children. He was the loving son of Norman Sr. and Cecile Bolduc of Laconia, New Hampshire. Monsignor Bolduc was a caring brother and devoted uncle to his eleven nieces and nephews. He enjoyed his family life and cherished the time he spent with all of them.

As Bishop John B. McCormack remembered his faithful and devoted colleague during the Funeral Mass celebrated at Saint Joseph's Cathedral he reminded us all that, ''It is clear that God does give, but God also takes away. It is clear whether we live or die, we are all the Lord's.'' Monsignor Bolduc honorably served our nation and the Roman Catholic Church and will be greatly missed by all those who were blessed by his presence and ministry. As Holy Scripture says in Psalm 116, ''Precious in the eyes of the Lord is the death of the faithful ones.'' May God bless Norman Sr., Cecile and Monsignor Boduc's siblings, nieces and nephews as they mourn the loss of their loved one.

I am honored to have served the Reverend Monsignor Norman Bolduc in the United States Senate. May God bless him and grant him eternal peace.●

DONALD L. BEMIS JUNIOR HIGH SCHOOL NAMED BLUE RIBBON SCHOOL FOR 1999–2000

● Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999–2000 are located in the State of Michigan, and I rise today to recognize Donald L. Bemis Junior High School in Sterling Heights, Michigan, one of these nine schools.

The mission of Donald L. Bemis Junior High is to educate its students in the development of knowledge, problem solving, and acceptance of others. Curriculum places primary emphasis on basic skills to promote essential knowledge and challenge students to achieve at the highest levels they are capable of attaining. Students are taught tolerance as conflict resolution strategies have been integrated into this curriculum. In addition, character building is taught and modeled within the school climate. The whole of this curriculum is designed to provide students with the building blocks they need to construct positive ideals which they can carry with them for the rest of their lives.

Technology has recently begun to play a large role in the program as well. Each classroom at Bemis is equipped with a television and VCR, allowing students to be a part of a worldwide telecommunications system and providing teachers with audio-visual communication throughout the entire school. There are at least two computers in each classroom, which are hooked up to two building servers as well as the Internet. Bemis also has three computer laboratories, from which teachers and students can easily access personal files which have been set up for them. There is no doubt that technology is revolutionizing the way that students are taught throughout our Nation. There is also no doubt that Bemis Junior High has been on the forefront of employing it for positive purposes.

Perhaps the greatest key to the success of Bemis Junior High though has been the collaborative decision making process which has been developed by parents, teachers and students. This process involved an overall dedication to the Bemis Junior High community, and relies upon keeping lines of communication open through parental contacts, open houses, parent-teacher conferences, the Parent Sounding Board, and the Student Council. Also present and a part of this process is the School Improvement Team, made up of staff and students focusing upon issues to enhance student achievement. All of these efforts lead to a well informed school community, which has been the most important aspect in the development of Bemis Junior High.

Mr. President, I applaud the students, parents, faculty and administration of Bemis Junior High, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Mrs. Joyce A. Spade, Principal of Bemis Junior High, whose dedication to making her school one of

the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Donald L. Bemis Junior High School on being named a Blue Ribbon School for 1999–2000, and wish the school continued success in the future.●

ADLAI E. STEVENSON HIGH SCHOOL NAMED 1999–2000 BLUE RIBBON SCHOOL

● Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are recognized because they are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 blue Ribbon Schools names by Secretary Richard W. Riley for 1999–2000 are located in the State of Michigan, and I rise today to recognize Adlai E. Stevenson High School in Sterling Heights, Michigan, one of these nine schools.

The mission of Stevenson High School is to provide every student with a positive learning environment, which will allow them to feel a part of a school community while at the same time achieving their greatest potential as responsible and contributing members of society. This mission is reflected in Stevenson's motto, ''School of Champions,'' symbolizing the importance that the faculty and administration place on developing champions in all aspects of life. Students are treated with dignity and with respect, as faculty view this as the most effective method to help them achieve excellence in school and in life of which they are capable.

Indeed, the commitment of the faculty and administration towards making their school achieve to the highest level has been the most important key in it actually achieving at this level. 85 percent of the 94 professional staff members hold masters, specialist or doctorate degrees. All staff serve on one of four target-goal committees, which is only one example among many of how the faculty and administration work cooperatively to facilitate both teaching and learning. They also take an active role in curriculum development, from researching new textbooks and other classroom materials to serving on curriculum committees at the district level. The faculty and administration recently witnessed the success of their efforts, as Stevenson High School recently completed its five-year journey to achieve North Central Outcome-Based Accreditation.

The administration at Stevenson High School has also made a concerted effort to ensure that their school is as safe as possible. There is zero tolerance regarding weapons, violence, threats of violence and the use of alcohol or other drugs. A building security plan is in place and practiced on a regular basis, and an evacuation plan is in place to safeguard students and staff in an emergency or crisis. In addition, a support network has been established at Stevenson High School so effective that students trust the administration and faculty enough to forewarn them of potential problems. This is due to the success of student organizations such as the Students Offering Services Club, the Renaissance Club, the Cultural Diversity Council and the Peer Mediation Program. Because of these support groups, students feel connected to the school and to each other, and know that they are valued as individuals.

Mr. President, I applaud the students, parents, faculty and administration of Stevenson High School, for I believe this is an award which speaks more to the effort of a united community that it does to the work of a few individuals. With that having been said, I would like to recognize Mr. Donald R. Nawrocki, the Principal of Stevenson High School, whose dedication to making his school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Adlai E. Stevenson High School on being named a Blue Ribbon School for 1999–2000, and wish the school continued success in the future.●

MESSAGES FROM THE HOUSE

At 10:00 a.m., a message from the House of Representatives, delivered by Mr. Hays, 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 amendment of the Senate to the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 3292) to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.J. Res. 111. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 10:54 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4345. An act to amend the Alaska Native Claims Settlement Act to clarify the process of allotments to Alaskan Natives who are veterans, and for other purposes.

H.R. 4853. An act to redesignate the facility of the United States Postal Service located at 1568 South Glen Road in South Euclid, Ohio, as the ''Arnold C. D'Amico Station.''

H.R. 5083. An act to extend the authority of the Los Angeles Unified School District to use certain park lands in the city of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

H.R. 5174. An act to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office.

H.R. 5417. An act to rename the Stewart B. McKinney Homeless Assistance Act as the ''McKinney-Vento Homeless Assistance Act.''

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 423. Concurrent resolution authorizing the use of the Capitol Grounds for the Million Family March.

H. Con. Res. 427. Concurrent resolution directing the Clerk of the House to correct the enrollment of H.R. 2415.

H. Con. Res. 428. Concurrent resolution providing for corrections in the enrollment of the bill (H.R. 5164) amending title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 34) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4002) to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

The message also announced that the House has passed the following concurrent resolution, without amendment:

S. Con. Res. 149. Concurrent resolution to correct the enrollment of H.R. 3244.

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 11152. A communication from the Assistant Bureau Chief, Management, International Bureau, Satellite and Radiocommunications Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Report and Order in the Matter of the Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz band'' (IB Docket No. 99–81, FCC 00–302) received on October 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC 11153. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, an appropriations report for the Department of Defense Appropriations Act for fiscal year 2001; to the Committee on the Budget.

EC 11154. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a pay-as-you-go report (No. 513) dated September 29, 2000; to the Committee on the Budget.

EC 11155. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation Federal Acquisition Circular 97–20'' (FAC97–20) received on October 12, 2000; to the Committee on Governmental Affairs.

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. ABRAHAM:

S. 3206. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 3207. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN):

S. Con. Res. 151. A concurrent resolution to make a correction in the enrollment of the bill H.R. 2348; considered and agreed to.

By Mr. ROTH:

S. Con. Res. 152. A concurrent resolution to make a technical correction in the enrollment of the bill H.R. 4868; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABRAHAM:

S. 3206. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape; to the Committee on the Judiciary.

THE VICTIMS OF RAPE HEALTH PROTECTION ACT

Mr. ABRAHAM. Mr. President, I rise today to introduce the Victims of Rape Health Protection Act. This legislation would facilitate health treatment of rape victims by empowering victims with the ability to determine at an early date whether or not their attacker carried the Human Immunodeficiency Virus (HIV), the virus that causes AIDS.

Mr. President, in addition to a rape survivor being forced to live with the horrific elements commonly associated with the act of rape, rape victims simultaneously are threatened by yet another cruel aggressor, the HIV disease. Current medical technology is limited in its ability to detect HIV in the body during the initial stages of infection; as such, if the victim must rely on self-testing alone, the presence of HIV may not be evident for months.

Reports from both the American Medical Association and a study published in the April, 1997, New England Journal of Medicine outline the merits of early action in the fight against HIV. As immediate and intensive administration anti-HIV drugs has been shown to greatly reduce the risk of HIV infection, early knowledge of whether or not a victim has been exposed to the virus is imperative to embarking on critical, potentially lifesaving courses of medication.

Mr. President, ten years ago Congress passed a law that allowed rape victims to compel testing of their attacker upon conviction. Over the years medical science has made important advancements in the fight against AIDS, and it is time for the law to follow suit. Today, I wish to challenge the current inadequate policies which exist in some states, and allow victims of rape early access to their assailants' HIV screen results.

Where there is any risk of transmission of the virus, this legislation would require states to actively screen rape defendants for HIV and disclose the results to the victim within forty-eight hours of an indictment or information. Beyond notification of the victim, test result confidentiality would be determined by the individual states as they see necessary to protect the privacy of their citizens. Federal Byrne Grant funding would be made available to the states in order to help pay for the testing; states which refuse to operate in compliance with these testing requirements would be subject to a ten-percent reduction of their Byrne Grant funds.

Mr. President, I have read far too many stomach-churning accounts of both female and male rape victims, at every age, where early knowledge of a sex offender's HIV status—positive or negative—may have spared the victim unnecessary mental anguish, or possibly, may have spared the victim's life. At this time, I would like to share a few of these sad stories with my colleagues.

In the summer of 1996, a seven year old girl was brutally raped by a 57 year old man. The little girl and her five year old brother had been lured to a secluded, abandoned building in the East New York section of Brooklyn. The man raped and sodomized the girl. Her brother, meanwhile, was beaten, tied up and forced to witness his sister's rape. After the man's arrest, the defendant refused to be tested for HIV. His refusal was permitted by the state's laws. The man latter told the police he was infected with HIV.

In New Jersey, three boys gang-raped a 10 year-old mentally-retarded girl. The girl's family demanded that the boys be tested for HIV; these requests were denied. Three years after the girl was raped and the boys were convicted, the family was still fighting to learn the HIV status of the rapists.

A Maryland man with HIV sexually assaulted an 11 year-old boy for over a year. It was not until the man's trial that it was learned he was infected.

Mr. President, I do not believe I need to elaborate further on this subject. I believe we have a unique opportunity to help ease the stress and suffering of women and children mercilessly raped and wounded by sexual predators, and in the process, we will change a system which currently favors the so-called privacy of sex offenders over the health of their victims. I implore my colleagues to support the Victims of Rape Health Protection Act. May we finally deliver a higher degree of security and safety to rape victims, regardless of age or gender. Mr. President, I ask for unanimous consent that the text of this legislation and a letter from Ms. Deidre Raver, a rape survivor who has championed this cause for years, be inserted in the RECORD.

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

S. 3206

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 ''Victims of Rape Health Protection Act''.

SEC. 2. BYRNE GRANT REDUCTION FOR NONCOMPLIANCE.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended by adding at the end the following:

''(g) SEX OFFENDER HIV TESTING.—

''(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 10 percent and redistributed under paragraph (2) unless the State demonstrates

to the satisfaction of the Director that the laws or regulations of the State with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in a sexual act (as defined in subsection (f)(3)(B)), the State requires as follows:

''(A) That the defendant be tested for HIV disease if—

''(i) the nature of the alleged crime is such that the sexual act would have placed the victim at risk of becoming infected with HIV; and

''(ii) the victim requests the test.

''(B) That if the conditions specified in subparagraph (A) are met—

''(i) the defendant undergo the test not later than—

''(I) 48 hours after the date on which the information or indictment is presented; or

''(II) 48 hours after the request of the victim if that request is made after the date on which the information or indictment is presented;

''(ii) the results of the test shall be confidential except as provided in clause (iii) and except as otherwise provided under State law; and

''(iii) that as soon as is practicable the results of the test be made available to—

''(I) the victim; and

''(II) the defendant (or if the defendant is a minor, to the legal guardian of the defendant).

Nothing in this subparagraph shall be construed to bar a State from restricting the victim's disclosure of the defendant's test results to third parties as a condition of making such results available to the victim.

''(C) That if the defendant has been tested pursuant to subparagraph (B), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with subparagraph (B) (except that this subparagraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

''(2) REDISTRIBUTION.—Any funds available for redistribution shall be redistributed to participating States that comply with the requirements of paragraph (1).

''(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).''.

(b) CONFORMING AMENDMENT.—Section 506(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking ''subsection (f),'' and inserting ''subsections (f) and (g),''.

(c) FUNDING.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in paragraph (25), by striking ''and'' after the semicolon;

(2) in paragraph (26), by striking the period and inserting ''; and''; and

(3) by inserting at the end the following:

''(27) programs to test defendants for HIV disease in accordance with the terms of subsection (g).''.

(d) EFFECTIVE DATE.—

(1) PROGRAM.—The amendments made by subsections (a) and (b) shall take effect on the first day of the fiscal year succeeding the first fiscal year beginning 2 years after the date of the enactment of this Act.

(2) FUNDING.—The amendment made by subsection (c) shall take effect on the date of enactment of this Act.

DEAR SENATOR ABRAHAM: I understand that you are interested in sponsoring legislation that would provide rape victims the opportunity to quickly learn if they have been exposed to the HIV virus. I have been associated with this compelling issue for many years as an advocate for crime victims and thank you for considering the health issues that a rape victim is forced to deal with following a horrific experience. As a survivor of rape myself. I personally know how traumatic it is to wait for medical information regarding exposure to the many frightening venereal diseases that exist, not to mention the possibility of pregnancy occurring.

A rape victims needs to learn the HIV status of their assailants when making decisions with her doctor about taking risky drug medications. The only way for a victim to know if she has been exposed to the HIV virus is to test the assailant because of the 16-week infection time window period. It is inhumane and cruel to deny rape victims the right to learn of their assailants' H.I.V. status early enough to eradicate the virus, if exposed.

Currently, in states like mine, a person accused of rape cannot be involuntarily tested for the AIDS virus until he is convicted of the crime, which can be years later. The H.I.V. test becomes a plea bargaining tool for defense attorneys to use, reducing the sentencing of violent sex offenders to non-felony convictions. Our current laws force prosecuting attorneys to choose between prosecuting violent criminals or protecting the health of the victims.

New York has had its share of horrific cases where an arrested rapist will have boasted to the victim of a positive H.I.V. status and then refuse to take the test on the advice of a defense attorney. I was personally outraged by a case in Brooklyn where a fifty-seven-year old man raped a little girl next to her five-year-old brother and then declared to police that he had AIDS upon arrest. The Brooklyn District Attorney's Office could not force the arrested man to take an HIV test.

In order for states to qualify for AIDS funding, they should have legal provisions in place to allow rape victims to test arrested assailants for HIV, no exceptions. Our laws should not aggravate the terror that rape victims face when coping with their fear of the attacker and the numerous frightening health risks.

I thank you for considering the rights of rape victims before the privacy concerns of rape assailants, as rape victims deserve compassionate help that includes determining whether or not exposure to HIV has occurred.

Sincerely,

DEIDRE RAVER.

By Mr. SANTORUM:

S. 3207. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes; to the Committee on Agriculture, Nutrition, and Forestry.

AFFORDABLE DRINKING WATER ACT OF 2000

Mr. SANTORUM. Mr. President, I rise today to introduce the ''Affordable Drinking Water Act of 2000.'' This bill sets out an innovative approach to meet the safe drinking water needs of rural Americans nationwide.

The Affordable Drinking Water Act of 2000 provides a targeted alternative to water delivery in rural areas. Through a partnership established between the federal government and nonprofit entities, low to moderate income households who would prefer to have their own well or are experiencing drinking water problems could secure financing to install or refurbish an individually owned household well. In my home state of Pennsylvania, 2.5 million citizens currently choose to have their drinking water supplied by privately-owned individual water wells.

The government assistance envisioned under this bill would also allow homeowners of modest means in Pennsylvania, and the rest of the country, to bring old household water wells up to current standards; replace systems that have met their expected life; or provide homeowners without a drinking water source with a new individual household water well system.

Another important component of this legislation will afford rural consumers with individually owned water wells the same payment flexibility as other utility customers. Centralized water systems currently are eligible to receive federal grants and loans with repayment spread out over 40 years. The Affordable Drinking Water Act of 2000 would provide loans to low to moderate income homeowners to upgrade or install a household drinking water well now, and then repay the cost through convenient monthly charges. This ability to stretch out payments over the life of the loan gives rural well owners an affordable option that they otherwise do not have.

Mr. President, I am pleased to introduce this legislation today, and believe that it is appropriately balanced to meet the safe-drinking water needs of rural households.

ADDITIONAL COSPONSORS

S. 3005

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3005, a bill to require country of origin labeling of all forms of ginseng.

S. CON. RES. 146

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 146, a concurrent resolution condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes.

SENATE CONCURRENT RESOLUTION 151—TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL H.R. 2348

Mr. MURKOWSKI (for himself and Mr. BINGAMAN) submitted the following

concurrent resolution; which was considered and agreed to:

S. CON. RES. 151

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 2348) to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins, the Clerk of the House shall make the following correction: Strike section 4 and insert:

SEC. 4. EFFECT ON RECLAMATION LAW.

Specifically with regard to the acreage limitation provisions of Federal reclamation law, any action taken pursuant to or in furtherance of this title will not:

(1) be considered in determining whether a district as defined in section 202(2) of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb) has discharged its obligation to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(2) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of its construction obligation; or

(3) service as the basis for increasing the construction repayment obligation of the district and thereby extending the period during which the acreage limitation provisions will apply.

SENATE CONCURRENT RESOLUTION 152—TO MAKE A TECHNICAL CORRECTION IN THE ENROLLMENT OF THE BILL H.R. 4868

Mr. ROTH submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 152

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

On page 160, line 8, strike ''': and'' and all that follows through line 10, and insert a period.

AMENDMENTS SUBMITTED

DAKOTA WATER RESOURCES ACT OF 1999

CONRAD (AND OTHERS) AMENDMENT NO. 4317

Mr. LOTT (for Mr. CONRAD (for himself, Mr. DORGAN, and Mr. BOND)) proposed an amendment to the bill (S. 623) to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; as follows:

The committee amendments were agreed to.

The amendment (No. 4317) was agreed to, as follows:

On page 10, beginning on line 14, strike the sentence that begins ''If the features selected under section 8''.

On page 13, line 2, strike the sentence that begins ''As appropriate, the Secretary shall rehabilitate or complete''.

On page 13, line 5, strike ''Sections 8(c) and 8(d)(1)'' and insert ''section 8''.

Beginning on Page 18, strike line 17 and all that follows through Page 23, line 4, and insert the following:

SEC. 8. SPECIFIC FEATURES.

(a) SYKESTON CANAL.—Sykeston Canal is hereby deauthorized.

(b) IN GENERAL.—Public Law 89–108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

''SEC. 8. SPECIFIC FEATURES.

''(a) RED RIVER VALLEY WATER SUPPLY PROTECT.—

''(1) IN GENERAL.—Subject to the requirements of this section, the Secretary shall construct a feature or features to provide water to the Sheyenne River water supply and release facility or such other feature or features as are selected under subsection (d).

''(2) DESIGN AND CONSTRUCTION.—The feature or features shall be designed and constructed to meet only the following water supply requirements as identified in the report prepared pursuant to subsection (b) of this section: municipal, rural, and industrial water supply needs; ground water recharge; and streamflow augmentation.

''(3) COMMENCEMENT OF CONSTRUCTION.—

''(A) If the Secretary selects a project feature under this section that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section, no later than 90 days after the completion of the final environmental impact statement, the Secretary shall transmit to Congress a comprehensive report which provides—

''(i) a detailed description of the proposed project feature;

''(ii) a summary of major issues addressed in the environmental impact statement;

''(iii) likely effects, if any, on other States bordering the Missouri River and on the State of Minnesota; and

''(iv) a description of how the project feature complies with the requirements of section 1(h)(1) of this Act (relating to the Boundary Waters Treaty of 1909).

''(B) No project feature or features that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section shall be constructed unless such feature is specifically authorized by an Act of Congress approved subsequent to the Secretary's transmittal of the report required in paragraph (A). If, after complying with subsections (b) through (d) of this section, the Secretary selects a feature or features using only in-basin sources of water to meet the water needs of the Red River Valley identified in subsection (b), such features are authorized without further Act of Congress. The Act of Congress referred to in this subparagraph must be an authorization bill, and shall not be a bill making appropriations.

''(C) The Secretary may not commence construction on the feature until a master repayment contract or water service agreement consistent with this Act between the Secretary and the appropriate non-Federal entity has been executed.''

(b) REPORT ON RED RIVER VALLEY WATER NEEDS AND OPTIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a comprehensive study of the water quality and quantity needs of the Red River Valley in North Dakota and possible options for meeting those needs.

(2) NEEDS.—The needs addressed in the report shall include such needs as—

(A) municipal, rural, and industrial water supplies;

(B) water quality;

(C) aquatic environment;

(D) recreation; and

(E) water conservation measures.

(3) PROCESS.—In conducting the study, the Secretary through an open and public process shall solicit input from gubernatorial designees from states that may be affected by possible options to meet such needs as well as designees from other federal agencies with relevant expertise. For any option that includes an out-of-basin solution, the Secretary shall consider the effect of the option on other states that may be affected by such option, as well as other appropriate considerations. Upon completion, a draft of the study shall be provided by the Secretary to such states and federal agencies. Such states and agencies shall be given not less than 120 days to review and comment on the study method, findings and conclusions leading to any alternative that may have an impact on such states or on resources subject to such federal agencies' jurisdiction. The Secretary shall receive and take into consideration any such comments and produce a final report and transmit the final report to Congress.

(4) LIMITATION.—No design or construction of any feature or features that facilitate an out-of-basin transfer from the Missouri River drainage basin shall be authorized under the provisions of this subsection.

(c) ENVIRONMENTAL IMPACT STATEMENT—

(1) IN GENERAL.—Nothing in this section shall be construed to supersede any requirements under the National Environmental Policy Act or the Administrative Procedures Act.

(2) DRAFT.—

(A) DEADLINE.—Pursuant to an agreement between the Secretary and State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary and the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

(3) FINAL.—

(A) DEADLINE.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete a final environmental impact statement within 1 year of the completion of the draft environmental impact statement, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

(d) PROCESS FOR SELECTION.—

(1) IN GENERAL.—After reviewing the final report required by subsection (b)(1) and complying with subsection (c), the Secretary, in consultation and coordination with the State of North Dakota in coordination with affected local communities, shall select 1 or more project features described in subsection (a) that will meet the comprehensive water quality and quantity needs of the Red River Valley. The Secretary's selection of an alternative shall be subject to judicial review.

(2) AGREEMENTS.—If the Secretary selects an option under subparagraph (1) that uses only in-basin sources of water, not later than 180 days after the record of decision has been executed, the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features selected. If the Secretary selects an option under subparagraph (1) that would require a further act of Congress under the provisions of subsection (a), not later than 180 days after the date of enactment of legislation required under subsection (a) the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features authorized by that legislation.

(e) SHEYENNE RIVER WATER SUPPLY AND RELEASE OR ALTERNATE FEATURES.—The Secretary shall construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water or any other amount determined in the reports under this section, for the cities of Fargo and Grand Forks and surrounding communities, or such other feature or features as may be selected under subsection (d).

(f) DEVILS LAKE.—No funds authorized under this Act may be used to carry out the portion of the feasibility study of the Devils Lake basin, North Dakota, authorized under the Energy and Water Development Appropriations Act of 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River drainage basin into Devils Lake, North Dakota.

Make the following technical amendments:

Page 2, line 5, strike ''1999'' and insert ''2000''.

Page 3, line 13, strike ''1999'' and insert ''2000''.

Page 3, line 25, strike ''1999'' and insert ''2000''.

Page 4, line 23, strike ''1999'' and insert ''2000''.

Page 5, line 7, strike ''1999'' and insert ''2000''.

Page 11, line 14, strike ''1999'' and insert ''2000''.

Page 13, line 7, strike ''1999'' and insert ''2000''.

Page 15, line 19, strike ''1999'' and insert ''2000''.

Page 18, line 8, strike ''1999'' and insert ''2000''.

Page 29, line 5, strike ''1999'' and insert ''2000''.

Page 29, line 25, strike ''1999'' and insert ''2000''.

PALMETTO BEND CONVEYANCE ACT

MURKOWSKI AMENDMENT NO. 4318

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 1474) providing conveyance of the Palmetto Bend project to the State of Texas; as follows:

In the Committee amendment:

In section 4(a), after ''August 1, 1999 payment,'' strike ''is currently'' and insert ''was, as of October, 1999.''.

In section 5(b), strike ''and shall extend for the useful life of the Project that has been approved by the Secretary.'' and insert ''that has been approved by the Secretary and shall extend for the useful life of the Project.''.

PRESIDENTIAL THREAT PROTECTION ACT OF 2000

HATCH (AND OTHERS) AMENDMENT NO. 4319

Mr. LOTT (for Mr. HATCH (for himself, Mr. LEAHY, and Mr. THURMOND)) proposed an amendment to the bill (H.R. 3048) to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes; as follows:

On page 3, strike lines 19 through 24 and insert the following:

''(e)(1) When directed by the President, the United States Secret Service is authorized to participate, under the direction of the Secretary of the Treasury, in the planning, coordination, and implementation of security operations at special events of national significance, as determined by the President.

''(2) At the end of each fiscal year, the President through such agency or office as the President may designate, shall report to the Congress—

''(A) what events, if any, were designated special events of national significance for security purposes under paragraph (1); and

''(B) the criteria and information used in making each designation.''.

On page 7, line 6, after ''offense'' insert ''or apprehension of a fugitive''.

On page 8, strike lines 17 through 19.

On page 9, strike line 14 and insert the following:

issuance.

''(11) With respect to subpoenas issued under paragraph (1)(A)(i)(III), the Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to that paragraph. The guidelines required by this paragraph shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice and of the United States Attorney for the judicial district in which the administrative subpoena shall be served.''.

At the end of the bill, insert the following:

SEC. 6. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) AUTHORITY OF ATTORNEY GENERAL.—Section 3486(a)(1) of title 18, United States Code, as amended by section 5 of this Act is further amended in subparagraph (A)(i)—

(1) by striking ''offense or'' and inserting ''offense,''; and

(2) by inserting ''or (III) with respect to the apprehension of a fugitive,'' after ''children,''.

(b) ADDITIONAL BASIS FOR NONDISCLOSURE ORDER.—Section 3486(a)(6) of title 18, United States Code, as amended by section 5 of this Act, is further amended in subparagraph (B)—

(1) by striking ''or'' and the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting ''; or''; and

(3) by adding at the end the following:

''(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.''.

(c) DEFINITIONS.—Section 3486 of title 18, as amended by section 5 of this Act, is further amended by adding at the end the following:

''(g) DEFINITIONS.—In this section—

''(1) the term 'fugitive' means a person who—

''(A) having been accused by complaint, information, or indictment under Federal law of a serious violent felony or serious drug offense, or having been convicted under Federal law of committing a serious violent felony or serious drug offense, flees or attempts to flee from, or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

''(B) having been accused by complaint, information, or indictment under State law of a serious violent felony or serious drug offense, or having been convicted under State law of committing a serious violent felony or serious drug offense, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

''(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment of a serious violent felony or serious drug offense or having been convicted of committing a serious violent felony or serious drug offense; or

''(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073;

''(2) the terms 'serious violent felony' and 'serious drug offense' shall have the meanings given those terms in section 3559(c)(2) of this title; and

''(3) the term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.''.

SEC. 7. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section $30,000,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 8. STUDY AND REPORTS ON ADMINISTRATIVE SUBPOENAS.

(a) STUDY ON USE OF ADMINISTRATIVE SUBPOENAS.—Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative

subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

(b) REPORT ON FREQUENCY OF USE OF ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued by them under this section, whether each matter involved a fugitive from Federal or State charges, and the identity of the agency or component of the Department of Justice or the Department of the Treasury issuing the subpoena and imposing the charges.

(2) EXPIRATION.—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

PRIBILOF ISLANDS TRANSITION ACT

SNOWE (AND OTHERS) AMENDMENT NO. 4320

Mr. LOTT (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill (H.R. 3417) to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska; as follows:

Strike out all after the enacting clause and insert the following:

TITLE I—PRIBILOF ISLANDS TRANSITION

SEC. 101. SHORT TITLE.

This title may be referred to as the ''Pribilof Islands Transition Act''.

SEC. 102. PURPOSE.

The purpose of this title is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

SEC. 103. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS UNDER FUR SEAL ACT OF 1966.

Public Law 89–702, popularly known and referred to in this title as the Fur Seal Act of 1966, is amended by amending section 206 (16 U.S.C. 1166) to read as follows:

''SEC. 206. FINANCIAL ASSISTANCE.

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

''(2) USE FOR MATCHING.—Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

''(3) RESTRICTION ON USE.—The Secretary may not use financial assistance authorized by this Act.

''(A) to settle any debt owed to the United States;

''(B) for administrative or overhead expenses; or

''(C) for contributions authorized under section 105(b)(3)(B) of the Pribilof Islands Transition Act.

''(4) FUNDING INSTRUMENTS AND PROCEDURES.—In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(5) PRO RATA DISTRIBUTION OF ASSISTANCE.—In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

''(b) SOLID WASTE ASSISTANCE.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

''(2) TRANSFER.—The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 303 of Public Law 104–182, except that subsection (b) of that section shall not apply to those funds.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

''(1) for assistance under subsection (a) a total not to exceed—

''(A) $9,000,000, for grants to the City of St. Paul;

''(B) $6,300,000, for grants to the Tanadgusix Corporation;

''(C) $1,500,000, for grants to the St. Paul Tribal Council;

''(D) $6,000,000, for grants to the City of St. George;

''(E) $4,200,000, for grants to the St. George Tanaq Corporation; and

''(F) $1,000,000, for grants to the St. George Tribal Council; and

''(2) for assistance under subsection (b), such sums as may be necessary.

''(d) LIMITATION ON USE OF ASSISTANCE FOR LOBBYING ACTIVITIES.—None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider it necessary for the efficient conduct of public business.

''(e) IMMUNITY FROM LIABILITY.—Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of having provided assistance to the State of Alaska under subsection (b).

''(f) REPORT ON EXPENDITURES.—Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

''(g) CONGRESSIONAL INTENT.—Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.

SEC. 104. DISPOSAL OF PROPERTY.

Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(1) by amending subsection (c) to read as follows:

''(c) Not later than 3 months after the date of the enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

''(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

''(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

''(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law.''; and

(2) by striking subsection (g).

SEC. 105. TERMINATION OF RESPONSIBILITIES.

(a) FUTURE OBLIGATION.—

(1) IN GENERAL.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note).

(2) SAVINGS.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this Act; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this Act.

(3) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) CONFORMING AMENDMENT.—Section 3(c)(1) of Public Law 104–91 (16 U.S.C. 1165 note) is amended by striking subparagraph

(A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) PROPERTY CONVEYANCE AND CLEANUP.—

(1) IN GENERAL.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 109–91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) APPLICATION.—Paragraph (1) shall apply on and after the date on which the Secretary certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104–91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(3) FINANCIAL CONTRIBUTIONS FOR CLEANUP COSTS.—(A) On and after the date on which section 3(b)(5) of Public Law 104–91 (16 U.S.C. 1165 note) is repealed by this title, the Secretary may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup cost incurred pursuant to section 3(a) of Public Law 104–91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) CERTAIN RESERVED RIGHTS NOT CONDITIONS.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protections of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d)(2).

(c) REPEALS.—Effective on the date described in subsection (b)(2), the following provisions are repealed:

(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of the Public Law 104–91 (16 U.S.C. 1165 note).

(d) SAVINGS.—

(1) IN GENERAL.—Nothing in this title shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) DOCUMENTS DESCRIBED.—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) DEFINITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) NATIVES OF THE PRIBILOF ISLANDS.—For purposes of this section, the term ''Natives of the Pribilof Islands'' includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

SEC. 106. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Public Law 104–91 and the Fur Seal Act of 1966 are amended by—

(1) striking ''(d)'' and all that follows through the heading for subsection (d) of section 3 of Public Law 104–91 and inserting ''**SEC. 212.**''; and

(2) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking ''on such Islands'' and insert ''on such property''.

(c) The Fur Seal Act of 1966 is amended by inserting before title I the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Fur Seal Act of 1966'.''.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of Public Law 104–91 (16 U.S.C. 1165 note) is amended—

(1) in subsection (f) by striking ''1996, 1997, and 1998'' and inserting ''2001, 2002, 2003, 2004, and 2005''; and

(2) by adding at the end the following:

''(g) LOW-INTEREST LOAN PROGRAM.—

''(1) CAPITALIZATION OF REVOLVING FUND.—Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to $2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

''(2) LOW-INTEREST LOANS.—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

''(3) NATIVES OF THE PRIBILOF ISLANDS DEFINED.—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term 'Natives of the Pribilof Islands' shall include the Tanadgusix and Tanaq Corporations.''.

TITLE II—COASTAL ZONE MANAGEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Coastal Zone Management Act of 2000''.

SEC. 202. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this title 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 Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 203. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—

(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (13);

(2) by inserting ''ports,'' in paragraph (3) (as so redesignated) after ''fossil fuels,'';

(3) by inserting ''including coastal waters and wetlands,'' in paragraph (4) (as so redesignated) after ''zone,'';

(4) by striking ''therein'' in paragraph (4) (as so redesignated) and inserting ''dependent on that habitat'';

(5) by striking ''well-being'' in paragraph (5) (as so redesignated) and inserting ''quality of life'';

(6) by striking paragraph (11) (as so redesignated) and inserting the following:

''(11) Land and water uses in the coastal zone and coastal watersheds may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from activities in these areas must be improved.''; and

(7) by adding at the end thereof the following:

''(14) There is a need to enhance cooperation and coordination among states and local communities, to encourage local community-based solutions that address the impacts and pressures on coastal resources and on public facilities and public service caused by continued coastal demands, and to increase state and local capacity to identify public infrastructure and open space needs and develop and implement plans which provide for sustainable growth, resource protection and community revitalization.''.

SEC. 204. POLICY.

Section 303 (16 U.S.C. 1452) is amended—

(1) by striking ''the states'' in paragraph (2) and inserting ''state and local governments'';

(2) by striking ''waters,'' each place it appears in paragraph (2)(C) and inserting ''waters and habitats,'';

(3) by striking ''agencies and state and wildlife agencies; and'' in paragraph (2)(J) and inserting ''and wildlife management; and'';

(4) by inserting ''other countries'' after ''agencies,'' in paragraph (5);

(5) by striking ''and'' at the end of paragraph (5);

(6) by striking ''zone'' in paragraph (6) and inserting ''zone;''; and

(7) by adding at the end thereof the following:

''(7) to create and use a National Estuarine Research Reserve System as a Federal, state, and community partnership to support and enhance coastal management and stewardship; and

''(8) to encourage the development, application, and transfer of innovative coastal and estuarine environmental technologies

and techniques for the long-term conservation of coastal ecosystems.''.

SEC. 205. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—

(1) by striking ''and the Trust Territories of the Pacific Islands,'' in paragraph (4);

(2) by striking paragraph (8) and inserting the following:

''(8) The term 'estuarine reserve' means a coastal protected area which may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to the estuary, and which constitutes to the extent feasible a natural unit, established to provide long-term opportunities for conducting scientific studies and educational and training programs that improve the understanding, stewardship, and management of estuaries.''; and

(3) by adding at the end thereof the following:

''(19) The term 'coastal nonpoint pollution control strategies and measures' means strategies and measures included as part of the coastal nonpoint pollution control program under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b).

''(20) The term 'qualified local entity' means—

''(A) any local government;

''(B) any areawide agency referred to in section 204(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334(a)(1));

''(C) any regional agency;

''(D) any interstate agency;

''(E) any nonprofit organization; or

''(F) any reserve established under section 315.''.

SEC. 206. REAUTHORIZATION OF MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 (16 U.S.C. 1454) is amended to read as follows:

''SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

''(a) STATES WITHOUT PROGRAMS.—In fiscal years 2001, 2002, 2003, and 2004, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed $200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state under this subsection, no subsequent grant may be made to that coastal state under this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than 4 grants under this subsection.

''(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A coastal state that has completed the development of its management program shall submit the program to the Secretary for review and approval under section 306.''.

SEC. 207. ADMINISTRATIVE GRANTS.

(a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a)) is amended by inserting ''including developing and implementing coastal nonpoint pollution control program components,'' after ''program,''.

(b) EQUITABLE ALLOCATION OF FUNDING.—Section 306(c) (16 U.S.C. 1455(c)) is amended by adding at the end thereof ''In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.

(c) ACQUISITION CRITERIA.—Section 306(d)(10)(B) (16 U.S.C. 1455(d)(10)(B)) is amended by striking ''less than fee simple'' and inserting ''other''.

SEC. 208. COASTAL RESOURCE IMPROVEMENT PROGRAM.

Section 306A (16 U.S.C. 1455a) is amended—

(1) by inserting ''or other important coastal habitats'' in subsection (b)(1)(A) after ''306(d)(9)'';

(2) by inserting ''or historic'' in subsection (b)(2) after ''urban'';

(3) by adding at the end of subsection (b) the following:

''(5) The coordination and implementation of approved coastal nonpoint pollution control plans.

''(6) The preservation, restoration, enhancement or creation of coastal habitats.'';

(4) by striking ''and'' after the semicolon in subsection (c)(2)(D);

(5) by striking ''section.'' in subsection (c)(2)(E) and inserting ''section;'';

(6) by adding at the end of subsection (c)(2) the following:

''(F) work, resources, or technical support necessary to preserve, restore, enhance, or create coastal habitats; and

''(G) the coordination and implementation of approved coastal nonpoint pollution control plans.''; and

(7) by striking subsections (d), (e), and (f) and inserting after subsection (c) the following:

''(d) SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

''(1) IN GENERAL.—If a coastal state chooses to fund a project under this section, then—

''(A) it shall submit to the Secretary a combined application for grants under this section and section 306;

''(B) it shall match the combined amount of such grants in the ratio required by section 306(a) for grants under that section; and

''(C) the Federal funding for the project shall be a portion of that state's annual allocation under section 306(a).

''(2) USE OF FUNDS.—Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

''(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

''(f) ASSISTANCE.—The Secretary shall assist eligible coastal states in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (b).''.

SEC. 209. COASTAL ZONE MANAGEMENT FUND.

(a) TREATMENT OF LOAN REPAYMENTS.—Section 308(a)(2) (16 U.S.C. 1456(a)(2)) is amended to read as follows:

''(2) Loan repayments made under this subsection—

''(A) shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b); and

''(B) subject to amounts provided in Appropriations Acts, shall be available to the Secretary for purposes of this title and transferred to the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration to offset the costs of implementing this title.''.

(b) USE OF AMOUNTS IN FUND.—Section 308(b) (16 U.S.C. 1456a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) Subject to Appropriation Acts, amounts in the Fund shall be available to the Secretary to carry out the provisions of this Act.''.

SEC. 210. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—

(1) by striking subsection (a)(1) and inserting the following:

''(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands.'';

(2) by inserting ''and removal'' after ''entry'' in subsection (a)(4);

(3) by striking ''on various individual uses or activities on resources, such as coastal wetlands and fishery resources.'' in subsection (a)(5) and inserting ''of various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff.'';

(4) by adding at the end of subsection (a) the following:

''(10) Development and enhancement of coastal nonpoint pollution control program components, including the satisfaction of conditions placed on such programs as part of the Secretary's approval of the programs.

''(11) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.'';

(5) by striking ''proposals, taking into account the criteria established by the Secretary under subsection (d).'' in subsection (c) and inserting ''proposals.'';

(6) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(7) by striking ''section, up to a maximum of $10,000,000 annually'' in subsection (f) and inserting ''section.''; and

(8) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 211. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

''SEC. 309A. COASTAL COMMUNITY PROGRAM.

''(a) COASTAL COMMUNITY GRANTS.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

''(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

''(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities;

''(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level;

''(4) to assist in the adoption of plans, strategies, policies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

''(A) revitalize previously developed areas;

''(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

''(C) emphasize water-dependent uses; and

''(D) protect coastal waters and habitats; and

''(5) to assist coastal communities to coordinate and implement approved coastal approved nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.''.

''(b) ELIGIBILITY.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

''(1) have a management program approved under section 306; and

''(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

''(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

''(1) ALLOCATION.—Grants under this section shall be allocated to coastal states as provided in section 306(c).

''(2) APPLICATION; MATCHING.—If a coastal state chooses to fund a project under this section, then—

''(A) it shall submit to the Secretary a combined application for grants under this section and section 306; and

''(B) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1.

''(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—

''(1) IN GENERAL.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity amounts received by the state under this section.

''(2) ASSURANCES.—A coastal state shall ensure that amounts allocated by the state under paragraph (1) are used by the qualified local entity in furtherance of the state's approved management program, specifically furtherance of the coastal management objectives specified in section 303(2).

''(e) ASSISTANCE.—The Secretary shall assist eligible coastal states and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).''.

SEC. 212. TECHNICAL ASSISTANCE.

Section 310(b) (16 U.S.C. 1456c(b)) is amended by adding at the end thereof the following:

''(4) The Secretary may conduct a program to develop and apply innovative coastal and estuarine environmental technology and methodology through a cooperative program. The Secretary may make extramural grants in carrying out the purpose of this subsection.''.

SEC. 213. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended by inserting ''coordinated with National Estuarine Research Reserves in the state'' after ''303(2)(A) through (K),''.

SEC. 214. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1460) is amended—

(1) by striking ''shall, using sums in the Coastal Zone Management Fund established under section 308'' in subsection (a) and inserting ''may, using sums available under this Act'';

(2) by striking ''field.'' in subsection (a) and inserting the following: ''field of coastal zone management. These awards, to be known as the 'Walter B. Jones Awards', may include—

''(1) cash awards in an amount not to exceed $5,000 each;

''(2) research grants; and

''(3) public ceremonies to acknowledge such awards.'';

(3) by striking ''shall elect annually—'' in subsection (b) and inserting ''may select annually if funds are available under subsection (a)—''; and

(4) by striking subsection (e).

SEC. 215. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking ''consists of—'' and inserting ''is a network of areas protected by Federal, state, and community partnerships which promotes informed management of the Nation's estuarine and coastal areas through interconnected programs in resource stewardship, education and training, and scientific understanding consisting of—''.

(b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C)) is amended by striking ''public education and interpretation; and''; and inserting ''education, interpretation, training, and demonstration projects; and''.

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended)

(1) by striking ''RESEARCH'' in the subsection caption and inserting ''RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP'';

(2) by striking ''conduct of research'' and inserting ''conduct of research, education, and resource stewardship'';

(3) by striking ''coordinated research'' in paragraph (1)) and inserting ''coordinated research, education, and resource stewardship'';

(4) by striking ''research'' before ''principles'' in paragraph (2);

(5) by striking ''research programs'' in paragraph (2) and inserting ''research, education, and resource stewardship programs'';

(6) by striking ''research'' before ''methodologies'' in paragraph (3);

(7) by striking ''data,'' in paragraph (3) and inserting ''information,'';

(8) by striking ''research'' before ''results'' in paragraph (3);

(9) by striking ''research purposes;'' in paragraph (3) and inserting ''research, education, and resource stewardship purposes;'';

(10) by striking ''research efforts'' in paragraph (4) and inserting ''research, education, and resource stewardship efforts'';

(11) by striking ''research'' in paragraph (5) and inserting ''research, education, and resource stewardship''; and

(12) by striking ''research'' in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking ''ESTUARINE RESEARCH.—'' in the subsection caption and inserting ''ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—'';

(2) by striking ''research purposes'' and inserting ''research, education, and resource stewardship purposes'';

(3) by striking paragraph (1) and inserting the following:

''(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries; and'';

(4) by striking ''research.'' in paragraph (2) and inserting ''research, education, and resource stewardship activities.''; and

(5) by adding at the end thereof the following:

''(3) establishing partnerships with other Federal and state estuarine management programs to coordinate and collaborate on estuarine research.''.

(e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking ''reserve,'' in paragraph (1)(A)(i) and inserting ''reserve; and'';

(2) by striking ''and constructing appropriate reserve facilities, or'' in paragraph (a)(A)(ii) and inserting ''including resource stewardship activities and constructing reserve facilities; and'';

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

''(B) to any coastal state or public or private person for purposes of—

''(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

''(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c).'';

(5) by striking ''therein or $5,000,000, whichever amount is less.'' in paragraph (3)(A) and inserting ''therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.'';

(6) by striking ''and (iii)'' in paragraph (3)(B);

(7) by striking ''paragraph (1)(A)(iii)'' in paragraph (3)(B) and inserting ''paragraph (1)(B)'';

(8) by striking ''entire System.'' in paragraph (3)(B) and inserting ''System as a whole.''; and

(9) by adding at the end thereof the following:

''(4) The Secretary may—

''(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section; and

''(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section.''.

(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended by inserting ''coordination with other state programs established under sections 306 and 309A,'' after ''including''.

SEC. 216. COASTAL ZONE MANAGEMENT REPORTS.

Section 316 (16 U.S.C. 1462) is amended—

(1) by striking ''to the President for transmittal'' in subsection (a);

(2) by striking ''zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;'' and inserting ''zone;'' in the provision designated as (10) in subsection (a);

(3) by inserting ''education,'' after the ''studies,'' in the provision designated as (12) in subsection (a);

(4) by striking ''Secretary'' in the first sentence of subsection (c)(1) and inserting ''Secretary, in consultation with coastal states, and with the participation of affected Federal agencies.'';

(5) by striking the second sentence of subsection (c)(1) and inserting the following: ''The Secretary, in conducting such a review, shall coordinate with, and obtain the views of, appropriate Federal agencies.'';

(6) by striking ''shall promptly'' in subsection (c)(2) and inserting ''shall, within 4 years after the date of enactment of the Coastal Zone Management Act of 2000,''; and

(7) by adding at the end of subsection (c)(2) the following: ''If sufficient funds and resources are not available to conduct such a review, the Secretary shall so notify the Congress.''.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

Section 318 (16 U.S.C. 1464) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

''(1) for grants under sections 306, 306A, and 309—

''(A) $70,000,000 for fiscal year 2000;

''(B) $80,000,000 for fiscal year 2001;

''(C) $83,500,000 for fiscal year 2002;
''(D) $87,000,000 for fiscal year 2003; and
''(E) $90,500,000 for fiscal year 2004;
''(2) for grants under section 309A—
''(A) $25,000,000 for fiscal year 2000;
''(B) $26,000,000 for fiscal year 2001;
''(C) $27,000,000 for fiscal year 2002;
''(D) $28,000,000 for fiscal year 2003; and
''(E) $29,000,000 for fiscal year 2004; of which $10,000,000, or 35 percent, whichever is less, shall be for purposes set forth in section 309A(a)(5);
''(3) for grants under section 315—
''(A) $7,000,000 for fiscal year 2000;
''(B) $12,000,000 for fiscal year 2001;
''(C) $13,000,000 for fiscal year 2002;
''(D) $14,000,000 for fiscal year 2003; and
''(E) $15,000,000 for fiscal year 2004;
''(4) for grants to fund construction projects at estuarine reserves designated under section 315, $12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and
''(5) for costs associated with administering this title, $6,500,000 for fiscal year 2000 and such sums as are necessary for fiscal years 2001–2004.'';
(2) by striking ''306 or 309.'' in subsection (b) and inserting ''306.'';
(3) by striking ''during the fiscal year, or during the second fiscal year after the fiscal year, for which'' in subsection (c) and inserting ''within 3 years from when'';
(4) by striking ''under the section for such reverted amount was originally made available.'' in subsection (c) and inserting ''to states under this Act.''; and
(5) by adding at the end thereof the following:
''(d) PURCHASE OF OTHERWISE UNAVAILABLE FEDERAL PRODUCTS AND SERVICES.—Federal funds allocated under this title may be used by grantees to purchase Federal products and services not otherwise available.
''(e) RESTRICTION ON USE OF AMOUNTS FOR PROGRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Except for funds appropriated under subsection (a)(5), amounts appropriated under this section shall be available only for grants to states and shall not be available for other program, administrative, or overhead costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.''.

SEC. 218. SENSE OF CONGRESS.

It is the sense of Congress that the Undersecretary for Oceans and Atmosphere should re-evaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

TITLE III—ATLANTIC FISHERIES

Subtitle A—Reauthorization of Atlantic Striped Bass Conservation Act

SEC. 301. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:
''(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—
''(1) $1,000,000 to the Secretary of Commerce; and
''(2) $250,000 to the Secretary of the Interior.''.

SEC. 302. POPULATION STUDY OF STRIPED BASS.

(a) STUDY.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—
(1) long-term stock assessment data and other fishery-dependent and independent data for Atlantic striped bass; and
(2) the results of peer-reviewed research funded under the Atlantic Striped Bass Conservation Act.
(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate the results of the study and a long-term plan to ensure a balanced and healthy population structure of Atlantic striped bass, including older fish. The report shall include information regarding—
(1) the structure of the Atlantic striped bass population required to maintain adequate recruitment and sustainable fishing opportunities; and
(2) recommendations for measures necessary to achieve and maintain the population structure described in paragraph (1).
(c) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce $250,000 to carry out this section.

Subtitle B—Atlantic Coastal Fisheries Cooperative Management

SEC. 331. SHORT TITLE.

This subtitle may be cited as the ''Atlantic Coastal Fisheries Act of 2000''.

SEC. 332. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 811 of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5108) is amended to read as follows:

''SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—To carry out this title, there are authorized to be appropriated—
''(1) $10,000,000 for each of fiscal year 2001;
''(2) $12,000,000 for each of fiscal year 2002;
''(3) $14,000,000 for each of fiscal year 2003;
''(4) $16,000,000 for each of fiscal year 2004; and
''(5) $18,000,000 for each of fiscal year 2005;
''(b) COOPERATIVE STATISTICS PROGRAM.—Amounts authorized under subsection (a) may be used by the Secretary to support the Commission's cooperative statistics program.''.
(b) TECHNICAL CORRECTIONS.—
(1) IN GENERAL.—Such Act is amended—
(A) in section 802(3) (16 U.S.C. 5101(3)) by striking ''such resources in'' and inserting ''such resources is''; and
(B) by striking section 812 and the second section 811.
(2) AMENDMENTS TO REPEAL NOT AFFECTED.—The amendments made by paragraph (1)(B) shall not affect any amendment or repeal made by the sections struck by that paragraph.
(3) SHORT TITLE REFERENCES.—Such Act is further amended by striking ''Magnuson Fishery'' each place it appears and inserting ''Magnuson-Stevens Fishery''.
(c) REPORTS.—
(1) ANNUAL REPORT TO THE SECRETARY.—The Secretary shall require, as a condition of providing financial assistance under this title, that the Commission and each State receiving such assistance submit to the Secretary an annual report that provides a detailed accounting of the use the assistance.
(2) BIENNIAL REPORTS TO THE CONGRESS.—The Secretary shall submit biennial reports to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the use of Federal assistance provided to the Commission and the States under this title. Each biennial report shall evaluate the success of such assistance in implementing this title.

Subtitle C—Atlantic Tunas Management

SEC. 361. USE OF AIRCRAFT PROHIBITED.

Section 7(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971e(a)) is amended—
(1) by striking ''or'' after the semicolon in paragraph (1);
(2) by striking ''fish.'' in paragraph (2) and inserting ''fish; or''; and
(3) by adding at the end the following:
''(3) for any person, other than a person holding a valid Federal permit in the purse seine category—
''(A) to sue an aircraft to locate or otherwise assist in fishing for, catching, or retaining Atlantic bluefin tuna; or
''(B) to catch, possess, or retain Atlantic bluefin tuna located by use of an aircraft.''.

TITLE IV—SHARK FINNING

SEC. 401. SHORT TITLE.

This title may be cited as the ''Shark Conservation Act''.

SEC. 402. PURPOSE.

The purpose of this title is to eliminate shark-finning by addressing the problem comprehensively at both the national and international levels.

SEC. 403. PROHIBITION ON REMOVING SHARK FIN AND DISCARDING SHARK CARCASS AT SEA.

Section 307(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended-
(1) by striking ''or' after the semicolon in subparagraph (N);
(2) by striking ''section 302(j)(7)(A).'' in subparagraph (O) and inserting ''section 302(j)(7)(A); or''; and
(3) by adding at the end the following:
''(P)(i) to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea;
''(ii) to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or
''(iii) to land any such fin without the corresponding carcass.
''For purposes of subparagraph (P) there is a rebuttable presumption that any shark fins landed from a fishing vessel or found on board a fishing vessel were taken, held, or landed in violation of subparagraph (P) if the total weight of shark fins landed or found on board exceeds 5 percent of the total weight of shark carcasses landed or found on board.''.

SEC. 404. REGULATIONS.

No later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall promulgate regulations implementing the provisions of section 307(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(P)), as added by section 403 of this title.

SEC. 405. INTERNATIONAL NEGOTIATIONS.

The Secretary of Commerce, acting through the Secretary of State, shall—
(1) initiate discussions as soon as possible for the purpose of developing bilateral or multilateral agreements with other nations for the prohibition on shark-finning;
(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in shark-finning, for the purposes of—
(A) collecting information on the nature and extent of shark-finning by such persons and the landing or transshipment of shark fins through foreign ports; and

(B) entering into bilateral and multilateral treaties with such countries to protect such species;

(3) seek agreements calling for an international ban on shark-finning and other fishing practices adversely affecting these species through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate regional fishery management bodies;

(4) initiate the amendment of any existing international treaty for the protection and conservation of species of sharks to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section;

(5) urge other governments involved in fishing for or importation of shark or shark products to fulfill their obligations to collect biological data, such as stock abundance and by-catch levels, as well as trade data, on shark species as called for in the 1995 Resolution on Cooperation with FAO with Regard to study on the Status of Sharks and By-Catch of Shark Species; and

(6) urge other governments to prepare and submit their respective National Plan of Action for the Conservation and Management of Sharks of the 2001 session of the FAO Committee on Fisheries, as set forth in the International Plan for Action for the Conservation and Management of Sharks.

SEC. 406. REPORT TO CONGRESS

The Secretary of Commerce, in consultation with the Secretary of State, shall provide to Congress, by not later than 1 year after the date of enactment of this Act, and every year thereafter, a report which—

(1) includes a list that identifies nations whose vessels conduct shark-finning and details the extent of the international trade in shark fins, including estimates of value and information on harvesting of shark fins, and landings or transshipment of shark fins through foreign ports;

(2) describes the efforts taken to carry out this title, and evaluates the progress of those efforts;

(3) sets forth a plan for action to adopt international measures for the conservation of sharks; and

(4) includes recommendations for measures to ensure that United States actions are consistent with national, international, and regional obligations relating to shark populations, including those listed under the Conservation on International Trade in Endangered Species of Wild Flora and Fauna.

SEC. 407. RESEARCH.

The Secretary of Commerce, subject to the availability of appropriations authorized by section 410, shall establish a research program for Pacific and Atlantic sharks to engage in the following data collection and research:

(1) The collection of data to support stock assessments of shark populations subject to incidental or directed harvesting by commercial vessels, giving priority to species according to vulnerability of the species to fishing gear and fishing mortality, and its population status.

(2) Research to identify fishing gear and practices that prevent or minimize incidental catch of sharks in commercial and recreational fishing.

(3) Research on fishing methods that will ensure maximum likelihood of survival or captured sharks after release.

(4) Research on methods for releasing sharks from fishing gear that minimize risk of injury to fishing vessels operators and crews.

(5) Research on methods of maximize the utilization of, and funding to develop the market for, sharks not taken in violation of a fishing management plan approved under section 303 or of section 307(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853, 1857(1)(P).

(6) Research on the nature and extent of the harvest of sharks and shark fins by foreign fleets and the international trade in shark fins and other shark products.

SEC. 408. WESTERN PACIFIC LONGLINE FISHERIES COOPERATIVE RESEARCH PROGRAM.

The National Marine Fisheries Service, in consultation with the Western Pacific Fisheries Management Council, shall initiate a cooperative research program with the commercial longlining industry to carry out activities consistent with this title, including research described in section 407 of this title. The service may initiate such shark cooperative research programs upon the request of any other fishery management council.

SEC. 409. SHARK-FINNING DEFINED.

In this Act, the term ''shark-finning'' means the taking of a shark, removing the fin or fins (whether or not including the tail) of a shark, and returning the remainder of the shark to the sea.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2001 through 2005 such sums as are necessary to carry out this title.

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

SEC. 501. SHORT TITLE.

This title may be cited as the ''Fishermen's Protective Act Amendments of 2000''.

SEC. 502. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

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

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

TITLE VI—YUKON RIVER SALMON

SEC. 601. SHORT TITLE.

This title may be cited as the ''Yukon River Salmon Act of 2000''.

SEC. 602. YUKON RIVER SALMON PANEL.

(a) ESTABLISHMENT.—

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

(2) FUNCTIONS.—The Panel shall—

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

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

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

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

(b) MEMBERSHIP.—

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

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

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

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

(2) APPOINTEES FROM ALASKA.—

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

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

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

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

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

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

(3) ALTERNATES.—

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

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

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

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

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

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

SEC. 603. ADVISORY COMMITTEE.

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

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

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

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

SEC. 604. EXEMPTION.

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

SEC. 605. AUTHORITY AND RESPONSIBILITY.

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

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

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

SEC. 606. ADMINISTRATIVE MATTERS.

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

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

(c) TREATMENT AS FEDERAL EMPLOYEES.—Except for officials of the United States Government, all Panel members, alternate Panel members, and members of the advisory committee shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

SEC. 607. YUKON RIVER SALMON STOCK RESTORATION AND ENHANCEMENT PROJECTS.

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

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

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

(2) amounts available for projects under this section—

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

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

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

(3) up to $3,000,000 shall be available each fiscal year for activities by the Department of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to $1,200,000 shall be available each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 507(b); and

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

TITLE VII—FISHERY INFORMATION ACQUISITION

SEC. 701. SHORT TITLE.

This title may be cited as the ''Fisheries Survey Vessel Authorization Act of 2000''.

SEC. 702. ACQUISITION OF FISHERY SURVEY VESSELS.

(a) IN GENERAL.—The Secretary of Commerce, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

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

(1) be capable of—

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

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

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

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

(c) FISHERIES RESEARCH VESSEL PROCUREMENT.—Notwithstanding section 644 of title 15, United States Code, and section 19.502–2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size.

(d) AUTHORIZATION.—To carry out this section there are authorized to be appropriated to the Secretary of Commerce $60,000,000 for each of fiscal years 2002, 2003, and 2004.

TITLE VIII—CORAL REEF CONSERVATION

SEC. 801. SHORT TITLE.

This Act may be cited as the ''Coral Reef Conservation Act of 2000''.

SEC. 802. PURPOSES.

The purposes of this Act are:

(1) to preserve, sustain, and restore the condition of coral reef ecosystems;

(2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities and the Nation;

(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;

(4) to assist in the preservation of coral reefs by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;

(5) to provide financial resources for those programs and projects; and

(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

SEC. 803. NATIONAL CORAL REEF ACTION STRATEGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Resources of the House of Representatives and publish in the Federal Register a national coral reef action strategy, consistent with the purposes of this Act. The Administrator shall periodically review and revise the strategy as necessary. In developing this national strategy, the Secretary may consult with the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998).

(b) GOALS AND OBJECTIVES.—The action strategy shall include a statement of goals and objectives as well as an implementation plan, including a description of the funds obligated each fiscal year to advance coral reef conservation. The action strategy and implementation plan shall include discussion of—

(1) coastal uses and management;
(2) water and air quality;
(3) mapping and information management;
(4) research, monitoring, and assessment;
(5) international and regional issues;
(6) outreach and education;
(7) local strategies developed by the States or Federal agencies, including regional fishery management councils; and
(8) conservation, including how the use of marine protected areas to serve as replenishment zones will be developed consistent with local practices and traditions.

SEC. 804. CORAL REEF CONSERVATION PROGRAM.

(a) GRANTS.—The Secretary, through the Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs, hereafter called coral conservation projects, for proposals approved by the Administrator in accordance with this section.

(b) MATCHING REQUIREMENTS.—

(1) 50 PERCENT.—Except as provided in paragraph (2), Federal funds for any coral conservation project under this section may not exceed 50 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) WAIVER.—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which applicant can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(c) ELIGIBILITY.—Any natural resource management authority of a State or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs, or coral reef ecosystems, or educational or non-governmental institutions with demonstrated expertise in the conservation of coral reefs, may submit to the Administrator a coral conservation proposal under subsection (e) of this section.

(d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY.—The Administrator shall ensure that funding for grants awarded under subsection (b) of this section during a fiscal year are distributed in the following manner—

(1) no less than 40 percent of funds available shall be awarded for coral conservation projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States;

(2) no less than 40 percent of the funds available shall be awarded for coral conservation projects in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea within the maritime areas and zones subject to the jurisdiction or control of the United States; and

(3) remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator. When identifying emerging threats or priorities, the Administrator may consult with the Coral Reef Task Force.

(e) PROJECT PROPOSALS.—Each proposal for a grant under this section shall include the following:

(1) The name of the individual or entity responsible for conducting the project.

(2) A description of the qualifications of the individuals who will conduct the project.

(3) A succinct statement of the purposes of the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support for the project by project by appropriate representatives of States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant.

(7) A description of how the project meets one or more of the criteria in subsection (g) of this section.

(8) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(f) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Administrator shall review each coral conservation project proposed to determine if it meets the criteria set forth in subsection (g).

(2) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 6 months after receiving a project proposal under this section, the Administrator shall—

(A) request and consider written comments on the proposal from each Federal agency, State government, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;

(B) provide for the merit-based peer review of the proposal and require standardized documentation of that peer review;

(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States and other government jurisdictions that provided comments under subparagraph (A).

(g) CRITERIA FOR APPROVAL.—The Administrator may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 3 and will enhance the conservation of coral reefs by—

(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reefs;

(2) addressing the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;

(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management or coral reef ecosystems;

(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems, including factors that cause coral disease;

(5) promoting and assisting to implement cooperative coral reef conservation projects that involve affected local communities, non-governmental organizations, or others in the private sector;

(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long term conservation;

(7) mapping the location and distribution of coral reefs;

(8) developing and implementing techniques to monitor and assess the status and condition of coral reefs;

(9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems; or

(10) promoting ecologically sound navigation and anchorages near coral reefs.

(h) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success of the project.

(i) CORAL REEF TASK FORCE.—The Administrator may consult with the Coral Reef Task Force to obtain guidance in establishing coral conservation project priorities under this section

(j) IMPLEMENTATION GUIDELINES.—Within 180 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Administrator shall consult with State, regional, and local entities involved in setting priorities for conservation of coral reefs and provide for appropriate public notice and opportunity for comment.

SEC. 805. CORAL REEF CONSERVATION FUND.

(a) FUND.—The Administrator may enter into an agreement with a non-profit organization that promotes coral reef conservation authorizing such organization to receive, hold, and administer funds received pursuant to this section. The organization shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by such organization solely to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef action strategy under section 3.

(b) AUTHORIZATION TO SOLICIT DONATIONS.—Pursuant to an agreement entered into under subsection (a) of this section, an organization may accept, receive, solicit, hold, administer, and use any gift to further the purposes of this Act. Any monies received as a gift shall be deposited and maintained in the Fund established by the organization under subsection (a).

(c) REVIEW OF PERFORMANCE.—The Administrator shall conduct a continuing review of the grant program administered by an organization under this section. Each review shall include a written assessment concerning the extent to which that organization has implemented the goals and requirements of this section and the national coral reef action strategy under section 3.

(d) ADMINISTRATION.—Under an agreement entered into pursuant to subsection (a) of this section, the Administrator may transfer funds appropriated to carry out this Act to an organization. Amounts received by an organization under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the organization by private persons and State and local government agencies.

SEC. 806. EMERGENCY ASSISTANCE.

The Administrator may make grants to any State, local, or territorial government agency with jurisdiction over coral reefs for emergencies to address unforeseen or disaster-related circumstance pertaining to coral reefs or coral reef ecosystems.

SEC. 807. NATIONAL PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may conduct activities to conserve coral reefs and coral reef ecosystems, that are consistent with this Act, the National Marine Sanctuaries Act, the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act, and the Marine Mammal Act.

(b) AUTHORIZED ACTIVITIES.—Activities authorized under subsection (a) include—

(1) mapping, monitoring, assessment, restoration, and scientific research that benefit the understanding, sustainable use, and long-term conservation of coral reefs and coral reef ecosystems;

(2) enhancing public awareness, education, understanding, and appreciation of coral reefs and coral reef ecosystems;

(3) providing assistance to States in removing abandoned fishing gear, marine debris, and abandoned vessels from coral reefs to conserve living marine resources; and

(4) cooperative conservation and management of coral reefs and coral reef ecosystems with local, regional, or international programs and partners.

SEC. 808. EFFECTIVENESS REPORTS.

(a) GRANT PROGRAM.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Resources of the House of Representatives a report that documents the effectiveness of the grant program under section 4 in meeting the purposes of this Act. The report shall include a State-by-State summary of Federal and non-Federal contributions toward the costs of each project.

(b) NATIONAL PROGRAM.—Not later than 2 years after the date on which the Administrator publishes the national coral reef strategy under section 3 and every 2 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement that strategy, under section 3, including a description of the funds obligated each fiscal year to advance coral reef conservation.

SEC. 809. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act $16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004, which may remain available until expended.

(b) ADMINISTRATION.—Of the amounts appropriated under subsection (a), not more than the lesser of $1,000,000 or 10 percent of the amounts appropriated, may be used for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.

(c) CORAL REEF CONSERVATION PROGRAM.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary $8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for coral reef conservation activities under section 4.

(d) NATIONAL CORAL REEF ACTIVITIES.—From the amounts appropriated under section (a), there shall be made available to the Secretary $8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for activities under section 7.

SEC. 810. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) CONSERVATION.—The term ''conservation'' means the use of methods and procedures necessary to preserve or sustain corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; mapping; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; community outreach and education; and that promote safe and ecologically sound navigation.

(3) CORAL.—The term ''coral'' means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractina (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyanacea (soft corals), and Coenothecalia (blue coral), of the class Anthozoa; and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

(4) CORAL REEF.—The term ''coral reef'' means any reefs or shoals composed primarily of corals.

(5) CORAL REEF ECOSYSTEM.—The term ''coral reef ecosystem'' means coral and other species of reef organisms (including reef plants) associated with coral reefs, and the non-living environmental factors that directly affect coral reefs, that together function as an ecological unit in nature.

(6) CORAL PRODUCTS.—The term ''coral products'' means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(8) STATE.—The term ''State'' means any State of the United States that contains a coral reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a coral reef ecosystem within its seaward boundaries.

TITLE IX—MISCELLANEOUS

SEC. 901. TREATMENT OF VESSEL AS AN ELIGIBLE VESSEL.

Notwithstanding paragraphs (1) through (3) of section 208(a) of the American Fisheries Act (title II of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–624)), the catcher vessel (HAZEL LORRAINE (United States Official Number 592211) and the catcher vessel PROVIDIAN (United States Official Number 1062183) shall be considered to be vessels that are eligible to harvest the directed fishing allowance under section 206(b)(1) of that Act pursuant to a Federal fishing permit in the same manner as, and subject to the same requirements and limitations on that harvesting as apply to harvest that directed fishing allowance under section 208(a) of that Act.

SEC. 902. STATUS OF CERTAIN COMMISSIONERS AS FEDERAL EMPLOYEES.

(a) GREAT LAKES FISHERY COMMISSION.—Section 3(a)(1) of the Great Lakes Fishery Act of 1956 (16 U.S.C. 932(a)(1)) is amended by inserting after the first sentence the following: ''An individual serving as a Commissioner shall not be considered to be a Federal employee while performing service as a Commissioner, except for purposes of injury compensation or tort claims liabillity as provided in chapter 81, of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

(b) INTERNATIONAL COMMISSION FOR THE SCIENTIFIC INVESTIGATION OF TUNAS; INTER-AMERICAN TROPICAL TUNA COMMISSON.—Section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952) is amended by inserting after the first sentence the following: ''An individual serving as a Commissioner shall not be considered to be a Federal employee while performing service as a Commissioner, except for purpose of injury compensation or tort claims liability as provided in chapter 81, of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

(c) INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS.—Section 3(a)(1) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)(1) is amended by inserting after ''Government.'' the following: ''An individual serving as a Commissioner shall not be considered to be a Federal employee while performing service as a Commissioner, except for purposes of injury compensation or tort claims liability as provided in chapter 81, of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

(d) NORTH PACIFIC ANADROMOUS FISH COMMISSION.—Section 804(a) of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003(a)) is amended by inserting after the first sentence the following: ''An individual serving as a Commissioner shall not be considered to be a Federal employee while performing service as a Commissioner, except for purposes of injury compensation or tort claims liability as provided in chapter 81, of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

SEC. 903. WESTERN PACIFIC PROJECT GRANTS.

Section 111(b)(1) of the Sustainable Fisheries Act (16 U.S.C. 1855 nt) is amended by striking the last sentence and inserting ''There are authorized to be appropriated to carry out this subsection $500,000 for each fiscal year.''.

SEC. 904. EXTENSION OF DUNGENESS CRAB FISHERY MANAGEMENT AUTHORITY.

Section 203(i) of the Act entitled ''An Act To approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes'' (112 Stat. 3453; 16 U.S.C. 1856 nt.) is amended by striking ''2001.'' and inserting ''2004.''.

TITLE X—MARINE MAMMAL RESCUE ASSISTANCE

SEC. 1001. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

''SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

''(a) IN GENERAL.—

''(1) GRANTS.—Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranded network participants for the recovery or treatment of marine mammals, the collection of data from living or dead stranded marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

''(2) DISTRIBUTION AMONG STRANDING REGIONS.—

''(A) EQUITABLE DISTRIBUTION.—The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the designated stranding regions.

''(B) PRIORITIES.—In determining priorities among such regions, the Secretary may consider—

''(i) any episodic stranding or any mortality event other than an event described in section 410(6), that occurred in any region in the preceding year; and

''(ii) data regarding average annual strandings and mortality events per region.

''(b) APPLICATION.—To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

''(c) ADVISORY GROUP.—

''(1) IN GENERAL.—The Secretary, in consultation with the Marine Mammal Commission, shall establish an advisory group in accordance with this subsection to advise the Secretary regarding the implementation of this section, including the award of grants under this section.

''(2) MEMBERSHIP.—The advisory group shall consist of a representative from each of the designated stranding regions and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals.

''(3) PUBLIC PARTICIPATION.—

''(A) MEETINGS.—The advisory group shall—

''(i) ensure that each meeting of the advisory group is open to the public; and

''(ii) provide, at each meeting of the advisory group, an opportunity for interested persons to present oral or written statements concerning items on the agenda for the meeting.

''(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

''(C) MINUTES.—The Secretary shall keep and make available to the public minutes of each meeting of the advisory group.

''(4) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the establishment and activities of an advisory group in accordance with this subsection.

''(d) LIMITATION.—The amount of a grant under this section shall not exceed $100,000.

''(e) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

''(2) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

''(f) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent to pay the administrative expenses necessary to carry out this section.

''(g) DEFINITIONS.—In this section:

''(1) DESIGNATED STRANDING REGION.—the term 'designated stranding region' means a geographic region designated by the Secretary for purposes of administration of this title.

''(2) SECRETARY.—The term 'Secretary' has the meaning given that term in section 3(12)(A).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended.''.

(b) CONFORMING AMENDMENT.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting ''(other than section 408)'' after ''title IV''.

(e) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

''Sec. 408. John H. Prescott Marine Mammal Rescue assistance Grant Program.
''Sec. 409. Authorization of appropriations.
''Sec. 410. Definitions.''.

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 19, 2000, at 3:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 19, 2000, at 9:30 a.m. in room SH–216 of the Hart Senate Office Building.

The purpose of this hearing is to conduct oversight on the Department of Energy's recent decision to release 30 million barrels of crude oil from the strategic petroleum reserve and the bid process used to award contracts regarding same.

For further information, please call Brian Malnak, Deputy Staff Director at (202) 224–8119 or Betty Nevitt, Staff Assistant at (202) 224–0765.

PRIVILEGE OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that the following Appropriations Committee staff members and intern be granted floor privileges during the consideration of the conference report to accompany H.R. 4461 for the fiscal year 2001 Agriculture Appropriations Act, and any votes that may occur in relation thereto: Rebecca Davies, Martha Scott Poindexter, Hunt Shipman, Les Spivey, Marc Dulaney, and Galen Fountain.

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

ORDERS FOR TUESDAY, OCTOBER 17, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Tuesday, October 17. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the conference report to accompany H.R. 4461, the Agriculture appropriations bill, as under the previous order.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will not be in session on Monday. On Tuesday, the Senate will resume consideration of the conference report on this Agriculture appropriations bill—very important legislation. The debate will be limited to Tuesday's session and approximately 2 hours on Wednesday morning, with the vote scheduled to occur at 11:30 a.m. on Wednesday on the Agriculture appropriations bill.

For the remainder of the week, the Senate is expected to complete all action necessary for sine die adjournment. I pause for applause. That is certainly what we should do. It is possible we can do it. We were able to get a good deal accomplished this week. It took a lot of work on both sides of the aisle. We were able to get a package of five bills done, which included, of course, the sex trafficking issue as well as Aimee's law and the Violence Against Women Act. We were able to pass four appropriations bills and complete action on the Defense authorization bill and begin debate on the Agriculture appropriations bill.

Next week we will have to deal with the foreign operations conference report final passage in some form; the Commerce-State-Justice appropriations bill; the Labor-HHS and Education appropriations conference report, and there are several tax provisions that need to be considered, including the FSC issue that we have been trying to get cleared, a bill that came out of the Finance Committee to make sure the United States complies with WTO requirements. We need to get that completed as well as several other items that have broad support in the House and in the Senate and the administration.

So there are four categories that we will need to act on next week. I have been having conversations and meetings this morning with Members of both sides of the aisle and with the administration to try to help facilitate that.

I notice Senator CONRAD reacted positively to ''both sides of the aisle.''

I think it is clearly possible to complete our work by next Friday. I had hoped we could do it by Saturday, the 14th, but the unfortunate death of our friend and colleague, Congressman Vento from Minnesota, occurred and, therefore, Members are in Minnesota this morning for the funeral service. Clearly, we can get our work done next week, and we certainly will try to. Senators should expect votes throughout the day Wednesday and Thursday and into Friday, if it is necessary.

I yield to the Senator from North Dakota for a question or comment.

KEVIN SHAWN RUX

Mr. CONRAD. Mr. President, we have just learned very tragic news that a young man from my home State of North Dakota is among those now listed as missing and presumed dead on board the U.S.S. *Cole.*

He is Petty Officer 2nd Class Kevin Shawn Rux. I want to express my deepest sympathies to the family. Our Nation honors this young man for his service and sacrifice. Our prayers are with his family in their grief today, and with all the fathers, mothers, spouses, sons, and daughters of those who lost their loved ones in this terrible attack.

I want to reassure the family this Nation will not rest until we find the criminals responsible for the death of Kevin Shawn Rux and his shipmates. This country will hold them accountable for these murders. Again, we share the grief of the family of this young

man. He was doing his duty. He was serving his country. We admire very much his service, and we deeply respect his sacrifice.

My colleague from North Dakota would also like to comment. We would appreciate that.

Mr. LOTT. Mr. President, let me just say, Mr. President, I appreciate the fact that the Senator has raised this issue. It is appropriate that we acknowledge the service of our military men and women who are serving all over the world, more often than we realize, in very dangerous situations, and that we recognize those who lost their lives—in this instance, sailors on the U.S.S. *Cole*.

I, too, have a personal feeling about this. I would like to make some comments on it myself. Before I do that, I yield to Senator DORGAN from North Dakota for his remarks.

Mr. DORGAN. Mr. President, I thank the majority leader. This was obviously a senseless act of terrorism. Acts of terrorism are, in most cases, perpetrated by cowards who want to inflict terrible mayhem on especially those from our country, but others around the world as well. Yesterday, when we learned the news that the U.S.S. *Cole* had been attacked, all of us were deeply saddened. Our thoughts and prayers go out to all of the families of those who are now known dead and those who are presumed dead or missing.

As Senator CONRAD indicated, we have just learned from the U.S. Navy this morning that a young man named Kevin Rux from Portland, ND, is among those missing and presumed dead, according to the U.S. Navy. I want to add my voice to my colleagues' comments that my thoughts and prayers go out to his family. We are thinking of them and praying for them today. We feel the same about all of those who have been the victims of this attack. It tells us, once again, that this is a difficult and in some cases troubled world, and those who wear the uniform of this country in all parts of this globe, who stand for peace, do so at some risk to themselves and on behalf of a grateful Nation.

Again, I want to simply say we are thinking of the Rux family and all of the other families whose loved ones have become victims of this cowardly terrorist attack. I say, as well, that this country has said to its President and Members of Congress that those responsible for this attack must be found and brought to justice for it.

I yield the floor.

ORDER FOR RECORD TO REMAIN OPEN

Mr. LOTT. Mr. President, I ask unanimous consent that the RECORD remain open today until 1 p.m. for the introduction of statements by Members.

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

OUTSTANDING MILITARY PERSONNEL AND THEIR SOPHISTICATED SHIPS

Mr. LOTT. Mr. President, the U.S.S. *Cole* was built in my hometown of Pascagoula, MS. I have been on it. I have visited with the sailors, the crew, and officers on many of these ships —destroyers, cruisers, and LHDs—that are built there. It is always a thrilling experience to see the enthusiasm of these young men and women and the caliber of the young men and women who serve our country, and also the tremendous sophistication of these ships. These ships are the most sophisticated in the history of the world, with an incredible array of radar and weapons systems.

These ships can fire at 120 different targets simultaneously, using missiles and Gatling guns. They are incredible vessels. They are referred to as ''aegis class'' destroyers. They have a tremendous shield where they can track and identify targets or enemy activities. But we see, once again, no matter how big, how sophisticated, or how capable they are in destroying enemy ships or aircraft, they are still vulnerable to a suicide attack by two men on a small rubber vessel.

I think it is a very sobering thing that we are learning from this experience. You can be in a marine barracks somewhere, in a hotel, in a public building, or on a sophisticated ship, and you are still vulnerable to this kind of attack. This is clearly an unjustified, heinous, indescribable act that has taken place, and I know that our Government will act very aggressively to protect and provide aid to those who are injured and work with the families who are certainly going through a period of grieving now. It will also try to identify exactly who did this, who gave the order, and be prepared to take swift and very strong action against those who did it.

I have no doubt that our Government will work in unity to accomplish that.

In addition to that, I have a list before me which is not yet ready for release, and I would not want to do it before it has been properly released. But there are at least 7 identified as dead now and another 10, at least, missing potentially, and likely now 17 sailors on that ship who lost their lives.

One of those was Ens. Andrew Triplett of Macon, MS. I have before me his record of service, and I take note that this is a young man who was very forward leaning and had advanced very quickly through the ranks to reach the position of ensign.

To his entire family, and particularly his mother, Savanna Triplett of Shuqualak, MS, I extend my sympathy and prayers and also the grateful appreciation of our Nation.

I know that Americans all over the world will be touched by what we have seen happen and will be thinking of the family and praying for them in this difficult time.

RECESS UNTIL 9:30 A.M. TUESDAY, OCTOBER 17, 2000

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:07 p.m., recessed until Tuesday, October 17, 2000, at 9:30 a.m.