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## Senate

The Senate met at 12 noon 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, help us to see the invisible movement of Your Spirit in people and in events. Beyond our everyday world of ongoing responsibilities and the march of secular history with its sinister and frightening possibilities, You call us to another world, a world of suprasensible reality which is the mainspring of the universe, the environment of everyday existence and our very life and strength at this moment. Help us to know that You are present, are working Your purposes out, and have plans for us. Give us eyes to see Your invisible presence working through people, arranging details, solving complexities, and bringing good out of whatever difficulties we commit to You.

We begin this week on Flag Day affirming our loyalty to You, dear God, and to our great Nation. Grant the Senators eyes to see You as the unseen but ever-present Sovereign. Then help them to claim Your promise: "Call to me, and I will answer you and show you great and mighty things which you do not know" (Jer. 33:3). Amen.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

### FLAG DAY

Mr. LOTT. Mr. President, I thank the Chaplain, as always, for his beautiful prayer and for recognizing this is Flag Day, June 14. It is a day in which we should all take a moment to be proud and thankful for the country that we live in because the flag is the symbol of our country, and it is appropriate that we honor it on this day, June 14.

(Mrs. HUTCHISON assumed the Chair.)

### SCHEDULE

Mr. LOTT. Madam President, today the Senate will be in a period of morning business until 1 p.m. Following morning business, the Senate will begin consideration of the energy and water appropriations bill with amendments expected to be offered throughout the day. Votes were scheduled to occur at 5:30 p.m. However, we expect to reach an agreement, hopefully within the next few minutes, requiring Senators to file amendments to the energy and water appropriations bill by 5 o'clock today. Assuming that is agreed to, then there would be no votes today.

As a reminder, a series of votes will occur on Tuesday beginning at 2:15 p.m., and the first votes in the series will be on the completion of the Y2K legislation, to be followed by cloture votes on the Social Security lockbox issue and the oil, gas, and steel appropriations bill.

So we will have three votes at 2:15, and we may even have additional votes at that time because we could have amendments that will have to be voted on with regard to the energy and water appropriations bill and even, hopefully, final passage.

For the remainder of the week, we expect to complete the energy and water appropriations bill no later than the close of business Tuesday. Today, I will file cloture on the House-passed Social Security lockbox bill, with that cloture vote occurring on Wednesday. We also expect to continue with the appropriations bills process when they become available, hopefully disposing of all that would be available to us. That could include the military construction appropriations bill, legislative branch, transportation, and State-Justice-Commerce.

I realize we can't do all those this week, but we will work with the Demo-

cratic leadership to see if we can maybe do one or more of those bills in a short period of time. We also have entered into an agreement with regard to State Department authorization, with a limited amount of time and, I presume, a limited number of amendments. We will try to find an opportunity to do that this week. Perhaps Friday morning we could take up that bill and complete action on it by noon, and that would be the final vote of the week.

Therefore, I think Members should be aware now votes will occur on Friday. This will be a very busy week with votes occurring every day, and we probably will go into the evening at least on Thursday. But it will depend on how things proceed.

Let me take a moment now to express, frankly, my disappointment in the Senate at the number of Senators who have indicated they will not be here or would not be here for a vote late this afternoon. Senator DASCHLE and I have discussed the dates on Mondays or Fridays when we knew we would not have votes. We have advised Members of that. That was true last month, and we have indicated a couple dates here in the next month or so. But unless we say there will not be votes, Members should expect to have votes occur sometime after 5 o'clock on Mondays and up until 12 o'clock on Fridays.

Because of the large number of Senators who were not going to be able to be here this afternoon, we have decided to defer the votes until tomorrow. But that inconveniences other Senators, some of whom came all the way back across the country to be ready to vote at 5 o'clock, only to find that because of the number of Senators who say they are not coming back, we are not going to have a vote.

So I am very disappointed in that. I have to assume some of the responsibility because we could go ahead and say we are going to vote at 5:30. But I

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



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do have to take into consideration that we do have a large number of Senators who would not be present for a vote.

So I am taking this opportunity to publicly admonish the Senate as a whole. Last week, I had Senators who said, well, we shouldn't vote on Tuesday morning. I had some Senators say we can't be here at Thursday noon. If it continues at this pace, we will have votes stacked in sequence on Wednesday afternoon at 3 o'clock, which would suit me fine, but I don't think it is a very good way to do business. I do intend to have votes on Fridays so we can complete our work. It is not that I necessarily want them; it is because we have to have them in order to complete our work. So I hope Senators will plan on being here on Mondays and Fridays because we do assure them that there will be no votes before 5 and no votes after 12. But I was very disappointed in what the whip check looked like for today.

#### SENATE LEGAL COUNSEL

Mr. LOTT. Madam President, I do want to note that for the first time in history, within the last month, the Senate leadership has selected our first woman to be the Senate legal counsel, and she is Pat Bryan. She has served at the Justice Department and at the White House in the past. She is highly capable, and we are delighted to have her joining the Senate in this very important position. But my reason for wanting to comment this morning is to talk a moment about the position and to talk about her predecessor who served as legal counsel.

Among the officers of the Senate, one of the least known is the Senate Legal Counsel. There is a reason for that.

The Legal Counsel usually works out of the limelight, away from publicity, serving the Senate with a certain anonymity that is appropriate for the very important responsibilities of the office.

The Office of the Legal Counsel is, in effect, the Senate's own law firm. Its staff handles any litigation concerning the Senate or its Members acting in their official capacity.

The Senate Legal Counsel also advises the Senate, not about legislation, but about legal matters of all sorts. The most recent and most dramatic instance, of course, was the impeachment trial of President Clinton.

Throughout that extraordinary experience, our Legal Counsel, Thomas B. Griffith, played a crucial role in shaping our procedures.

He assured the legal propriety of everything we did, keeping us, along with the Parliamentarian, true to the Senate's rules and precedents.

The meticulousness he brought to our labors was characteristic of Tom's work, as was the unflappable demeanor and unwavering courtesy he showed throughout the impeachment ordeal.

With gratitude for Tom's service to the Senate for the last four years, and yet with deep regret at the prospect of

losing him, I must report that he will be rejoining his former law firm of Wiley, Rein, and Fielding.

It is customary on occasions like this to say that we all wish him well. In this case, that is an understatement.

We wish Tom the best, as he deserves, for that is what he has given to the Senate.

One example of his dedication should suffice. Tom lives quite a distance away from Washington, considerably outside the Beltway even, in Lovettsville, Virginia.

During the weeks of the impeachment proceedings, Tom left his family there and moved closer to the Capitol, to be always available to us here, spending perhaps one day a week with Susan and the children.

I want all of them—Chelsea, Megan, Robbie, Erin, Torre, and Tanne—to know that, during those weeks when they must have sorely missed their dad, he was serving his country in a very important way.

That kind of selfless service has always been a part of Tom's life, from his days as a missionary in Zimbabwe with the Church of Jesus Christ of Latter-day Saints through his activities with the Federalist Society.

His example of integrity and commitment to the highest ideals of the law has brought honor to the Senate. He leaves us now with our affection and our enduring gratitude.

#### WELCOME TO THE NEW SENATE PAGES

Mr. LOTT. Madam President, I take note that we have a new group of pages that are joining us today. We look forward to having their presence and their assistance as we carry out our duties on behalf of the American people. They will be playing an important role in how the Senate conducts itself. We are delighted to have them here and we welcome them aboard.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

#### FLAG DAY

Mr. HATCH. Mr. President, today is Flag Day. Utahns, and indeed Americans all across our great country, revere the flag as the unique symbol of the United States and of the principles, ideals, and values for which our country stands. Who can forget the majestic image of the Marines raising Old Glory on the island of Iwo Jima during World War II or of school children pledging their allegiance to the American flag?

Over the years, the love and devotion our diverse people have for the American flag has been reflected in the actions of our legislatures. During the Civil War, for example, Congress awarded the Medal of Honor to Union soldiers who rescued the flag from falling into rebel hands.

During World War I, the National Conference of Commissioners on Uniform State Laws adopted the Uniform Flag Act that numerous state legislatures adopted to prohibit flag desecration.

Congress declared the "Star Spangled Banner" to be our national anthem.

In 1949, Congress expressed the love the American people for their flag by establishing June 14 as Flag Day. Congress also adopted "The Pledge of Allegiance to the Flag" and the manner of its recitation which millions of school children observe each school day.

In 1968, Congress adopted a federal statute to prohibit flag desecration. More recently, Congress designated John Philip Sousa's "The Stars and Stripes Forever" as the national march.

As with numerous societal interests that affect free speech, legislatures of 48 States and the federal government and the courts also have long respected society's interest in protecting the flag by balancing this interest against the individual's interest in conveying a message through the means of destruction of the flag instead of through the means of oral or written speech.

The Supreme Court continues to strike the balance in favor of society's interests in public safety, national security, protection from obscenity, libel, and the protection of children even though these interests can and do implicate the First Amendment.

In the 1989 case of *Texas v. Johnson*, however, the Supreme Court abandoned the traditional balance in favor of society's interest in protecting the flag and adopted an absolute protection for the individual's interest in communicating through the means of physically destroying the American flag.

Congress responded to the Johnson decision with a statutory attempt to restore balanced protection to the physical integrity of the American flag—the Flag Protection Act of 1989. However, in the 1990 case of *United States v. Eichman*, the Supreme Court relied on the new rule it created in *Johnson* to reject statutory protection of the flag.

The recent reintroduction of another flag protection statute, which has been introduced in prior Congresses, is also clearly unenforceable under the *Johnson* and *Eichman* precedents. Even Professor Lawrence Tribe, a defender of the statute struck down in *Eichman*, has stated that the reintroduced statute cannot be upheld under the new rule of *Johnson* and *Eichman*.

Moreover, in the 1992 case of *R.A.V. v. City of St. Paul*, the Supreme Court clearly stated that it will no longer uphold statutory protection of the flag from desecration. Accordingly, the only realistic way to restore traditional balanced protection for the flag is with a constitutional amendment.

In March of this year, Senator CLELAND and I introduced Senate Joint Resolution 14, a constitutional amendment to protect the American flag.

This amendment restores balanced protection to the flag by allowing Congress to prohibit only the physical desecration of the flag, while retaining the full existing freedoms for oral and written speech.

Thus, a would-be flag burner would still be able to convey his particular message by speaking at a rally, writing to a newspaper, and voting at the ballot box. He would not, however, be able to burn a flag or to stuff a flag into a toilet, as has been done since the Johnson and Eichman decisions.

Nearly 80 percent of the American people and 49 state legislatures support the constitutional amendment to restore balanced protection to the American flag. By sending this amendment to the States for ratification, Congress would help restore traditional balanced protection for the flag while protecting the robust freedom of expression that Americans enjoyed when the Marines raised the flag over Iwo Jima and when Congress created Flag Day.

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

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

#### PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during consideration of S. 1186, the fiscal year 2000 energy and water development appropriations bill, Bob Perret, a fellow in my office, and Sue Fry, a detailee from the U.S. Army Corps of Engineers serving with the Energy and Water Development Subcommittee, be provided floor privileges.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1186, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1186) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that all first-degree amendments in order to S. 1186 must be filed at the desk by 5 this evening.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator is recognized.

Mr. DOMENICI. Mr. President, I have a parliamentary inquiry: What is the subject matter before the Senate?

The PRESIDING OFFICER. The Senate is considering S. 1186.

Mr. DOMENICI. That is the energy and water appropriations bill.

Mr. President, I understand—is this correct—Senator REID has procured a unanimous consent agreement that all amendments will be filed to this bill by 5 this afternoon?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Chair.

Let me thank Senator REID very much for doing that. We have all been working to try to make sure that as this week fills up with other kinds of votes, on everything from Y2K to the lockbox and other things, we be given ample opportunity to get this bill passed.

We worked very hard under the leadership and direction of our chairman, Senator TED STEVENS, chairman of the full committee, to get this bill ready and to get it out here as soon as possible. This will be the second full Appropriations Committee bill that will be before the Senate. If it passes in the next few days, we will be on some kind of a record in terms of our ability to get a large number of the appropriation bills done in a very timely manner.

For that, I am grateful to the chairman and ranking member of the full committee for the amount of resources that were given to this committee. I will begin with an explanation of how we tried to respond to the allocation of resources.

First of all, this is an interesting bill, interesting in the sense that it is not very rational in that you have two things mixed that are about as far apart in the spectrum of prioritizing and need as you could get. All of the nuclear weapons research and development for all of our bombs and all of our safeguards and all of our great research is in this bill. That has been and is still defense work. It is work for the defense of our country. We get money for this because it is a defense function. When we had the walls up wherein you could not spend defense money for anything else, the money that came into this bill

for that purpose came right out of the defense total.

There is another piece of this bill that has to do with water and water resources, not as they relate to anything nuclear, just water and water resources, various inland waterways, various dams, various dikes, Corps of Engineers, Bureau of Reclamation, those kinds of activities, and a myriad of flood protection projects, because the Federal Government, over time, has been a major player with the States in a matching program with reference to flood protection.

Then sitting kind of in the middle but aligned with those water projects are things that the Department of Energy does that are not defense oriented. We call those the nondefense energy projects, research of various types that is not necessarily or even required to be related to the defense activities I have just described.

So in a very real sense, it is kind of comprehensive and a mix of various funding requirements of our country that do not mesh.

We started from the beginning saying there are certain resources that come to this committee from the full Appropriations Committee that are clearly for the purposes of the defense of our Nation. We have taken those resources and said that all of the resources we are getting from the Appropriations Committee which have historically been for defense will be used for defense only. To the best of our ability, we have not used any defense money; that is, defense nuclear money, and defense having safe weapons, the nuclear stockpile, the stewardship stockpile—we have used defense money for that—we have not in any case taken some of that money or any of that money and used it for water projects or used it for nondefense Department of Energy work.

I would like to keep it that way. I have no power of the Budget Committee or points of order to keep it that way, because we, in compromising, when we put the 5-year Balanced Budget Act together, bipartisan, and executive branch with the President, had walls between defense and nondefense for 3 years, and then it was discretionary for the last 2. We are in the last 2 now.

I have, nonetheless, with the assistance of my ranking member, kept defense money for defense programs and not put it into nondefense domestic energy programs or in water projects.

On nondefense energy projects—I will just mention one—there is an amendment pending to do more with solar and renewable energy. That is not a defense activity. We have done the best we could, but we have not used any defense money for that. I hope when we see the amendment, since one is going to be forthcoming, that they followed that pattern and have not taken it out of the defense activities, because with what we know about the world, with what we know about Russia and the

hard feelings that exist, what we know about the Chinese and their moving as quickly as they can toward a nuclear empire of their own with reference to weapons—and we have agreed that we are not going to do any underground testing whether or not we pass the treaty on nuclear testing or not; we have agreed not to do any—it is absolutely important and imperative we prove we can maintain our nuclear stockpile with adequate safeguards and that it is standing the test of time.

What we need to do that with is the new program called science-based stockpile stewardship. The occupant of the Chair is an expert in some of these areas and has worked long and hard in the House. I thank him for a lot of the help he gave in trying to reorganize the Department of Energy, which will continue to come up even after the Rudman report today. I am sure it will be before us again. I believe the occupant of the Chair, the distinguished Senator from Arizona, has constantly raised the question, Will stockpile stewardship work? Will science-based stockpile stewardship work? Will substituting computers and new kinds of systems that can take x ray-type pictures of what is going on inside one of our nuclear weapons, even far more sophisticated than that, that knows what is going on—that is the substitute for testing in an underground mode that we have done for many decades in getting our weapons to be the best and most safe in the world—if that isn't working, then obviously everybody has to rethink where we are with reference to underground testing.

So I don't want to shortchange science-based stockpile stewardship. There are three or four aspects of it that are very expensive—the development of certain buildings and certain technology. We are not finished with them yet. We are maybe halfway finished. We have about half more to go, including the gigantic, new process we are building at Lawrence Livermore National Laboratory, which has the initials NIF, National Ignition Facility.

The Senate is now considering Calendar No. 128, the Energy and Water Act for Fiscal Year 2000. As we begin, there is a technical error in the bill as reported by the committee. I will send to the desk, with the full understanding of my ranking member, a correction to that error. It has been cleared by both sides. I ask unanimous consent that, after I send it to the desk for reading, it be agreed to.

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

AMENDMENT NO. 625

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

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 625.

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

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

The amendment is as follows:

On page 28, line 5, strike \$39,549,000 and insert: "\$28,000,000".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 625) was agreed to.

Mr. DOMENICI. Mr. President, on June 2 the Committee on Appropriations reported Senate bill 1186, the Energy and Water Development Act for the year 2000.

As reported by the Appropriations Committee, the recommendation would provide \$21.2 billion in new budget authority, \$12.6 billion within defense, and \$8.6 billion within nondefense. In the defense accounts, that amounts to a \$220 million increase over the request; in the nondefense accounts—that is including the water project—it amounts to a \$608 million reduction from the request.

For the first time in memory, the recommendation before us provides less money for water projects than was requested. We have reduced some energy research, nondefense environment management, science, and the Department of Energy's administration accounts.

In fact, in order to accommodate some serious shortfalls in the President's request and some very legitimate requests from Members, we have cut a significant amount more than \$608 million that we are short from that request. For example, the recommendation before us restores the \$81 million for the Power Marketing Administration to provide power to their customers. That was left out of the President's request, and we had to cut other programs, above the \$608 million, to provide these funds.

As we have made these reductions, we have tried to follow certain criteria. In the water accounts, for example:

Where the President fully funded or provided advance appropriations for special projects, such as the Everglades, Columbia River Fish Migration, and the CALFED project, we have brought those programs back down in line with other accounts, but we have funded them.

Second, projects included in the budget at the capability level, in this year when we will not be able to fund projects at their full capability, have been reduced to no more than 85 percent of capability.

Third, items where the budget request was significantly increased over the current year's level of funding have been reduced to bring them back in line with the fiscal year 1999 levels.

We have not included unauthorized projects or projects contained in the water resources development bill, called WRDA 99, which is still in conference.

Finally, a significant amount of previously appropriated and unused fund-

ing has been used to finance the fiscal year 2000 program or recommended for rescission in order to save outlays.

Having said that, the recommendation for the U.S. Army Corps of Engineers is still at \$3.723 billion. That is \$182.6 million below the budget request and \$374.1 million below the fiscal year 1999 enacted level.

Moving on to the Bureau of Reclamation, the recommendation before the committee totals \$756.2 million. This is \$100 million below the budget request and \$24 million below the current year level. Within this account, the largest single reduction is from the request for the bay delta restoration Program, and we can go into more details on other projects.

From the Department of Energy's nondefense accounts, we have proposed—because we don't have sufficient money—some substantial reductions from the President's request.

For example, the recommendation for solar and renewable energy is \$348.9 million. That is \$3.4 million over the level the committee recommended a year ago, but it is less than the President asked for.

We have also gone through all of the DOE accounts and found \$41 million in unobligated balances from old projects and programs, and we have gone so far as to rescind \$1,000 from an old program that hasn't been around in years, to make those funds available for this act.

Within the defense allocation, we have been able to add some funds, because we were given a slight increase by the Appropriations Committee from that account. To the extent possible, we have tried to recognize the needs of Members with environmental management sites. We have provided increases at Savannah River and the Hanford site as well as Rocky Flats where DOE is on track to complete this cleanup by 2006. Let's hope we can stay on track and celebrate that event soon. I am well aware that more funds could be justified to increase the pace of cleanup at those sites, but we simply don't have the necessary resources.

Within weapons activities, we have begun a major realignment among the defense laboratories. As we have taken some nuclear weapons designs out of the stockpile, an imbalance has been created between Livermore and Los Alamos in my State. To ensure that balance is retained between them, we have transferred responsibility for one warhead design from Los Alamos to Lawrence Livermore. We have also expanded certain operations at the Nevada Test Site and initiated a microelectronics capability, a new technology which will make our weapons safer in the future, and at the same time may make some breakthroughs for American industry and for future uses that may bring microengineering and microelectronics into our everyday lives in a very big way.

The Defense Authorization Act was recently passed by the Senate, and the

Intelligence Authorization Act will come to the floor next week, perhaps. It is my hope that is where issues related to the Cox Commission report and allegations of espionage at our laboratories will be addressed. The recommendation before you does not include any broad effort in that regard. It is an appropriations bill, not an authorizing bill.

Now, obviously, I am hopeful that nobody will offer broad changes to the structure of DOE and moving toward better security within DOE. As I say, it is not an authorizing bill; it is an appropriations bill. The extent to which we can predict the action taken on the authorizing bill so far will necessitate funding in this regard. We have made some adjustments.

We have increased funding for security investigations from \$30 million to \$45 million. We have increased funding for counter-intelligence from the requested level of \$31 million to \$39 million—we are proposing to more than double the funding of \$15.6 million the Committee provided last year. Finally, because some have raised concerns about materials security, the recommendation provides an increase of \$10 million for physical security.

In summary, the recommendation before you is for \$21.2 billion, a reduction of \$380.8 million from the request.

It is our intention to work, if we have to, late tonight, but with the unanimous consent agreement that was entered into, obviously we will know by 5 o'clock the extent to which we will be working on the floor handling various amendments. We will be here all afternoon.

I personally urge colleagues on my side—I hope that Senator REID will urge his on his side—to bring any amendments they may have to the floor so we can consider them today.

It is my intention to shortly—after all amendments have been filed—act on a package of managers' amendments. We will not do that immediately. We will wait a while.

I yield the floor and turn the podium over to my distinguished ranking member, Senator REID. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the State of California has 35 million people. It is a State of great contrast. It is an agricultural producer, to say the least. It produces more agricultural products than any State in the Union. Yet it is also heavy into tourism. It is heavy into recreational endeavors, and also has these huge cities—Los Angeles, San Francisco, Sacramento, San Jose. It is very difficult to develop a balance between these various competing interests.

One of the things in this legislation that we have been asked to do is to step into this delicate balance. The California Bay Delta—or CALFED, as it is called—is a project that is going to have a tremendous impact on these competing interests in the State of California.

This program, as I have indicated, has environmental interests, urban interests, agricultural interests, and tourism interests. We have been asked as a subcommittee to provide hundreds of millions of dollars for the bay delta system, which provides potable water for two-thirds of this huge State.

I don't know the latest numbers, but California as a country would be the eighth largest country in the world. I think that is the number.

We have been asked in this subcommittee to step in and provide huge amounts of money for this bay delta project, which, as I have indicated, provides water for two-thirds of California's homes, businesses, and irrigation for more than 7 million acres of farmland.

Additionally, this system provides habitat for at least 120 different species of fish and wildlife. Some are already listed as threatened or endangered.

CALFED has been tasked with the development of long-term solutions for the complex system that we call bay delta, including certain water supplies, aging levies, and threatened water quality. Our bill has \$50 million for this project. This isn't enough. It needs more.

Those are some of the responsibilities that we have.

I say to my friend, the chairman of the full Budget Committee, and chairman of this subcommittee, the senior Senator from New Mexico, that we have worked hard on this bill. I appreciate his consideration on the issues that have been developed.

The problem is that with all 13 appropriations bills we simply just do not have enough money. This has been a very tough year. But we have worked within the constraints of what we have been given to come up with the best possible bill that we could.

I mentioned the California Bay Delta project as an example of how important this subcommittee is.

There are 13 subcommittees. We have already passed the defense appropriations bill. This will be the second bill, leaving 11 bills. I don't know what is going to happen in the future with all of the bills. Some of them are extremely difficult, if not impossible, to get passed.

The HUD-independent agencies is really a difficult bill with the 302(b) allocations that they have. The bill dealing with Health and Human Services is a very difficult bill dealing with issues that affect the health and safety of this country.

We, the senior Senator from New Mexico and I, cannot be prospective in nature about other subcommittees. We can only do the best we can with our subcommittee. We have done the very best we could with our subcommittee.

I support this bill. I have already indicated that we don't have enough money. But I would like to see anyone do a better job than we have done. It has taken tremendous amounts of our time, and, of course, the staff has

worked day and night for many weeks. If you look at the responsibilities that we have with this subcommittee, they are really significant.

The manager of the bill has talked about the Army Corps of Engineers. It is very important. It does things that only the Corps of Engineers can do.

Take the State of Nevada. The Corps of Engineers used to be very important for water projects. Now the Corps of Engineers, with the rapidly growing Las Vegas area, is extremely integral to developing a system so people do not drown, so they don't lose personal property when these floods hit this metropolitan area.

The Bureau of Reclamation in the early years in Nevada—it was the same all over the western part of the United States—was concerned about Boulder Dam and Hoover Dam. Now the Bureau of Reclamation has other responsibilities that are just as important.

The Department of Energy, the atomic energy defense activities, the Power Marketing Administration, the Federal Energy Regulatory Commission, the Appalachian Regional Commission, the Defense Nuclear Facilities Safety Board, the Nuclear Regulatory Commission, the Nuclear Waste Technical Review Board, the Tennessee Valley Authority—these are the responsibilities that the senior Senator from New Mexico and I have with this bill.

Every one of these issues for the States in which the facilities are found will be most important as we deal with this bill this year.

We recognize how important this legislation is. There is no secret that the budget caps have a devastating effect on the Army Corps of Engineers and the Bureau of Reclamation. But that is the way it is. Water projects have an impact on communities around the United States.

The point I want to make is that with this bill people start to talk about pork. Try to explain to the people of the State of California, with 35 million people, where pork is involved in this CALFED project. Remember, it deals with competing interests, all of which support our bill.

The question is, Can we provide them with enough money to make sure this project stays on line?

This bill affects individuals and projects—people and States. It is important for their lives and for the safety and health of communities. The decisions that we have made have been extremely difficult decisions, because we realize that the decisions we make put people out of work, put people to work, and change priorities in different communities.

I have mentioned briefly the CALFED project. The State of Nevada is not much into dredging ports and harbors. The fact of the matter is that the two managers from the State of New Mexico and the State of Nevada have responsibilities to make sure there is appropriate money for dredging ports and harbors along both the

Atlantic and Pacific coastlines as well as the Gulf of Mexico. This is the project for the Corps of Engineers.

It is important on an annual basis for U.S. ports and harbors to handle hundreds of billions of dollars—approaching \$1 trillion—in international cargo, generating to this country and local and State entities over \$150 billion in tax revenues every year.

Even though the State of Nevada is basically a desert State, the State of New Mexico, while not as much desert as Nevada, is also a State that has its share of desert. This is important for us; it is important for the Senate; it is important for the country that we do what is right regarding dredging ports and harbors.

Navigational improvements in New York and New Jersey include things called the Arthur Kill Channel and the Howland Hook Marine Terminal project. This project includes deepening, widening, and selective realignments of the channel to allow deep draft container vessels access to this marine terminal.

This is an ongoing problem. Once you dredge a port, it doesn't mean you are not going to have to dredge it again. This is an ongoing problem, and this subcommittee is responsible for making sure that these ports can compete with the rest of the world.

The New Jersey and New York ports account for 34 percent of the Nation's trade in petroleum, automobiles, many food products, and import goods bound for all of the Northeast and upper Midwest, supporting nearly 170,000 jobs. When we cut back, when these ports are not dredged properly, when we do not do the things that need to be done to make sure these ports are capable of handling this cargo, people lose their jobs.

The ports of the Northeast are not alone. There are 25 ports around the coast of the United States that take in over 26 million tons of cargo annually. Fourteen of these ports have total trades of over \$50 million in cargo. That says a lot.

Continuing to maintain the ports and harbors requires a long-term commitment in the budget process, as does shoreline protection on which so many communities around the country rely. In the city of Virginia Beach, VA—I have never been to Virginia Beach, VA—this year we are attempting to fund a program at \$17 million because a hurricane hit Virginia Beach and almost destroyed the beach. The construction of Virginia Beach began 3 years ago. Benefits have already been realized because the damage from Hurricane Bonnie was minimal to the unfinished portions of the project. The project was not in the budget request sent to Congress, but a \$247 million project needs to be completed in a city that has invested over \$100 million in infrastructure over the last 5 years, and that has been matched by \$100 million in private investment. The Federal Government doesn't do all this all alone, but it should do its share.

Additionally, the U.S. Navy megaport, Naval Air Station Oceana, directly benefits from the project at Virginia Beach with its personnel increased by as many as 6,000 sailors and family members recently being transferred to the base.

I personally recently voted for the base closure amendment before this body. I did it because I think if we are going to save money, we are going to have to do some of the things the military says need to be done. The military has stated a large amount of money can be saved by eliminating bases around the world and certainly in the United States. One way we can do this is to make sure we take care of those businesses that we know are lasting in nature. Naval Air Station Oceana is one of those. As a result of the additional work there, which we participated in, we have had 6,000 additional sailors and family members transferred to that base.

Who would think that the Corps of Engineers would be involved in anything in Nebraska? There are a number of important projects in Nebraska. I could point to every State in the Union, although I have been somewhat selective. The Corps of Engineers has been given the responsibility of environmental restoration in various parts of the country, not the least of which is Nebraska.

One of the projects I want to discuss today is the Ponca State Park in Nebraska. This park lies on a 59-mile stretch of the Missouri River. We are spending a relatively small amount on Ponca, \$1 million, but it is very important. Education is a primary component of gaining support for additional environmental activities that people believe need to be done. Through efforts of Ponca State Park, the public will be able to understand the environmental and water management problems of the Missouri River basin and potential solutions to its problems.

The Corps is also playing an integral role in the multiagency effort to restore segments of the Missouri River to something resembling what Lewis and Clark saw as they searched for the Northwest River Passage, the Pacific Ocean.

Working with Senators, particularly BOB KERREY, the Corps expects to propose a plan this fall for managing the Missouri River with more emphasis in protecting native wildlife and their habitat and facilitating outdoor recreation, while not compromising traditional downstream uses of the river.

We need to also talk about Nevada. We have had Law Review articles written about this project in Nevada. There have been seminars held using the model we used in Nevada for how to solve water problems in the western part of the United States. President Bush signed a bill of his Presidency where we put to rest a 100-year water war between the States of California and Nevada in the Truckee and Carson Rivers. We settled problems that had

been outstanding for many years, including problems between two Indian tribes, and there were two endangered species involved—a wetlands had gone from 100,000 very nice acres of marshlands with all kinds of birds, fish, and other animals to about 1,000 very toxic acres where fish were all but dead and birds could no longer nest there.

We solved problems in the agricultural area, also, in the cities of Reno and Sparks. The reason I mention this, money for solving this problem for so many years came from the Bureau of Reclamation, the Corps of Engineers. We have put money in this project over the years and have generally resolved these issues that have been so difficult.

Remember, the Federal Government is not the only one involved. The State legislature this year appropriated \$4 million to help with some projects along the river; the private sector agreed to come up with \$3 million.

As I have indicated with the situation in Nevada, Nebraska, California, the port areas in New Jersey, New York, and Virginia, they are essential to the well-being—commercial well-being, the financial well-being, and the economic well-being—of this country. These are not projects in the sense that somebody is getting something for nothing. These projects are vital to the interests of the communities they serve.

I am very gratified with the work we have been able to do in this bill with so little money. There is much more that needs to be done and should be done. We don't have the money. However, we are doing so much good for the country in this legislation that it is important Members of the Senate and the American public understand how important this relatively small subcommittee is.

As the manager of the bill indicated, we not only deal with these programs which I have talked about that are nondefense in nature, but there are other nondefense programs that deal with our energy supply. We have been cut here. We are not going to be able to supply these programs, these alternate energy programs that I am such a strong believer in, unless money comes from the defense programs, which it should not. I think that would not be the right thing to do.

We have to have priorities and make decisions. Energy supply programs are reduced by \$12 million from the current year, and from within this program we fund science, such as fusion research which is conducted at universities and labs around the country. Also funded in energy supply are solar and renewable technologies, which I believe are a key to the future energy sources in our society.

For Members who say we should spend more on solar and renewable energies, what will we offset? It has to be offset. Finding an offset will be very difficult to do.

We all know how important it is to provide for a secure and cheap supply

of acceptable energy. For continued economic growth, the maintenance of our current business climate and global environment depend on cheap energy. The research and development investments in this bill are certainly far more meager than they should be but still focus on providing affordable and enduring energy supply. This bill provides funds to maintain our known and existing energy resources while aggressively investing in new technology options for future resource development.

I repeat for at least the third time that we were unable to do as much as we would have liked to do. We did the best we could under the allocation we were given.

I counsel my colleagues that with the allocation mandated, the framework which we determined for these funding levels, any amendments need to be reasonable in their approach to emphasizing one program over another. It is very tough to choose.

As to atomic energy defense activities, my friend, the manager of this bill, I think, did a very good job in pointing out why these programs today are so important. We know what is going on in the world is so important. We have a very fractured situation in the land that separates India and Pakistan—Kashmir. Two nuclear powers are looking at each other, threatening each other with war.

We had the situation with the Soviet Union, which has disintegrated, but Russia still has huge numbers of nuclear devices. We have to make sure our nuclear weapons are safe and reliable and that we have the ability to help the rest of the world with its nuclear weapons.

The atomic energy defense activities include, among other things, a number of very important national security programs. Maintenance of a safe, secure, and reliable nuclear weapons stockpile; support for and verification of global nonproliferation of nuclear weapons; support for and verification of nuclear international arms control agreements and domestic and foreign nuclear safeguards and security; technical analysis of nuclear intelligence information; and domestic environmental restoration and defense of nuclear waste management are all activities that are necessary in our conduct of the cold war and for other reasons. These activities are important because they are essential elements of our comprehensive national security strategy whereby we will deter any actual or possible adversary from relying on nuclear threats to our security interests.

The key ingredient of our strategy is to ensure the safety and reliability of our nuclear stockpile. The so-called science-based stockpile stewardship program has been developed and is supposed to provide that assurance. It is important that this new program is active and is making progress. But the critically needed facilities and capabilities are still being developed. Some of them are still concepts. So it is

critically important we stay the course and maintain the necessary funding to allow this program to succeed.

We have no choice, literally. To not allow this to happen would set us back significantly. Let's assume we found a problem with one of our nuclear warheads. How are we going to test this? What are we going to do? We can no longer take it to the underground caverns in Nevada, the underground tunnels or shafts in Nevada, and set it off. We need the greatest minds in the world to be able to tell us what we can do to make sure these weapons systems are safe and reliable. At the same time, we must continue making investments directed at containing and reducing the international threat of nuclear proliferation. Success here, also, is vital.

It is just as important to reduce the expense, the burden, and risk of maintaining a stockpile of weapons that is far larger than necessary. I am convinced all the elements of the Department of Energy's defense activities will provide for our security, now and in the future, more effectively and with less cost than will be the case if any one of these activities is reduced. By reducing moneys here, the costs in the outyears will increase tremendously. So I recommend this bill to my colleagues.

This bill provides for national needs and addresses regional, interstate, and local concerns as well, ranging from nondefense energy and water interests to the highest priority maintenance of international peace and security.

So I hope, as we proceed through this bill, we keep our eye on the prize, what this subcommittee is all about. It is about making sure the ports and harbors of this country are able to handle the goods and commerce that come here. It is making sure urban areas are now safe from flooding. It is making sure the Bureau of Reclamation is allowed to continue its projects so water supplies are good—good in the sense of being plentiful, and good in the sense of being pure.

I end this statement where I started. Using the State of California as an example, 35 million people are depending on this bill. They are depending on it because two-thirds of their water comes from a project we have in this bill. It meets the inconsistent but very vital demands of the agricultural interests, the recreational interests, environmental interests, and urban interests of this huge State.

I hope we can move through here without a lot of mischievous amendments, move to the merits of this legislation, and complete it as quickly as possible.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I commend Senator REID for his comprehensive statement. I tell him and the Senate how pleased I am that I have a ranking member who understands the importance of the work of the Department of Energy in our nuclear weapons

development, maintenance, and safekeeping, because sometimes it is rather lonely.

Many people fail to understand the relationship between not having any more underground testing and the decision to have a new science-based stockpile stewardship of nuclear weapons. Without underground testing, with various scientific approaches and new kinds of scientific instrumentation, we are going to produce the atmosphere and environment surrounding what would have taken place in a real underground test, and we will be able to say what is happening to our nuclear weapons—their safety, well-being, maintenance, and reliability.

That is a big undertaking. For those who come to the floor regularly and eloquently urge we put plenty of money in our defenses, it is high time they understand we have to put plenty of money into this area because, although the regular military of our primary military adversary in the world is getting depleted and its strength is being greatly diminished, the country remains a huge owner and developer of nuclear weapons. They do not build their weapons as we build our weapons. They are far less sophisticated. That is their choice. We chose another approach. Our approach requires we regularly understand what is going on in the wear and tear and longevity of our nuclear weapons as they stand ready, continuing to be the great deterrent they are. That has a fancy name. My good friend from Nevada explained it very well. It is tied inextricably to our decision not to do any underground testing.

Frankly, there are some in this body, including the occupant of the Chair, who are not quite sure we should have abandoned underground testing, and there are some who maintain we ought to do science-based stockpile stewardship and nuclear testing. I heard Dr. Schlesinger testify about that at a committee hearing. Perhaps Senator KYL has heard them say that. The policy of our country is not to do that. It is to substitute for nuclear testing, scientific knowledge, and scientific technology, first simulating and then acquiring information regarding the reliability of nuclear weapons—a huge undertaking.

Our scientists approached it with great trepidation. There are still some great nuclear scientists who are not sure it is sufficient and who are not sure at some point we will not have to go back and think it all through again. But for now, three basic laboratories are doing this. One of the lead laboratories is Lawrence Livermore, with reference to a great big project called the National Ignition Facility. Los Alamos has a piece of it, both in computer technology and in a new building and new instrumentation called the DARPA program. And Sandia, the engineering part of our laboratory structure, is heavily engaged in developing the kind of computer capacity to do the simulating and make sure we are getting



the right answers in these new, sophisticated tests of the validity and consistency and well-being of nuclear weapons.

That is all in this bill. So Senators who are worried about defense should know a big portion of this bill is defense, unless they perceive we now live in a world when we can have defense all in the defense appropriation bill, all those subjects, and not have a nuclear deterrent and a nuclear maintenance function within our Nation's priorities.

If some feel that, then this is not defense. But who would dare say that to the American people? Who would even suggest we ought to be underfunding this kind of activity?

Frankly, the Senator from New Mexico was greatly concerned upon hearing, in the last 3, 4, 5 months, so much about the lack of security because clearly I do not want, nor should the Senate, that fear and that concern to have an impact on the maintenance of the scientific effort that we all know we have to do so long as we will not and do not intend to test any of our weapons, either old or new.

This is a good bipartisan bill. This is a bill that has had a lot of input from Senator HARRY REID. Of that I am proud. He has listened to our concerns; we have listened to his. There are many Senators' States that have projects in this bill that are very important to them on that side of the aisle and on this side of the aisle.

I believe we are going to have less money to spend, and I say this to all the Senators. We are going to have less money for this bill. Even if we wait around until the end of the year and think we can make some kind of deal with the President, we are going to have less money in this bill than we had last year. That is just the way it has to be under the Balanced Budget Act. I think we have done a good job in allocating that money, which is short, to the various functions of Government within this bill. We have not short-changed our defense preparedness, as it pertains to nuclear weapons, in the process.

I understand that my friend, Senator REID, concurs with this unanimous consent request I will propound.

#### UNANIMOUS CONSENT AGREEMENT

Mr. President, I ask unanimous consent that when the Senate receives from the House the companion bill to S. 1186, the Senate immediately proceed to consideration thereof; that all after the enacting clause be stricken and the text of S. 1186, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate; and that the foregoing occur without any intervening action or debate.

I further ask unanimous consent that the bill, S. 1186, not be engrossed and it

remain at the desk pending receipt of the House companion bill; and that upon passage of the House bill, as amended, the passage of S. 1186 be vitiated and the bill be indefinitely postponed.

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

#### AMENDMENT NO. 628

Mr. DOMENICI. Mr. President, I send a technical amendment to the desk. It is clearly technical, and I ask it be adopted.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 628.

On page 12, line 24, insert the following after the figure "204":

"of the Water Resources Development Act of 1986, as amended (Public Law 99-662); section 206"

Mr. DOMENICI. Mr. President, I ask unanimous consent that the amendment be set aside, and that we move on to other business, leaving it pending.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, I have sought recognition to discuss with the managers of this bill a matter relating to the 1992 Water Resources Development Act which authorizes the construction of flood protection facilities along the Lackawanna River in Olyphant and Scranton.

I can personally attest to the serious situation, because when the flooding occurred, I went there one Saturday night late to see the ravage of that water problem and have been there on quite a number of occasions, to know firsthand the very severe problem which is involved there.

The appropriated account has \$42 million, and this bill removes some \$25 million from that account. I know that the \$17 million remaining will be sufficient to take care of the expenditures for the next fiscal year which amount to some \$6 million, leaving \$11 million in the account.

I want to discuss with the distinguished chairman of the subcommittee a couple of factors.

One is if my representation is correct that the \$17 million left in the account will be more than enough to take care of the expenditure line for the next fiscal year.

The second question I want to be sure about is that there will be adequate funding to complete this project so that when the schedule arises that we need all of the \$42 million, or whatever

the amount is, that we will have the cooperation of the Appropriations Subcommittee, the distinguished chairman, and the distinguished ranking member in providing that funding, up to \$42 million, which it has now. I understand the plight the chairman is under because 302(b) allocations are not sufficient. I have seen that firsthand. I chair the Subcommittee on Labor, Health and Human Services and Education, and we are unable to go to a markup with the figure we have because of the very tight restrictions.

The second aspect is, I am looking for the assurance that the remainder of the \$42 million will be appropriated when the need arises to meet the ensuing fiscal year requirements of the Army Corps of Engineers.

The third factor that I want to be sure about on the record is that there could be an analysis which will segregate this flood control into three projects.

There you start, again, to get into the complexities of the cost-benefit ratio. But as it has been structured very carefully, the arrangement, in its present form, as a unit, satisfies the cost-benefit relationship. There are a lot of concerns and a lot of battles about that. But we are, as a unit, covered under that cost-benefit ratio.

I want to be cooperative, obviously, with the chairman as he is moving through this bill. I understand, as I say, the need for taking some of these funds for other projects, but if the chairman would respond to those three inquiries to be sure my constituents will have the adequacy of the funding. I know Senator SANTORUM, who could not be here at the moment, has a similar concern. Congressman SHERWOOD has a similar concern. We have all been very close to this issue and the very important constituent interest involved here.

I direct those questions to my colleague from New Mexico.

Mr. DOMENICI. I say to the Senator, may I suggest the absence of a quorum for a moment and make an inquiry of my staff, and then I will return and answer all these questions.

I suggest the absence of a quorum.

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

The legislative assistant proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, in discussing the issue related to the 1992 Water Resources Development Act on the Lackawanna River in Olyphant and Scranton, it is obvious that my first preference, the delegation's first preference, is to have the \$25 million restored.

We have a second program in south-central Pennsylvania, the Environmental Improvements Program, where \$20 million has been rescinded. This is



in line with a large sequence of rescissions which have been put into effect by the subcommittee under the same problem where there is simply insufficient money on 302(b) allocations. Again, I understand that, because I have the problem on the appropriations subcommittee which I chair.

I am advised that the \$20 million rescission as to south-central Pennsylvania can be worked out in the House, and all of this is subject to compromise in the House, where we may have a larger figure for this subcommittee. So it is possible that the \$25 million for the Scranton-Olyphant projects may be restored fully as well as the \$20 million for south-central Pennsylvania.

Before this bill is closed out, I want to be absolutely sure that we are protecting these projects so that whatever funding they need for the next fiscal year will be provided. That is the context in which I have made the request to the distinguished manager.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I thank Senator SPECTER for raising this issue and suggest to him that the same issue has been raised by his distinguished colleague, the junior Senator from Pennsylvania, Mr. SANTORUM. Senator SPECTER and I have been speaking about that the last few minutes.

Let me say, in answer to the questions that the Senator asked with reference to the Lackawanna project, I will answer them as best I can, maybe not in the same order in which they were asked, but I believe I will answer all of them.

First, we have had to go through this bill and where we found unfunded obligations that were not going to be needed for a substantial period of time, in some instances well beyond a year, and that the project or projects would continue at full pace exactly as planned, we have decided, since we have some desperate projects that are not going to get any money, to move the money around, but that does not mean we do not intend to fully fund the project. If you will note in my remarks, I said we are not funding any unauthorized projects. The projects in Pennsylvania, including the one I just mentioned, are authorized and proceeding. They do not need any work by any other committee. They are ongoing.

All I can do is give you assurance that there is no intention to take these projects off of their natural course of completion. That is what the Corps says we need each year and can spend each year, and there will be \$17 million left in this account, only \$6 million of which is needed for the year 2000. Nobody should be concerned about that project not proceeding at full speed ahead.

I can assure you that is what I have been informed. I believe that is what you would have in a letter from the Corps, if you wanted it. I can further commit to you that we continue each

year with these water projects, and clearly we always have substantial amounts of money.

Last year, the President very much underfunded projects. We had to find money to fund them. This year, because the nondefense portion of this bill is squeezed some and because the President cut some things we can't cut, we have had to squeeze some of these other accounts, some in the manner we are discussing. But there is no reason to be concerned about the projects getting funded. As a matter of fact, we may find ourselves in conference with the House, which would make available more money for the water projects because of the way they will fund things. It may very well be that they won't want to do it this way, that they want to save money some other way. We will work on that.

If, before we are finished here on the floor, this was unsatisfactory for any reason that you or Senator SANTORUM or you together find, I will be willing to discuss it again and see what we could do to assure you that these projects are going to be fully funded.

In reference to the fact that last year three projects were put together in a technical manner but in a manner that is acceptable in terms of analyzing the benefits versus the costs, sometimes called a cost-benefit ratio, that has been done. There is no change in this bill. They fit together, and they are evaluated together, and they meet the criteria. There is no effort on the part of the Appropriations Committee I chair that I am aware of that would want to change that so as to demean in priority and effectiveness one versus the other two or two versus one or the like.

I do not know if we can do anything more to be sure of that than what I am telling you now and what is in the law as it is now. Somebody would have to change it, not just come along and say we are not going to do it. They would have to change something. You would know; I would know. Everybody in Pennsylvania would know. It would not be easy to do.

Mr. SPECTER. I thank my distinguished colleague for those assurances. I am glad to hear, with respect to these three projects joined together, that they are being viewed as one integrated whole so that they do satisfy the requirements of the cost-benefit ratio, and further, that the rescissions on the two Pennsylvania projects, as to the Lackawanna River in Olyphant and Scranton and also the south-central Pennsylvania rescission, that those projects will move forward with sufficient funding, as Senator DOMENICI has pointed out, \$17 million being left in the Lackawanna River project for Olyphant and Scranton and only \$6 million needed in the next fiscal year. If it is possible, as Senator DOMENICI and Senator REID work through the bill, to increase the funding, to eliminate the rescissions, that certainly would be appreciated.

I think on this state of the record, these projects are protected. I will await further developments as we move through the bill to see if some of those funds might be restored and even the \$25 million not rescinded.

I thank Senator DOMENICI and I thank the Chair. I thank my colleague from Massachusetts for waiting until we finish this item of business.

Mr. DOMENICI. I thank the Senator.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### WORK INCENTIVES IMPROVEMENT ACT

Mr. KENNEDY. Mr. President, as all of us understand, we are considering a very important appropriations bill. The floor managers, Senator DOMENICI and Senator REID, have a responsibility to see that we meet the responsibilities of the Senate and the appropriations procedures by making sure this legislation is considered and that Members have an opportunity to address it and move towards conclusion. I respect that, and I have great respect and friendship for the two Members.

I rise today to raise an issue which is not related to the underlying measure but is related to a very significant issue that is affecting many individuals across this country, and that is the issue of whether we are going to free members of our community, referred to as the disability community, who are facing some physical or mental challenge, whether or not we are going to free them from the kinds of governmental policies that discourage them from employment but really, beyond employment, from living a full and constructive and positive and independent existence, which I think all of us want to be able to achieve.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. DOMENICI. Mr. President, I know the bill. I am a cosponsor. I hope it gets passed soon this year. I understand you are going to file a bill but not call it up because meetings are taking place and we will want to pursue those.

Mr. KENNEDY. The Senator is correct. I have talked to the majority leader today, as well as our own leaders, Senator DOMENICI and Senator REID, and Senator GRAMM of Texas, who had effectively put a hold on the legislation and had indicated that request, that we file the legislation so it would conform to the request of the floor managers. It would be at the desk.

It is at least my impression that, given the agenda that has been announced by the majority leader, we would not conclude this legislation today and we will be moving on to the Y2K, and what they call the Social Security lockbox, later in the week, and we would have an opportunity and a good-faith effort to see if there could

be an agreement to consider this legislation independently—which, as the Senator from New Mexico understands, is desirable for a number of different reasons—but to do it with a precise time for the scheduling. That, I believe, is the preferable way to do it. But we didn't want to foreclose our opportunity, if we were unable to do so, to at least be able to exercise some judgment and move ahead with the legislation.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. Yes, I am glad to yield to the Senator.

Mr. REID. The possibility is not remarkably good, but there is a possibility that we can finish this before the Y2K vote tomorrow morning, according to what happens with amendments coming in today.

Mr. KENNEDY. I would like to take this one step at a time, and I think there is very little reason, given the expressions of the majority leader and the Senator from Texas, why the Senate—not only the Senator from Massachusetts, but Senator ROTH, Senator JEFFORDS and Senator MOYNIHAN, and myself, who are the principal cosponsors, be given assurance that this would be ready. We are quite available through the afternoon to be able to take that. I want to say at this time that I would like to proceed in that way, without indicating exactly what our course of action would be.

There is no reason why we should be denied further opportunity to consider this legislation. I personally would be inclined to move ahead with a short timeframe for consideration of the amendment. But I am hopeful, as I said, that we may be able to work this out. So that is my intention. I am going to file this, if I may, at the desk and conform to the request of the floor managers.

Mr. President, I raise this issue, and it is a rather unusual process and procedure. I know the Senate has its responsibilities, but there is also a responsibility to the millions of Americans with disabilities. They have been waiting for some period of time as well. The fact is that this legislation has 78 cosponsors. I don't know of a piece of legislation that is before the Senate that has that degree of support from Republican and Democrat alike, and from over 300 organizations. We have a variety of different important pieces of legislation, but for my money, this legislation was more important to consider than Y2K or, with respect, the legislation that we have before us even at the present time, because it has such overwhelming support. There is no reason why we should not move ahead on this legislation. Millions of Americans are waiting for us to take action. The overwhelming majority of the Members of this body feels strong support for this, and that is a compelling reason to move forward with the legislation.

Mr. President, we have seen this legislation pass out of the Finance Com-

mittee 16-2, and one of the Members who had expressed opposition has since indicated that the changes that have been made in the legislation sent to the desk have effectively addressed those concerns. So here we have the overwhelming, overwhelming, overwhelming sentiment of those on the Finance Committee in favor of it. It is virtually unanimous in the House Commerce Committee. We don't have pieces of legislation like this. We have had differences on some pieces of legislation between Republicans and Democrats but not on this one, because the legislation is so compelling. We ought to be moving forward, and we ought to be moving forward now.

There are 175 cosponsors in the House of Representatives. The reason this legislation has such incredible support is because the legislation, perhaps more than any legislation I have seen in recent times, is really a reflection of the grassroots efforts to address this problem. The overwhelming majority of Americans who have some disability want to work and have the ability to work. But because of the way that the support systems are set up in terms of health insurance, they are prohibited from doing so because they will lose the health benefits they so desperately need. They are effectively disincentivized from going to work. This legislation understands that particular dilemma and addresses it. It is one of the most important pieces of legislation we are going to have in this Congress.

At the outset, I want to pay tribute to my friend and colleague, the Senator from Vermont, Senator JEFFORDS. He has been an enormously important leader in this body on issues involving the disabled. I welcome the opportunity to work with him on this and other legislation. We have a number of members on our committee who have taken special interest in the care of the needy and disabled; Senator HARKIN and Senator FRIST come to mind, as do others. We have had the overwhelming support of the members of our committee, most of whom were very much involved 9 years ago in the passage of the Americans with Disabilities Act to strike down the walls of discrimination which had existed and exist even today in our society against those who have some disability. We have made monumental progress in terms of knocking down the walls of discrimination.

As I will show in a few moments, even though we have had some success in knocking down the walls of discrimination, we still see that many of those who have disabilities are unable to go back to work because of the loss of any health insurance, and it has been because of that particular dilemma that this legislation was developed. We will get into the sound reasons for doing so, and the most compelling reason; and that is to let all Americans know that if someone has a disability it does not mean that they are not able to perform and live independ-

ently in so many instances, and be constructive, positive, and contributing members of our society. We will go through why and how this legislation does that.

I want to indicate at this time that the leadership of our colleagues—Senator ROTH on the Finance Committee and Senator MOYNIHAN on the Finance Committee—was essential in getting that legislation through. We worked very closely together. The legislation itself is really a reflection of their strong work and their strong commitment, as well as that of Senator JEFFORDS.

It seems to me this is the time to act. We will hopefully get some agreement by the leadership to call this legislation up. The appropriate way to have this legislation called up would be with our good colleagues and friends, Senator ROTH and Senator JEFFORDS, to offer this as independent legislation. We will move forward and pass it at that time. That is what I am hopeful we will be able to do. But quite frankly, we have been unable to get those kinds of assurances.

I think the delay in bringing this legislation to the floor has gone on long enough. We ought to be about the business of the substance of this legislation. We know there can be those who are opposed to it, or are concerned about it. But I believe we need a time for accounting. We need a time for years and nays. That is what this business is ultimately about. It is about choices. It is about priorities. It is about whether we are going to take action.

We strongly believe we should take action, and we should take action now. We have waited now some 2½ weeks since we had the understanding that this was going to be called up. Then it was temporarily shelved and put aside.

We have waited and waited for those who have been concerned about it to express their concern. We have tried to work through some of their concern. One of their concerns is about the off-sets. We tried to work through that, but it is time to take action. This is the vehicle by which we can at least get action by the Senate of the United States. I believe we should move ahead.

Former majority leader Bob Dole stated in eloquent testimony before the Finance Committee that this issue is about people going to work—"it is about dignity and opportunity and all of the things we talk about when we talk about being Americans." Senator Dole has been a strong supporter of this legislation, and we welcome his support for this program.

We know a large portion of the 54 million disabled men and women in this country want to work and are able to work. But they are denied the opportunity to do so. The Nation is denied their talents and their contributions to our community.

These are the results of a Lou Harris 1998 poll of the 54 million Americans with disabilities:

Seventy-two percent of working-age people with disabilities who are not

working now say they want to work. There is a great desire for work by those individuals, but still they are effectively denied in a practical way the opportunity to do so.

Removing these barriers to work will help large numbers of disabled Americans to achieve self-sufficiency. We are a better and stronger and fairer country when we open the golden door of opportunity to all and enable them to be equal partners in the American dream. For millions of Americans with disabilities, this bill can make the American dream come true. When we say "equal opportunity for all," it will be clear that we truly mean all.

How large are the gaps? This chart is the comparison between persons with and without disabilities on "indicator" measures in 1998.

Employment: Working either full time or part time, persons with disabilities, 29 percent. Persons with no disabilities, approximately 80 percent. The gap between those with disabilities and without disabilities who work is some 50 percent.

If we look at the income for households, you will see that of those persons with disabilities who are working, many of them are working in low-income jobs—34 percent have incomes of \$15,000 or less compared to only 12 percent of those persons with no disabilities. Again we find the extraordinary disparity.

It is long past time to banish the mind-set that the disabled are unable. In fact, they have enormous talents and abilities, and America cannot afford to waste an ounce of it.

For too long, Americans with disabilities have faced a series of unbearable penalties if they take jobs or go to work. They are in danger of losing their medical coverage, which can mean the difference between life and death. They are in danger of losing their cash benefits, even if they earn only modest amounts from work. No disabled American should face the harsh choice between buying a decent meal and buying the medication they need.

The Work Incentives Improvement Act will begin to remove these unfair barriers facing people with disabilities who are able to work and who want to work.

It will continue to make health insurance available and affordable when a disabled person goes to work or develops a significant disability while working.

It will gradually phase out the loss of cash benefits as income rises—instead of the unfair sudden cut-off that so many workers with disabilities face today. We have the important demonstration program in here that will effectively see the phasing out of the kind of income these individuals are entitled to—the phasing out of 50 cents for every new dollar they make over a period of time. They would be able to increase their income, and we would see a diminution of the amounts actu-

ally being contributed by the States and Federal Government as they continue in the employment.

This would, obviously, be an incentive for them to move ahead on the economic ladder, rather than being the disincentive that it is now, which would have a termination of benefits which they receive once they move above \$500, which effectively locks the disabled into part-time jobs and jobs that pay very little.

It makes a good deal of common sense. It places work incentive planners in communities rather than in bureaucracies, and helps workers with disabilities learn how to access employment services and support the services by help and assistance to the States and communities. The States and communities themselves would have some flexibility in being able to raise some fees in the administration of these programs. We provide a very modest amount for that.

Finally, all Americans get a fiscally responsible bill. This is based on the Joint Committee on Taxation estimates which incorporate CBO estimates that S. 331 would cost \$838 million over 5 years, to be offset by the bill's revenue provisions totaling \$906 million, for a net savings of \$68 million over the 5 years. This does not even begin to take into consideration two very important factors; that is, what will actually be paid in, in terms of taxes to the Federal Treasury, in terms of revenues that the taxpayers will pay, and also the basic savings that will be there under the Social Security trust fund.

This chart shows where we are. We have 7.5 million individuals that qualify for Federal participation in some disability program—individuals who are eligible for some kind of payment. One-half of 1 percent now are. If, out of the 7.5 million, we are able to get 210,000 working, we would save the trust fund \$1 billion a year. That does not come through CBO or OMB because of the way the Budget Act works. This is the extrapolation we have in terms of working with the Social Security agency. It represents \$1 billion saved with 210,000 working instead of the 70,000 that are working a year. Ours is \$800 million over 5 years.

This makes a good deal of sense. We believe it is economically sound. These are savings we will have. When we hear about costs of the bill, these are the savings we will have. As I mentioned, it does not even take into consideration what will actually be paid in, in terms of taxes for those individuals, which will be certainly more than those figures.

We worked very assiduously with a lot of the different groups on this program. When we think of citizens with disabilities, we tend to think of men, women and children who are disabled from birth. However, fewer than 15 percent of all people with disabilities are born with their disabilities. A bicycle accident or a serious fall or a serious

illness can suddenly disable the healthiest and most physically capable person. This is enormously important. This legislation is not just for our fellow Americans that may be born with some disability, but for all Americans.

In the long run, this legislation may be more important than any other action we will take in this Congress. It offers a new and better life to large numbers of our fellow citizens. Disability need no longer end the American dream. That was the promise of the Americans with Disabilities Act a decade ago, and this legislation dramatically strengthens our fulfillment of that promise.

I will not take the time this afternoon to go through a diary I have, "A Day in the Life of People Who Want To Work." We have broken down by States and included letters from individuals who have written about what this particular legislation means in terms of their lives today, how their lives would be changed, how their lives would be altered with this particular legislation. It is enormously powerful and moving.

If necessary, if we have to convince our colleagues about this legislation, I will take some time and go through some of the letters.

I will mention very briefly the human aspect of this legislation. This legislation is for Alice in Oklahoma who is disabled because of multiple sclerosis and receives SSDI benefits. She needs personal assistance to live and work in her community. But to do so, she must use all of her savings and half or all of her wages to pay for personal assistance and prescription drugs. As a result, she is left in poverty.

This bill is for Tammy in Indiana who has cerebral palsy and uses a wheelchair. She works part-time at Wal-Mart, but her hours are restricted because if she works too much she will lose her health benefits. Her goal of becoming a productive citizen is denied by the unfair danger of losing the health care she needs.

This is for Jay in Minnesota on SSDI who wants to work. However, the job he is qualified for offers no health care. If he accepts the job, he will join the ranks of the uninsured.

This bill is for Abby in Massachusetts who is only 6 years old and has mental retardation. Her parents are very concerned about her future and her ability to work and still have health insurance. Already she has been denied coverage by two insurance firms because of the diagnosis of mental retardation. Without Medicaid, her parents would be bankrupted by her medical bills today. If Abby eventually enters the workforce, she will have to live in poverty or lose Medicaid coverage under current law. Under this bill, all that would change. She and her parents will have a chance to dream of a future that includes work and prosperity, rather than a future of government handouts.

This bill is for many other citizens whose stories are told in this diary.

This diary alone should be enough to shock and shame the Senate into action.

Our goal in this legislation is to banish the stereotypes, to reform and improve the existing disability programs so that they genuinely encourage and support every disabled person's dream to work and live independently and be a productive and contributing member of the community. That goal should be the birthright of all Americans. With this legislation, we are taking a giant step toward that goal.

A story from the debate on the Americans With Disabilities Act illustrates the point. A postmaster in a town was told he must make his post office accessible. The building had 20 steps leading to a revolving door at the entrance. The postmaster questioned the need to make such costly changes. He said, "I've been here for 35 years and in all that time I have yet to see a single customer come in here in a wheelchair." As the Americans With Disabilities Act shows, if you build the ramp, people will come and they will find their field of dreams. This bill expands the field.

The road to economic prosperity and the right to a decent wage must be more accessible to all Americans, no matter how many steps stand in the way. That is our goal in this legislation. It is the right thing to do. It is the cost-effective thing to do, and now is the time to do it. For too long, our fellow disability citizens have felt left out and left behind. A new and brighter day is on the horizon for them and today we finally will make it a reality.

I will describe a few other reasons for the importance of this legislation, including the cost of this legislation and what is happening currently. I will refer to the work in the Work Incentive Improvement Act and a report.

7.5 million disabled receive cash payments from SSI and SSDI. Disability benefit spending totals \$73 billion a year. That is what we are spending at the present time under this program—\$73 billion a year, making disability programs the fourth largest entitlement expenditure in the Federal Government. If only 1 percent, or 75,000, of the 7.5 million were to become employed, Federal savings in disability programs would total \$3.5 billion over the worklife of the beneficiaries.

Do we hear that? If we get to 1 percent, we will be effectively saving \$3.5 billion over the life of those beneficiaries. That is if we just get to 1 percent, let alone the goal of those of us who believe in independent living.

I will quote from the General Accounting Office:

The two largest Federal programs providing cash and medical assistance for people with disabilities grew rapidly between 1985 and 1994, with the enrollment of working age people increasing 59 percent from 4 million to 6.3 million.

The figures I just read are the most current figures—7.5.

... the inflation-adjusted cost of cash benefits growing by 66 percent. Administered by

SSA, DI and SSI paid over \$50 billion in cash benefits to people with disabilities in 1994.

So we are up now to \$77 billion. In 1994 it was \$50 billion. Now, this last year, in a period of 4 years it is up to \$77 billion. That is a \$27 billion increase. The flow line of these expenditures is going right up through the roof without any further indication of effectively reducing their unemployment, improving the ability of these individuals—who want to work and who have the ability to work if they are able to continue with their health insurance—to be contributing members of the community. It can have a dramatic, significant impact in lowering the continued escalation in expenditures under this fund.

For those individuals here who fail to understand what we are doing, what is happening, I hope they will refer to an excellent GAO report.

I ask unanimous consent to have it printed in the RECORD.

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

SOCIAL SECURITY: DISABILITY PROGRAMS LAG IN PROMOTING RETURN TO WORK

Mr. Chairman and Members of the Committee: You asked us to discuss today ways to improve the Disability Insurance (DI) and Supplemental Security Income (SSI) programs by helping people with disabilities return to work. Each week the Social Security Administration (SSA) pays over \$1 billion in cash payments to people with disabilities on DI and SSI. While providing a measure of income security, these payments for the most part do little to enhance the work capacities and promote the economic independence of these DI and SSI recipients. Yet societal attitudes have shifted toward goals, as embodied in the Americans With Disabilities Act (ADA), of economic self-sufficiency and the right of people with disabilities to full participation in society.

At one time, the common business people was to encourage someone with a disability to leave the workforce. Today, however, a growing number of private companies have been focusing on enabling people with disabilities to return to work. Moreover, medical advances and new technologies provide more opportunities than ever for people with disabilities to work.

We found that the DI and SSI programs are out of sync with these trends. The application process places a heavy emphasis on work incapacity, and it presumes that medical impairments preclude employment. And SSA does little to provide the support and assistance that many people with disabilities need to work. Our April 1996 report shows, in fact, that program design and implementation weaknesses hinder maximizing beneficiary work potential.<sup>1</sup> Not surprisingly, these weaknesses also yield poor return-to-work outcomes. Other work we are doing for you highlights strategies from the private sector and other countries that SSA could use to develop administrative and legislative solutions to improve return-to-work outcomes. Indeed, if an additional 1 percent of the 6.3 million working-age SSI and DI beneficiaries were to leave SSA's disability rolls by returning to work, lifetime cash benefits would be reduced by an estimated \$2.9 billion.<sup>2</sup>

With this in mind, today I would like to focus on how the current program structure

impedes return to work and how strategies from other disability systems could help restructure DI and SSI to improve return-to-work outcomes. To develop this information, we surveyed people in the private sector generally recognized as leaders in developing disability management programs that focus on return-to-work efforts. We also interviewed officials in Germany and Sweden because the experiences of their social insurance programs show that return-to-work strategies are applicable to a broad and diverse population with a wide range of work histories, job skills, and disabilities. We also conducted focus groups with people receiving disability benefits and convened a panel of disability experts.

BACKGROUND

DI and SSI the two largest federal programs providing cash and medical assistance to people with disabilities—grew rapidly between 1985 and 1994, with the enrollment of working-age people increasing 59 percent, from 4 million to 6.3 million, and the inflation-adjusted cost of cash benefits growing by 66 percent. Administered by SSA, DI and SSI paid over \$50 billion in cash benefits to people with disabilities in 1994. To be considered disabled by either program, an adult must be unable to engage in any substantial gainful activity because of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last at least 1 year. Moreover, the impairment must be of such severity that a person not only is unable to do his or her previous work, but, considering his or her age, education, and work experience, is unable to do any other kind of substantial work that exists in the national economy.

Both programs use the same definition of disability but differ in important ways. DI, established in 1956, is an insurance program funded by payroll taxes paid by workers and their employers into a Social Security trust fund. The program is for workers who, having worked long enough and recently enough to become insured under DI, have lost their source of income because of disability. Medicare coverage is provided to DI beneficiaries after they have received cash benefits for 24 months. Almost 4 million working-age people (aged 18 to 64) received about \$34 billion in DI cash benefits in 1994.<sup>3</sup>

In contrast, SSI is a means-tested income assistance program for disabled, blind, or aged individuals regardless of their participation in the labor force. Established in 1972 for individuals with low income and limited resources, SSI is financed from general revenues.<sup>4</sup> In most states, SSI entitlement ensures an individual's eligibility for Medicaid benefits. In 1994, about 2.36 million working-age people with disabilities received SSI benefits. Federal SSI benefits paid to SSI beneficiaries with disabilities in 1994 equaled \$18.9 billion.<sup>5</sup>

CASELOADS HAVE CHANGED SINCE THE MID-1980'S

The composition of the DI and SSI caseloads has undergone many changes during the last decade. Between 1985 and 1994, DI and SSI experienced an increase in the proportion of beneficiaries with impairments—especially mental impairments—that keep them on the rolls longer than in the past. By 1994, 31 percent of DI beneficiaries and 57 percent of SSI working-age beneficiaries had mental impairments—conditions that have one of the longest anticipated entitlement periods (about 16 years for DI). In addition, the beneficiary population has become, on average, modestly but steadily younger since the mid-1980s. The proportion of working-age beneficiaries who are middle aged (aged 30 to 49) has steadily increased—from 30 to 40 percent for DI, and from 36 to 46 percent for

See footnotes at end of article.

SSI—as the proportion who are older has declined.

#### STATUTE PROVIDES FOR RETURNING BENEFICIARIES TO WORK

The Social Security Act states that as many individuals applying for disability benefits as possible should be rehabilitated into productive activity. To this end, people applying for disability benefits are to be promptly referred to state vocational rehabilitation (VR) agencies for services intended to prepare them for work opportunities. To reduce the risk a beneficiary faces in trading guaranteed monthly income and premium-free medical coverage for the uncertainties of competitive employment, the Congress also established various work incentives to safeguard cash and medical benefits while a beneficiary tries to return to work.

Dispite congressional attention to employment as a way to reduce dependence, few beneficiaries leave the rolls to return to work. During each of the past several years, not more than 1 of every 500 DI beneficiaries has been terminated from the rolls because they returned to work.

#### TECHNOLOGICAL ADVANCES AND SOCIAL CHANGE FOSTER RETURN TO WORK

While DI and SSI return-to-work outcomes have been poor, many technological and medical advances have created more opportunities for some individuals with disabilities to engage in work. Electronic communications and assistive technologies—such as scanners, synthetic voice systems, standing wheelchairs, and modified automobiles and vans—have given greater independence to some people with disabilities, allowing them to tap their work potential. Advances in the management of disability—like medication to control mental illness or computer-aided prosthetic devices—have helped reduce the functional limitations associated with some disabilities. These advances may have opened new opportunities, particularly for some people with physical impairments, in the growing service sector of the economy.

Social change has promoted greater inclusion of and participation by some people with disabilities in the mainstream of society, including children in school and adults at work. For instance, over the past 2 years, people with disabilities have sought to remove environmental barriers that impede them from fully participating in their com-

munities. Moreover, ADA supports the full participation of people with disabilities in society and fosters the expectation that people with disabilities can and have the right to work. ADA prohibits employers from discriminating against qualified individuals with disabilities and requires employers to make reasonable workplace accommodations, unless it would impose an undue hardship on the business.

#### CURRENT PROGRAM STRUCTURE IMPEDES RETURN TO WORK

The cumulative impact of weaknesses in the design and implementation of the disability programs is to understate beneficiaries' work capacity and impede efforts to improve return-to-work outcomes. Despite a changing beneficiary population and advances in technology and medicine that have increased the potential for some beneficiaries to work, the disability programs have remained essentially frozen in time. Weaknesses in the design and implementation of the DI and SSI programs, summarized in table 1, have impeded identifying and encouraging the productive capacities of those who might benefit from rehabilitation and employment assistance.

TABLE 1.—SUMMARY OF PROGRAM DESIGN AND IMPLEMENTATION WEAKNESSES

Program area	Weakness
Disability determination .....	"Either/or" decision gives incentive to promote inabilities and minimize abilities. Lengthy application process to prove one's disability can erode motivation and ability to return to work.
Benefit structure .....	Cash and medical benefits themselves can reduce motivation to work and receptivity to VR and work incentives, especially when low-wage jobs are the likely outcome. People with disabilities may be more likely to have less time available to work, further influencing a decision to opt for benefits over work.
Work incentives .....	"All-or-nothing" nature of DI cash benefits can make work at low wages financially unattractive. Risk of losing medical coverage when returning to work is high for many beneficiaries. Loss of other federal and state assistance is a risk for some beneficiaries who return to work. Few beneficiaries are aware that work incentives exist. Work incentives are not well understood by beneficiaries and program staff alike.
VR .....	Access to VR services through Disability Determination Service (DDS) referrals is limited: restrictive state policies severely limit categories of people referred by DDS; the referral process is not monitored, reflecting its low priority and removing incentive to spend time on referrals; VR counselors perceive beneficiaries as less attractive VR candidates than other people with disabilities, making them less willing to accept beneficiaries as clients; and the success-based reimbursement system is ineffective in motivating VR agencies to accept beneficiaries as clients. Applicants are generally uninformed about VR and beneficiaries are not encouraged to seek VR, affording little opportunity to opt for rehabilitation and employment. Studies have questioned the effectiveness of state VR agency services since long-term, gainful work is not necessarily the focus of VR agency services. Delayed VR intervention can cause a decline in receptiveness to participate in rehabilitation and job placement activities, as well as a decline in skills and abilities. The monopolistic state VR structure can contribute to lower quality service at higher prices, and recent regulations allowing alternative VR providers may not be effective in expanding private sector VR participation.

#### WORK CAPACITY OF DI AND SSI BENEFICIARIES MAY BE UNDERSTATED

The Social Security Act requires that the assessment of an applicant's work incapacity be based on the presence of medically determinable physical and mental impairments. SSA maintains a Listing of Impairments for medical conditions that are, according to SSA, ordinarily severe enough in themselves to prevent an individual from engaging in any gainful activity. About 70 percent of new awardees are eligible for disability because their impairments meet or equal the listings. But findings of studies we reviewed generally agree that medical conditions are a poor predictor of work incapacity.<sup>6</sup> As a result, the work capacity of DI and SSI beneficiaries may be understated.

While disability decisions may be more clear-cut in the case of people whose impairments inherently and permanently prevent them from working, disability determinations may be much more difficult for those who may have a reasonable chance of work if

they receive appropriate assistance and support. Nonmedical factors may play a crucial role in determining the extent to which people in this latter group can work.

#### PROGRAM WEAKNESSES IMPEDE EFFORTS TO IMPROVE RETURN-TO-WORK OUTCOMES

The "either/or" nature of the disability determination process creates an incentive for applicants to overstate their disabilities and understate their work capacities. Because the result of the decision is either full award of benefits or denial of benefits, applicants have a strong incentive to promote their limitations to establish their inability to work and thus qualify for benefits. Conversely, applicants have a disincentive to demonstrate any capacity to work because doing so may disqualify them for benefits. Furthermore, the documentation involved in establishing one's disability can, many believe, create a "disability mind-set," which weakens motivation to work. Compounding this negative process, the length of time required to determine eligibility can erode

skills, abilities, and habits necessary to work.

\* \* \* \* \*

Intervene as soon as possible after a disabling event;

Identify and provide necessary return-to-work services and manage cases; and

Structure cash and medical benefits to encourage return to work.

The practices underlying these strategies are summarized in table 2.

Disability managers we interviewed emphasized that these return-to-work strategies are not independent of each other and work most effectively when integrated into a comprehensive return-to-work program. Return-to-work strategies and practices may hold potential both for improving federal disability programs by helping people with disabilities return to productive activity in the workplace and, at the same time, for reducing program costs.

TABLE 2: STRATEGIES AND PRACTICES IN THE DESIGN OF RETURN-TO-WORK PROGRAMS OF THE U.S. PRIVATE SECTOR AND OTHER COUNTRIES

Strategies	Practices
Intervene as early as possible after an actual or potentially disabling event .....	Address return-to-work goals from the beginning of an emerging disability. Provide return-to-work services at the earliest appropriate time. Maintain communication with workers who are hospitalized or recovering at home.
Identify and provide necessary return-to-work assistance effectively .....	Assess each individual's return-to-work potential and needs. Use case management techniques when appropriate to help workers with disabilities return to work. Offer transitional work opportunities that enable workers with disabilities to ease back into the workplace. Ensure that medical service providers understand the essential job functions of workers with disabilities.
Structure cash and medical benefits to encourage return to work .....	Structure cash benefits to encourage workers with disabilities to rejoin the workforce. Maintain medical benefits for workers with disabilities who return to work. Include a contractual provision that can require the worker with disabilities to cooperate with return-to-work efforts.

#### EARLY INTERVENTION CRITICAL TO RETURN TO WORK

Disability managers we surveyed stressed the importance of early intervention in returning workers with disabilities to the workplace. Advocates of early intervention believe that the longer an individual stays away from work, the less likely return to work will be. Studies show that only one in two workers with recently acquired disabilities who are out of work 5 months or more will ever return to work. Disability managers believe that long absences from the workplace can reduce motivation to attempt work.

Setting return-to-work goals soon after the onset of disability and providing timely rehabilitation services are believed to be critical in encouraging workers with disabilities to return to the workplace as soon as possible. Contacting a hospitalized worker soon after an injury or illness and then continuing to communicate with the worker recovering at home, for instance, helps reassure the worker that there is a job to return to and that the employer is concerned about his or her recovery.

#### IDENTIFYING AND PROVIDING RETURN-TO-WORK SERVICES EFFECTIVELY

Another common strategy is to effectively identify and provide return-to-work services. This approach involves investing in services tailored to individual circumstances that help achieve return-to-work goals for workers with disabilities while avoiding unnecessary expenditures.

In an effort to provide appropriate services, many in the private sector strive to identify the individuals who are likely to be able to return to work and then identify the specific services they need. In doing so, each individual should be functionally evaluated after his or her medical condition has stabilized to assess potential for returning to work. When appropriate, the private sector uses case management techniques to coordinate the identification, evaluation, and delivery of disability-related services to individuals deemed to need such services to return to work. Transitional work allows workers with disabilities to ease back into the workplace in jobs that are less physically or mentally demanding than their regular jobs.

The private sector also stresses the need to ensure that physicians and other medical service providers understand the essential job functions of workers with disabilities. Without this understanding, the worker's return to work could be delayed unnecessarily. Also, if an employer is willing to provide transitional work opportunities or other job accommodations, the treating physician must be aware of and understand these accommodations.

#### WORK INCENTIVES FACILITATE RETURN TO WORK

Finally, disability managers responding to our survey generally offered incentives through their programs' cash and medical benefit structure to encourage workers with disabilities to return to work. Disability managers believe that a program's incentive structure can affect return-to-work decisions. The level of cash benefits paid to workers with disabilities can affect their attitudes toward returning to work because, if disability benefits are too generous, the benefits can create a disincentive for participating in return-to-work efforts. Disability managers also believe employer-sponsored medical benefits can provide an incentive to return to work if returning is the way that workers with disabilities in the private sector can best ensure that they retain medical benefits.

Although the structure of benefits plays a role in return-to-work decisions, disability

managers emphasized that well-structured incentives are not sufficient in themselves for a successful return-to-work program. Incentives must be integrated with other return-to-work practices. Disability managers also generally advocated including a contractual requirement for cooperation with a return-to-work plan as a condition of eligibility for benefits. They believed such a requirement helps motivate individuals with disabilities to try to return to work.

#### RETURN-TO-WORK OUTCOMES COULD BE IMPROVED THROUGH RESTRUCTURING

Return-to-work strategies used in the U.S. private sector and other countries reflect expectations that people with disabilities can and do return to work. The DI and SSI programs, however, are out of sync with this return-to-work focus. Improving the DI and SSI return-to-work outcomes requires restructuring these programs to better identify and enhance beneficiary return-to-work capacities. While there is opportunity for improvement, it should be acknowledged that many beneficiaries will be unable to return to work. In fact, almost half of the people receiving benefits are not likely to become employed because of their age or because they are expected to die within several years. For others, work potential is unknown; but research suggests that successful transitions to work may be more likely for younger people with disabilities and for those who have greater motivation and more education.<sup>7</sup>

Studies have shown that a meaningful portion of DI and SSI beneficiaries possess such characteristics. The DI and SSI disability rolls have been increasingly composed of a significant number of younger individuals. Among working-age SSI and DI beneficiaries, one out of three is under the age of 40.<sup>8</sup> In addition, in 1993, 35 percent of 84,000 DI beneficiaries expressed an interest in receiving rehabilitation or other services that could help them return to work, an indication of motivation. Moreover, a substantial portion—almost one in two—of a cohort of DI beneficiaries had a high school degree or some years of education beyond high school.<sup>9</sup> The literature also suggests that lack of work experience is a significant barrier to employability.<sup>10</sup> A promising sign is that about one-half of DI and one-third of SSI working-age beneficiaries had some attachment to the labor force during the 5 years immediately preceding the year of benefit award.<sup>11</sup>

Even those who may be able to return to work will face challenges. For example, some may need to learn basic skills and work habits and build self-esteem to function in the workplace. Moreover, the nature of some disabilities may limit full-time work, while others may cause logistical obstacles, such as transportation difficulties. Finally, employer resistance to hiring people with disabilities and tight labor market conditions, particularly for low-wage positions, could constrain employment opportunities.

Nevertheless, there are compelling reasons to try new approaches. As mentioned, our review of the disability determination process shows that the work capacity of an individual found eligible for DI and SSI benefits may be understated. And this country has experienced medical, technological, and societal advances over the past several years that foster return to work. But weaknesses in the design and implementation of the DI and SSI programs mean that little has been done to identify and encourage the productive capacities of beneficiaries who might be able to benefit from these advances.

Restructuring of the DI and SSI programs should consider the return-to-work strategies employed by the U.S. private sector and

social insurance programs in Germany and Sweden. Lessons from these other disability programs argue for placing greater priority on assessing return-to-work potential soon after individuals apply for disability benefits. The priority in the DI and SSI programs, however, is to determine the eligibility of applicants to receive cash benefits, not to assess their return-to-work potential. In conjunction with making an early assessment of return-to-work potential, the programs should place greater priority on identifying and providing, at the earliest appropriate time, the medical and vocational rehabilitation services needed to return to work. But under the current program design, medical and vocational rehabilitation services are provided too late in the process. Finally, the programs should be designed to ensure that cash and medical benefits encourage beneficiaries to return to work. Presently, however, cash and medical benefits can make it financially advantageous to remain on the disability rolls, and many beneficiaries fear losing their premium-free Medicare or Medicaid benefits if they return to work.

Although SSA faces constraints in applying the return-to-work strategies of other disability programs, opportunities exist for better identifying and providing the return-to-work assistance that could enable more of SSA's beneficiaries to return to work. Even relatively small gains in return-to-work successes offer the potential for significant savings in program outlays.

#### CONCLUSIONS

In our April 1996 report, we recommended that the Commissioner take immediate action to place greater priority on return to work, including designing a more effective means to identify and expand beneficiaries' work capacities and better implementing existing return-to-work mechanisms. In line with placing greater emphasis on return to work, we believe that the Commissioner needs to develop a comprehensive return-to-work strategy that integrates, as appropriate, earlier intervention, earlier identification and provision of necessary return-to-work assistance for applicants and beneficiaries, and changes in the structure of cash and medical benefits. As part of that strategy, the Commissioner needs to identify legislative changes that would be required to implement such a program.

<sup>1</sup>This testimony is based on *SSA Disability: Program Redesign Necessary to Encourage Return to Work* (GAO/HEHS-96-62, Apr. 24, 1996) and a forthcoming GAO report on return-to-work strategies in the U.S. private sector, Germany, and Sweden.

<sup>2</sup>The estimated reductions are based on fiscal year 1994 data provided by SSA's actuarial staff and represent the discounted present value of the cash benefits that would have been paid over a lifetime if the individual had not left the disability rolls by returning to work.

<sup>3</sup>Included among the 3.96 million DI beneficiaries are 671,000 who were dually eligible for SSI disability benefits because of the low level of their income and resources.

<sup>4</sup>Reference to the SSI program throughout this testimony addresses blind or disabled, not aged recipients. General revenues include taxes, customs duties, and miscellaneous receipts collected by the federal government but not earmarked by law for a specific purpose.

<sup>5</sup>The 2.36 million SSI beneficiaries do not include individuals who were dually eligible for SSI and DI benefits. The \$18.9 billion consists of payments to all SSI blind and disabled beneficiaries regardless of age.

<sup>6</sup>For example, S.O. Okpaku and others, "Disability Determinations for Adults With

Mental Disorders: Social Security Administration vs. Independent Judgments." *American Journal of Public Health*, Vol. 84, No. 11 (Nov. 1994), pp. 1791-95; and H.P. Brehm and T.V. Rush, "Disability Analysis of Longitudinal Health Data: Policy Implications for Social Security Disability Insurance," *Journal of Aging Studies*, Vol. 2, No. 4 (1988), pp. 379-99.

<sup>7</sup>For example, J.C. Hennessey and L.S. Muller, "The effect of Vocational Rehabilitation and Work Incentives on Helping the Disabled Worker Beneficiary Back to Work," *Social Security Bulletin*, Vol. 58, No. 1 (Spring 1995), pp. 15-28; R.J. Butler, W.G. Johnson, and M.L. Baldwin, "Managing Work Disability: Why First Return to Work Is Not a Measure of Success," *Industrial and Labor Relations Review*, Vol. 48, No. 3 (Apr. 1995), pp. 452-67; and R.V. Burkhauser and M.C. Daly, "Employment and Economic Well-Being Following the Onset of a Disability: The Role for Public Policy," paper presented at the National Academy of Social Insurance and the National Institute for Disability and Rehabilitation Research Workshop on Disability, Work, and Cash Benefits (Santa Monica, Calif.: Dec. 1994).

<sup>8</sup>*Annual Statistical Supplement, 1995 to the Social Security Bulletin* (Aug. 1995).

<sup>9</sup>J.C. Hennessey and L.S. Muller, "Work Efforts of Disabled Worker Beneficiaries: Preliminary Findings From the New Beneficiary Followup Survey," *Social Security Bulletin*, Vol. 57, No. 3 (fall 1994), pp. 42-51.

<sup>10</sup>Berkeley Planning Associates and Harold Russell Associates, "Private Sector Rehabilitation: Lessons and Options for Public Policy," prepared for the U.S. Department of Education, Office of Planning, Budget, and Evaluation (Dec. 31, 1987).

<sup>11</sup>M.C. Daly, "Characteristics of SSI and SSDI Recipients in the Years Prior to Receiving Benefits: Evidence From the PSID," presented at SSA's conference on Disability Programs: Explanations of Recent Growth and Implications for Disability Policy (Sept. 1995).

Mr. KENNEDY. In the GAO report is an analysis of this program. But they also looked at U.S. private and social insurance programs to find out, are there American companies that are trying to deal with this with employees, and are there other States trying to do it?

Look at this. We can look at the percentages of working-age persons with disabilities. We will see West Virginia is 12.6; then 11, in Louisiana; 10 in Maine; Oklahoma, 10.2; Oregon, 10.

Now, take the percent working and the percent not working. The percent working is 20 percent—24, 28, 23, 23. Maine has 37 percent working; Oklahoma, 34; and Oregon has 42 percent working—42 percent working.

Then we look at the percent not working—57 percent. Some other States are almost 80 percent.

Don't you think we ought to look at the States that have large numbers of people with disabilities who are working and find out how they are getting people to work? And find out what is not happening in States where they are not getting them to work? That is what we did in this legislation. What we are finding out is, in those States, in the private sector, they are maintaining the insurance aspects of the health care and also providing the financial incentives to be able to go to

work. That is just in some of our States.

We are hopeful we can move with these incentives to get to every State. Some States are making dramatic improvements, and others are not. The lessons are very clear, and we have included that in the legislation. If we look at what is happening in other countries, in two countries we find the absolutely extraordinary results they have from having similar incentives and disincentives that we have tried to incorporate in this legislation and that are referred to by the GAO as being very successful.

I would like to believe the importance of this is to make sure those Americans with some disability are going to be included in the great American dream, that we decided as a nation we not only are not going to discriminate but we are going to encourage policies that will make it possible for those with disabilities to be part of the American dream. What we are attempting is to do it in ways that have demonstrated effectiveness.

The principal reasons they have been effective are along these lines. They have been happening because we have seen new medical technology which has been very helpful when carefully and effectively pursued. I think we all understand the costs of medical technology. In this particular area, there are some great opportunities for people, by the use of medical technology, to get back to work. It is working, and it is effective; it is cost effective.

We are also finding, for one reason or another—I will not take the time now—a number of those going on the disability rolls have been younger individuals than we were considering probably 20 years ago.

Another interesting corollary is, most of those individuals have a higher achievement in completion of high school and college, for reasons I will not bother taking up the time of the Senate with at this time. We are talking about younger individuals who are more adaptable for these training programs, newer kinds of technology out there, and where that is accessible, more effective training programs such as we passed last year with our one-stop shopping and incentive programs, with financial incentives in the private sector that are going to be effective programs getting people working. We have brought all of these elements together. We followed the examples that have been pointed out to us as effective and incorporated those in this legislation.

We believe this will have a dramatic and positive impact, most importantly on the ability of individuals to go to work and be useful and productive, constructive members of our society and live happier lives in their own personal situations and the members of their family, be more productive in the general economy, in what they are able to add to the economy, without these false disincentives out there, reducing

the financial burden on the trust funds which are paying out to the community, and ultimately seeing a dramatic reduction in burden to the States' financial situation for funding as well as to the Federal Government. This, we believe, is a win-win-win situation all the way along the line.

I could take further time. I know there are others who want to speak to the underlying measure. But we believe very deeply in this legislation, which has been carefully thought through by individuals who will be most affected by it. That has been enormously important. Very often we draft and shape legislation in a way we think is best, but this is legislation that has emerged from the grassroots level. We understand the difficulty of getting everyone to agree to different proposals.

We have harmony among the community that represents 300 different organizations. It is an extraordinary initiative, an extraordinary result that is so powerful in terms of what we hope to achieve.

This is really a service to the country. We want the kind of America that is going to say to those individuals who are faced with some physical or mental challenges that we will make sure they will be able to participate to the extent their abilities, their interest, their courage, and their determination permit them. We want to eliminate or knock down those barriers which one way or the other inhibit their ability to move forward.

We have been attempting to do that in a number of ways, but there is nothing that is going to do more in opening up the dreams and the hopes of these individuals and their families than this piece of legislation.

The Americans With Disabilities Act is important in trying to eliminate discrimination against the disabled. The Work Incentives Improvement Act will do the job in terms of eliminating the significant financial disincentives out there that basically inhibit so many of our fellow citizens, who have the ability and dedication and commitment and desire, from moving forward. That is why this legislation is so important.

At another time, I will go through some of the other provisions of the legislation.

#### PRIVILEGE OF THE FLOOR

Mr. KENNEDY. I ask unanimous consent that Connie Garner be given the privilege of the floor during the consideration of the energy and water appropriations bill.

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

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

Mr. KENNEDY. I will be glad to yield.

Mr. REID. In listening to the remarks of the Senator from Massachusetts, I am struck by the fact that the people this legislation is attempting to help are people who do not have voices here to represent their interests; is that not generally the case?



Mr. KENNEDY. The Senator is correct. I like to believe there is a greater understanding and awareness of the challenges that disabled Americans have faced in more recent years than there had been for the first 200 years of our country. Over the last 8 or 10 years, we have had some important changes in attitude on these issues.

By and large, the Senator is correct that this has not been an issue that has been in the forefront of legislative or executive action.

Mr. REID. I also say there have been some people of good will joining together around the country attempting to advocate for the disabled, but the people we deal with on a daily basis are usually people who come representing institutions or entities and who are, in effect, well paid. They are people who have vast amounts of money tied up in Federal programs.

The disabled people the Senator is attempting to help with this legislation are people who have—the Senator is absolutely right—joined together in the last decade recognizing the disabled need help. But these are volunteer groups and people, as I said, of good will around the country trying to help people who have no representation; is that basically true?

Mr. KENNEDY. The Senator is correct. It was not that long ago when we had 5.5 million children who were disabled who never went to schools in our country. We have made some progress in opening up the schools of our country. We debated the issue of trying to give help and assistance to local communities. I am a strong supporter of it. I know the Senator from Nevada is. I know there are others on both sides of the aisle who feel that way as well.

We have made some progress on other issues. I cannot speak further without recognizing the good work of the Senator from New Mexico in regard to mental illness. For many years, those afflicted by the challenges of mental illness were kept aside in our own communities, and in terms of debate and discussion, there has been a general reluctance to talk about some of their special needs.

The Senator is quite correct. The willingness to talk about these issues has been in a more recent time. I can even speak of that with regard to my own family with a sister who is mentally retarded and having seen the evolution and the changes which have taken place in how people react and respond to those who are mentally retarded.

We have come a long way, but the Senator is quite correct, by and large, these individuals and the communities are hard pressed with the day-to-day activities and do not have a great deal of time to come here, although I note both Senator REID and Senator DOMENICI would say that when they do come here and when they do speak, there are a few more eloquent voices and compelling voices for the cause of social justice.

Mr. REID. I want to say one additional thing while the Senator is on the floor, and that is, the community of disabled persons around the country have been very fortunate to have Senator KENNEDY as a spokesperson on their behalf. But I also want to mention something in which your family has been involved. It certainly has shown to me, having been involved in a number of Special Olympic programs in my own State, how the disabled enjoy life just as much as anyone else. There is no example better than athletics. I commend and applaud the Senator and his family for the great work they have done with the Special Olympics program, which is now a worldwide program.

Mr. KENNEDY. I thank the Senator. I appreciate that. As a matter of fact, they are having the International Special Olympics on June 27 and 28 in North Carolina this year. There will be more than 130 countries participating in those games. That cause still goes on.

It is a great tribute not only to the athletes but to the parents, the teachers, to the volunteers, and States all over the country that have been supportive of that program. I know the Senator has been a supporter of the program, and I think any of those individuals who watch those programs cannot leave the field without feeling an extraordinary sense of inspiration. That is, I believe, enormously moving.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Is the Senator from Massachusetts finished?

Mr. KENNEDY. I am finished. I thank the Senator.

Mr. DOMENICI. I say to Senator KENNEDY, I commend him for what he is doing. I remind the Senate that the last time I looked, this bill had 33 Republicans on it and was led on the Senate side by the chairman of the Finance Committee. He is one of the leaders, not just Senator JEFFORDS from the Health, Education, Labor, and Pensions Committee.

Frankly, what has happened is, though we pass laws with reference to helping people who are disabled, either because of physical disabilities or mental disabilities, a lot of our terribly mentally handicapped do participate in disability programs. What they do not participate in very well is the training programs for them. We are just getting that started.

But essentially we pass laws saying let's help them. Then we forget about them for about 15 or 20 years, which is what happened here. We find that in many respects the law has arbitrary finalization of benefit dates that hurt instead of help. Instead of encouraging that a person who is disabled go to work, if anybody is experienced with the old law, before we change it, what the people will be telling them is: Be careful, because if you try to go to work and get off, they take you off so quick and for such a tiny amount of

earnings that sometimes that job finishes because the disabled do not have the propensity to have 6-year-long jobs; sometimes it is 6 months, 5 months.

In the case of the mentally ill, sometimes a schizophrenic works 1 month. This program, unless we change it, does not work for them, because they get taken off the benefit list too quickly. Then it is hard to get back on. So a parent may say: Let's just not ask Jimmy to go to the Green Door and get trained over here to get a job. They say: Let's just leave that alone and talk to him about volunteering, not earning money. But I tell you, to the extent we are encouraging that, we are doing a very bad thing for disabled people.

You will find across the board, for the disabled people, young or old, the most important thing going is for them to get a job. You cannot imagine how important it is for them to get a paycheck. It is among the most intriguing psychological things that happens to a disabled person—when they earn their own money—that you have ever seen.

Why should we have laws that help them but at the same time discourage them from getting a job because they may get kicked off the rolls too quickly, or they cannot get on quickly enough after they get unemployed? Let's change that and make it common sense.

I understand these laws are good laws, the ones we are changing. They put America in the vanguard when we passed them. They are good. But in the meantime, we are finding that nothing is as good as a job. These jobs do not pay a lot but pay just enough to qualify people under the old law to get off the rolls. So it is not as if it is rich people who are getting on and off the rolls, people earning \$100,000; it is people earning minimum wage. In some instances, they even have youth jobs that are at less than minimum wage, and all of a sudden they qualify—no more aid—and they are worse off than they were before. That is what this is; the essence of it is to try to fix those things. We ought to fix them.

It does not belong on this bill that Senator REID and I are managing. Senator KENNEDY has not said it does. But, look, if you cannot resolve it, we are going to do what has to happen here. I hope the Republican leadership would get together—actually, they are in the forefront. I am assuming that the chairman of the Finance Committee is not here today. He would probably be here. He wants to make sure it is done right. He has to find offsets, does he not? There are offsets.

This bill is going to be neutral budgetwise. We are going to pay for it. It is not that we are going to add to the debt, or use up the surplus or use the Social Security trust fund—none of those.

Frankly, I am very hopeful that our bill has served a purpose. There has been a nice debate. There is nobody here who needs the Senate any more

than we do right now. Nobody is offering amendments. We are waiting. It is all right with me if they do not. It is a fine discussion.

I thank the Senator. It is good to get an opportunity to comment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I will not take much time.

The Senator has it absolutely right. We built in the program the ability to provide the medical and some income for people who have the disabilities and said that if they make over \$500, they lose the insurance and they lose the additional kind of insurance, that they would be able to receive income, and they are just dropped out.

Very few of the families can be assured they can get a job after a training program where they would be able to offset their total medical expenses if they are able to get health insurance. They probably are not able to get it because they have a disability. The fact of the matter is, the insurance companies, by and large, do not include them.

I have a son who lost his leg to cancer and is a very healthy young person, but there is not a chance in the world he can get insurance. He has insurance only as a part of a much larger group. That happens to individuals who have any kind of disability. So they are out behind the 8-ball.

What we are saying is, continue their health care. OK, we can phase out or eliminate their income. They would be willing to take a chance on that. They will go out and try to pull their own weight. They are glad to do it. They will do it, and they will do it very well.

They have a desire to do it and the ability to do it. We have provided these incentives and training programs to enable them to be more creative to do it. There are more examples in a number of the States about how to do it. There are a number of examples in different countries on how to do it. We are going to do it in ways that are financially responsible.

The Senator made an excellent statement. I thank him for his sponsorship, as well as the Senator from Nevada.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, before Senator KENNEDY leaves the floor, I will just make a comment. He mentioned those disabled because of severe mental illnesses: manic depression, schizophrenia, severe chronic depression.

I say to the Senator, I introduced the parity bill with Senator WELLSTONE to try to get more insurance coverage resources applied to these serious illnesses. I want to share with the Senator, since we are talking about disabilities, a notion that came to me with reference to severely mentally ill people.

I said, what would happen if the United States, by definition, had decided we would not cover, under health insurance, illnesses of the heart because we did not want to cover illnesses of the brain? The complicated vessels are the heart and the brain. What if 30 years ago, as we produced the list of coverable illnesses, we said no coverage for heart conditions. Guess what would have happened. None of the breakthroughs in treating the heart would have ever occurred because there would not have been enough resources going into it for the researchers and the doctors to make the breakthroughs.

As a matter of fact, we would not have invented angioplasty and all those other significant techniques. What would have happened in the meantime is that hundreds of thousands of Americans would be dying earlier than they should. That would be along with what I just said.

When we say insurance companies should not cover schizophrenics, who have a brain disease, diagnosable and treatable, that we should not cover them, then are we not saying the same thing about a very serious physical frailty that hits between 5 and 15 million Americans during any given year, from the very young to the very old, with the highest propensity between 17 and 25 years of age for schizophrenia, manic depression, and the like?

It seems to me that sooner or later, if we are going to call something "health insurance," it ought to cover those who are sick, wouldn't you think?

Mr. KENNEDY. Absolutely.

Mr. DOMENICI. Why do we call health insurance "health insurance" and leave out a big chunk of the American population? Because the definition chooses to will away an illness. You define it so it does not exist, right? No. It exists. Families go broke. Their kids are in jails instead of hospitals. Because once they get one of these diseases, there is no way to help them, because there are no systems, because there are not enough resources. The resources come from the mass coverage by insurance. That is what puts resources into illnesses and cures.

So I just want to assure you, we are going to proceed this year. We are going to proceed with this parity bill. We are going to have a vote here. I do not know which bill yet, but we are going to have a good debate. We are asking the business community to get the price tag. We do not want to hear any of this business that it is going to break us.

We want to know, based on history, what is it going to cost? Then we are going to let the Senators and the public decide: Is that too much? What if it isn't too much in the minds of most Americans and Senators? Then it seems to me the marketplace will have to adjust to it.

Obviously, if I have a chance, I would like to talk about this. I would like to do it on the floor of the Senate so a lot

of other Americans hear about it. I would like to do it when somebody is here to talk about the significance of this.

This is important business, the disabled in this country, whether they are disabled physically or disabled mentally. If we are going to have a real society that is proud of being free—and we have put so much emphasis on that—then we cannot leave out big chunks of the public with arbitrary laws or a failure to have insurance companies take care of the responsibilities of health coverage for disabled Americans.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. As the good Senator knows, we have such coverage for all Members of the Senate. Federal employees have it, over 11 million have it, and other groups have that as well. We find that it is suitable for Members of Congress and for the administration, other Federal employees.

I underline that I do not think we have health insurance worth its name if it doesn't meet the standard that the Senator from New Mexico has outlined here. I think it is basic and fundamental. There may have been troubles with the Clinton health insurance program, but the President has recently announced that he will issue an executive order to provide mental health parity.

I say to the good Senator, my friend—I have heard him speak eloquently, as well as our friend Senator WELLSTONE, and others speak on this issue—I pledge to him that I look forward to working with him. I think it is enormously important. I commend the Senator for what was initiated previously when we were dealing with this issue in related form on the Kasbaum-Kennedy legislation a few years ago. We want to see that and other legislation actually implemented. I commend him and look forward to working with him.

Finally, I would like to state my support for the efforts of my good friend and colleague from Nevada, Senator REID, who has long been a champion of the need for better and more comprehensive approaches to suicide prevention. Suicide claims over 30,000 lives each year in this country; it is the eighth leading cause of death overall and the third major cause of death amongst teenagers from 15-19. It is an issue clearly associated with mental health parity. If better access to mental health services were available for all persons who have psychiatric conditions, the suicide rate would be dramatically reduced. It is time to provide mental health parity and to prevent these unnecessary family tragedies.

I thank the Senator.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, even though this is the energy and water

bill, I am glad we are going to have this conversation this afternoon about mental health.

An area I have worked on that is now receiving more attention is suicide. Thirty-one thousand people each year in the United States kill themselves. What if 31,000 people were killed in some other manner? We would focus a lot of attention on it.

There are almost as many people killed in car wrecks every year. We have airbags and we have speed limits. We do all kinds of things to prevent people from being killed in automobile accidents. We have even done a much better job in recent years trying to stop people from driving under the influence of alcohol.

Suicide is a very difficult problem in America today. During the time we have been on this bill—it is now 3:30 eastern time; we started at 1—about 12 people in the United States have killed themselves. So it is an issue I hope we will spend more time on.

For the first time in the history of the country we are spending money to find out why people commit suicide. We don't know why. An interesting fact is that the 10 leading States in the United States for suicide are western United States, States west of the Mississippi. We don't know why this is, but it is now being studied by the Centers for Disease Control. We appropriated money last year to try to focus on this.

Not only is this, of course, terrible for the person who dies, but what it does to the victims, the people who are the survivors.

I am happy to hear the discussion this afternoon about mental health generally. I want to talk about suicide specifically. It is an area that we really have to focus some attention on and get Members of the Congress to agree that we have to do something about this. It is an issue that is crying for an answer. I hope that in the years to come we can do much more than we have done in the past, which wouldn't take very much, but it is an area in which we need to do much more. I hope we can do that.

Madam President, I suggest the absence of a quorum.

Mr. DOMENICI. Will the Senator withhold?

Mr. REID. I will withhold.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I say to my good friend, the ranking member on this subcommittee, we have a good, bipartisan bill. I hope we can make the point that we worked together to make it bipartisan, because I think that is the way we get a bill that we can get through here and can sustain.

Commenting on your last statement and your efforts with reference to suicide, that is not unrelated to what I was discussing at all.

Mr. REID. That is right.

Mr. DOMENICI. I don't know the numbers, but I am going to guess that 60 to 70 percent of the suicides are

probably found to be caused by a mental illness, most of them by severe depression. Frankly, one of the reasons we have so many suicides is because we have not created a culture among our medical people and among those who help our medical people of properly diagnosing such things as depression.

One of the reasons we don't have a culture that does the diagnosis right is because it is not covered by insurance. As a consequence, there are not enough resources put in at the grassroots where doctors are getting paid for this and universities can do research on it, because it is worthwhile to the doctors to become experts in this. We are doing a little more than we did in the past but not enough from the standpoint of real mass involvement.

Young people in particular are the majority victims of the suicide numbers, which is such a shame. Many of those 21,000 are kids; right?

Mr. REID. Thirty-one thousand.

Mr. DOMENICI. Teenagers, 31,000; they are not in the senior citizen numbers. There is a small percentage, but the big percentage are in the absolute throes of starting a great life. If we could do a better job with diagnosing depression, we would have medication and therapy preventing many of those 31,000.

Mr. REID. Will the Senator yield?

Mr. DOMENICI. Yes, indeed.

Mr. REID. I think one of the reasons we have made more progress on suicide and other mental health problems in recent years is because people who have problems with depression, people who are survivors of suicides are willing to talk about it. It wasn't many years ago—

Mr. DOMENICI. That is true.

Mr. REID.—For example, my father, who committed suicide, wouldn't have been able to be buried in the cemetery. My father would have to have been buried someplace else because suicide was considered sinful, wrong.

Mr. DOMENICI. Right.

Mr. REID. So I believe clearly that the Senator is absolutely right. The Senator and I, as an example, are willing to talk about some of our experiences with mental health problems. As a result of that, it is not something people tend to hide as much as they used to. We recognize that depression is a medical condition.

Mr. DOMENICI. You have it.

Mr. REID. It is no different than if you have pneumonia. Depression is like pneumonia. We are learning how to cure depression. We learned some time ago how to cure pneumonia. So the more that we talk about this, the more people are willing to say: I think I am just depressed. I need some help. Is there somebody who can help me.

The fact of the matter is, as the Senator said, we did some hearings on depression and suicide. With suicide, they had really an interesting program in the State of Washington where one city developed an outreach program with mail carriers. When someone would go

to deliver mail, especially in areas where there were senior citizens—sometimes the only contact a senior would have was with the mail carrier—the mail carrier was trained to recognize symptoms of depression and, consequently, suicide and saved a lot of people.

I remember a hearing we had in the Aging Committee; a woman who wrote poems came in. She showed us a poem she wrote when she was depressed and when she wanted to kill herself and a poem she wrote afterwards. I can't remember the poem—I am not like Senator BYRD—but I can remember parts of it where she talked about the snow was like diamonds in her hair.

If we could do a better job of recognizing depression, talk about that one, mental illness, depression, think of the money we would save. We would have a much more productive society. The workforce would be more productive. The gross national product would go up as a result of that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. WELLSTONE. I thank the Chair.

Madam President, having just returned from Minnesota, I want to speak on the floor for a few short minutes, first of all, in support of the amendment that my colleague, Senator KENNEDY, introduced, which is really the Work Incentives Improvement Act, S.331, which he has done so much work on, along with Senator JEFFORDS.

My understanding is—it could be that my colleague, Senator REID of Nevada, spoke about this—Senator KENNEDY came to the floor and said: "Listen, we want some action on this bill." We do want action on this. We have 78 Senators who are cosponsors of the Work Incentives Improvement

Seventy-eight cosponsors means, by definition, that this is a strong bipartisan effort.

The reason for this bill, with all of its support, is really all about dignity. For Senators who talk about self-sufficiency and self-reliance and people being able to live lives with dignity, that is what this is about.

I am sure the Chair has experienced this, when you are back home and you talk to people in the disabilities community over and over again, you hear people telling you that they are ready to go to work if only they could be sure they wouldn't lose their health insurance—insurance they literally need to live. I don't know, but I think the unemployment rate among people with disabilities is well above 50 percent; the poverty rate is also above 50 percent. The problem is, when people in the disabilities community work, they

lose the medical assistance they have now.

What this piece of legislation says is that we want people to be able to live at home in as near a normal circumstance as possible, with dignity. That is what the Work Incentives Improvement Act is all about.

I come to the floor to say to my colleague, Senator KENNEDY, that if he wants to force the issue on this bill that we have before us, the Energy and Water Appropriations bill, I am all for that. If we can get some kind of a commitment from Senators as to whether we can bring this piece of legislation up freestanding, have an up-or-down vote—78 Senators are cosponsors—then I am for that.

Those of us who feel strongly about this issue and have met with people back home and heard their pleas really want to respond to the concerns and circumstances of their lives. It is very moving to meet with people in the disabilities community, to have people say to you: If you could do this, it would help us so much.

We are running out of patience; we really are. For colleagues who are blocking this and getting in the way of our being able to bring this to the floor and having a vote on this, be it unanimous consent, or be it 78 to 22, or 99 to 1 or whatever the case might be, so be it. I do not mind the 1; I have been on the losing end of a couple 99 to 1 votes in the last two months. If a Senator feels strongly about that, and it is his or her honest opinion that this legislation shouldn't pass, fine. He or she has the right to speak out, to try to persuade others and to vote his or her conscience. What I don't like is the way in which this piece of legislation has been held up so that it is not possible to debate it and vote on it at all. That, I think, is unconscionable.

Mr. REID. Will the Senator yield?

Mr. WELLSTONE. I will be pleased to yield.

Mr. REID. As the Senator was traveling here from Minnesota by air, Senator KENNEDY gave a very moving presentation about the necessity for this legislation, which, when he finished, caused the two managers of this legislation to talk about some of the work you and Senator KENNEDY and Senator DOMENICI and this Senator joined in, dealing with mental health parity. It was a very good discussion, stimulated by Senator KENNEDY's presentation on this legislation, which is so badly needed.

Senator KENNEDY has indicated that he filed this amendment on this legislation in the hope of focusing attention on this issue. If we have so much support—we have almost 80 Senators supporting this legislation—it would seem that we should figure out a way to pay for it. That is the problem. I think that will come to be, as Senator KENNEDY has talked to the majority leader and other people who recognize that they control the ebb and flow of legislation on this floor. In short, I say to the Sen-

ator, I think Senator KENNEDY did the right thing in filing this amendment on this legislation, or any other legislation. If it doesn't work out on this bill, he might have to do it on the next bill, but I support the efforts of the Senator from Minnesota.

Mr. WELLSTONE. Madam President, again, I appreciate the comments of Senator REID of Nevada. I think all of us feel strongly about this and are prepared to fight it out. We have waited long enough for the men and women, the young people and the elderly people with disabilities who want to work and who will lose health care coverage. We ought to pass this legislation, and the sooner the better.

I will yield the floor in a moment. I wasn't here for the colloquy or the suggestion about our mental health parity legislation. I am looking forward to this journey with Senators DOMENICI, REID, and KENNEDY—and maybe I am really being presumptuous, but I hope Senator COLLINS and others as well, because I think the time has come for this idea. I think you can make a pretty strong case there that there is entirely too much discrimination when it comes to coverage for those struggling with mental illness. This cuts across a broad section of the population.

I am extremely hopeful that we will be able to pass this legislation, which would make a huge positive difference in the lives of so many people. I want to say on the floor that I am also committed to trying to do more when it comes to substance abuse treatment. We have the same problem there, where people have pretty good coverage for physical illnesses, but for somebody struggling with alcoholism, it is a detox center 2 or 3 days each time a year, and that is it. You know, a lot of these diseases are brain diseases with biochemical connections and neurological connections and people's health insurance should cover the disease of addiction just like it covers heart disease or diabetes.

Our policy is way behind; it is outdated and discriminatory. The tragedy of it is that so many people in the recovery community can talk about the ways in which, when they received treatment, they have been able to rebuild their lives and contribute at their place of work, to their families, and to their communities. This is nonsensical. So these will be separate pieces of legislation on the Senate side. But I am very excited about this effort with Senator DOMENICI, Senator REID, Senator KENNEDY, and others as well. I believe we can pass this mental health parity legislation. I think what we did in 1996 was a small step forward. Now I think we have to do something that will really provide people with much more coverage.

Having said that, let me just make one other point. When we talk about this whole issue of parity and trying to end discrimination in health insurance coverage, one issue we still don't deal with is what happens if people have no

coverage at all. When we are saying you ought to treat these illnesses the same way we treat physical illnesses, what we are not doing is dealing with those that have no coverage whatsoever. I still think that a front-burner issue in American politics is universal health care coverage and comprehensive health care reform.

I have introduced legislation called the Healthy Americans Act. Sometime I would like to bring it out on the floor and have an up-or-down vote on it. I think we ought to be talking about universal coverage. The insurance industry took it off the table a few years ago; I think we should put it back on the table and I am going to work as hard as I can to do that.

But right now, I wanted to come to the floor and support Senator KENNEDY's effort. Hopefully, we will soon have an up-or-down vote on the Work Incentives Improvement Act. I hope we don't have to keep bringing it out as an amendment on other bills so it gets the attention it needs. This is a piece of legislation that deserves an up-or-down vote now.

Finally, also in the spirit of amendments, I will keep bringing back the welfare tracking amendment, because the more I look at the studies that are coming out and the more I talk to people in the field, the more strongly I feel that as policymakers we ought to at least have some evaluation of what we have done. I think it is a terrible mistake not to do so. My amendment lost by one vote last time. I will bring it back, and I hope to get a couple more votes. It does nothing more than just say to Health and Human Services let's get from the States data every year so we know what is happening to the women and children, so we can have a sense of what kind of jobs they have, at what wages, and whether there is child care for children. We need to do that. It is a terrible mistake not to have that knowledge.

I want to mention to colleagues that I will be bringing this amendment out within the next week—if not this week, next week—and I am hoping this time to somehow get a majority vote for it. I think it is reasonable and we should do it. I don't think we should turn away from this. It is important to know, especially because in the next couple of years, by 2002, in every State in the country, benefit reductions will have been fully felt. I think we ought to know how we are doing before that happens.

I yield the floor.

Mr. DOMENICI. I thank the Senator.

Mr. WELLSTONE. I say to Senator DOMENICI, I look forward to this work on the Mental Health Equitable Treatment Act.

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ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, I need to get amendments filed.

Madam President, we have a series of amendments in a managers' package. They have been cleared on both sides. When I send them to the desk to be considered en bloc, it is for adoption, not just for sending to the desk.

AMENDMENTS NOS. 651 THROUGH 660, EN BLOC

Mr. DOMENICI. Madam President, I send a managers' package of amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 651 through 660, en bloc.

The amendments are as follows:

AMENDMENT NO. 651

On page 5, line 18, insert the following before the colon:

"*Provided further*, That \$100,000 of the funding appropriated herein for section 107 navigation projects may be used by the Corps of Engineers to produce a decision document, and, if favorable, signing a project cost sharing agreement with a non-Federal project sponsor for the Rochester Harbor, New York (CSX Swing Bridge), project".

AMENDMENT NO. 652

On page 16, line 7, insert the following before the period.

"*Provided further*, That \$500,000 of the funding appropriated herein is provided for the Walker River Basin, Nevada project, including not to exceed \$200,000 for the Federal assessment team for the purpose of conducting a comprehensive study of Walker River Basin issues."

AMENDMENT NO. 653

On page 5, line 18, insert the following before the colon:

"*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use \$1,500,000 of funding appropriated herein to initiate construction of shoreline protection measures at Assateague Island, Maryland".

AMENDMENT NO. 654

Insert at page 22, line 7, following "expended":

"*Provided further*, That of the amount provided, \$2,000,000 may be available to the Natural Energy Laboratory of Hawaii, for the purpose of monitoring ocean climate change indicators".

AMENDMENT NO. 655

On page 20, line 24, following "Fund", insert the following:

"*Provided*, That \$15,000,000, of which \$10,000,000 shall be derived from reductions in contractor travel balances, shall be available for civilian research and development".

AMENDMENT NO. 656

On page 25, line 14, following "Energy", insert the following:

"*Provided further*, That, \$10,000,000 of the amount provided for stockpile stewardship shall be available to provide laboratory and facility capabilities in partnership with small businesses for either direct benefit to Weapons Activities or regional economic development".

AMENDMENT NO. 657

On page 8, line 12, insert the following before the period.

"*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall use \$100,000 of available funds to study the economic justification and environmental acceptability, in accordance with section 509(a) of Public Law 104-303, of maintaining the Matagorda Ship Channel, Point Comfort Turning Basin, Texas, project, and to use available funds to perform any required maintenance in fiscal year 2000 once the Secretary determines such maintenance is justified and acceptable as required by Public Law 104-303".

AMENDMENT NO. 658

(Purpose: To reallocate funding of certain water resource projects in the state of Florida)

On page 4, between lines 7 and 8, insert the following:

Brevard County, Florida, Shore Protection, \$1,000,000;  
Everglades and South Florida Ecosystem Restoration, Florida, \$14,100,000;  
St. John's County, Florida, Shore Protection, \$1,000,000.

AMENDMENT NO. 659

(Purpose: To modify provisions relating to funds of the United States Enrichment Corporation)

Beginning on page 41, strike line 6 and all that follows through page 42, line 14, and insert the following:

(b) INVESTMENT OF AMOUNTS IN THE USEC FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the United States Enrichment Corporation Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or  
(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND. The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the Fund.

AMENDMENT NO. 660

(Purpose: To require the Corps of Engineers to conduct a general reevaluation report on the project for flood control, Park River, Grafton, North Dakota)

On page 2, strike line 22 and insert the following: New Jersey, \$226,000;

Project for flood control, Park River, Grafton, North Dakota, general reevaluation report, using current data, to determine whether the project is technically sound, environmentally acceptable, and economically justified, \$50,000;

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 651 through 660) were agreed to.

Mr. DOMENICI. Madam President, I thank the ranking minority member for his cooperation. This package includes some amendments that are from his side of the aisle and some from our side, which continues to make this a very bipartisan bill.

I yield the floor.

Mr. REID. Madam President, it is my understanding that the unanimous consent request of my friend has been agreed to.

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, I ask unanimous consent to proceed as in morning business for not more than 10 minutes.

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

## KOSOVO

Mr. BENNETT. Madam President, as one who voted against the air war and called for the suspension of bombing on the grounds that it was not working, I rise to acknowledge clearly, and indeed even joyfully, that we have reached a significant milestone and have turned a significant and most welcome corner in our humanitarian effort to stop the butchery in the Balkans. I congratulate President Clinton, Secretary Cohen and, of course, the men and women of all ranks in the U.S. military for their ability to project American military power for good in a distant land.

I also congratulate Secretary Albright for her ability to hold together an occasionally fractious coalition. With the bombing stopped and NATO troops moving unopposed into Kosovo, it is certainly a time for celebration. It is not, however, a time to suggest that the problems of the Balkans are at an end, or even that the end is in sight. There have been many mentions of Winston Churchill in the last few months. I am reminded of one of Churchill's comments from World War II, made as he celebrated America's entry into that war:

It is not the end of the war. It is not even the beginning of the end. But it is the end of the beginning.

Let us review where we have been, where we are, and what we still have to do before there is peace in the Balkans.

First, where we have been. As happy as we are with today's headlines, let us remember that we failed to meet our initial objectives. Secretary Albright told us that we had to bomb to prevent widespread atrocities in Kosovo and a flood of refugees over its borders into neighboring countries. The bombing failed to do that, and the resultant human suffering has been immense and is continuing.

Even at this point, let us not deceive ourselves about the effectiveness of the bombing. One of the reasons I was wrong in suggesting that the bombing would not work was that I did not know that the Kosovar Liberation Army would mount a serious offensive on the ground. It failed. But it caused the Serbian military to leave its hidden sanctuaries in order to repulse the Kosovars. Only then, while the Serbian military was engaged in ground action,

was the force of NATO air power able to inflict heavy damage in the field. Prior to that, the results of our bombing on Serb military capacity were frustratingly meager. I find it interesting that the KLA offensive was neither foreseen in advance, nor now, in our jubilant mood, widely reported after the fact. Those who claim that the bombing worked all by itself need to take a second look at what really happened.

Next, where are we now? The refugees are still not back in their homes, in their villages. Their homes are still not rebuilt. Their economy, which will permit them to feed themselves, is still in shambles. Further, the Kosovar Serbs, as opposed to the Kosovar Albanians, are now in fear of their lives, and a new flood of refugees is flowing north. Their numbers are far fewer than those of the returnees, but the Serbian refugees entering that part of Yugoslavia will swell the ranks of the still-unsettled refugees that came there from Bosnia, where any form of long-term peace is still elusive. The Yugoslav economy—including neighboring countries such as Romania, is in shambles in no small part because of our attacks on the infrastructure in and around Belgrade.

Winter comes early in the Balkans and the prospects of widespread suffering remains high. So what do we still have to do? Our first priority should be the humanitarian relief required to alleviate the suffering in both parts of Yugoslavia, Serbia as well as Kosovo. Hand in hand should be efforts to repair the damage the bombing has done so that the economic activity that is the only hope for self-sufficiency can begin. But our hardest challenge is to keep the killing from breaking out again on both sides. It may be easy for some to say that the Serbs deserve whatever revenge the Kosovar Albanians will mete out, and that they only get what they asked for simply by being Serbs.

That is the attitude held by most ethnic groups in the region that got us into this mess in the first place. It should be repugnant to all Americans. All of them should celebrate the ethnic diversity from which each one of us comes.

The biggest long-term burden NATO's occupying force bears is the responsibility to see that no new round of ethnic hatred and retaliation takes place, whoever initiates it and whatever its supposed justification.

In sum, this is the time to be glad, because, with an unexpected and strong assist from the Kosovar Liberation Army, we made a deal whereby the bombing has been stopped and the rebuilding can start. It is not a time to cry, "Hurrah, we won," and then walk away from the immense humanitarian tragedy we were unable to prevent and to which in some degree our bombing contributed.

Above all, it is not a time for us to think there are any easy answers or

short-term solutions or that the antagonisms of the region are easily divided into good guys and bad guys. Americans must recognize that we are in Kosovo for a very long haul now and working against very long odds if we are ever going to help the various factions achieve any hope of living peacefully side by side. In our time of congratulations, let us recognize that we are only "at the end of the beginning."

I yield the floor.

I suggest the absence of a quorum.

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

The legislative assistant proceeded to call the roll.

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

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

#### WORK INCENTIVES IMPROVEMENT ACT

Mr. REED. Mr. President, I rise today to join a bipartisan chorus of Senators who have requested we take up action on Senate bill S. 331, the Work Incentives Improvement Act.

As my colleagues know, this legislation would remove a significant barrier that individuals with disabilities face when they are trying to return to the workforce. The significant barrier is continued access to health care if they leave SSDI or SSI programs. Currently, individuals with disabilities who are eligible for Social Security disability insurance, SSDI, or supplemental security income, SSI, face the dilemma of losing their Medicare and Medicaid health benefits simply because they return to work.

This is regrettable. According to surveys, about three-quarters of individuals with disabilities in the United States who enroll in SSI or SSDI want to work. Sadly, less than one-half of 1 percent are actually able to make the transition because—this is a major reason—they are afraid once they lose their health care they will be unable to support themselves. Whatever they earn by working they lose by forfeiting their health care.

We can correct this situation by simply extending eligibility to Medicare and Medicaid for these individuals. We can provide them a helping hand to move from unemployment to contributing to our economy and to our society.

With the Americans With Disabilities Act, we passed legislation to combat discrimination and remove physical barriers from the workplace. Now we have a chance to lift a health care roadblock which is stopping many people from moving from a place of unemployment to one in which they are fully participating in our economy.

In my home State of Rhode Island, there are more than 40,000 individuals with disabilities who are eligible for SSI or SSDI. These individuals could benefit immediately from this work in-

centives bill. Across the country, there are about 9.5 million people who are similarly situated who could benefit from this legislation.

In addition to the simple argument about fairness and giving everyone the chance to fully use their talents to benefit not only themselves but their community, there is another compelling reason. We are all familiar with the solvency crisis with respect to Social Security but what is less familiar is that with respect to our disability insurance fund—which is part of Social Security—there is also a crisis. Indeed, while the old age and survivors portion of Social Security will be able to pay full benefits until the year 2036, the disability insurance portion becomes insolvent 16 years earlier, in 2020.

If we help disabled workers return to the workforce, we will, in effect, also be reducing the cash payments out of this disability insurance fund which will give it longer solvency, which will be a way to address a problem that is lurking just over the horizon in the year 2020.

For economic reasons, as well as our commitment to the basic ideal of allowing Americans to use all of their talents, this legislation makes a great deal of sense.

Now, we have seen this legislation proposed under the able leadership of Senator JEFFORDS and Senator KENNEDY. This Work Incentives Improvement Act was nearly adopted at the end of last Congress because of their effort. I was a very proud cosponsor of that version. This year, Senators ROTH and MOYNIHAN have also stepped up to take major leadership roles. Indeed, we have more than 70 cosponsors. This is a piece of legislation that is bipartisan, with strong support in both caucuses. Because of this support, because of the efforts of the leadership of Senator ROTH and Senator MOYNIHAN, this bill passed the Finance Committee on March 4, 1999, but we have been waiting for several months to bring it to the floor, to get it passed, and to give disabled Americans a chance at better employment.

In March, we were able to take another bill with bipartisan support, the Ed-Flex bill, and work through the problems. The reason we were able to do that was we decided to act, we decided not to let legislation be bottled up, but to move it to this floor, and from this floor to the President for his signature.

We have today with respect to this disability legislation twice the inherent support in terms of numbers of Senators, and it also has grassroots support with more than 100 groups endorsing this bill. This support runs the gamut from advocacy groups for disabled Americans all the way to the insurance industry. With this type of support, both within this Chamber and across the country, we should be able to move this just as we moved the Ed-Flex legislation a few months ago.

Also, I was pleased to note that in a May 28 edition of the Washington Post,

the majority leader indicated he was satisfied with the status of this bill and ready to move to the floor. It is my hope we can adopt this legislation, that we can bring it here, that we can debate it, and we can move it forward. If we do so, we will be providing an opportunity for disabled Americans all across this country to use their talents for their own benefit and to contribute to the communities and to this Nation. That, I think, is the essence of why we are here—for wise legislative policies that allow Americans to use their talents to benefit themselves and this country.

I hope we adopt this very quickly. That means, of course, we schedule this legislation; that we will, in fact, bring to the floor the Work Incentives Improvement Act for a vote. If we do so, we will be doing the work we were sent here to do by our constituents.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DOMENICI. 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.

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Senator REID is on his way.

Mr. President and fellow Senators, the ranking member and I have decided that it won't do us any good to remain any longer on the energy and water appropriations bill, because we are now in the process of working out a number of amendments and apparently there is one that may have to be voted on; we just got it, and participants would not be ready this evening in any event. Everyone understood that they needed some time at the earliest convenience tomorrow, or when we can get back on the bill.

Let me say to the Senator from Nevada, the ranking member, we are ready to get off the bill tonight and wait our turn as early as possible in the process tomorrow. We are working on a number of amendments. There is probably one that is going to require a vote tomorrow. But they won't be ready this evening in any event. We knew that.

Mr. REID. Mr. President, I only say to my friend, the manager of this bill, that the amendments are now in. We, together with our staff, have worked very hard to see what we can do to accept amendments. Some of them are just not acceptable. We have tried every way possible. But some of them are not authorized, and there are various other reasons we can't accept a number of the amendments. I hope peo-

ple will understand that some of these we can't accept. There may be votes required on them.

Frankly, with all the work we have done on the bill, I suggest it would be very hard to get some of these amendments agreed to that we haven't been able to work out with their staff, our staff, and the two managers of the bill.

We have worked very hard on this for the last couple of weeks. I hope that, with the two leaders, we can find some time so we can wrap this up. I think we can do it in a couple of hours at the most.

#### MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that we now proceed to morning business with statements allowed by each Senator for up to 5 minutes.

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

#### RETIREMENT OF GENERAL DENNIS J. REIMER

Mr. THURMOND. Mr. President, I rise today to recognize the service, sacrifices, and numerous contributions to the security of our nation that United States Army Chief of Staff, General Dennis J. Reimer has made throughout his career as a soldier and a leader.

As have many of our nation's greatest warriors, General Reimer began his Army career as a Cadet at the United States Military Academy. Leaving his hometown of Medford, Oklahoma and arriving on the banks of the Hudson River on what must certainly have been a hot day in July of 1958, I suspect that the last thought that crossed the mind of a young Dennis Reimer was that he would one day hold the highest job a soldier in the United States Army can hold. Yet that is just what destiny had in store for this tall, unassuming, and plain speaking westerner.

In 1962, when Dennis Reimer graduated from West Point and was commissioned a Second Lieutenant in the Field Artillery, we were well into the "Cold War", the French had lost their war in Indochina, and the United States had not yet established a large military presence in South Vietnam. As events unfolded and a policy to contain communism was established, it was not long before we did begin to commit troops to Southeast Asia. Among the hundreds of thousands of soldiers to eventually serve in Vietnam was Dennis Reimer, who spent two combat tours in Vietnam, one as an advisor to the Army of the Republic of Vietnam and the second as an executive officer for an artillery battalion in the 9th Infantry Division. The American military experience in Vietnam unquestionably influenced the professional and personal outlooks of anyone who served in that theater, and the lessons learned in Vietnam would serve Dennis Reimer, the Army, and that nation well in the following years.

One can assess the career of a soldier very quickly by looking at his or her uniform, and General Reimer's "Class A's" reveal that he is a soldier's soldier, someone who never shied away from a challenge, and an officer who believed in leading by example. He wears the coveted "Ranger" tab on his left shoulder, a mark of a man who has proven himself to be a tough, resourceful, and diligent soldier. The 9th Infantry Division patch on his right shoulder tells people he went to war with this unit. The Combat Infantryman's Badge he wears on his left chest indicates that he participated in combat operations; the Purple Heart that he was wounded in action; and, the Bronze Star with "V" for Valor Device and the Distinguished Flying Cross both stand as testament to the fact that he is a hero. He has also earned some of the nation's most respected decorations including the Defense Distinguished Service Medal, the Distinguished Service Medal, two Legions of Merit, and five additional Bronze Stars.

It has been a long road that Dennis Reimer has traveled from West Point's Trophy Point where he entered the Corps of Cadets, to the "E" Ring of the Pentagon where he now commands every single soldier in the United States Army. His journey has taken him to many different assignments in many different places, all of which helped to prepare him for his job as Chief of Staff of the Army. In the field, he served as a commander at the company, battalion, and division levels; and, he was the Chief of Staff, Combined Field Army and Assistant Chief of Staff for Operations and Training, Republic of Korea/United States Combined Forces Command. His assignments to the Pentagon were also invaluable as he benefitted from firsthand exposure to how the Department of the Army works as an institution. Clearly he has drawn on his experiences as the aide-de-camp to Chief of Staff of the Army General Creighton Abrams, and he no doubt learned many lessons at the side of this impressive soldier and mentor. In short, General Dennis Reimer was probably one of the best prepared individuals to have served as Chief of Staff of the Army and the legacy he leaves is one that is impressive and noteworthy.

The past four-years have been busy ones for General Reimer as he discharged his duties as the Army's head soldier and worked to represent the interests of his people and service in the halls of Congress. During his watch, he has helped to define just what the post-Cold War Army will look like, what its missions will be, and how it will fight and win on the battlefields of the future. General Reimer has been a tireless advocate for the modernization of the Army by championing new weapons systems that will continue to give our troops the tactical and technological advantage they require to overwhelm any and all potential enemies. An expert in efficiencies, he has dedicated



himself to finding ways to doing more with less, an important objective in an era when sadly there are fewer and fewer dollars for defense. He committed himself to effectively integrating Reserve and National Guard elements into the total force, and General Reamer's efforts have gone a long way toward creating what is truly a "Total Army". Finally, when his former superior, General Abrams said that "The Army is not made up of people, the Army is people," General Reimer was listening. As Chief of Staff, he was always watching out for his soldiers, never forgetting that "Soldiers are our credentials," and our nation's greatest asset. Without well trained, motivated, and intelligent soldiers, our tanks, guns, weapons, and aircraft are all worthless.

On June 21, 1999, General Dennis J. Reimer will retire from the United States Army, having fulfilled the prediction of an anonymous editor of the *Howitzer* who said in 1962 that "... we're sure Denny will make it to the top." He has certainly done that and more, proving beyond a doubt that he is truly a "Can Do" soldier, leader, and American. I have no doubt that General Reimer is far from finished in finding ways to serve and make a difference, and I am confident that his future will be as bright and successful as his past has been. General Reimer, I salute you for your service, your sacrifices, and your patriotism and I wish you and your wife health and happiness in the years to come.

#### SESSQUICENTENNIAL CELEBRATION OF THE MACON BEACON

Mr. LOTT. Mr. President, today, I want to pay tribute to The Macon Beacon, a newspaper in Macon, MS, on the occasion of its sesquicentennial celebration.

This is a special event for Mississippi and for the city of Macon. Media exists to report what actually happens locally, nationally and globally. For 150 years, the Beacon has been reporting facts relevant to the lives of Noxubee County residents. The Beacon reached the Sesquicentennial milestone because it is a reliable source of information for its community.

I want to tell my colleagues a brief history of this historic yet vibrant newspaper. The Macon Beacon paper was founded in July 1849, for the people of Noxubee County, Mississippi. The county was established only 16 years before in 1833. The Beacon is the third oldest newspaper in Mississippi. It even has the distinction of being Noxubee County's oldest continuous business. This demonstrates the Macon Beacon's continued importance to the people of Noxubee County.

E.W. and Henry C. Ferris founded The Macon Beacon in 1849 and it remained in the Ferris family for the next 123 years. Its editorship passed down through the Ferris family from Henry to his son, Phillip, and then to

his son Douglas. Douglas recruited a cousin, Brooke Ferris, to continue the family's leadership in the business. This is an amazing and honorable family legacy.

In 1972, upon Mr. Brooke Ferris's retirement, Mr. Jim Robbins purchased The Macon Beacon. The Robbins family of Macon, Mississippi, continued to publish the newspaper until 1993. Then Mr. Scott Boyd bought it and he continues to publish The Macon Beacon today.

The First Amendment to the Constitution indicates the importance of a free and vigilant press to our democratic republic. The Macon Beacon has lived up to these expectations by faithfully reporting community events for 150 years. The Macon Beacon has survived and flourished through three major wars, including the War Between the States, and the Great Depression. Each edition of The Beacon is eagerly awaited by the newspaper's 3,100 subscribers, more than a fourth of the county's population.

In the words of its founding editor, Mr. Henry C. Ferris, The Macon Beacon is "a semi-public institution dedicated to the service of the people." I want to congratulate The Macon Beacon on the celebration of 150 years of dedicated service to Noxubee County.

#### THANKS TO SENATE PAGES

Mr. DASCHLE. Mr. President, I would like to say farewell to a wonderful group of young men and women who have served as Senate pages over the last five months, and thank them for the contributions they make to the day-to-day operations of the Senate.

This particular group of pages has served with distinction and has done a marvelous job of balancing their responsibilities to their studies and to this body.

Page life is not easy. I suspect few people understand the rigorous nature of the page's work. On a typical day, pages rise early and are in school by 6:15 a.m. After several hours in school each morning, pages then report to the Capitol to prepare the Senate Chamber for the day's session. Throughout the day, pages are called upon to perform a wide array of tasks—from obtaining copies of documents and reports for Senators to use during debate, to running errands between the Capitol and the Senate office buildings, to lending a hand at our weekly conference lunches.

Once we finish our business here for the day—no matter what time—the pages return to the dorm and prepare for the next day's classes and Senate session and, we hope, get some much-needed sleep. Even with all of this, they continually discharge their tasks efficiently and cheerfully.

Aside from their normal day-to-day duties, this class in particular has had some extraordinary experiences as they witnessed firsthand the democratic process with all of its strengths and its

imperfections. On their first day as Senate pages, they were thrown into the middle of the impeachment debate. As their semester here progressed, they witnessed several historic debates such as whether to send our country's armed forces into an international conflict far from home. And they watched our country struggle through the aftermath of tragedies such as Littleton, Colorado and the Senate's efforts to pass meaningful gun control legislation.

I hope every person in this page class gained some insight into the need for individuals to become involved in community and civic activities. By living and working together, they have gained knowledge about the political process that they could not obtain from a textbook alone. The future of our nation strongly depends on the generations who will follow us in this august body. I look forward to the possibility that one or more of this fine group of young people will return as a member of the U.S. Senate.

Mr. President, with your permission, I would like to insert in the RECORD the names and states of each of the Senate pages to whom we are saying goodbye. They are: Derek Alsup, New Hampshire; Devin Barta, Wisconsin; Halicia Burns, Michigan; Richard Carroll, Delaware; Micah Cermele, Alabama; Cathryn Cone, Missouri; Clay Crockett, Michigan; Danielle Driscoll, California; Mark Hadley, Virginia; Patrick Hallahan, New Jersey; Jessica Lipschultz, Idaho; Jennifer Machacek, Iowa; Brendan McCann, Virginia; Mark Nexon, Vermont; Chandra Obie, Montana; Stephanie Stahl, South Dakota; Marian Thorpe, West Virginia; Stephanie Valencia, New Mexico; and George Vana IV, Vermont.

I'm sure all my colleagues join me in thanking these fine young men and women, and wishing them well in the future.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, it doesn't take a rocket scientist to realize that 30 years of federal deficits have taken their toll on the federal budget.

Likewise, two budget "surpluses," although a step in the right direction, will scarcely make a dent on the actual federal debt oppressing both the government and the people. In fact, it does very little, but constrict the actual increase of the federal debt.

Even if the projected estimates from the Office of Management and Budget are correct, a surplus for 11 consecutive years will go hand-in-hand with a "gross federal debt" that will inch closer and closer to a 6 trillion dollar figure!—Now that, Mr. President, is a couple I do not particularly like to envision. But that is where we are. We are in a quagmire of debts.

I have heard comments that we—the Congress and this Administration—have taken steps to cut the federal deficit, but what is not being said is that

the budget "surplus" has little effect on the federal debt. We have indeed managed to cut the deficit out of the equation, but the answer to the relevant question—are we reducing the total federal debt at the same time—is NO. The surplus only cuts the debt's rate of growth.

With these thoughts in mind, Mr. President, I begin where I left off on Thursday:

At the close of business, Friday, June 11, 1999, the federal debt stood at \$5,606,704,532,050.51 (Five trillion, six hundred six billion, seven hundred four million, five hundred thirty-two thousand, fifty dollars and fifty-one cents).

One year ago, June 11, 1998, the federal debt stood at \$5,496,698,000,000 (Five trillion, four hundred ninety-six billion, six hundred ninety-eight million).

Fifteen years ago, June 11, 1984, the federal debt stood at \$1,519,173,000,000 (One trillion, five hundred nineteen billion, one hundred seventy-three million).

Twenty-five years ago, June 11, 1974, the federal debt stood at \$472,107,000,000 (Four hundred seventy-two billion, one hundred seven million) which reflects a debt increase of more than \$5 trillion—\$5,134,597,532,050.51 (Five trillion, one hundred thirty-four billion, five hundred ninety-seven million, five hundred thirty-two thousand, fifty dollars and fifty-one cents) during the past 25 years.

#### WELCOME TO THE BOY SCOUTS FROM MINNESOTA

Mr. WELLSTONE. Madam President, we have Boy Scouts from the Minnesota troops here, and I would like to welcome them. They are up in the gallery. I mention that because the Scouts represent a real tradition of public service. Maybe I should not have done that. If not, I stand corrected. Let me just say the Scouts represent a real tradition of public service, and if Scouts should come here and visit and be in the gallery, then I would be very proud.

For the Scouts' information, there are certain rules of the Senate that govern what we say and don't say.

#### RICHARD ALLEN'S TRIBUTE TO ADMIRAL BUD NANCE

Mr. HELMS. Mr. President, the late Admiral James W. (Bud) Nance was eulogized in late May by an eloquent friend who knew Bud well, a friend who had worked with Bud on many occasions beginning with their respective responsibilities with President Reagan during the eight years of the Reagan presidency.

That eloquent friend is a friend of many of us, a remarkable American who understands the miracle of this great country, Richard V. Allen, Chairman, The Richard V. Allen Company.

Mr. President, Dick Allen was speaking at a dinner on behalf of a non-profit foundation at Wingate University. He began by paying his respects to "fifteen distinguished directors" of the

foundation, among them the Honorable Roger Milliken identified by Mr. Allen as "the champion of good causes".

At this point, Mr. President, I shall pick up, verbatim, Mr. Allen's remarks, and I ask that the remainder of those remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

But another of these distinguished persons is not with us this evening, and it is about him—a very special person—that I am honored to speak some heartfelt words.

I refer of course, to Admiral James W. Nance, an extraordinary patriot who was laid to rest yesterday morning at Arlington National Cemetery, perhaps the Senator's closest confidant after Mrs. Helms, and with whom I was privileged to have a close relationship for nearly two decades.

It is not possible to convey either the depth of sorrow reigning over Washington in the week since Bud Nance departed this earth, nor is it possible to capture in words the grandeur of the successive honors and tributes so justly showered upon him in recent days as we celebrated his extraordinary career, his lifetime with his loving family and with us.

Bud Nance and Jesse Helms are two distinct persons, friends since they were little boys and friends for life, men who knew and understood each other as stalwart loyalists to God, Family and Country, and who fought side by side for freedom, democracy and just causes. But to evoke the name of one is to remind us of the other, and this had a special meaning for me.

In 1980, following the Reagan landslide and during the transition, the Chairman-designate of the Senate Agriculture Committee called to ask if I would meet with a recently retired Admiral. As the Chairman put it, "this is a good ole boy I've known for a long time, he's worked in the Pentagon and he knows how to fly planes on and off aircraft carriers." The Senator told me he might be interested in "some kind of junior staff job at the NSC," and would I just talk with him.

Bud Nance came aboard the Transition Team steaming at thirty knots, said he liked tough assignments and could execute them well. For starters, I asked him to work with my own long-time friend, Gene Kopp, in "revamping the Carter National Security Council staff." Bud said: "Oh, I get it, I'm supposed to be just like a vacuum cleaner, just blow 'em all out of there?" And he did just that!

Yesterday, Secretary of State Madeleine Albright, who graciously attended the services for Bud and was here tonight, reminded me that Bud had invited her—she was then an assistant to Zbigniew Brzezinski, my predecessor—in for an interview, since he was meeting with all departing staff members, some of whom, incredibly, thought they should be kept on. She recalls saying to him, "Why are you interviewing me? I don't want to work with you people anyway!!" As it turned out, she was right!

Bud Nance was just the best associate and the hardest working man a fellow could ever have. He insisted on doing heavy lifting, and served his President faithfully and well. On one occasion, in the summer of 1981, the Navy was running an operation into the Gulf of Sidra, near Libyan waters, to establish freedom of navigation there. I was in California with President Reagan. Bud insisted on sleeping the night in the Situation Room, in order to supervise the operation. At about midnight on the West Coast, I got the call from Bud, who in a matter of fact tone said, "Dick, we sent our carrier in there, and two Libyan fellas came flyin' out at us in Russian Migs. We put up our planes, and now the Libyans ain't flying any more because they

locked their radars onto our boys, and their planes got all tore up by our missiles, and those Libyan boys are definitely down in the drink. Now, if I was you, I'd be callin' the President, and I'm goin' home to get some sleep."

If I were to recite the extraordinary career and accomplishments of this very special man, I'd merely repeat what more than twenty Senators of both parties related so eloquently in their speeches under a Special Order on Tuesday—filling fifteen solid pages of the Congressional Record, and what was said so movingly by his granddaughter Catherine and son Andrew at yesterday's services.

Leaving the White House in 1982, Bud went to work for Boeing until Senator Helms asked him to come up to the Hill and take charge of the Foreign Relations Committee in 1991. After the Navy, after The White House, after Boeing, he again accepted the call of duty. Everyone knows the basis on which he agreed to go to work again—he declared that he would work for free year, saying that his pension and social security were quite enough, thank you, and "America has been good to me." He was not permitted to do that, and had to accept minimum wage of \$2.96 a week, later raised by cost of living increases, he was forced to accept the munificent sum of \$4.53 a week.

Each of us who knew, respected and loved him will miss him very much.

Yesterday, the motorcade that left the Lewinsville Presbyterian Church in McLean enroute to Arlington Cemetery stretched for nearly two miles. The cannon fired their salute, the rifles cracked, the bugler played Taps, the Honor Guard stood by, and Bud's pastor asked us to stand for the flyover.

North across the Potomac they came, four magnificent F-18 jets, flying in precise formation; as they roared directly over the assembled mourners, three proceeded straight ahead while one ignited his afterburner, peeled off in a long and beautiful arc, flying straight up into the heavens, symbolizing Bud's career and the passage to his Maker. It was a profound moment, reminiscent of how much Bud liked that little placard that used to rest on President Reagan's desk with the inscription,

"There's no limit to what a man can do or where he can go if he doesn't mind who gets the credit."

Bud never minded at all.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GREGG:

S. 1217. An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BURNS:

S. 1218. A bill to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REED:

S. 1219. A bill to require that jewelry imported from another country be indelibly

marked with the country of origin; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1220. A bill to provide additional funding to combat methamphetamine production and abuse, and for other purposes; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. DORGAN, Mr. BYRD, Mrs. BOXER, Mr. DODD, Mr. INOUE, Mr. KENNEDY, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. AKAKA, Mr. NICKLES, Mr. CRAIG, Mr. SMITH of Oregon, Mr. ROCKEFELLER, and Mr. ABRAHAM):

S. Res. 118. A resolution designating December 12, 1999, as "National Children's Memorial Day"; to the Committee on the Judiciary.

By Mr. SMITH of Oregon (for himself, Mr. SCHUMER, and Mr. BROWNBACK):

S. Res. 119. A resolution expressing the sense of the Senate with respect to United Nations General Assembly Resolution ES-10/6; to the Committee on Foreign Relations.

By Mr. ASHCROFT (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. HELMS, Mr. BINGAMAN, Mr. BOND, and Mr. FITZGERALD):

S. Res. 120. A resolution requesting that the President raise the issue of agricultural biotechnology at the June G-8 Summit meeting; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 121. A resolution to authorize testimony and legal representation in *C. William Kaiser v. Department of Veterans Affairs*; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. DODD):

S. Res. 122. A resolution authorizing the reporting of committee funding resolutions for the period October 1, 1999, through February 28, 2001.

By Mr. SCHUMER:

S. Con. Res. 39. A concurrent resolution expressing the sense of the Congress regarding the treatment of religious minorities in the Islamic Republic of Iran, and particularly the recent arrests of members of that country's Jewish community; to the Committee on Foreign Relations.

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 12:24 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 435. An act to make miscellaneous and technical changes to various trade laws, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

The message also announced that the House has passed the following bill, in which it request the concurrence of the Senate.

H.R. 1905. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

At 2:29 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, an-

nounced that, pursuant to the provisions of 44 U.S.C. 2702, the Speaker appoints the following members on the part of the House to the Advisory Committee on the Records of Congress: Mr. Timothy J. Johnson of Minnetonka, Minnesota, and Ms. Susan Palmer of Aurora, Illinois.

#### MESAURES PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 1905. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 1218. A bill to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes; to the Committee on Energy and Natural Resources.

##### THE LANDUSKY SCHOOL LOTS TRANSFERS

• Mr. BURNS. Mr. President, I rise today to introduce a piece of legislation that is extremely important to a small town in north central Montana. Landusky is a small agriculture community just south of the Fort Belknap Reservation and just north of the Charles M. Russell National Wildlife Refuge. Unfortunately, an oversight which may seem small in the eyes of those used to the hustle and bustle of Washington D.C. places the Landusky school district in a difficult position.

The legislation I am introducing today corrects this oversight by conveying the surface and mineral estates of two lots the school has occupied for a number of decades. The legislation is strongly supported by the town of Landusky and the Bureau of Land Management. It is imperative that we move quickly on this legislation. I would like nothing more than to have the students of Landusky return to school this fall with the knowledge that the problems facing a small town in Montana are worthy of our attention and we were willing to move forward and ensure that their school's future is as bright as their own. •

#### ADDITIONAL COSPONSORS

S. 115

At the request of Ms. SNOWE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 115, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a co-

sponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 429

At the request of Mr. DURBIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 459

At the request of Mr. BREAUX, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Virginia (Mr. WARNER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Oregon (Mr. SMITH), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 526

At the request of Mr. GRAHAM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 566, a bill to amend the

Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 593

At the request of Mr. COVERDELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes.

S. 622

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 666

At the request of Mr. LUGAR, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 666, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 670

At the request of Mr. JEFFORDS, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 680

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 681

At the request of Mr. DASCHLE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans

provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 749

At the request of Mr. KENNEDY, the name of the Senator from Alaska (Mr. MURKOWSKI) was withdrawn as a cosponsor of S. 749, a bill to establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, and for other purposes.

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the medicaid program, and for other purposes.

S. 808

At the request of Mr. JEFFORDS, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 820

At the request of Mr. CHAFEE, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 880

At the request of Mr. INHOFE, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 882

At the request of Mr. MURKOWSKI, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

S. 926

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 951

At the request of Mr. DOMENICI, the name of the Senator from West Vir-

ginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 951, a bill to amend the Internal Revenue Code of 1986 to establish a permanent tax incentive for research and development, and for other purposes.

S. 952

At the request of Mr. SPECTER, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 952, a bill to expand an antitrust exemption applicable to professional sports leagues and to require, as a condition of such an exemption, participation by professional football and major league baseball sports leagues in the financing of certain stadium construction activities, and for other purposes.

S. 1010

At the request of Mr. JEFFORDS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations.

S. 1017

At the request of Mr. MACK, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Virginia (Mr. WARNER), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1070

At the request of Mr. BOND, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1079

At the request of Mr. MACK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1079, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service.

S. 1109

At the request of Mr. McCONNELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1165

At the request of Mr. MACK, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. COVERDELL), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1165, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 1200

At the request of Ms. SNOWE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1200, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

## SENATE CONCURRENT RESOLUTION 36

At the request of Mr. SCHUMER, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Minnesota (Mr. GRAMS), the Senator from Illinois (Mr. FITZGERALD), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wisconsin (Mr. KOHL), and the Senator from Arizona (Mr. KYL) were added as cosponsors of Senate Concurrent Resolution 36, a concurrent resolution condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan.

## SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as "National Literacy Day".

## SENATE RESOLUTION 96

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Cali-

fornia (Mrs. BOXER), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 96, a resolution expressing the sense of the Senate regarding a peaceful process of self-determination in East Timor, and for other purposes.

## SENATE RESOLUTION 98

At the request of Mr. DOMENICI, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of Senate Resolution 98, a resolution designating the week beginning October 17, 1999, and the week beginning October 15, 2000, as "National Character Counts Week".

## SENATE RESOLUTION 99

At the request of Mr. REID, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day".

## SENATE RESOLUTION 113

At the request of Mr. ROBB, his name was added as a cosponsor of Senate Resolution 113, a resolution to amend the Standing Rules of the Senate to require that the Pledge of Allegiance to the Flag of the United States be recited at the commencement of the daily session of the Senate.

At the request of Mr. DORGAN, his name was added as a cosponsor of Senate Resolution 113, *supra*.

At the request of Mr. CONRAD, his name was added as a cosponsor of Senate Resolution 113, *supra*.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of Senate Resolution 113, *supra*.

# SENATE CONCURRENT RESOLUTION—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE TREATMENT OF RELIGIOUS MINORITIES IN THE ISLAMIC REPUBLIC OF IRAN, AND PARTICULARLY THE RECENT ARRESTS OF MEMBERS OF THAT COUNTRY'S JEWISH COMMUNITY

Mr. SCHUMER submitted a concurrent resolution; which was referred to the Committee on Foreign Relations:

## S. CON. RES. 39

Whereas 10 percent of the citizens of the Islamic Republic of Iran are members of religious minority groups;

Whereas, according to the State Department and internationally recognized human rights organizations, such as Human Rights Watch and Amnesty International, religious minorities in the Islamic Republic of Iran—including Sunni Muslims, Baha'is, Christians, and Jews—have been the victims of human rights violations solely because of their status as religious minorities;

Whereas the 55th session of the United Nations Commission on Human Rights passed Resolution 1999/13, which expresses the concern of the international community over "continued discrimination against religious minorities" in the Islamic Republic of Iran, and calls on that country to moderate its policy on religious minorities until they are "completely emancipated";

Whereas more than half the Jews in Iran have been forced to flee that country since

the Islamic Revolution of 1979 because of religious persecution, and many of them now reside in the United States;

Whereas the Iranian Jewish community, with a 2,500-year history and currently numbering some 30,000 people, is the oldest Jewish community living in the Diaspora;

Whereas five Jews have been executed by the Iranian government in the past five years without having been tried;

Whereas there has been a noticeable increase recently in anti-Semitic propaganda in the government-controlled Iranian press;

Whereas, on the eve of the Jewish holiday of Passover 1999, thirteen or more Jews, including community and religious leaders in the city of Shiraz, were arrested by the authorities of the Islamic Republic of Iran; and

Whereas, in keeping with its dismal record on providing accused prisoners with due process and fair treatment, the Islamic Republic of Iran failed to charge the detained Jews with any specific crime or allow visitation by relatives of the detained for more than two months: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Clinton administration should—*

(1) be commended for supporting Resolution 1999/13, and should continue to work through the United Nations to assure that the Islamic Republic of Iran implements that resolution's recommendations;

(2) condemn, in the strongest possible terms, the recent arrest of members of Iran's Jewish minority and urge their immediate release;

(3) urge all nations having relations with the Islamic Republic of Iran to condemn the treatment of religious minorities in Iran and call for the release of all prisoners held on the basis of their religious beliefs; and

(4) maintain the current United States policy toward the Islamic Republic of Iran unless and until that country moderates its treatment of religious minorities.

# SENATE RESOLUTION—DESIGNATING DECEMBER 12, 1999, AS "NATIONAL CHILDREN'S MEMORIAL DAY"

Mr. REID (for himself, Mr. DORGAN, Mr. BYRD, Mrs. BOXER, Mr. DODD, Mr. INOUE, Mr. KENNEDY, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. AKAKA, Mr. NICKLES, Mr. CRAIG, Mr. SMITH of Oregon, Mr. ROCKEFELLER, and Mr. ABRAHAM) submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 118

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be 1 of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

*Resolved,*

# SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 12, 1999, as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation calling upon the people of the

United States to observe the day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

Mr. REID. Mr. President, today I am submitting a resolution that would set aside December 12, 1999, as the National Children's Memorial Day to remember all the children who die in the United States each year. While I realize the families of these children deal with the grief of their loss every day, I would like to commemorate the lives of these children with a special day as well.

This will be the second year we will have designated the second Sunday in December as National Children's Memorial Day. As I stated last year, I have had many constituents share their heart wrenching stories with me about the death of their son or daughter. I have heard heroic stories of kids battling cancer or diabetes, and tragic stories of car accidents and drownings. Each of these families has had their own experience, but they must all continue with their lives and deal with the incredible pain of losing a child.

The death of a child at any age is a shattering experience for a family. By establishing a day to remember children that have passed away, bereaved families from all over the country will be encouraged and supported in the positive resolution of their grief. It is important to families who have suffered such a loss to know that they are not alone. To commemorate the lives of these children with a special day would pay them an honor and would help to bring comfort to the hearts of their bereaved families.

#### SENATE RESOLUTION—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO UNITED NATIONS GENERAL ASSEMBLY RESOLUTION

Mr. SMITH of Oregon (for himself, Mr. SCHUMER, and Mr. BROWNBAC) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 119

Whereas in an Emergency Special Session, the United Nations General Assembly voted on February 9, 1999, to pass Resolution ES-10/6, "Illegal Israeli Actions In Occupied East Jerusalem And The Rest Of The Occupied Palestinian Territory," to convene for the first time in 50 years the parties of the Fourth Geneva Convention for the Protection of Civilians in Time of War;

Whereas such resolution unfairly places full blame for the deterioration of the Middle East Peace Process on Israel and dangerously politicizes the Geneva Convention, which was established to deal with critical humanitarian crises; and

Whereas such vote is intended to prejudice direct negotiations, put additional and undue pressure on Israel to influence the results of those negotiations, and single out Israel for unprecedented enforcement proceedings which have never been invoked against governments with records of massive violations of the Geneva Convention; Now therefore be it

*Resolved by the Senate, that the Senate—*

(1) commends the Department of State for the vote of the United States against United Nations General Assembly Resolution ES-10/6 affirming that the text of such resolution politicizes the Fourth Geneva Convention which was primarily humanitarian in nature;

(2) urges the Department of State to continue its efforts against convening the conference; and

(3) urges the Swiss government, as the depositary of the Geneva Convention, not to convene a meeting of the Fourth Geneva Convention.

• Mr. SMITH of Oregon. Mr. President, I rise today to submit a resolution regarding a deplorable vote by the General Assembly of the United Nations in February 1999. At that time a resolution was passed recommending a convening of the Fourth Geneva Convention. This Convention protects civilians living in territory occupied by a hostile force.

In February, the Palestine Liberation Organization supported by the Arab Group and the nonaligned Movement successfully and wrongly argued that the Convention should meet to adopt measures that would stop Israel from building in what they termed the "Occupied Palestinian Territory including Jerusalem."

Only Israel and, I am proud to say, the United States voted against this United Nations Resolution, which carried by a vote of 115 to 2 with five abstentions. Unfortunately, with such a lopsided vote, we now face a situation in which the Swiss Government, as depositary of the Geneva Convention, has been asked to convene this conference on July 15, 1999.

This resolution, sponsored by Senators SCHUMER, BROWNBAC and I, commends our Department of State for its strong opposition to the United Nations action and, in addition, asks the Swiss Government to refrain from holding this politicized convention. We intend to send a clear signal to the United Nations General Assembly about the inappropriateness of this resolution and urge our government to continue to work for the cancellation of the scheduled conference. •

#### SENATE RESOLUTION—REQUESTING THAT THE PRESIDENT RAISE THE ISSUE OF AGRICULTURAL BIOTECHNOLOGY AT THE JUNE G-8 SUMMIT MEETING

Mr. ASHCROFT (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. HELMS, Mr. BINGAMAN, Mr. BOND, and Mr. FITZGERALD) submitted the following; which was considered and agreed to.

S. RES. 120

Whereas biotechnology is an increasingly important tool in helping to meet multiple agricultural challenges of the 21st century;

Whereas genetically modified crops are helping to control weeds, insects, and plant diseases to increase crop yields and farm productivity, and to enhance the quality, value, and suitability of crops for food, fiber, and other uses;

Whereas agricultural biotechnology promotes environmental benefits by reducing, or

perhaps eliminating, the need for chemical pesticides, by improving the efficient utilization of fertilizer, thereby protecting water quality, and by conserving topsoil by reducing the need for tillage;

Whereas in recent years farmers have rapidly adopted agricultural biotechnology, with worldwide acreage of genetically modified crops growing from 4,300,000 acres in 1996, to 69,500,000 acres in 1998, which is more than a 16-fold increase;

Whereas American farmers planted biotech crops on about 38 percent of the soybean acreage, 25 percent of the corn acreage, and 45 percent of the cotton acreage, and within a few years over half of the agricultural crops grown in this country may be genetically modified;

Whereas increased agricultural productivity attained through greater use of biotechnology, in both developed and developing countries, holds a great deal of potential for meeting the nutritional needs of the world's population, of which at least 800,000,000 currently suffer from hunger or malnutrition;

Whereas despite the widespread adoption and extensive global benefits of biotechnology, marked differences among countries in their regulatory approaches are limiting substantially the use of, and trade in, agricultural biotechnology products;

Whereas an open international trading system for products derived from plant and animal agricultural biotechnology would make a broad array of improved products more affordable, including agricultural and food products, pharmaceuticals, and consumer products such as apparel, paper, cosmetics, soaps, and detergents;

Whereas because of the importance of international trade to the strength of the farm economy and the entire food and agriculture sector, any unwarranted restrictions on trade in biotechnology products could seriously disrupt the farm economy and unjustifiably force farmers to choose between using agricultural biotechnology and exporting their production; and

Whereas the threat to agricultural production and trade from restrictions on products derived from modern biotechnology has become serious enough to warrant the attention of world leaders: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) as the world trading system moves toward a reduction of tariff and nontariff barriers, all countries should work to ensure that scientifically unfounded new barriers are not erected;

(2) the President should raise at the June 1999, G-8 Summit the important issues surrounding the use of, and trade in, agricultural biotechnology; and

(3) as world leaders prepare for a new round of negotiations on agriculture in the World Trade Organization, the G-8 Summit is an appropriate forum to seek a consensus with the major trading partners of the United States regarding—

(A) recognition of the global benefits of agricultural biotechnology, especially in meeting the nutritional needs of millions of people in developing countries;

(B) increasing consumer knowledge and understanding of agricultural biotechnology and its benefits; and

(C) the adoption of rational, scientifically-based systems for the regulation of biotechnology products and for eliminating unjustified barriers to the use of biotechnology products in international trade.



# SENATE RESOLUTION—AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 121

Whereas, in the case of *C. William Kaiser v. Department of Veterans Affairs*, Docket No. BN-0351-99-0110-I-1, pending before the Merit Systems Protection Board, testimony has been requested from Richard Lougee, and employee of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Richard Lougee is authorized to testify in the case of *C. William Kaiser v. Department of Veterans Affairs*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Richard Lougee in connection with the testimony authorized in section one of this resolution.

# SENATE RESOLUTION—AUTHORIZING THE REPORTING OF COMMITTEE FUNDING RESOLUTIONS FOR THE PERIOD OCTOBER 1, 1999, THROUGH FEBRUARY 28, 2001

Mr. MCCONNELL (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 122

*Resolved*, That notwithstanding paragraph 9 of rule XXVI of the Standing Rules of the Senate—

(1) not later than July 15, 1999, each committee shall report 1 resolution authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff, for the period October 1, 1999 through February 28, 2001; and

(2) the Committee on Rules and Administration may report 1 authorization resolution containing more than 1 committee authorization resolution for the period October 1, 1999 through February 28, 2001.

## AMENDMENTS SUBMITTED

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

### DOMENICI AMENDMENT NO. 625

Mr. DOMENICI proposed an amendment to the bill (S. 1186) making appro-

priations for energy and water development for the fiscal year ending September 30, 2000; as follows:

On page 28, line 5, strike \$39,549,000 and insert: "\$28,000,000".

### MACK (AND GRAHAM) AMENDMENT NO. 626

(Ordered to lie on the table.)

Mr. MACK (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 4, between lines 7 and 8, insert the following:

Brevard County, Florida, Shore Protection, \$1,000,000;

Everglades and South Florida Ecosystem Restoration, Florida, \$14,100,000;

St. John's County, Florida, Shore Protection, \$1,000,000.

### KENNEDY AMENDMENT NO. 627

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

At the appropriate place, insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Work Incentives Improvement Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

#### TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

Sec. 101. Expanding State options under the medicaid program for workers with disabilities.

Sec. 102. Continuation of medicare coverage for working individuals with disabilities.

Sec. 103. Grants to develop and establish State infrastructures to support working individuals with disabilities.

Sec. 104. Demonstration of coverage under the medicaid program of workers with potentially severe disabilities.

Sec. 105. Election by disabled beneficiaries to suspend medigap insurance when covered under a group health plan.

#### TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

##### Subtitle A—Ticket to Work and Self-Sufficiency

Sec. 201. Establishment of the Ticket to Work and Self-Sufficiency Program.

##### Subtitle B—Elimination of Work Disincentives

Sec. 211. Work activity standard as a basis for review of an individual's disabled status.

Sec. 212. Expedited reinstatement of disability benefits.

##### Subtitle C—Work Incentives Planning, Assistance, and Outreach

Sec. 221. Work incentives outreach program.

Sec. 222. State grants for work incentives assistance to disabled beneficiaries.

#### TITLE III—DEMONSTRATION PROJECTS AND STUDIES

Sec. 301. Permanent extension of disability insurance program demonstration project authority.

Sec. 302. Demonstration projects providing for reductions in disability insurance benefits based on earnings.

Sec. 303. Studies and reports.

#### TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Sec. 401. Technical amendments relating to drug addicts and alcoholics.

Sec. 402. Treatment of prisoners.

Sec. 403. Revocation by members of the clergy of exemption from Social Security coverage.

Sec. 404. Additional technical amendment relating to cooperative research or demonstration projects under titles II and XVI.

Sec. 405. Authorization for State to permit annual wage reports.

#### TITLE V—REVENUE

Sec. 501. Modification to foreign tax credit carryback and carryover periods.

Sec. 502. Limitation on use of non-accrual experience method of accounting.

Sec. 503. Extension of Internal Revenue Service user fees.

#### SEC. 2. FINDINGS AND PURPOSES.

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

(1) Health care is important to all Americans.

(2) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, and are at great risk of incurring very high and economically devastating health care costs.

(3) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Personal assistance services (such as attendant services, personal assistance with transportation to and from work, reader services, job coaches, and related assistance) remove many of the barriers between significant disability and work. Coverage for such services, as well as for prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(4) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(5) Individuals with disabilities who are beneficiaries under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(6) Currently, less than 1/2 of 1 percent of social security disability insurance and supplemental security income beneficiaries cease to receive benefits as a result of employment.

(7) Beneficiaries have cited the lack of adequate employment training and placement services as an additional barrier to employment.

(8) If an additional 1/2 of 1 percent of the current social security disability insurance (DI) and supplemental security income (SSI) recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds in cash assistance would total \$3,500,000,000 over the worklife of the individuals.



(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide health care and employment preparation and placement services to individuals with disabilities that will enable those individuals to reduce their dependency on cash benefit programs.

(2) To encourage States to adopt the option of allowing individuals with disabilities to purchase medicaid coverage that is necessary to enable such individuals to maintain employment.

(3) To provide individuals with disabilities the option of maintaining medicare coverage while working.

(4) To establish a return to work ticket program that will allow individuals with disabilities to seek the services necessary to obtain and retain employment and reduce their dependency on cash benefit programs.

#### **TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES**

##### **SEC. 101. EXPANDING STATE OPTIONS UNDER THE MEDICAID PROGRAM FOR WORKERS WITH DISABILITIES.**

(a) IN GENERAL.—

(1) STATE OPTION TO ELIMINATE INCOME, ASSETS, AND RESOURCE LIMITATIONS FOR WORKERS WITH DISABILITIES BUYING INTO MEDICAID.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking “or” at the end;

(B) in subclause (XIV), by adding “or” at the end; and

(C) by adding at the end the following:

“(XV) who, but for earnings in excess of the limit established under section 1905(q)(2)(B), would be considered to be receiving supplemental security income, who is at least 16, but less than 65, years of age, and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish.”.

(2) STATE OPTION TO PROVIDE OPPORTUNITY FOR EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY TO BUY INTO MEDICAID.—

(A) ELIGIBILITY.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as amended by paragraph (1), is amended—

(i) in subclause (XIV), by striking “or” at the end;

(ii) in subclause (XV), by adding “or” at the end; and

(iii) by adding at the end the following:

“(XVI) who are employed individuals with a medically improved disability described in section 1905(v)(1) and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XV);”.

(B) DEFINITION OF EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

“(v)(1) The term ‘employed individual with a medically improved disability’ means an individual who—

“(A) is at least 16, but less than 65, years of age;

“(B) is employed (as defined in paragraph (2));

“(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XV) because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3); and

“(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

“(2) For purposes of paragraph (1), an individual is considered to be ‘employed’ if the individual—

“(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

“(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.”.

(C) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (x), by striking “or” at the end;

(ii) in clause (xi), by adding “or” at the end; and

(iii) by inserting after clause (xi), the following:

“(xii) employed individuals with a medically improved disability (as defined in subsection (v));”.

(3) STATE AUTHORITY TO IMPOSE INCOME-RELATED PREMIUMS AND COST-SHARING.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), by striking “The State plan” and inserting “Subject to subsection (g), the State plan”; and

(B) by adding at the end the following:

“(g) With respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii)—

“(1) a State may (in a uniform manner for individuals described in either such subclause)—

“(A) require such individuals to pay premiums or other cost-sharing charges set on a sliding scale based on income that the State may determine; and

“(B) require payment of 100 percent of such premiums for such year in the case of such an individual who has income for a year that exceeds 250 percent of the income official poverty line (referred to in subsection (c)(1)) applicable to a family of the size involved, except that in the case of such an individual who has income for a year that does not exceed 450 percent of such poverty line, such requirement may only apply to the extent such premiums do not exceed 7.5 percent of such income; and

“(2) such State shall require payment of 100 percent of such premiums for a year by such an individual whose adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) for such year exceeds \$75,000, except that a State may choose to subsidize such premiums by using State funds which may not be federally matched under this title.

In the case of any calendar year beginning after 2000, the dollar amount specified in paragraph (2) shall be increased in accordance with the provisions of section 215(i)(2)(A)(ii).”.

(4) PROHIBITION AGAINST SUPPLANTATION OF STATE FUNDS AND STATE FAILURE TO MAINTAIN EFFORT.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking the period at the end of paragraph (18) and inserting “; or”; and

(B) by inserting after such paragraph the following:

“(19) with respect to amounts expended for medical assistance provided to an individual described in subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) for a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the level of State funds expended for such fiscal year for programs to enable working individuals with disabilities to work (other than for such medical assistance) is not less than the level expended for

such programs during the most recent State fiscal year ending before the date of enactment of this paragraph.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A) by inserting

“1902(a)(10)(A)(ii)(XV),”

“1902(a)(10)(A)(ii)(XVI)” after

“1902(a)(10)(A)(ii)(X).”.

(2) Section 1903(f)(4) of such Act, as amended by paragraph (1), is amended by inserting

“1902(a)(10)(A)(ii)(XIII),” before

“1902(a)(10)(A)(ii)(XV).”.

(c) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress regarding the amendments made by this section that examines—

(1) the extent to which higher health care costs for individuals with disabilities at higher income levels deter employment or progress in employment;

(2) whether such individuals have health insurance coverage or could benefit from the State option established under such amendments to provide a medicaid buy-in; and

(3) how the States are exercising such option, including—

(A) how such States are exercising the flexibility afforded them with regard to income disregards;

(B) what income and premium levels have been set;

(C) the degree to which States are subsidizing premiums above the dollar amount specified in section 1916(g)(2) of the Social Security Act (42 U.S.C. 1396o(g)(2)); and

(D) the extent to which there exists any crowd-out effect.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 1999.

(2) RETROACTIVITY OF CONFORMING AMENDMENT.—The amendment made by subsection (b)(2) takes effect as if included in the enactment of the Balanced Budget Act of 1997.

##### **SEC. 102. CONTINUATION OF MEDICARE COVERAGE FOR WORKING INDIVIDUALS WITH DISABILITIES.**

(a) CONTINUATION OF COVERAGE.—

(1) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(A) in the third sentence of subsection (b), by inserting “, except as provided in subsection (j)” after “but not in excess of 24 such months”; and

(B) by adding at the end the following:

“(j) The 24-month limitation on deemed entitlement under the third sentence of subsection (b) shall not apply—

“(1) for months occurring during the 6-year period beginning with the first month that begins after the date of enactment of this subsection; and

“(2) for subsequent months, in the case of an individual who was entitled to benefits under subsection (b) as of the last month of such 6-year period and would continue (but for such 24-month limitation) to be so entitled.”.

(2) CONFORMING AMENDMENT.—Section 1818A(a)(2)(C) of the Social Security Act (42 U.S.C. 1395i-2a(a)(2)(C)) is amended—

(A) by striking “solely”; and

(B) by inserting “or the expiration of the last month of the 6-year period described in section 226(j)” before the semicolon.

(b) GAO REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines the effectiveness and cost of subsection (j) of section 226 of the Social Security Act (42 U.S.C. 426);

(2) examines the necessity and effectiveness of providing the continuation of medicare coverage under that subsection to individuals whose annual income exceeds the contribution and benefit base (as determined under section 230 of the Social Security Act);

(3) examines the viability of providing the continuation of medicare coverage under that subsection based on a sliding scale premium for individuals whose annual income exceeds such contribution and benefit base;

(4) examines the interrelation between the use of the continuation of medicare coverage under that subsection and the use of private health insurance coverage by individuals during the 6-year period; and

(5) recommends whether that subsection should continue to be applied beyond the 6-year period described in the subsection.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) apply to months beginning with the first month that begins after the date of the enactment of this Act.

(d) **TREATMENT OF CERTAIN INDIVIDUALS.**—An individual enrolled under section 1818A of the Social Security Act (42 U.S.C. 1395i-2a) shall be treated with respect to premium payment obligations under such section as though the individual had continued to be entitled to benefits under section 226(b) of such Act for—

(1) months described in section 226(j)(1) of such Act (42 U.S.C. 426(j)(1)) (as added by subsection (a)); and

(2) subsequent months, in the case of an individual who was so enrolled as of the last month described in section 226(j)(2) of such Act (42 U.S.C. 426(j)(2)) (as so added).

**SEC. 103. GRANTS TO DEVELOP AND ESTABLISH STATE INFRASTRUCTURES TO SUPPORT WORKING INDIVIDUALS WITH DISABILITIES.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

(2) **APPLICATION.**—In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(3) **DEFINITION OF STATE.**—In this section, the term “State” means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) **GRANTS FOR INFRASTRUCTURE AND OUTREACH.**—

(1) **IN GENERAL.**—Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

(2) **ELIGIBILITY FOR GRANTS.**—

(A) **IN GENERAL.**—No State may receive a grant under this subsection unless the State—

(i) has an approved amendment to the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that provides medical assistance under such plan to individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)); and

(ii) demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under title XIX of the Social Security

Act (42 U.S.C. 1396 et seq.) to the extent necessary to enable individuals described in clause (i) to remain employed (as determined under section 1905(v)(2) of the Social Security Act (42 U.S.C. 1396d(v)(2))).

(B) **DEFINITION OF PERSONAL ASSISTANCE SERVICES.**—In this paragraph, the term “personal assistance services” means a range of services, provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual’s control in life and ability to perform everyday activities on or off the job.

(3) **DETERMINATION OF AWARDS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall determine a formula for awarding grants to States under this section that provides special consideration to States that provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XVI) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XVI)).

(B) **AWARD LIMITS.**—

(i) **MINIMUM AWARDS.**—

(I) **IN GENERAL.**—Subject to subclause (II), no State with an approved application under this section shall receive a grant for a fiscal year that is less than \$500,000.

(II) **PRO RATA REDUCTIONS.**—If the funds appropriated under subsection (e) for a fiscal year are not sufficient to pay each State with an application approved under this section the minimum amount described in subclause (I), the Secretary shall pay each State an amount equal to the pro rata share of the amount made available.

(ii) **MAXIMUM AWARDS.**—No State with an application that has been approved under this section shall receive a grant for a fiscal year that exceeds 15 percent of the total expenditures by the State (including the reimbursed Federal share of such expenditures) for medical assistance for individuals eligible under subclause (XV) and (XVI) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as estimated by the State and approved by the Secretary.

(c) **AVAILABILITY OF FUNDS.**—

(1) **FUNDS AWARDED TO STATES.**—Funds awarded to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) **FUNDS NOT AWARDED TO STATES.**—Funds not awarded to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for awarding by the Secretary.

(d) **ANNUAL REPORT.**—A State that is awarded a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of title II disability beneficiaries, as defined in section 1148(k)(3) of the Social Security Act (as amended by section 201) in the State, and title XVI disability beneficiaries, as defined in section 1148(k)(4) of the Social Security Act (as so amended) in the State who return to work.

(e) **APPROPRIATION.**—

(1) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to make grants under this section—

(A) for fiscal year 2000, \$20,000,000;

(B) for fiscal year 2001, \$25,000,000;

(C) for fiscal year 2002, \$30,000,000;

(D) for fiscal year 2003, \$35,000,000;

(E) for fiscal year 2004, \$40,000,000; and

(F) for each of fiscal years 2005 through 2010, the amount appropriated for the preceding fiscal year increased by the percent-

age increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average) for the preceding fiscal year.

(2) **BUDGET AUTHORITY.**—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under paragraph (1).

(f) **RECOMMENDATION.**—Not later than October 1, 2009, the Secretary, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the grant program established under this section should be continued after fiscal year 2010.

**SEC. 104. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF WORKERS WITH POTENTIALLY SEVERE DISABILITIES.**

(a) **STATE APPLICATION.**—A State may apply to the Secretary of Health and Human Services (in this section referred to as the “Secretary”) for approval of a demonstration project (in this section referred to as a “demonstration project”) under which up to a specified maximum number of individuals who are workers with a potentially severe disability (as defined in subsection (b)(1)) are provided medical assistance equal to that provided under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) to individuals described in section 1902(a)(10)(A)(ii)(XV) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(b) **WORKER WITH A POTENTIALLY SEVERE DISABILITY DEFINED.**—For purposes of this section—

(1) **IN GENERAL.**—The term “worker with a potentially severe disability” means, with respect to a demonstration project, an individual who—

(A) is at least 16, but less than 65, years of age;

(B) has a specific physical or mental impairment that, as defined by the State under the demonstration project, is reasonably expected, but for the receipt of items and services described in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), to become blind or disabled (as defined under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))); and

(C) is employed (as defined in paragraph (2)).

(2) **DEFINITION OF EMPLOYED.**—An individual is considered to be “employed” if the individual—

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined under the demonstration project and approved by the Secretary.

(c) **APPROVAL OF DEMONSTRATION PROJECTS.**—

(1) **IN GENERAL.**—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) **TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.**—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) ELECTION OF OPTIONAL CATEGORY.—The State has elected to provide coverage under its plan under title XIX of the Social Security Act of individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(B) MAINTENANCE OF STATE EFFORT.—Federal funds paid to a State pursuant to this section must be used to supplement, but not supplant, the level of State funds expended for workers with potentially severe disabilities under programs in effect for such individuals at the time the demonstration project is approved under this section.

(C) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) for fiscal year 2000, \$72,000,000;

(II) for fiscal year 2001, \$74,000,000;

(III) for fiscal year 2002, \$78,000,000; and

(IV) for fiscal year 2003, \$81,000,000.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) except as provided in clause (ii), the aggregate amount of payments made by the Secretary to States under this section exceed \$300,000,000;

(ii) the aggregate amount of payments made by the Secretary to States for administrative expenses relating to annual reports required under subsection (d) exceed \$5,000,000; or

(iii) payments be provided by the Secretary for a fiscal year after fiscal year 2005.

(C) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States based on their applications and the availability of funds. Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b))) of expenditures in the quarter for medical assistance provided to workers with a potentially severe disability.

(d) ANNUAL REPORT.—A State with a demonstration project approved under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include enrollment and financial statistics on—

(1) the total population of workers with potentially severe disabilities served by the demonstration project; and

(2) each population of such workers with a specific physical or mental impairment described in subsection (b)(1)(B) served by such project.

(e) RECOMMENDATION.—Not later than October 1, 2002, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project

established under this section should be continued after fiscal year 2003.

(f) STATE DEFINED.—In this section, the term “State” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

**SEC. 105. ELECTION BY DISABLED BENEFICIARIES TO SUSPEND MEDICAP INSURANCE WHEN COVERED UNDER A GROUP HEALTH PLAN.**

(a) IN GENERAL.—Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by inserting “or paragraph (6)” after “this paragraph”; and

(2) by adding at the end the following new paragraph:

“(6) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) and is covered under a group health plan (as defined in section 1862(b)(1)(A)(v)). If such suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to requests made after the date of the enactment of this Act.

**TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS**

**Subtitle A—Ticket to Work and Self-Sufficiency**

**SEC. 201. ESTABLISHMENT OF THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.**

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding after section 1147 (as added by section 8 of the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998 (Public Law 105-306; 112 Stat. 2928)) the following:

**“TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM**

“SEC. 1148. (a) IN GENERAL.—The Commissioner shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and which is willing to provide such services to the beneficiary.

“(b) TICKET SYSTEM.—

“(1) DISTRIBUTION OF TICKETS.—The Commissioner may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

“(2) ASSIGNMENT OF TICKETS.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

“(3) TICKET TERMS.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

“(4) PAYMENTS TO EMPLOYMENT NETWORKS.—The Commissioner shall pay an em-

ployment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

“(c) STATE PARTICIPATION.—

“(1) IN GENERAL.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 may elect to participate in the Program as an employment network with respect to a disabled beneficiary. If the State agency does elect to participate in the Program, the State agency also shall elect to be paid under the outcome payment system or the outcome-milestone payment system in accordance with subsection (h)(1). With respect to a disabled beneficiary that the State agency does not elect to have participate in the Program, the State agency shall be paid for services provided to that beneficiary under the system for payment applicable under section 222(d) and subsections (d) and (e) of section 1615. The Commissioner shall provide for periodic opportunities for exercising such elections (and revocations).

“(2) EFFECT OF PARTICIPATION BY STATE AGENCY.—

“(A) STATE AGENCIES PARTICIPATING.—In any case in which a State agency described in paragraph (1) elects under that paragraph to participate in the Program, the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973.

“(B) STATE AGENCIES ADMINISTERING MATERNAL AND CHILD HEALTH SERVICES PROGRAMS.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

“(3) SPECIAL REQUIREMENTS APPLICABLE TO CROSS-REFERRAL TO CERTAIN STATE AGENCIES.—

“(A) IN GENERAL.—In any case in which an employment network has been assigned a ticket to work and self-sufficiency by a disabled beneficiary, no State agency shall be deemed required, under this section, title I of the Workforce Investment Act of 1998, title I of the Rehabilitation Act of 1973, or a State plan approved under such title, to accept any referral of such disabled beneficiary from such employment network unless such employment network and such State agency have entered into a written agreement that meets the requirements of subparagraph (B). Any beneficiary who has assigned a ticket to work and self-sufficiency to an employment network that has not entered into such a written agreement with such a State agency may not access vocational rehabilitation services under title I of the Rehabilitation Act of 1973 until such time as the beneficiary is reassigned to a State vocational rehabilitation agency by the Program Manager.

“(B) TERMS OF AGREEMENT.—An agreement required by subparagraph (A) shall specify, in accordance with regulations prescribed pursuant to subparagraph (C)—

“(i) the extent (if any) to which the employment network holding the ticket will provide to the State agency—

“(I) reimbursement for costs incurred in providing services described in subparagraph (A) to the disabled beneficiary; and

“(II) other amounts from payments made by the Commissioner to the employment network pursuant to subsection (h); and

"(ii) any other conditions that may be required by such regulations.

"(C) REGULATIONS.—The Commissioner and the Secretary of Education shall jointly prescribe regulations specifying the terms of agreements required by subparagraph (A) and otherwise necessary to carry out the provisions of this paragraph.

"(D) PENALTY.—No payment may be made to an employment network pursuant to subsection (h) in connection with services provided to any disabled beneficiary if such employment network makes referrals described in subparagraph (A) in violation of the terms of the agreement required under subparagraph (A) or without having entered into such an agreement.

"(d) RESPONSIBILITIES OF THE COMMISSIONER.—

"(1) SELECTION AND QUALIFICATIONS OF PROGRAM MANAGERS.—The Commissioner shall enter into agreements with 1 or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation and employment services.

"(2) TENURE, RENEWAL, AND EARLY TERMINATION.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include—

"(A) measures for ease of access by beneficiaries to services; and

"(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

"(3) PRECLUSION FROM DIRECT PARTICIPATION IN DELIVERY OF SERVICES IN OWN SERVICE AREA.—Agreements under paragraph (1) shall preclude—

"(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement; and

"(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

"(4) SELECTION OF EMPLOYMENT NETWORKS.—

"(A) IN GENERAL.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

"(B) ALTERNATE PARTICIPANTS.—In any State where the Program is being implemented, the Commissioner shall enter into an agreement with any alternate participant that is operating under the authority of section 222(d)(2) in the State as of the date of enactment of this section and chooses to serve as an employment network under the Program.

"(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

"(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services

by employment networks. The Commissioner shall solicit and consider the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure that the periodic surveys of beneficiaries receiving services under the Program are designed to measure customer service satisfaction.

"(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

"(e) PROGRAM MANAGERS.—

"(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

"(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

"(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks for good cause, as determined by the Commissioner, without being deemed to have rejected services under the Program. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible formats.

"(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager's agreement, including rural areas.

"(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the

Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Services provided under the Program may include case management, work incentives planning, supported employment, career planning, career plan development, vocational assessment, job training, placement, followup services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are available in each service area.

"(f) EMPLOYMENT NETWORKS.—

"(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—

"(A) IN GENERAL.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity that assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b).

"(B) ONE-STOP DELIVERY SYSTEMS.—An employment network serving under the Program may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998.

"(C) COMPLIANCE WITH SELECTION CRITERIA.—No employment network may serve under the Program unless it meets and maintains compliance with both general selection criteria (such as professional and educational qualifications (where applicable)) and specific selection criteria (such as substantial expertise and experience in providing relevant employment services and supports).

"(D) SINGLE OR ASSOCIATED PROVIDERS ALLOWED.—An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

"(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

"(A) serve prescribed service areas; and

"(B) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans meeting the requirements of subsection (g).

"(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

"(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network. The program manager

shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

“(g) INDIVIDUAL WORK PLANS.—

“(i) REQUIREMENTS.—Each employment network shall—

“(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subparagraph (C);

“(B) develop and implement each such individual work plan in partnership with each beneficiary receiving such services in a manner that affords the beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal;

“(C) ensure that each individual work plan includes at least—

“(i) a statement of the vocational goal developed with the beneficiary;

“(ii) a statement of the services and supports that have been deemed necessary for the beneficiary to accomplish that goal;

“(iii) a statement of any terms and conditions related to the provision of such services and supports; and

“(iv) a statement of understanding regarding the beneficiary's rights under the Program (such as the right to retrieve the ticket to work and self-sufficiency if the beneficiary is dissatisfied with the services being provided by the employment network) and remedies available to the individual, including information on the availability of advocacy services and assistance in resolving disputes through the State grant program authorized under section 1150;

“(D) provide a beneficiary the opportunity to amend the individual work plan if a change in circumstances necessitates a change in the plan; and

“(E) make each beneficiary's individual work plan available to the beneficiary in, as appropriate, an accessible format chosen by the beneficiary.

“(2) EFFECTIVE UPON WRITTEN APPROVAL.—A beneficiary's individual work plan shall take effect upon written approval by the beneficiary or a representative of the beneficiary and a representative of the employment network that, in providing such written approval, acknowledges assignment of the beneficiary's ticket to work and self-sufficiency.

“(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

“(i) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

“(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

“(B) NO CHANGE IN METHOD OF PAYMENT FOR BENEFICIARIES WITH TICKETS ALREADY ASSIGNED TO THE EMPLOYMENT NETWORKS.—Any election of a payment system by an employment network that would result in a change in the method of payment to the employment network for services provided to a beneficiary who is receiving services from the employment network at the time of the election shall not be effective with respect to payment for services provided to that beneficiary and the method of payment pre-

viously selected shall continue to apply with respect to such services.

“(2) OUTCOME PAYMENT SYSTEM.—

“(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

“(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network in connection with each individual who is a beneficiary for each month during the individual's outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual because of work or earnings.

“(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

“(i) the payment for each of the 60 months during the outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs; and

“(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

“(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

“(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

“(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for 1 or more milestones with respect to beneficiaries receiving services from an employment network under the Program that are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure that provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

“(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome-milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

“(4) DEFINITIONS.—In this subsection:

“(A) PAYMENT CALCULATION BASE.—The term ‘payment calculation base’ means, for any calendar year—

“(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year; and

“(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained age 18 but have not attained age 65.

“(B) OUTCOME PAYMENT PERIOD.—The term ‘outcome payment period’ means, in connection with any individual who had assigned a

ticket to work and self-sufficiency to an employment network under the Program, a period—

“(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity; and

“(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity.

“(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

“(A) PERCENTAGES AND PERIODS.—The Commissioner shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

“(B) NUMBER AND AMOUNTS OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, or other reliable sources.

“(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using, as defined by the Commissioner, a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

“(j) ALLOCATION OF COSTS.—

“(i) PAYMENTS TO EMPLOYMENT NETWORKS.—Payments to employment networks (including State agencies that elect to participate in the Program as an employment network) shall be made from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as appropriate, in the case of ticketed title II disability beneficiaries who return to

work, or from the appropriation made available for making supplemental security income payments under title XVI, in the case of title XVI disability beneficiaries who return to work. With respect to ticketed beneficiaries who concurrently are entitled to benefits under title II and eligible for payments under title XVI who return to work, the Commissioner shall allocate the cost of payments to employment networks to which the tickets of such beneficiaries have been assigned among such Trust Funds and appropriation, as appropriate.

“(2) ADMINISTRATIVE EXPENSES.—The costs of administering this section (other than payments to employment networks) shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

“(k) DEFINITIONS.—In this section:

“(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of Social Security.

“(2) DISABLED BENEFICIARY.—The term ‘disabled beneficiary’ means a title II disability beneficiary or a title XVI disability beneficiary.

“(3) TITLE II DISABILITY BENEFICIARY.—The term ‘title II disability beneficiary’ means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual’s disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

“(4) TITLE XVI DISABILITY BENEFICIARY.—The term ‘title XVI disability beneficiary’ means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

“(5) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term ‘supplemental security income benefit under title XVI’ means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

“(l) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Commissioner shall prescribe such regulations as are necessary to carry out the provisions of this section.”

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) is amended by adding at the end the following:

“(5) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).”

(B) Section 222(a) of the Social Security Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of the Social Security Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of the Social Security Act (42 U.S.C. 425(b)(1)) is amended by striking “a program of vocational rehabilitation services” and inserting “a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services”.

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of the Social Security Act (42 U.S.C. 1382d(a)) is amended to read as follows:

“SEC. 1615. (a) In the case of any blind or disabled individual who—

“(1) has not attained age 16, and

“(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.”

(B) Section 1615(c) of the Social Security Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of the Social Security Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking “a program of vocational rehabilitation services” and inserting “a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services”.

(D) Section 1633(c) of the Social Security Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting “(1)” after “(c)”; and

(ii) by adding at the end the following:

“(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).”

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following 1 year after the date of enactment of this Act.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) FULL IMPLEMENTATION.—The Commissioner shall ensure that the ability to provide tickets and services to individuals under the Program exists in every State as soon as practicable on or after the effective date specified in subsection (c) but not later than 3 years after such date.

(4) ONGOING EVALUATION OF PROGRAM.—

(A) IN GENERAL.—The Commissioner shall design and conduct a series of evaluations to assess the cost-effectiveness of activities carried out under this section and the amendments made thereby, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) CONSULTATION.—The Commissioner shall design and carry out the series of evaluations after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program and con-

sulting with the Work Incentives Advisory Panel established under section 201(f), the Comptroller General of the United States, other agencies of the Federal Government, and private organizations with appropriate expertise.

(C) METHODOLOGY.—

(i) IMPLEMENTATION.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall ensure that plans for evaluations and data collection methods under the Program are appropriately designed to obtain detailed employment information.

(ii) SPECIFIC MATTERS TO BE ADDRESSED.—Each such evaluation shall address (but is not limited to)—

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of providers whose services are provided within an employment network under the Program;

(VII) the extent (if any) to which employment networks display a greater willingness to provide services to beneficiaries with a range of disabilities;

(VIII) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(IX) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(X) reasons for (including comments solicited from beneficiaries regarding) their choice not to use their tickets or their inability to return to work despite the use of their tickets.

(D) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner’s evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner’s evaluation of the extent to which the Program has been successful and the Commissioner’s conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) EXTENT OF STATE’S RIGHT OF FIRST REFUSAL IN ADVANCE OF FULL IMPLEMENTATION OF AMENDMENTS IN SUCH STATE.—

(A) IN GENERAL.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) of the Social Security Act for prompt referrals to a State agency, and

(ii) the authority of the Commissioner under section 222(d)(2) of the Social Security Act to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals, shall apply in such State.

(B) EXISTING AGREEMENTS.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act before the date of enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after 3 years after the effective date provided in subsection (c).

(c) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1148(b)(1) of the Social Security Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program (and revoke such an election) pursuant to section 1148(c)(1) of the Social Security Act and provision for periodic opportunities for exercising such elections (and revocations);

(D) the status of State agencies under section 1148(c)(1) at the time that State agencies exercise elections (and revocations) under that section;

(E) the terms of agreements to be entered into with program managers pursuant to section 1148(d) of the Social Security Act, including—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1148(d)(3) of the Social Security Act;

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1148(d) and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1148(e); and

(iii) the format under which dispute resolution will operate under section 1148(d)(7);

(F) the terms of agreements to be entered into with employment networks pursuant to section 1148(d)(4) of the Social Security Act, including—

(i) the manner in which service areas are specified pursuant to section 1148(f)(2)(A) of the Social Security Act;

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1148(f)(1)(C) of the Social Security Act in selecting service providers;

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1148(f)(3) of the Social Security Act; and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1148(f)(4) of the Social Security Act;

(G) standards which must be met by individual work plans pursuant to section 1148(g) of the Social Security Act;

(H) standards which must be met by payment systems required under section 1148(h) of the Social Security Act, including—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1148(h)(1)(A);

(ii) the terms which must be met by an outcome payment system under section 1148(h)(2);

(iii) the terms which must be met by an outcome-milestone payment system under section 1148(h)(3);

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1148(h) of the Social Security Act or the period of time specified in paragraph (4)(B) of such section 1148(h); and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(f) WORK INCENTIVES ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established within the Social Security Administration a panel to be known as the "Work Incentives Advisory Panel" (in this subsection referred to as the "Panel").

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the President, Congress, and the Commissioner of Social Security on issues related to work incentives programs, planning, and assistance for individuals with disabilities, including work incentive provisions under titles II, XI, XVI, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1301 et seq., 1381 et seq., 1395 et seq., 1396 et seq.); and

(B) with respect to the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act—

(i) advise the Commissioner of Social Security with respect to establishing phase-in sites for such Program and fully implementing the Program thereafter, the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems, and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program;

(ii) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to section 302;

(iii) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1148(d)(6) of the Social Security Act; and

(iv) furnish progress reports on the Program to the Commissioner and each House of Congress.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members appointed as follows:

(i) 4 members appointed by the President.

(ii) 2 members appointed by the Speaker of the House of Representatives, in consultation with the chairman of the Committee on Ways and Means of the House of Representatives.

(iii) 2 members appointed by the Minority Leader of the House of Representatives, in consultation with the ranking member of the Committee on Ways and Means of the House of Representatives.

(iv) 2 members appointed by the Majority Leader of the Senate, in consultation with the chairman of the Committee on Finance of the Senate.

(v) 2 members appointed by the Minority Leader of the Senate, in consultation with the ranking member of the Committee on Finance of the Senate.

(B) REPRESENTATION.—All members appointed to the Panel shall have experience or expert knowledge in the fields of, or related to, work incentive programs, employment services, vocational rehabilitation services, health care services, and other support services for individuals with disabilities. At least one-half of the members described in each clause of subparagraph (A) shall be individuals with disabilities, or representatives of individuals with disabilities, with consideration to current or former title II disability beneficiaries or title XVI disability beneficiaries (as such terms are defined in section 1148(k) of the Social Security Act (as added by subsection (a))).

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of enactment of this Act.

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the Commissioner at the time of appointment, of the members first appointed—

(I) one-half of the members appointed under each clause of subparagraph (A) shall be appointed for a term of 2 years; and

(II) the remaining members appointed under each such clause shall be appointed for a term of 4 years.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) BASIC PAY.—Members shall each be paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) QUORUM.—Eight members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the President. The term of office of the Chairperson shall be 4 years.

(H) MEETINGS.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(A) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Commissioner and paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) STAFF.—Subject to rules prescribed by the Commissioner, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commissioner, the



Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this subsection.

(5) POWERS OF PANEL.—

(A) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this subsection.

(C) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) REPORTS.—

(A) INTERIM REPORTS.—The Panel shall submit directly to the President and Congress interim reports at least annually.

(B) FINAL REPORT.—The Panel shall transmit a final report directly to the President and Congress not later than 8 years after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislative and administrative actions which the Panel considers appropriate.

(7) TERMINATION.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) ALLOCATION OF COSTS.—The costs of carrying out this subsection shall be paid from amounts made available for the administration of title II of the Social Security Act (42 U.S.C. 401 et seq.) and amounts made available for the administration of title XVI of that Act (42 U.S.C. 1381 et seq.), and shall be allocated among those amounts as appropriate.

#### Subtitle B—Elimination of Work Disincentives

#### SEC. 211. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS.

Section 221 of the Social Security Act (42 U.S.C. 421) is amended by adding at the end the following:

“(m)(1) In any case where an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)) has received such benefits for at least 24 months—

“(A) no continuing disability review conducted by the Commissioner may be scheduled for the individual solely as a result of the individual's work activity;

“(B) no work activity engaged in by the individual may be used as evidence that the individual is no longer disabled; and

“(C) no cessation of work activity by the individual may give rise to a presumption that the individual is unable to engage in work.

“(2) An individual to which paragraph (1) applies shall continue to be subject to—

“(A) continuing disability reviews on a regularly scheduled basis that is not triggered by work; and

“(B) termination of benefits under this title in the event that the individual has earnings that exceed the level of earnings established by the Commissioner to represent substantial gainful activity.”.

#### SEC. 212. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS.

(a) OASDI BENEFITS.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

##### “Reinstatement of Entitlement

“(i)(1)(A) Entitlement to benefits described in subparagraph (B)(i)(I) shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of such entitlement shall be in accordance with the terms of this subsection.

“(B) An individual is described in this subparagraph if—

“(i) prior to the month in which the individual files a request for reinstatement—

“(1) the individual was entitled to benefits under this section or section 202 on the basis of disability pursuant to an application filed therefore; and

“(II) such entitlement terminated due to the performance of substantial gainful activity;

“(ii) the individual is under a disability and the physical or mental impairment that is the basis for the finding of disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement described in clause (i); and

“(iii) the individual's disability renders the individual unable to perform substantial gainful activity.

“(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was entitled to a benefit described in subparagraph (B)(i)(I) prior to the entitlement termination described in subparagraph (B)(i)(II).

“(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

“(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

“(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) and (iii) of paragraph (1)(B).

“(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not entitled to reinstated benefits under this subsection.

“(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of subsection (f) shall apply.

“(4)(A)(i) Subject to clause (ii), entitlement to benefits reinstated under this subsection shall commence with the benefit payable for the month in which a request for reinstatement is filed.

“(ii) An individual whose entitlement to a benefit for any month would have been reinstated under this subsection had the individual filed a request for reinstatement before the end of such month shall be entitled to such benefit for such month if such request for reinstatement is filed before the

end of the twelfth month immediately succeeding such month.

“(B)(i) Subject to clauses (ii) and (iii), the amount of the benefit payable for any month pursuant to the reinstatement of entitlement under this subsection shall be determined in accordance with the provisions of this title.

“(ii) For purposes of computing the primary insurance amount of an individual whose entitlement to benefits under this section is reinstated under this subsection, the date of onset of the individual's disability shall be the date of onset used in determining the individual's most recent period of disability arising in connection with such benefits payable on the basis of an application.

“(iii) Benefits under this section or section 202 payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

“(C) No benefit shall be payable pursuant to an entitlement reinstated under this subsection to an individual for any month in which the individual engages in substantial gainful activity.

“(D) The entitlement of any individual that is reinstated under this subsection shall end with the benefits payable for the month preceding whichever of the following months is the earliest:

“(i) The month in which the individual dies.

“(ii) The month in which the individual attains retirement age.

“(iii) The third month following the month in which the individual's disability ceases.

“(5) Whenever an individual's entitlement to benefits under this section is reinstated under this subsection, entitlement to benefits payable on the basis of such individual's wages and self-employment income may be reinstated with respect to any person previously entitled to such benefits on the basis of an application if the Commissioner determines that such person satisfies all the requirements for entitlement to such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated entitlement of any such person to the same extent that they apply to the reinstated entitlement of such individual.

“(6) An individual to whom benefits are payable under this section or section 202 pursuant to a reinstatement of entitlement under this subsection for 24 months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) and the determination, if appropriate, of the termination month in accordance with subsection (a)(1) of this section, or subsection (d)(1), (e)(1), or (f)(1) of section 202, to be entitled to such benefits on the basis of an application filed therefore.

“(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be entitled to provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under subsection (b) or (g) of section 205.

“(B) The amount of a provisional benefit for a month shall equal the amount of the last monthly benefit payable to the individual under this title on the basis of an application increased by an amount equal to

the amount, if any, by which such last monthly benefit would have been increased as a result of the operation of section 215(i).

“(C)(i) Provisional benefits shall begin with the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

“(ii) Provisional benefits shall end with the earliest of—

“(I) the month in which the Commissioner makes a determination regarding the individual's entitlement to reinstated benefits;

“(II) the fifth month following the month described in clause (i);

“(III) the month in which the individual performs substantial gainful activity; or

“(IV) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

“(D) In any case in which the Commissioner determines that an individual is not entitled to reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).”

(b) SSI BENEFITS.—

(1) IN GENERAL.—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end the following:

“Reinstatement of Eligibility on the Basis of Blindness or Disability

“(p)(1)(A) Eligibility for benefits under this title shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of eligibility shall be in accordance with the terms of this subsection.

“(B) An individual is described in this subparagraph if—

“(i) prior to the month in which the individual files a request for reinstatement—

“(I) the individual was eligible for benefits under this title on the basis of blindness or disability pursuant to an application filed therefore; and

“(II) the individual thereafter was ineligible for such benefits due to earned income (or earned and unearned income) for a period of 12 or more consecutive months;

“(ii) the individual is blind or disabled and the physical or mental impairment that is the basis for the finding of blindness or disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of blindness or disability that gave rise to the eligibility described in clause (i);

“(iii) the individual's blindness or disability renders the individual unable to perform substantial gainful activity; and

“(iv) the individual satisfies the nonmedical requirements for eligibility for benefits under this title.

“(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was eligible for a benefit under this title (including section 1619) prior to the period of ineligibility described in subparagraph (B)(i)(II).

“(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

“(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

“(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) through (iv) of paragraph (1)(B).

“(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not eligible for reinstated benefits under this subsection.

“(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of section 1614(a)(4) shall apply.

“(4)(A) Eligibility for benefits reinstated under this subsection shall commence with the benefit payable for the month following the month in which a request for reinstatement is filed.

“(B)(i) Subject to clause (ii), the amount of the benefit payable for any month pursuant to the reinstatement of eligibility under this subsection shall be determined in accordance with the provisions of this title.

“(ii) The benefit under this title payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

“(C) Except as otherwise provided in this subsection, eligibility for benefits under this title reinstated pursuant to a request filed under paragraph (2) shall be subject to the same terms and conditions as eligibility established pursuant to an application filed therefore.

“(5) Whenever an individual's eligibility for benefits under this title is reinstated under this subsection, eligibility for such benefits shall be reinstated with respect to the individual's spouse if such spouse was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements for eligibility for such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated eligibility of the spouse to the same extent that they apply to the reinstated eligibility of such individual.

“(6) An individual to whom benefits are payable under this title pursuant to a reinstatement of eligibility under this subsection for twenty-four months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) to be eligible for such benefits on the basis of an application filed therefore.

“(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be eligible for provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under paragraph (1) or (3) of subsection (c).

“(B)(i) Except as otherwise provided in clause (ii), the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual under this title with the same kind and amount of income.

“(ii) If the individual has a spouse who was previously an eligible spouse of the individual under this title and the Commissioner

determines that such spouse satisfies all the requirements of section 1614(b) except requirements related to the filing of an application, the amount of a provisional benefit for a month shall equal the amount of the month benefit that would be payable to an eligible individual and eligible spouse under this title with the same kind and amount of income.

“(C)(i) Provisional benefits shall begin with the month following the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

“(ii) Provisional benefits shall end with the earliest of—

“(I) the month in which the Commissioner makes a determination regarding the individual's eligibility for reinstated benefits;

“(II) the fifth month following the month for which provisional benefits are first payable under clause (i); or

“(III) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

“(D) In any case in which the Commissioner determines that an individual is not eligible for reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).

“(8) For purposes of this subsection other than paragraph (7), the term ‘benefits under this title’ includes State supplementary payments made pursuant to an agreement under section 1616(a) or section 212(b) of Public Law 93-66.”

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(j)(1) of such Act (42 U.S.C. 1383(j)(1)) is amended by striking the period and inserting “, or has filed a request for reinstatement of eligibility under subsection (p)(2) and been determined to be eligible for reinstatement.”

(B) Section 1631(j)(2)(A)(i)(I) of such Act (42 U.S.C. 1383(j)(2)(A)(i)(I)) is amended by inserting “(other than pursuant to a request for reinstatement under subsection (p))” after “eligible”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of enactment of this Act.

(2) LIMITATION.—No benefit shall be payable under title II or XVI of the Social Security Act on the basis of a request for reinstatement filed under section 223(i) or 1631(p) of such Act before the effective date described in paragraph (1).

**Subtitle C—Work Incentives Planning, Assistance, and Outreach**

**SEC. 221. WORK INCENTIVES OUTREACH PROGRAM.**

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 201, is amended by adding after section 1148 the following:

**“WORK INCENTIVES OUTREACH PROGRAM**

**“SEC. 1149. (a) ESTABLISHMENT.—**

“(1) IN GENERAL.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, shall establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to disabled beneficiaries on work incentives programs and issues related to such programs.

“(2) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OUTREACH.—Under the program established under this section, the Commissioner shall—

“(A) establish a competitive program of grants, cooperative agreements, or contracts to provide benefits planning and assistance, including information on the availability of protection and advocacy services, to disabled beneficiaries, including individuals participating in the Ticket to Work and Self-Sufficiency Program established under section 1148, the program established under section 1619, and other programs that are designed to encourage disabled beneficiaries to work;

“(B) conduct directly, or through grants, cooperative agreements, or contracts, ongoing outreach efforts to disabled beneficiaries (and to the families of such beneficiaries) who are potentially eligible to participate in Federal or State work incentive programs that are designed to assist disabled beneficiaries to work, including—

“(i) preparing and disseminating information explaining such programs; and

“(ii) working in cooperation with other Federal, State, and private agencies and non-profit organizations that serve disabled beneficiaries, and with agencies and organizations that focus on vocational rehabilitation and work-related training and counseling;

“(C) establish a corps of trained, accessible, and responsive work incentives specialists within the Social Security Administration who will specialize in disability work incentives under titles II and XVI for the purpose of disseminating accurate information with respect to inquiries and issues relating to work incentives to—

“(i) disabled beneficiaries;

“(ii) benefit applicants under titles II and XVI; and

“(iii) individuals or entities awarded grants under subparagraphs (A) or (B); and

“(D) provide—

“(i) training for work incentives specialists and individuals providing planning assistance described in subparagraph (C); and

“(ii) technical assistance to organizations and entities that are designed to encourage disabled beneficiaries to return to work.

“(3) COORDINATION WITH OTHER PROGRAMS.—The responsibilities of the Commissioner established under this section shall be coordinated with other public and private programs that provide information and assistance regarding rehabilitation services and independent living supports and benefits planning for disabled beneficiaries including the program under section 1619, the plans for achieving self-support program (PASS), and any other Federal or State work incentives programs that are designed to assist disabled beneficiaries, including educational agencies that provide information and assistance regarding rehabilitation, school-to-work programs, transition services (as defined in, and provided in accordance with, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)), a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998, and other services.

“(b) CONDITIONS.—

“(1) SELECTION OF ENTITIES.—

“(A) APPLICATION.—An entity shall submit an application for a grant, cooperative agreement, or contract to provide benefits planning and assistance to the Commissioner at such time, in such manner, and containing such information as the Commissioner may determine is necessary to meet the requirements of this section.

“(B) STATEWIDENESS.—The Commissioner shall ensure that the planning, assistance, and information described in paragraph (2) shall be available on a statewide basis.

“(C) ELIGIBILITY OF STATES AND PRIVATE ORGANIZATIONS.—

“(i) IN GENERAL.—The Commissioner may award a grant, cooperative agreement, or contract under this section to a State or a private agency or organization (other than Social Security Administration Field Offices and the State agency administering the State Medicaid program under title XIX, including any agency or entity described in clause (ii), that the Commissioner determines is qualified to provide the planning, assistance, and information described in paragraph (2)).

“(ii) AGENCIES AND ENTITIES DESCRIBED.—The agencies and entities described in this clause are the following:

“(I) Any public or private agency or organization (including Centers for Independent Living established under title VII of the Rehabilitation Act of 1973, protection and advocacy organizations, client assistance programs established in accordance with section 112 of the Rehabilitation Act of 1973, and State Developmental Disabilities Councils established in accordance with section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)) that the Commissioner determines satisfies the requirements of this section.

“(II) The State agency administering the State program funded under part A of title IV.

“(D) EXCLUSION FOR CONFLICT OF INTEREST.—The Commissioner may not award a grant, cooperative agreement, or contract under this section to any entity that the Commissioner determines would have a conflict of interest if the entity were to receive a grant, cooperative agreement, or contract under this section.

“(2) SERVICES PROVIDED.—A recipient of a grant, cooperative agreement, or contract to provide benefits planning and assistance shall select individuals who will act as planners and provide information, guidance, and planning to disabled beneficiaries on the—

“(A) availability and interrelation of any Federal or State work incentives programs designed to assist disabled beneficiaries that the individual may be eligible to participate in;

“(B) adequacy of any health benefits coverage that may be offered by an employer of the individual and the extent to which other health benefits coverage may be available to the individual; and

“(C) availability of protection and advocacy services for disabled beneficiaries and how to access such services.

“(3) AMOUNT OF GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—

“(A) BASED ON POPULATION OF DISABLED BENEFICIARIES.—Subject to subparagraph (B), the Commissioner shall award a grant, cooperative agreement, or contract under this section to an entity based on the percentage of the population of the State where the entity is located who are disabled beneficiaries.

“(B) LIMITATION PER GRANT.—No entity shall receive a grant, cooperative agreement, or contract under this section for a fiscal year that is less than \$50,000 or more than \$300,000.

“(ii) TOTAL AMOUNT FOR ALL GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The total amount of all grants, cooperative agreements, and contracts awarded under this section for a fiscal year may not exceed \$23,000,000.

“(4) ALLOCATION OF COSTS.—The costs of carrying out this section shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

“(c) DEFINITIONS.—In this section:

“(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of Social Security.

“(2) DISABLED BENEFICIARY.—The term ‘disabled beneficiary’ has the meaning given that term in section 1148(k)(2).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$23,000,000 for each of fiscal years 2000 through 2004.”

## SEC. 222. STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 221, is amended by adding after section 1149 the following:

### “STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES

“SEC. 1150. (a) IN GENERAL.—Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the purpose of providing services to disabled beneficiaries.

“(b) SERVICES PROVIDED.—Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

“(1) information and advice about obtaining vocational rehabilitation and employment services; and

“(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

“(c) APPLICATION.—In order to receive payments under this section, a protection and advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

“(d) AMOUNT OF PAYMENTS.—

“(1) IN GENERAL.—Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

“(A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—

“(i) \$100,000; or

“(ii) 1/3 of 1 percent of the amount available for payments under this section; and

“(B) in the case of a protection and advocacy system located in Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, \$50,000.

“(2) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

“(e) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

“(f) FUNDING.—

“(1) ALLOCATION OF PAYMENTS.—Payments under this section shall be made from

amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(2) CARRYOVER.—Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

"(g) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

"(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2000 through 2004."

### TITLE III—DEMONSTRATION PROJECTS AND STUDIES

#### SEC. 301. PERMANENT EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) PERMANENT EXTENSION OF AUTHORITY.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by adding at the end the following:

##### "DEMONSTRATION PROJECT AUTHORITY

"SEC. 234. (a) AUTHORITY.—

"(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of—

"(A) various alternative methods of treating the work activity of individuals entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)), including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of such individuals;

"(B) altering other limitations and conditions applicable to such individuals (including lengthening the trial work period (as defined in section 222(c)), altering the 24-month waiting period for hospital insurance benefits under section 226, altering the manner in which the program under this title is administered, earlier referral of such individuals for rehabilitation, and greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation); and

"(C) implementing sliding scale benefit offsets using variations in—

"(i) the amount of the offset as a proportion of earned income;

"(ii) the duration of the offset period; and

"(iii) the method of determining the amount of income earned by such individuals,

to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of this title.

"(2) AUTHORITY FOR EXPANSION OF SCOPE.—The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under the program established under this title with impairments that reasonably may be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any

such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.

"(b) REQUIREMENTS.—The experiments and demonstration projects developed under subsection (a) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program under this title without committing such program to the adoption of any particular system either locally or nationally.

"(c) AUTHORITY TO WAIVE COMPLIANCE WITH BENEFITS REQUIREMENTS.—In the case of any experiment or demonstration project conducted under subsection (a), the Commissioner may waive compliance with the benefit requirements of this title, and the Secretary may (upon the request of the Commissioner) waive compliance with the benefits requirements of title XVIII, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

"(d) REPORTS.—

"(1) INTERIM REPORTS.—On or before June 9 of each year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials that the Commissioner may consider appropriate.

"(2) FINAL REPORTS.—Not later than 90 days after the termination of any experiment or demonstration project carried out under this section, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to that experiment and demonstration project."

(b) CONFORMING AMENDMENTS; TRANSFER OF PRIOR AUTHORITY.—

(1) CONFORMING AMENDMENTS.—

(A) REPEAL OF PRIOR AUTHORITY.—Paragraphs (1) through (4) of subsection (a) and subsection (c) of section 505 of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) are repealed.

(B) CONFORMING AMENDMENT REGARDING FUNDING.—Section 201(k) of the Social Security Act (42 U.S.C. 401(k)) is amended by striking "section 505(a) of the Social Security Disability Amendments of 1980" and inserting "section 234".

(2) TRANSFER OF PRIOR AUTHORITY.—With respect to any experiment or demonstration project being conducted under section 505(a) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) as of the date of enactment of this Act, the authority to conduct such experiment or demonstration project (including the terms and conditions applicable to the experiment or dem-

onstration project) shall be treated as if that authority (and such terms and conditions) had been established under section 234 of the Social Security Act, as added by subsection (a).

#### SEC. 302. DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

(a) AUTHORITY.—The Commissioner of Social Security shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1148(k)(3) of the Social Security Act) under which each \$1 of benefits payable under section 223, or under section 202 based on the beneficiary's disability, is reduced for each \$2 of such beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(b) SCOPE AND SCALE AND MATTERS TO BE DETERMINED.—

(1) IN GENERAL.—The demonstration projects developed under subsection (a) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(A) the effects, if any, of induced entry into the project and reduced exit from the project;

(B) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act; and

(C) the savings that accrue to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Work Incentives Advisory Panel pursuant to section 201(f)(2)(B)(ii).

(2) ADDITIONAL MATTERS.—The Commissioner shall also determine with respect to each project—

(A) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project;

(B) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project; and

(C) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(c) WAIVERS.—The Commissioner may waive compliance with the benefit provisions of title II of the Social Security Act, and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of that Act, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description

thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

(d) **INTERIM REPORTS.**—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Commissioner of Social Security shall submit to Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials that the Commissioner of Social Security may consider appropriate.

(e) **FINAL REPORT.**—The Commissioner of Social Security shall submit to Congress a final report with respect to all demonstration projects carried out under this section not later than 1 year after their completion.

(f) **EXPENDITURES.**—Expenditures made for demonstration projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

#### SEC. 303. STUDIES AND REPORTS.

(a) **STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING DISABILITY-RELATED EMPLOYMENT INCENTIVES.**—

(1) **STUDY.**—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities.

(2) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(b) **STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING COORDINATION OF THE DI AND SSI PROGRAMS AS THEY RELATE TO INDIVIDUALS ENTERING OR LEAVING CONCURRENT ENTITLEMENT.**—

(1) **STUDY.**—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of that Act, as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individ-

uals under titles XVIII and XIX of the Social Security Act.

(2) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(c) **STUDY BY GENERAL ACCOUNTING OFFICE OF THE IMPACT OF THE SUBSTANTIAL GAINFUL ACTIVITY LIMIT ON RETURN TO WORK.**—

(1) **STUDY.**—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study of the substantial gainful activity level applicable as of that date to recipients of benefits under section 223 of the Social Security Act (42 U.S.C. 423) and under section 202 of that Act (42 U.S.C. 402) on the basis of a recipient having a disability, and the effect of such level as a disincentive for those recipients to return to work. In the study, the Comptroller General also shall address the merits of increasing the substantial gainful activity level applicable to such recipients of benefits and the rationale for not yearly indexing that level to inflation.

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(d) **REPORT ON DISREGARDS UNDER THE DI AND SSI PROGRAMS.**—Not later than 90 days after the date of enactment of this Act, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) identifies all income, assets, and resource disregards (imposed under statutory or regulatory authority) that are applicable to individuals receiving benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

(2) with respect to each such disregard—

(A) specifies the most recent statutory or regulatory modification of the disregard; and

(B) recommends whether further statutory or regulatory modification of the disregard would be appropriate; and

(3) with respect to the disregard described in section 1612(b)(7) of the Social Security Act (42 U.S.C. 1382a(b)(7)) (relating to grants, scholarships, or fellowships received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution)—

(A) identifies the number of individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) who have attained age 22 and have not had any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution excluded from their income in accordance with that section;

(B) recommends whether the age at which such grants, scholarships, or fellowships are excluded from income for purposes of determining eligibility under title XVI of the Social Security Act should be increased to age 25; and

(C) recommends whether such disregard should be expanded to include any such grant, scholarship, or fellowship received for use in paying the cost of room and board at any such institution.

#### TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

##### SEC. 401. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) **CLARIFICATION RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.**—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104-121; 110 Stat. 853) is amended—

(1) in subparagraph (A), by striking “by the Commissioner of Social Security” and “by the Commissioner”; and

(2) by adding at the end the following:

“(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

“(i) there is pending a request for either administrative or judicial review with respect to such claim, or

“(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

“(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) of the Social Security Act shall not apply to such redetermination.”

(b) **CORRECTION TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF SOCIAL SECURITY BENEFICIARIES WHO ARE DRUG ADDICTS AND ALCOHOLICS.**—Section 105(a)(5)(B) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended to read as follows:

“(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

“(i) whose claim for benefits is finally adjudicated on or after the date of enactment of this Act; or

“(ii) whose entitlement to benefits is based on an entitlement redetermination made pursuant to subparagraph (C).”

(c) **EFFECTIVE DATES.**—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104-121; 110 Stat. 852 et seq.).

##### SEC. 402. TREATMENT OF PRISONERS.

(a) **IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.**—

(1) **IN GENERAL.**—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following:

“(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution,

or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

“(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, Social Security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

“(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, \$400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or \$200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

“(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

“(iii) There is authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

“(iv) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any agency administering a Federal or federally assisted cash, food, or medical assistance program for eligibility purposes.”

(2) CONFORMING AMENDMENT TO THE PRIVACY ACT.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vi), by striking “or” at the end;

(B) in clause (vii), by adding “or” at the end; and

(C) by adding at the end the following:

“(viii) matches performed pursuant to section 202(x)(3)(B) or 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 402(x)(3)(B), 1382(e)(1)(I));”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking “during” and inserting “throughout”; and

(B) in clause (i), by striking “an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)” and inserting “a criminal offense”; and

(C) in clause (ii)(I), by striking “an offense punishable by imprisonment for more than 1 year” and inserting “a criminal offense”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) CONFORMING TITLE XVI AMENDMENTS.—(1) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting “(subject to reduction under clause (ii))” after “\$400” and after “\$200”; and

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(C) by inserting after clause (i) the following:

“(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).”

(2) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking “institution” and all that follows through “section 202(x)(1)(A),” and inserting “institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii).”

(3) ELIMINATION OF OVERLY BROAD EXEMPTION.—Section 1611(e)(1)(I)(iii) of such Act (42 U.S.C. 1382(e)(1)(I)(iii)) (as redesignated by paragraph (1)(B)), is amended by striking “(I) The provisions” and all that follows through “(II)”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of the Social Security Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(d) CONTINUED DENIAL OF BENEFITS TO SEX OFFENDERS REMAINING CONFINED TO PUBLIC INSTITUTIONS UPON COMPLETION OF PRISON TERM.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking “or” at the end;

(B) in clause (ii)(IV), by striking the period and inserting “, or”; and

(C) by adding at the end the following:

“(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.”

(2) CONFORMING AMENDMENT.—Section 202(x)(1)(B)(ii) of the Social Security Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking “clause (ii)” and inserting “clauses (ii) and (iii)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of enactment of this Act.

#### SEC. 403. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.

(a) IN GENERAL.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefore (in such form and manner, and with such official, as may be prescribed by the Commissioner of the Internal Revenue Service), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1999. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1999, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding paragraph (4) or (5) of section 1402(c) of such Code) except for the exemption under section 1402(e)(1) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1999, and with respect to monthly insurance benefits payable under title II of the Social Security Act on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

#### SEC. 404. ADDITIONAL TECHNICAL AMENDMENT RELATING TO COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS UNDER TITLES II AND XVI.

(a) IN GENERAL.—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking “title XVI” and inserting “title II or XVI”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296; 108 Stat. 1464).

#### SEC. 405. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b-7(a)(3)) is amended by inserting before the semicolon the following: “, and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such employment on a calendar year basis pursuant to section 3510 of

the Internal Revenue Code of 1986 to make such reports on an annual basis".

(b) TECHNICAL AMENDMENTS.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b-7(a)(3)) is amended—

(1) by striking "(as defined in section 453A(a)(2)(B)(iii))"; and

(2) by inserting "(as defined in section 453A(a)(2)(B))" after "employers".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wage reports required to be submitted on and after the date of enactment of this Act.

#### TITLE V—REVENUE

#### SEC. 501. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year," and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2001.

#### SEC. 502. LIMITATION ON USE OF NON-ACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(d)(5) of the Internal Revenue Code of 1986 (relating to special rule for services) is amended—

(1) by inserting "in fields described in paragraph (2)(A)" after "services by such person", and

(2) by inserting "CERTAIN PERSONAL" before "SERVICES".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

#### SEC. 503. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

#### "SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

Category	Average Fee
Employee plan ruling and opinion ..	\$250
Exempt organization ruling .....	\$350
Employee plan determination .....	\$300
Exempt organization determination .....	\$275
Chief counsel ruling .....	\$200.

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2006."

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 7527. Internal Revenue Service user fees."

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

#### DOMENICI AMENDMENT NO. 628

Mr. DOMENICI proposed an amendment to the bill, S. 1186, supra; as follows:

On page 12, line 24, insert the following after the figure "204": "of the Water Resources Development Act of 1986, as amended (Public Law 99-662); section 206".

#### BOND (AND ASHCROFT) AMENDMENT NO. 629

(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. ASHCROFT) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 22, line 7, before the period at the end insert ", of which \$8,100,000 shall be used for the University of Missouri research reactor project".

#### TORRICELLI AMENDMENTS NOS. 630-631

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

#### AMENDMENT NO. 630

On page 37, strike lines 20 and 21.

#### AMENDMENT NO. 631

On page 4, between lines 12 and 13, insert the following: "Minnish Waterfront Park project, Passaic River, New Jersey, \$4,000,000;"

#### COCHRAN (AND LOTT) AMENDMENT NO. 632

(Ordered to lie on the table.)

Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 25, line 14, insert before the period: "Provided further, That from within the funds provided for fissile materials control

and disposition under Other Defense Activities, up to \$5,000,000 shall be made available to the Department of Energy's Diagnostics Instrumentation and Analysis Laboratory to explore potential applications of cold crucible melter technology demonstrated by the Office of Environmental Management to support fissile materials immobilization activities in the Office of Fissile Materials Control and Disposition.

#### SANTORUM AMENDMENT NO. 633

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 37, strike lines 25 and 26.

#### ABRAHAM AMENDMENT NO. 634

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 4, line 20, strike "\$4,400,000;" and insert "\$4,400,000; and Metro Beach, Michigan, \$422,500 for aquatic ecosystem restoration."

#### ROBERTS AMENDMENT NO. 635

(Ordered to lie on the table.)

Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 27, line 1, strike "\$1,872,000,000" and insert "\$1,852,000,000".

#### BREAUX (AND OTHERS) AMENDMENT NO. 636

(Ordered to lie on the table.)

Mr. BREAUX (for himself, Mr. MOYNIHAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 20, line 23, after "Fund," insert the following: "such sums as are necessary to guarantee a \$25,000,000 loan for construction and completion of the Jennings, Louisiana, biomass ethanol plant under terms and conditions established by the Secretary of Energy, to remain available until expended,".

#### LEVIN (AND AKAKA) AMENDMENT NO. 637

Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 8, lines 7 and 8, strike "facilities;" and insert "facilities, and of which \$1,500,000 shall be available for development of technologies for control of zebra mussels and other aquatic nuisance species in and around public facilities;".

#### CRAIG AMENDMENT NOS. 638-640

Ordered to lie on the table.)

Mr. GRAIG submitted three amendments intended to be proposed by him to the bill, S. 1186, supra; as follows:

#### AMENDMENT NO. 638

On page 8, line 12, insert the following before the period:

"Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use not to exceed \$300,000 for expenses associated with the commemoration of the Lewis and Clark Bicentennial".



## AMENDMENT NO. 639

Title III, Department of Energy, Defense Environmental Restoration and Waste Management, on page 26, line 2 insert the following before the period: "Provided, That of the amount provided for site completion, \$1,306,000 shall be for project 00-D-400, CFA Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho".

## AMENDMENT NO. 640

Title III, Department of Energy, Nuclear Waste Disposal, add the following: "Provided further, That no funds appropriated from the Nuclear Waste Fund may be used for the purposes of settling lawsuits or paying judgments arising out of the failure of the federal government to accept spent nuclear fuel from commercial utilities."

## LEVIN AMENDMENT NO. 641

Ordered to lie on the Table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 2, line 18, after "expended," insert "of which \$500,000 shall be available to maintain level funding for technical assistance to remedial action plan committees, as authorized under section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; Public Law 101-640), and of which \$1,000,000 shall be available for sediment remediation technology demonstrations in the Maumee and Grand Calumet River areas of concern under that section, and".

On page 8, lines 7 and 8, strike "facilities:" and insert "of which \$250,000 shall be available to convene the interagency National Contaminated Sediment Task Force established under section 502 of the Water Resources Development Act of 1992 (33 U.S.C. 1271 note; Public Law 102-580) and \$500,000 shall be available to support the continued development of sediment transport models under section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b):"

## BOXER AMENDMENT NO. 642

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1186, supra; as follows:

On page 8, line 16, strike all that follows "expended:" to the end of line 24.

## KERREY AMENDMENT NO. 643

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

At the appropriate place add the following: Provided further, That the Secretary of the Interior may provide \$2,865,000 from funds appropriated herein for environmental restoration at Fort Kearny, Nebraska.

CONRAD (AND DORGAN)  
AMENDMENT NO. 644

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 2, strike line 22 and insert the following:

New Jersey, \$226,000;

Project for flood control, Park River, Grafton, North Dakota, general reevaluation re-

port, using current data, to determine whether the project is technically sound, environmentally acceptable, and economically justified, \$50,000:

DORGAN (AND CONRAD)  
AMENDMENT NO. 645

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 5, lines 19 through 21, strike "shall not provide funding for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, unless" and insert "may use funding previously appropriated to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless".

## GORTON AMENDMENT NO. 646

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 33, between lines 2 and 3, insert the following:

**SEC. 3 . PROHIBITING THE INCLUSION OF COSTS OF BREACHING OR REMOVING A DAM THAT IS PART OF THE FEDERAL COLUMBIA RIVER POWER SYSTEM WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION.**

Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

"(n) PROHIBITING THE INCLUSION OF COSTS OF BREACHING OR REMOVING A DAM THAT IS PART OF THE FEDERAL COLUMBIA RIVER POWER SYSTEM WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION.—Notwithstanding any other provision of this section, rates established under this section shall not include any costs to undertake the removal or breaching of any dam that is part of the Federal Columbia River Power System."

## SCHUMER AMENDMENT NO. 647

(Ordered to lie on the table.)

Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

On page 33, between lines 2 and 3, insert the following:

SEC. 308. Any funds available under this Act, or any other Act, for the Worker and Community Transition Program of the Department of Energy shall be available for activities relating to Brookhaven National Laboratory and Argonne National Laboratory-West.

JEFFORDS (AND OTHERS)  
AMENDMENT NO. 648

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. ALLARD, Mr. ROTH, Mr. WYDEN, Mr. MOYNIHAN, Mr. HARKIN, Mr. DASCHLE, Mr. LIEBERMAN, Mr. KERRY, Mr. SCHUMER, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 1186, supra; as follows:

On page 20, strike lines 21 through 24 and insert "\$791,233,000, of which \$821,000 shall be

derived by transfer from the Geothermal Resources Development Fund and \$5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund, and of which \$70,000,000 shall be derived from accounts for which this Act makes funds available for unnecessary Department of Energy contractor travel expenses (of which not less than \$4,450,000 shall be available for solar building technology research, not less than \$82,135,000 shall be available for photovoltaic energy systems, not less than \$17,600,000 shall be available for concentrating solar systems, not less than \$37,700,000 shall be available for power systems in biomass/biofuels energy systems, not less than \$48,000,000 shall be available for transportation in biomass/biofuels energy systems (of which not less than \$1,500,000 shall be available for the Consortium for Plant Biotechnology Research), not less than \$42,265,000 shall be available for wind energy systems, not less than \$4,000,000 shall be available for the renewable energy production incentive program, not less than \$7,600,000 shall be available for support of solar programs, not less than \$5,100,000 shall be available for the international solar energy program, not less than \$5,000,000 shall be available for the National Renewable Energy Laboratory, not less than \$27,850,000 shall be available for geothermal technology development, not less than \$27,700,000 shall be available for hydrogen research, not less than \$6,400,000 shall be available for hydropower research, not less than \$32,000,000 shall be available for high temperature superconducting research and development, not less than \$3,000,000 shall be available for energy storage systems, and not less than \$18,500,000 shall be available for direction of programs)."

## DOMENICI AMENDMENT NO. 649

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

At the end of Title II, insert the following new section:

SEC. \_\_\_\_\_. Funds under this title for Drought Emergency Assistance shall only be made available for the leasing of water for specified drought related purposes from willing lessors, in full compliance with existing state laws and administered under state water priority allocation. Leases shall terminate at such time as drought emergency assistance is no longer needed.

## KERREY AMENDMENT NO. 650

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 1186, supra; as follows:

At the appropriate place insert: "of the grants available to the Bureau of Reclamation \$300,000 may be provided to cover the cost of the water feasibility study necessary to ensure a safe water supply for Nebraskans living on the Ianké Reservation and in surrounding communities".

## SCHUMER AMENDMENT NO. 651

Mr. DOMENICI (for Mr. SCHUMER) proposed an amendment to the bill, S. 1186, supra; as follows:

On page 5, line 18, insert the following before the colon:

"Provided further, That \$100,000 of the funding appropriated herein for section 107 navigation projects may be used by the Corps of Engineers to produce a decision document, and, if favorable, signing a project

cost sharing agreement with a non-Federal project sponsor for the Rochester Harbor, New York (CSX Swing Bridge), project

#### REID AMENDMENT NO. 652

Mr. DOMENICI (for Mr. REID) proposed an amendment to the bill, S. 1186, *supra*; as follows:

On page 16, line 7, insert the following before the period:

"*Provided further*, That \$500,000 of the funding appropriated herein is provided for the Walker River Basin, Nevada project, including not to exceed \$200,000 for the Federal assessment team for the purpose of conducting a comprehensive study of Walker River Basin issues"

#### SARBANES (AND MIKULSKI) AMENDMENT NO. 653

Mr. DOMENICI (for Mr. SARBANES (for himself and Ms. MIKULSKI)) proposed an amendment to the bill, S. 1186, *supra*; as follows:

On page 5, line 18, insert the following before the colon:

"*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use \$1,500,000 of funding appropriated herein to initiate construction of shoreline protection measures at Assateague Island, Maryland"

#### INOUE AMENDMENT NO. 654

Mr. DOMENICI (for Mr. INOUE) proposed an amendment to the bill, S. 1186, *supra*; as follows:

Insert at page 22, line 7, following "expanded":

"*Provided further*, That of the amount provided, \$2,000,000 may be available to the Natural Energy Laboratory of Hawaii, for the purpose of monitoring ocean climate change indicators."

#### DOMENICI AMENDMENTS NOS. 655–656

Mr. DOMENICI proposed two amendments to the bill, S. 1186, *supra*; as follows:

##### AMENDMENT NO. 655

On page 20, line 24, following "Fund", insert the following:

"*Provided*, That, \$15,000,000, of which \$10,000,000 shall be derived from reductions in contractor travel balances, shall be available for civilian research and development"

##### AMENDMENT NO. 656

On page 25, line 14, following "Energy", insert the following:

"*Provided further*, That, \$10,000,000 of the amount provided for stockpile stewardship shall be available to provide laboratory and facility capabilities in partnership with small businesses for either direct benefit to Weapons Activities or regional economic development"

#### HUTCHISON AMENDMENT NO. 657

Mr. DOMENICI (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 1186, *supra*; as follows:

On page 8, line 12, insert the following before the period:

"*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall use \$100,000 of available funds to study the economic justification and envi-

ronmental acceptability, in accordance with section 509(a) of Public Law 104-303, of maintaining the Matagorda Ship Channel, Point Comfort Turning Basin, Texas, project, and to use available funds to perform any required maintenance in fiscal year 2000 once the Secretary determines such maintenance is justified and acceptable as required by Public Law 104-303"

#### MACK (AND GRAHAM) AMENDMENT NO. 658

Mr. DOMENICI (for Mr. MACK (for himself and Mr. GRAHAM)) proposed an amendment to the bill, S. 1186, *supra*; as follows:

On page 4, between lines 7 and 8, insert the following:

Brevard County, Florida, Shore Protection, \$1,000,000;  
Everglades and South Florida Ecosystem Restoration, Florida, \$14,100,000;  
St. John's County, Florida, Shore Protection, \$1,000,000

#### MCCONNELL AMENDMENT NO. 659

Mr. DOMENICI (for Mr. MCCONNELL) proposed an amendment to the bill, S. 1186, *supra*; as follows:

Beginning on page 41, strike line 6 and all that follows through page 42, line 14, and insert the following:

(b) INVESTMENT OF AMOUNTS IN THE USEC FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the United States Enrichment Corporation Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or  
(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

#### CONRAD (AND DORGAN) AMENDMENT NO. 660

Mr. DOMENICI (for Mr. CONRAD (for himself and Mr. DORGAN)) proposed an amendment to the bill, S. 1186, *supra*; as follows:

On page 2, strike line 22 and insert the following:

New Jersey, \$226,000;

Project for flood control, Park River, Grafton, North Dakota, general reevaluation report, using current data, to determine whether the project is technically sound, environmentally acceptable, and economically justified, \$50,000;

#### DOMENICI AMENDMENT NO. 661

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 1186, *supra*; as follows:

At the end of Title II, insert the following new section:

SECTION . Funds under this title for Drought Emergency Assistance shall only be

made available for the leasing of water for specified drought related purposes from willing lessors, in compliance with existing state laws and administered under state water priority allocation. Such leases may be entered into with an option to purchase, provided that such purchase is approved by the state in which the purchase takes place and the purchase does not cause economic harm within the state in which the purchase is made.

#### DURBIN (AND OTHERS) AMENDMENT NO. 662

(Ordered to lie on the table.)

Mr. DURBIN (for himself, Mr. HARKIN, Mr. GRASSLEY, and Mr. FITZGERALD) submitted an amendment intended to be proposed by them to the bill, S. 1186, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that the U.S. Army's Rock Island Arsenal, Illinois has provided support for the U.S. Army Corps of Engineers efforts to maintain and repair vital national civil works infrastructure including the Rock Island government bridge, the Chicago/Lake Michigan locks and dams, and gates along the Illinois River. The Arsenal has performed in an extremely timely and cost effective manner, providing both engineering and manufacturing support. The Rock Island Arsenal's ability to provide assistance to the Corps while maintaining engineering and manufacturing skills necessary for national defense purposes qualify it as an irreplaceable facility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Assistant Secretary of the Army (Civil Works) and the U.S. Army Corps of Engineers should continue its partnership with the Rock Island Arsenal in order to maintain and repair the country's aging civil works infrastructure. The Assistant Secretary of the Army (Civil Works) should work with the Corps to prepare a report to Congress on future plans to further utilize the Rock Island Arsenal for civil works purposes.

#### NOTICE OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Senate Committee on Health, Education, Labor, and Pensions will be held on Tuesday, June 15, 1999, 9:30 a.m., in SD-628 of the Senate Dirksen Building. The following is the committee's agenda.

1. S. , The Health Information Confidentiality Act.

2. S. Con. Res. 28, Urging the Congress and the President to Increase funding for the Pell Grant Program and existing Campus-Based Aid Programs.

3. Presidential Nominations: Zalmay Khalilzad, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace; and

James Roger Angel, of Arizona, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information

of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, June 17, 1999, 10:00 a.m., in SD-106 of the Senate Dirksen Buildings. The subject of the hearing is "ESEA: Research and Evaluation". For further information, please call the committee, 202/224-5375.

#### ADDITIONAL STATEMENTS

##### MEDICAL RESEARCH

• Mrs. FEINSTEIN. Mr. President, I rise today to call attention to the fact that last week the Senate voted to provide an additional \$300 million for medical research in the Fiscal Year 2000 Department of Defense Appropriations bill. I joined with several of my colleagues in urging that critical funding for cancer research be included in the bill.

Included in this account are \$175 million for breast cancer research, \$75 million for prostate cancer research, and \$50 million for other medical research including ovarian cancer, osteoporosis, diabetes and childhood asthma.

In recent years, the DOD's Department for Health Affairs has made great strides in innovative medical research. The DOD Breast Cancer Research Program is an excellent example of these advancements. During its six years in existence, the program has grown from a small isolated project to a well-funded, efficient, and effective part of the cancer research community.

As was recommended by the Institute of Medicine, the program is overseen by a group of scientists and patient activists, which helps the program keep up with advancements of the scientific community. This structure has fostered a program praised for its innovation, flexibility, and efficiency.

Approximately 90 percent of the program's funds are devoted to research grants. The DOD Breast Cancer Research Program grants have encouraged scientific research to extend beyond traditional research. Specifically, Innovative Developmental and Exploratory Awards (IDEA) grants are targeted for innovative research efforts that explore new approaches in areas that offer the greatest potential.

The program also incorporates consumer and community needs in its research priorities. By including consumer advocates in decision-making and by bringing clinical trials into the community, the program has integrated the goals of advocates, scientists, and patients. This unique approach has proven successful both in the research the Program has produced and the future research it has inspired.

Similar to the Breast Cancer Research Program, the DOD Prostate Cancer Research Program is conducted according to the model established by the Breast Cancer Program. According to the American Cancer Society, approximately 179,300 American men will

develop prostate cancer this year, and about 37,000 will die of this disease. Though I am encouraged by the news that the survival rate for this type of cancer has increased from 50% to 85%, we clearly can and must do more.

Replicating the much-praised Breast Cancer Program mission and structure, prostate research encourages innovation while creating a partnership between advocates and scientists. Research grants are designed to stimulate innovative research and to bolster the national effort against prostate cancer.

As co-chair of the Senate Cancer Coalition, I am very familiar with current cancer research efforts. The DOD cancer research programs are some of the most innovative and effective public-private partnerships that our country has in the battle against cancer. I am confident that commitment to this program will strengthen our nation's cancer research program and help to stop the spread of this dread disease.

The additional funding in the DOD appropriation bill is compatible with other progressive funding sources that have been explored in recent years. The Breast Cancer Research Stamp, which I sponsored in the Senate, has raised \$6.6 million for breast cancer research. Thirty percent of these funds go to the DOD program.

With the work of research programs across the country, we have made some progress in the war on cancer: new cancer cases and deaths in the United States fell between 1990 and 1996; survival time has been extended dramatically for some cancers; we have improved therapies with fewer adverse side effects; and there is increased cancer screening and detection.

And yet, sadly, we have a long way to go. Cancer is the second leading cause of death in the US, exceeded only by heart disease. The American Cancer Society estimates that over 1.2 million new cancer cases are expected to be diagnosed in 1999 and about one half million Americans are expected to die of cancer this year alone.

But we must look at these disturbing statistics as an opportunity. What these statistics tell us is that we need to multiply, accelerate, and intensify our war on cancer. The additional \$300 million for medical research in the Department of Defense Appropriations bill sends a strong signal that we are committed to combating this destructive disease. The Senate should be proud of sending this powerful message.●

##### RETIREMENT OF JOHN JERMAIN SLOCUM, JR.

• Mr. CHAFEE. Mr. President, today, I wish to pay tribute to Mr. John Jermain Slocum, Jr., who has served at the Preservation Society of Newport County in Newport, Rhode Island, and is retiring as President and Chairman of the Board.

Jerry Slocum's work is well known to me. I have had the pleasure of know-

ing the Slocum family for many years. Rhode Island has benefited greatly from their involvement in the community. In fact, during my years as Governor, Jerry assisted me in a variety of functions. Among his duties in my office, Jerry worked as a drafter of proclamations and handled constituent services. In this capacity, Jerry displayed the qualities of a problem solver and a facilitator, which are very important in the workplace.

When Jerry joined the Preservation Society of Newport County in 1990, he brought with him the support and appreciation of historic houses instilled in him by his parents. Since becoming President, the Society has expanded its number of historic structures from 18 to 23—not an easy feat! The Society now hosts structures ranging from the Hunter House, built in 1748, to the Vanderbilt family's Newport summer house, the Breakers, to its newest acquisition, the Isaac Bell House.

However, Jerry did not stop there. During his tenure, the educational programs offered by the Society have expanded to include: its annual International Symposium, the John Winslow Lectures, the Noreen Stonor Drexel Lecture Series and the Newport Flower Show. Jerry Slocum certainly is a believer in community involvement. He has worked tirelessly to extend the outreach of the Society and its facilities to the community, and in doing so, he has drawn people to Newport from across the country.

This hard work and dedication has brought the Society national recognition. In 1998, the National Trust for Historic Preservation awarded the Preservation Society with a stewardship award for its exceptional contribution to preserving the historic and architectural heritage of Newport. Also, various properties of the Preservation Society have been recognized and used in films such as "The Buccaneers," "Mr. North," and the Arnold Schwarzenegger action film, "True Lies."

As Jerry prepares for his private life away from the duties of his terribly demanding job, I want to congratulate and thank him for all that he has given to the Society and the community.●

##### TRIBUTE TO THE PROVIDENCE BRUINS

• Mr. REED. Mr. President, for the first time since the America's Cup left Newport for Fremantle in 1983, Rhode Island is home to a championship trophy. With a 5-1 victory over the Rochester Americans last night, the Providence Bruins won the esteemed Calder Cup as the 1999 Champions of the American Hockey League. The P-Bruins have won the hearts of sports fans in Rhode Island since professional hockey returned to the state in 1992 after a 16-year hiatus.

But this victory was much deserved for a team that truly turned itself around. In winning the Calder Cup, the 1999 Providence Bruins became one of

only four teams in AHL history to have gone from last place to first in one season. Under the able leadership of Coach Peter Laviolette and assistant Bill Armstrong, the Providence Bruins amassed a 56-20-4 record—tops during the regular season—then ran off a perfect 10-0 record at home in the playoffs. In winning the Calder Cup, this Bruins team can rightly boast that they are among the best in the history of the league.

While this championship was very much the team's victory, a special acknowledgment belongs to Peter Ferraro, who, as the Providence Bruins' leading scorer in the playoffs with nine goals, won the Most Valuable Player honor for the 1999 series. The Providence Bruins' determination and great Championship victory exemplify the dedication of the entire team, and their efforts have been appreciated by the people of Rhode Island, who have flocked to their games throughout the season. All of Rhode Island takes justifiable pride in the Providence Bruins' victory, and we wish them continued success as they strive to repeat as winners of the Calder Cup next year.●

#### TRIBUTE TO KATE M. RIGGS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Kate M. Riggs, of Hooksett, New Hampshire, for being selected as a 1999 Presidential Scholar by U.S. Secretary of Education.

Of the over 2.5 million graduating seniors nationwide, Kate is one of only 141 seniors to receive this distinction for academics. This impressive young woman is well-deserving of the title of Presidential Scholar. I wish to commend Kate for her outstanding achievement.

As a student at Manchester High School West in New Hampshire, Kate has served as a role model for her peers through her commitment to excellence. She will graduate as a co-valedictorian with a 3.9 grade point average. Kate's positive attitude has endeared her to both teachers and students.

Kate's determination promises to guide her in the future. She will attend Harvard University in the fall and will be faced with many new challenges. Kate is sure to tackle them with the vigor that has brought her success in the past.

It is certain that Kate will continue to excel in her future endeavors. I wish to offer my most sincere congratulations and best wishes to Kate. Her achievements are truly remarkable. It is an honor to represent her in the United States Senate.●

#### HAPPY 90TH BIRTHDAY TO KATHERINE DUNHAM

● Mr. BOND. Mr. President, I rise today to recognize the 90th birthday of Ms. Katherine Dunham. Ms. Dunham has made major contributions in the

areas of Dance, Choreography, Musical Composition, Poetry, Anthropology, and has been a champion for the causes of Human Rights and World Peace. Over the course of her career, she has won more than 70 international awards including being selected as a Kennedy Center Honoree. For the past 31 years, Ms. Dunham has lived in East St. Louis, where she has used her talents to enrich the lives of the regions' youth. Mr. President, I ask my colleagues to join with me in wishing Ms. Katherine Dunham a very special 90th birthday.●

#### CAMPBELL UNIVERSITY GRADS HEAR DR. DENTON LOTZ

● Mr. HELMS. Mr. President, the commencement speaker at a leading university in my state, Campbell University at Buies Creek, N.C., was one of the most impressive and meaningful addresses that I have ever heard or read.

It was delivered by Dr. Denton Lotz, General Secretary to the Baptist World Alliance. Dr. Lotz's subject was "New Hope for Destroyed Foundations".

Campbell University is a truly remarkable institution whose president, Dr. Norman Adrian Wiggins, is one of the Nation's most respected educators.

Incidentally, in addition to his responsibilities as president, Dr. Wiggins serves as Professor of Law. I am obliged to add a personal note here: Campbell University's law school is the only law school in North Carolina not one of whose graduates has flunked the State Bar Exam for the past several years.

But I digress. My purpose today is to ask that the text of Dr. Denton's commencement address at Campbell University be printed in the RECORD.

The material follows:

NEW HOPE FOR DESTROYED FOUNDATIONS—  
CAMPBELL UNIVERSITY COMMENCEMENT SER-  
MON DELIVERED BY DR. DENTON LOTZ

"If the foundations are destroyed, what can the righteous do?" Psalm 11:3

Bob Dylan reminded his generation and ours that "the answer is blowing in the wind." But is it? Is it not rather like the prophet Hosea of old said that we have sown the wind and reaped the whirlwind? (Hosea 8:7) How many litanies this spring shall we hear of Littleton, Colorado and why and how children could lose all sense of values and go on a killing spree? How many times have we read of parental irresponsibility, the school's fault, youth are not listening, and the litany goes on?

What happened in Littleton, Colorado is symbolic of a generation whose foundations have been destroyed. But, this is not only the problem of this generation. It is the history of the 20th century, with the gas warfare of World War I and the gas chambers of World War II. As we enter the 21st century, the President's dream of a new world order has faded and bombs are falling on the Serbian dictator Milosvic, ethnic cleansing continues, children and women suffer. Man experiences the cruelest of deaths. We seem to be able to solve the Y2K computer problem, but deep within humanity there is something that is wrong. The Psalmist spoke of this something as "destroyed foundations".

Indeed when one considers our society we see a number of destroyed foundations: in the family, in the world, and in the church.

(1). The family was long considered the pillar of a just and moral society. Home was the one place you could always go. But, today 60% of new marriages will end in divorce. The result has been a generation of you people without foundations. It is said that 3 in 4 teen suicides are the result of divorce, and 4 in 5 psychiatric admissions. But not only divorce has broken up the family; the community is broken apart. All the blessings of modern society have not brought us together but have divided us. On a warm summer day in Havana, Cuba I saw this. There was no air conditioning, as a result people sat on their porches, children played together in the streets, people talked to one another. Our modern blessings have caused us to close our doors, turn on the air and sit in front of the TV . . . cut off from community, alone and isolated.

(2). The same is true for the church. Modern media has made religion an entertainment business. Like Kirkegaard's famous geese, we come to Church on Sunday morning and waddle home and that's the end of it. Theological controversy within and hypocrisy without have diminished the role of the Church. When great tragedies strike, no longer is the pastor the counselor, but immediately TV goes to Hollywood and our favorite guru TV actor tries to console society which, without God and without hope, has pretty much made a mess of things!

(3). And the government suffers the same fate. Government in Washington is not trusted. Righteous laws proposed by unrighteous legislators confuse the population. Indeed the strong foundations of the capitol building are now guarded by armed policemen, guard dogs, and metal detecting devices. Everything seems to be falling apart. This spring even the Washington cherry trees were not immune. Unknown and uncaught beavers were chopping down cherry trees every night, until they were finally caught. It is a symbol of our day. The strong trees of justice, of equality, of morality seem to be getting chopped down. Is there any hope?

Well, if it is any comfort, we are not the first generation to experience destroyed foundations. It seems to be the plight of humanity. Indeed it is the human story. It is what history is all about. Destroyed foundations, and rebuilding new foundations that will withstand the next assault. This seems to be the fate of modern man. Rousseau expressed it well in explaining the agitated street life of Paris. He called it the social whirlwind. One of his heroes says:

"I'm beginning to feel the drunkenness that this agitated, tumultuous life plunges you into. With such a multitude of objects passing before my eyes. I'm getting dizzy. Of all the things that strike me, there is none that holds my heart, yet all of them together disturb my feelings, so that I forget what I am and who I belong to." (Cox, Religion in the Secular City, p. 182)

Does that sound familiar? Isn't that our plight today? The dizziness of it all. The Psalmist knew the problem, as did men and women of old and thus the question, "If the foundations are destroyed, what can the righteous do?"

I. False answers: The first advice the Psalmist gets is simply to run away: "Flee like a bird to the mountains; for lo, the wicked bend the bow, they have fitted their arrow to the string, to shoot in the dark at the upright in heart." A modern interpretation may sound like this: "Let's escape from it all and have a great weekend and forget all our problems. The trenchcoat mafia may abound and have its sight on us, but we are going to drink and be merry and have a ball."

As you now enter the work force there are going to be many temptations put upon you. You also will be confronted with destroyed foundations and there will be many who give the advice, "Flee like a bird to the mountains." The temptations to flee today are many, but three stand out:

I. Materialism: The foundation may be destroyed but I am going to make my mark in life by getting rich. This philosophy escapes the problems of society by fleeing to materialism. It accepts the creed of Milliken and his lot, "He who has the most toys in the end wins." What a folly! What a poor foundation upon which to build one's life. Materialism in the end becomes greedy and consumes the possessors so that all values are lost except one's own big ego. Materialism will not bring back lost love. Materialism will not warm the stomach of a hungry child. Materialism will not bring peace to our troubled cities. Materialism will not bring racial justice. Indeed when the foundations are destroyed the rush towards materialism is only a sign of the foundation that has destroyed us.

2. Pleasure and sports: When the foundations are destroyed there is the temptation to run to pleasure and sports to halt the further decay of crumbling foundations. Indeed, Edward Gibbons in his "Decline and Fall of the Roman Empire" lists this as one of the five basic reasons why great civilizations die: "The mad craze for pleasure; sports becoming every year more exciting, more brutal and more immoral." This indeed is a social commentary on our present situation. Wrestling and boxing without rules is the new big sport. Two combatants actually try to kill one another. We have become mad when our athletes are paid exorbitant salaries and our teachers, police, and servants of society become paupers. What kind of a value is that . . . and so the Psalmist warns of those who say flee like a bird to the pleasure mountain of sports . . . for in the end it means destruction!

3. Ghettoism and Quietism: This is the last resort of the religious. We will flee to the mountain and make ourselves a little retreat center to escape from the evils of the world. When religion becomes quietist it truly becomes sectarian and useless to a needy world! Indeed we too have heard the cynics ask what can one do when the foundations are destroyed and we have been tempted to flee like a bird to the mountain! The tragedy of this type of ghetto religion is that it is so heavenly mined that it is no earthly good. It was the temptations of Jesus' disciples to flee to the mountain and build a retreat center and have warm fuzzy feelings. But, Jesus said, No! Go back down into the valley and where you see my people who are hungry feed them!, where they are naked, clothe them!, where they are thirsty, give them to drink!, where they are sick, visit them! where they are in prison go to them!" And then you will "inherit the kingdom prepared for you from the foundation of the world!" (Matt 25ff.)

II. What can the righteous do? And so the Psalmist disregards the advice of his friends to flee like a bird to the mountains. And our advice to you is also to beware of those who tell you to flee like a bird. What shall we do then? Not that we are the righteous ones? But, we who would follow a righteous God, what shall we do? How do we answer the question, "If the foundations are destroyed, what can the righteous do?"

1. Take refuge in God? "The Lord is in his holy temple. . . his eyes behold the children of men . . ." From days of old until today, men and women of faith have not fled to the mountains, but they have fled to God. The Psalmist knew that: "God is our refuge and strength, a very present help in time of trouble. Therefore we will not fear though the

earth should change, through the mountains shake in the heart of the sea . . . Why? There is a river whose streams make glad the city of God." (Psalm 46f)

What do you do when the foundations are destroyed! You go the temple! You take refuge in God! God is not dead. He lives and because He lives you can indeed face destroyed foundations but not only that, you can regain strength to rebuild the fallen foundations of your life! And thus the Psalmist very simply advises us, "Take refuge in God! Go to the temple and pray!"

Every student generation seeks a new experience of God. Every student generation feels alienated from their roots and their spiritual heritage and thus is seeking new ways. No wonder there are so many sectarian movements out there . . . all vying for the new age market. But in the end, they are not historical faith, but faith built upon an illusion. Therefore, go to the temple, go to church and pray! I remember students at Harvard were concerned about spirituality in my student days. And so every Thursday noon we gathered in the cafeteria to hear professors witness to their pilgrimage of faith. I particularly remember one professor who had just lost his little girl who accidentally hung herself. The professor warned the students: "If you do not pray daily, one day you will have to learn how to pray!"

Korean Christians pray every morning at 4:30. Their churches are full because during their suffering they experienced the power of prayer! When the foundations are destroyed the first thing one does is go to the temple to pray and there one finds that God is our refuge and strength!

2. Cease to do violence! The Psalmist teaches us that God is a judge. His burning love is shown in his fiery justice! God is a God of justice and righteousness who demands the same from his people. He will judge the earth with equity and demands justice. And therefore the Psalmist warns us, "his soul hates him that loves violence . . ." (Ps.11:5) The USA has become a very violent society. And the media thinks it has nothing to do with it. Our children, before they are 18, will have seen on television 18,000 acts of violence. Like a drip of water on a stone, drip, drip, drip, it continually wears at the fabric of our society until we are worn down and violence becomes a way of life!

The corollary to God hating violence is his demand for justice. No theologian of the 19th century captured this understanding of God as a God of justice more than President Abraham Lincoln. In his Second Inaugural address he painfully warned a country engaged in civil war: "The Almighty has His own purposes: 'Woe unto the world because of offenses!' for it must needs be that offenses come; but woe to that man by whom the offense cometh!" . . . Fondly do we hope—fervently do we pray—that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue, until all the wealth piled upon the bond-man's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said 'the judgments of the Lord, are true and righteous altogether.'"

What do you do when the foundations are destroyed! Cease to do violence! Remember that God demands justice!

3. Do righteous deeds! Finally, the Psalmist considering the alternatives before him is confronted with the final challenge. He cannot flee to the mountains, that is the easy way out. Rather he will go to the temple and take refuge in God, he will cease to do violence . . . and now finally, we hear the final command, "Do righteous deeds!" If indeed

we have prayed and sought God's counsel and refuge. If indeed we have ceased to do violence, then our lives must show it! This is the command of which the prophet Amos reminded his generation, "What does the Lord require of thee, but to do justly, to love mercy, and to walk humbly with thy God." (Mich. 6:8) Religion that does not issue in a changed behavior, changed heart, and changed action is not worth its salt. Religion which contemplates its own navel and is concerned about its own ego, is not a faith worth living, it is not biblical faith, but a neurotic form of ego-tripism. Biblical faith calls for action, not escapism.

This is what we do when the foundations around us are crumbling and destroyed. We do righteous deeds! In a little village in Kenya I remember after one Sunday morning service, the poor old women in a corner collecting what coins they had to help feed a refugee from Somalia. In Bangladesh, some struggling to make it from day to day, the women collect the least coin to help others. In India, every day Baptist women save a little of their monthly allotment of rice to help those in need. Indeed these random acts of kindness are fulfilling the Biblical command to be holy as God is holy.

III. What do the righteous do when the foundations are destroyed? Isn't there a missing link? Indeed we understand that we must go to the temple, that God is our refuge, that we must cease to do violence and beware of God's justice, but how can we do righteous deeds? How can we flee to God? What is missing? The foundation upon which all of these actions are executed! The Apostle Paul stated very clearly that there needs to be a foundation for our action and therefore he boldly announces: "For no other foundation can any one lay than that which is laid which is Jesus Christ." (ICor.3:11) Paul knows the temptation to flee like a bird to the mountain. He knows the temptations of materialism, pleasure and escapism. He knew this as a Pharisee until one day all of his foundations were destroyed, existentially, spiritually and physically. When he met Christ on the Damascus road his whole life was turned around. He was a changed person with a new foundation. He knew now that the city he was looking for was not the secular city with all its dizzy attractions but without foundations. He was now looking for that city which has foundations whose builder and maker is God (Heb.11:10)

As a soon to be graduate you will have learned many facts. You will know many things. But, this does not make you wise! Wisdom is knowing the foundation which undergirds all of knowledge! Western civilization was built upon faith: faith in the incarnation of God in His Son Jesus Christ. All of the great achievements of the human spirit came from the freedom of the Spirit through Christian intellect. The idea of the university was that all knowledge was of God and therefore the Universe should be studied because it was the handiwork of God. All of Western civilization, great concern for the arts, for freedom, for justice, for feeding the poor and hungry, from where did these freedoms come? Are they not rooted in the Bible? Is Christ not the source of freedom and justice? Modernism since the Enlightenment thinks that it can understand humankind without God. And precisely because it has attempted to explain the world without God, it has become a godless world with no hope and no future. H. Richard Niebuhr commented upon this when he said that such faith was weak because "It preached that a God without wrath brought men without sin, into a kingdom with judgment through the ministrations of a Christ without a Cross." And so it is today. Western civilization

wants all the blessings of Christianity without Christ. And like fruit cut from the stem it will rot.

What do you do when the foundations are destroyed? You build upon the foundation which will endure. And that is why for two thousand years the Church has pointed not to itself but to Jesus Christ!

And thus we close with the Psalmist question, "If the foundations are destroyed, what can the righteous do?" Go to the temple and pray to God as your refuge! Cease to do violence! Do righteous deeds! Put your faith in the only foundation for life, even Jesus Christ our Lord! Amen.●

#### BUSINESS COMMUNITY ASSISTANCE TO KOSOVAR REFUGEES

● Mr. McCONNELL. Mr. President, I rise today to commend members of the American and international business communities who are providing resources and technical expertise to help the United Nations and other international relief organizations alleviate the suffering of hundreds of thousands of Kosovar refugees.

Today, as we embark on the initial stages of a peace agreement, hundreds of thousands of Kosovar refugees remain scattered across the globe. Slobodan Milosevic and his troops have driven these victims out of their country, separated families, destroyed homes, and stripped the refugees of their personal identification papers. The United Nations High Commissioner for Refugees (UNHCR) reports that over 800,000 people have been forced to flee Kosovo since the Serb Army intensified ethnic purges two and a half months ago.

Refugee situations are always difficult. The Kosovar situation, however, has been exacerbated and complicated greatly by Milosevic's attempts at "identity erasure." Serbian soldiers have stripped the Kosovars of all identification documents and systematically destroyed civil records. Adding to the complexity of the situation, the refugees are spread over 30 different countries.

Companies such as Hewlett-Packard, Compaq, Microsoft, Securit World, Ericsson, and ScreenCheck are partnering with the Red Cross, UNHCR, the International Organisation for Migration and other international organizations on projects that will register the refugees, provide them with identification documents, and reunite them with their families. These companies are providing technical expertise, equipment, personnel and other resources that are allowing the refugees to be registered and located much more efficiently and effectively than ever before.

We are certainly witnessing a situation where the Internet and other recent technological innovations are providing solutions for real life problems. For example, Microsoft, Hewlett-Packard, Compaq and Securit have developed and provided systems that allow refugees to be registered, added to an international database, and to obtain

identification cards—all within minutes. Further, the Red Cross is working with Compaq and Ericsson to launch the Family News Network, which is the first Internet-based refugee tracing system.

These companies are to be commended for their contributions to help restore the Kosovar community. It is my hope that in the future more members of the business community will enter into such beneficial partnerships to help address problems facing our country and our world.●

#### TRIBUTE TO BEDFORD MEMORIAL SCHOOL

● Mr. SMITH of New Hampshire. Mr. President I rise today to honor the Bedford Memorial School for being selected as the 1999 Top Elementary School of the Year by the Excellence in Education Committee. The "Excellence in Education" award is an annual program designed to identify one elementary, middle, and secondary school that is representative of the many outstanding schools in New Hampshire.

The Bedford Memorial School was chosen for this honor because of the dedication and commitment to education by its teachers, parents, and students. Its exemplary partnership with home and community and outstanding mentoring program for all staff has created an environment conducive to the development of young minds.

I admire this school's commitment to excellence. Over the last five years they have taken on challenging initiatives, participated in goals setting, created a community school council, and forged school-business partnerships. Student focus is also one of Bedford Memorial's strengths. The many co-curricular programs, an excellent special education department, and a gifted program are able to serve the students' individual needs. The school's success is epitomized in the school's motto "The partnership of home, school, and community is essential to achieve our goal of academic excellence."

The teachers, parents, and students of this school hold a special place in my heart. Over the years, Mary Jo and I have visited the Bedford Memorial School many times, had the chance to meet both students and faculty, and have had the honor of teaching several classes there. This close involvement with the school has allowed me to witness, first-hand, the quality of education that is provided at this school.

The honor of being named Top Elementary School of the Year is a fitting end to an era for Bedford Memorial School. I am confident that as they take on additional grades and students, their school spirit will only continue to grow.

As a former teacher and school board member, I understand the tremendous impact teachers have on a child's life. The Bedford Memorial School is a testament to the tradition of molding stu-

dents into successful adults. I wish to offer my most sincere congratulations and best wishes to the Bedford Memorial School. The school's achievements are truly remarkable. I feel honored to have had such a close relationship with the Bedford Memorial School and represent them in the United States Senate.●

#### ORDER OF PROCEDURE

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I ask to speak in morning business.

The PRESIDING OFFICER. Morning business is in order.

Mr. GRASSLEY. If there is a time limit, I would like to speak for about 12 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### RURAL METHAMPHETAMINE USE RESPONSE ACT OF 1999

Mr. GRASSLEY. Mr. President, I am introducing legislation on behalf of myself, Senators KYL, DEWINE, HAGEL, and KOHL, a bill referred to as the Rural Methamphetamine Use Response Act of 1999.

I do this in my capacity not only as a Senator from Iowa but as chairman of the International Narcotics Control Caucus of the Senate—a caucus that has had a tradition of working in a very bipartisan way on legislation and oversight hearings.

Methamphetamine is emerging as a new major drug problem across the entire country. It is one of the most dangerous drugs currently available. Its use destroys individuals and its production harms the environment. It is a problem that disproportionately affects rural America, even in our most urban States.

Methamphetamine is not a new drug in this country, but its growing use is very much a new problem. As the chart shows, meth has been around our country since the early 1980s, but its use then was largely confined to biker gangs and with a very limited market. Even then, much of the meth was produced in homemade labs in this country. Very little of it came out of Mexico and not so much in rural America.

The chart shows the city of Philadelphia with lots of examples of use of meth and meth laboratories. The numbers were few then and medical cases of meth-related problems were limited.

In San Francisco, for example, there were only 65 medical cases of meth-related problems, even in the year 1984. Let me assure Members that very low level activity situation for methamphetamine was not going to last very long because it began to change in the late 1980s and early 1990s.

During that period of time, Mexican criminal gangs began to become more

involved, taking over production and marketing from the biker gangs in America. In doing so, they began to rapidly expand the availability of drugs and at the same time lowering the costs. Use began to grow, as it will, when drugs became widely available at affordable prices. It will also grow if there is a perception of low risk with that drug.

Somehow—and wrongly so—meth got a reputation for being harmless. It is simple. Most new drugs start that way. They are pushed on particularly young people as safe and OK. Of course, it is a lie. But it is common enough. Thus, it should come as no surprise that as meth use increased and spread beyond the Western States, along with this, so did reports of meth-related medical problems.

In 1989, medical cases in San Francisco reached 1,125, or 17 times the 1984 level of 65 which I already mentioned. The number of lab seizures increased, as well.

Remember, on this chart, the previous chart, and the next chart I will show, the red lines show an expanding importation of methamphetamine into our country with some from outside of Mexico, but most of the lines coming from Mexico and spreading all across our country—it is now beginning to reach the West and the Midwest—not so much in the East where it was when it started with biker gangs, but all over the United States.

While most of the drug is produced in Mexico by Mexican criminal gangs, there is a growing domestic production, much of this in rural areas. It is devastating.

Looking again at the chart previously shown, from 1982 to 1985, we had very little meth coming from Mexico into the United States. Most of what we had was domestic production. The numbers here in green illustrate the dimension of medical-related meth problems that are reported in the media. It also relates, to some extent, to the lab busts in that particular case. But from 1982 to 1985, it was very much limited to biker gangs being involved in that, very little out of Mexico.

Then you go to the period of the late 1980s, early 1990s. You see more red lines, meaning quantity and diverse distribution coming out of Mexico, some from Korea, probably some from other countries we will not show on this particular map but still, relatively little. Then after 1994, you see a very dramatic acceptance of meth use, but also most of it coming from Mexico and most of it from that source just finding itself spread all across the United States, so very much a growing problem, very much a problem of Mexican sources and cartels being the source of our problem in this country.

In 1998 we had 321 methamphetamine labs found in my State of Iowa. This was more than double the year before. As of the first quarter this year, over 170 labs have been found in my State. If you multiply that by 4, you are going

to see Iowa doubling the trouble of meth again in local production. That is what we know about. It does not account for the flow of meth from Mexico.

I know many other States in the West and the Midwest can tell a very similar story. We know this is a problem that is moving eastward. We are becoming a producing country for this dangerous drug. You can get the formula for producing meth off the Internet, and many of the chemicals to produce it can be found in local hardware stores and pharmacies. One of the common chemicals used in production is increasingly being stolen from farms.

The problem of production and use is growing worse. As it does so, it leaves in its wake broken homes and ruined lives. It is known on the street as crank, ice, speed, or meth. However it is named, the drug hooks users from all socioeconomic backgrounds. What is worse, medical experts and law enforcement officials point to younger and younger users. This is one of the most dangerous drugs we have ever seen. It is highly addictive, and it is a brain toxin. It attacks important functions of the brain, and, over time, prolonged use poisons these functions, in some cases permanently. The word on the street is that meth is a safe drug, but in fact it is a very vicious drug.

The physiological side effects of meth include brain damage, heart attacks, and seizures. It can cause insomnia and lead to paranoia as well as violent, erratic behavior. It has made routine police encounters with motorists more dangerous, and it has made investigating lab sites a risky undertaking. This highly dangerous, addictive stimulant disrupts homes, schools, workplaces, hospital emergency rooms, and even our courts. Worse yet, the production creates toxic waste dumps that endanger the environment and public safety.

Much of this problem disproportionately affects rural communities. Even in our most urban States, the threat is just overwhelming to local resources that have to bear the brunt of fighting the methamphetamine problem, because few small communities such as we have in rural America can cope with the explosion of users, pushers, and labs.

So those of us introducing this legislation—as I said, Senators KYL, DEWINE, HAGEL, and KOHL, and I—are then introducing this Rural Methamphetamine Use Response Act of 1999 today because we cannot turn a blind eye to this threat anymore. Passage of this legislation will move us forward in our efforts to protect our children and our future from the ravages of meth.

There are several key areas where this legislation will improve our ability to respond to the threat.

First, we need to get a handle on what the problem is. This legislation requires that the Secretary of Health and Human Services report to Congress

on how drug use, and particularly methamphetamine use, is different in rural versus urban settings. Today we can break drug use down into patterns by sex, by age, region of the country, education, and the type of drug use. We have some idea when kids—and they are kids—first try drugs. I believe there is a more serious problem in rural America today than there has ever been. Meth production and use disproportionately affect rural areas, even in large urban States such as California.

Meth is often called the poor man's cocaine, because it is most widely used in blue-collar communities, rural areas, and small to mid-sized cities. Yet our resources and focus tend to go to large urban areas, because that is where we can more easily document the problem.

After getting a better handle on the problem with better statistics on a national basis from our Secretary of HHS, we, second, suggest the Attorney General, through this legislation, provide the Congress with an annual strategy on how to deal with the problem systematically and coherently. This will establish a benchmark to guide future research and action. As part of this problem, this strategy is meant as a mechanism for tracking both use and the proliferation of meth labs. We do establish, then, this mechanism to do it. This will require the administration to relate resources to action. We do not see that connection today in a coherent way.

In addition, the legislation will support the creation of rapid response teams at the Federal level to provide language and intelligence-collection expertise to communities that must deal with foreign-based meth gangs.

Next, the legislation will increase resources to provide training in meth lab cleanup as well as increased funding to the Drug Enforcement Agency so it can improve assistance for lab cleanup and disposal. That is not something a lot of States are waiting for the Federal Government to do, but it is being done on an ad hoc basis, State by State. In my particular case, the State of Iowa has set up two teams with the resources to help in this cleanup, because it is such a dangerous environment.

One of the problems with meth is we have this proliferation of home meth labs, large and small. They are toxic waste dumps filled with dangerous chemicals. Handling these labs requires special training and equipment. My legislation will create a number of regional training centers to help struggling communities deal with the explosion in meth production.

The legislation would enhance the ability to provide training to local police and sheriffs to meet this challenge.

Finally, this legislation will increase penalties for trafficking anhydrous ammonia, one of the major components in one method of producing meth, across State lines and would provide assistance for research methods for making



anhydrous ammonia useless in meth production.

The intent of this legislation is to address a problem that is growing and spreading across the country, one that disproportionately affects small and mid-sized cities and rural areas.

I urge my colleagues in this body to join in supporting the Methamphetamine Use Response Act of 1999 and respond now to this challenge before it grows worse and before it spreads any further if, in fact, it can spread much further.

I yield the floor.

#### SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 152, H.R. 1259, regarding the Social Security lockbox issue.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1259) to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms.

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

#### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999.

Trent Lott, Spencer Abraham, Rick Santorum, Gordon Smith of Oregon, Mike Crapo, John H. Chafee, Judd Gregg, Larry E. Craig, Rod Grams, Connie Mack, Frank Murkowski, John Warner, Slade Gorton, Fred Thompson, Michael B. Enzi, and Paul Coverdell.

Mr. LOTT. Mr. President, for the information of all Senators, if no previous cloture motions are invoked, this cloture vote will occur on Wednesday of this week, 1 hour after the Senate convenes, unless changed by consent.

All Senators will be notified as to the exact time of the cloture vote.

#### CALL OF THE ROLL

In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. Mr. President, did the Senator have a reservation or a comment?

Mr. DASCHLE. Before we moved off this legislation, it was my intention to lay down an amendment. I don't need any time to talk about the amendment tonight but certainly prior to the time

we have the cloture vote. Obviously, our desire is to offer some amendments to the bill. Because the bill is now the subject of the consideration of the Senate, it would be my desire at this point to lay down an amendment.

Mr. LOTT. Mr. President, I understand the Senator's desire, and I want to talk with the Senator about how he wished to proceed on this issue this week. However, I do not yield for the purpose of laying down an amendment at this time.

#### MORNING BUSINESS

Mr. LOTT. Mr. President, I ask consent there be a period for the transition of routine morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. DASCHLE. Reserving the right to object, let me say the whole idea, obviously, behind this amendment or any other amendments would be simply to address what I think we all recognize is an important issue—the Social Security lockbox. The only reason Democrats have been voting against cloture is simply because we have been “locked out” of our opportunity to offer amendments, such as an amendment which would provide for the Medicare lockbox as well as Social Security.

I am disappointed in our inability to lay an amendment down tonight. I think we can accommodate our colleagues on both sides of the aisle. We would agree to a limited number of amendments. I think we could dispose of this legislation with that kind of an agreement. I hope to talk with the majority leader at some point before the cloture vote to see if we can't find a way to have an agreement procedurally that would preclude the need for a cloture vote.

I will not object to this request.

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

Mr. LOTT. I thank Senator DASCHLE for his explanation and I appreciate his courtesy. I am very much committed to the concept of making it difficult for Social Security funds to be used for any purpose other than Social Security.

I want to get to a direct vote. I know there are other amendments Senator DASCHLE or others would like to offer, and I will discuss it with him and see if we can't find a way to do that before this week is out.

With that, I yield the floor.

#### UNANIMOUS-CONSENT AGREEMENT—S. 331

Mr. GRASSLEY. Mr. President, on behalf of the leader, I ask unanimous consent that on Tuesday, June 15, the Senate proceed to the consideration of Calendar No. 80, S. 331, at a time to be determined by the majority leader, after consultation with the Democratic leader. I further ask unanimous consent that immediately upon reporting

of the bill, a substitute amendment offered by Senator ROTH, which will be at the desk, be agreed to; that the bill then be read a third time, with no intervening action or debate; and that the Senate proceed to a vote on passage at a time to be determined by the majority leader and the Democratic leader. I finally ask unanimous consent that it not be in order for the Senate to consider any conference report or House amendments to S. 331, or its House companion, if it contains a net increase in direct spending in fiscal year 2000, the period fiscal year 2000 through 2004, or the period fiscal year 2005 through 2009, as estimated by the Congressional Budget Office.

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

#### MARTIN LUTHER KING, JR. HOLIDAY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 96, S. 322.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 322) to amend title 4, United States Code, to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed.

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

Mr. CAMPBELL. Mr. President, I take this opportunity to urge my colleagues to support passage of S. 322, the Dr. Martin Luther King, Jr. Day Recognition Act of 1999. It is a fitting and appropriate tribute to have this legislation honoring Dr. King pass the full Senate on Flag Day which is being commemorated today.

This legislation will amend the Flag Code to add the Martin Luther King, Jr. holiday to the list of days on which the American flag should be displayed nationwide.

It is a testament to the greatness of Martin Luther King, Jr., that nearly every major city in the U.S. has a street or school named after him. Dr. King, a minister, prolific writer and Nobel Prize winner originated the non-violence strategy within the activist civil rights movement. He was one of the most important black leaders of his era and in American history.

When Dr. King was tragically assassinated on April 4, 1968, he had already transformed himself as a national hero and a pioneer in trying to unite a divided nation. He strove to build communities of hope and opportunity for all and recognized that all Americans must be free to truly have a great country.

Dr. King was a person who wanted all people to get along regardless of their race, color or creed. His holiday came about due to the work of many determined people who wanted all of us to

pause to remember his legacy. Senate passage of S. 322 will further recognize his legacy.

I thank the Chair and yield the floor.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (S. 322) was considered read the third time and passed, as follows:

S. 322

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

**SECTION 1. ADDITION OF MARTIN LUTHER KING JR. HOLIDAY TO LIST OF DAYS.**

Section 6(d) of title 4, United States Code, is amended by inserting "Martin Luther King Jr.'s birthday, third Monday in January;" after "January 20;".

**REQUESTING THE PRESIDENT TO RAISE A CERTAIN ISSUE AT THE G-8 SUMMIT MEETING**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 120, submitted by Senator ASHCROFT.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 120) requesting that the President raise the issue of agricultural biotechnology at the June G-8 Summit meeting.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 120) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas biotechnology is an increasingly important tool in helping to meet multiple agricultural challenges of the 21st century;

Whereas genetically modified crops are helping to control weeds, insects, and plant diseases to increase crop yields and farm productivity, and to enhance the quality, value, and suitability of crops for food, fiber, and other uses;

Whereas agricultural biotechnology promises environmental benefits by reducing, or perhaps eliminating, the need for chemical pesticides, by improving the efficient utilization of fertilizer, thereby protecting water quality, and by conserving topsoil by reducing the need for tillage;

Whereas in recent years farmers have rapidly adopted agricultural biotechnology, with worldwide acreage of genetically modified crops growing from 4,300,000 acres in 1996, to 69,500,000 acres in 1998, which is more than a 16-fold increase;

Whereas American farmers planted biotech crops on about 38 percent of the soybean

acreage, 25 percent of the corn acreage, and 45 percent of the cotton acreage, and within a few years over half of the agricultural crops grown in this country may be genetically modified;

Whereas increased agricultural productivity attained through greater use of biotechnology, in both developed and developing countries, holds a great deal of potential for meeting the nutritional needs of the world's population, of which at least 800,000,000 currently suffer from hunger or malnutrition;

Whereas despite the widespread adoption and extensive global benefits of biotechnology, marked differences among countries in their regulatory approaches are limiting substantially the use of, and trade in, agricultural biotechnology products;

Whereas an open international trading system for products derived from plant and animal agricultural biotechnology would make a broad array of improved products more affordable, including agricultural and food products, pharmaceuticals, and consumer products such as apparel, paper, cosmetics, soaps, and detergents;

Whereas because of the importance of international trade to the strength of the farm economy and the entire food and agriculture sector, any unwarranted restrictions on trade in biotechnology products could seriously disrupt the farm economy and unjustifiably force farmers to choose between using agricultural biotechnology and exporting their production; and

Whereas the threat to agricultural production and trade from restrictions on products derived from modern biotechnology has become serious enough to warrant the attention of world leaders: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) as the world trading system moves toward a reduction of tariff and nontariff barriers, all countries should work to ensure that scientifically unfounded new barriers are not erected;

(2) the President should raise at the June 1999, G-8 Summit the important issues surrounding the use of, and trade in, agricultural biotechnology; and

(3) as world leaders prepare for a new round of negotiations on agriculture in the World Trade Organization, the G-8 Summit is an appropriate forum to seek a consensus with the major trading partners of the United States regarding—

(A) recognition of the global benefits of agricultural biotechnology, especially in meeting the nutritional needs of millions of people in developing countries;

(B) increasing consumer knowledge and understanding of agricultural biotechnology and its benefits; and

(C) the adoption of rational, scientifically-based systems for the regulation of biotechnology products and for eliminating unjustified barriers to the use of biotechnology products in international trade.

**AUTHORIZATION OF TESTIMONY AND LEGAL REPRESENTATION**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 121, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 121) to authorize testimony and legal representation in *C. William Kaiser v. Department of Veterans Affairs*.

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

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in an administrative proceeding before the Merit Systems Protection Board. The appellant alleges that he was terminated from his employment with the Department of Veterans Affairs unlawfully in retaliation for communications that entitle him to protected status as a whistle blower.

This resolution would permit Richard Lougee, a caseworker on Senator JUDD GREGG's staff, to testify, with representation by the Senate Legal Counsel, by providing an affidavit, and if necessary appearing at a deposition, about his communications with the parties to this matter.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 121) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 121

Whereas, in the case of *C. William Kaiser v. Department of Veterans Affairs*, Docket No. BN-0351-99-0110-1-1, pending before the Merit Systems Protection Board, testimony has been requested from Richard Lougee, an employee of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Richard Lougee is authorized to testify in the case of *C. William Kaiser v. Department of Veterans Affairs*, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Richard Lougee in connection with the testimony authorized in second one of this resolution.

**REPORTING OF COMMITTEE FUNDING RESOLUTIONS**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 122, submitted earlier today by Senators MCCONNELL and DODD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 122) authorizing reporting of committee funding resolutions for the period October 1, 1999 through February 28, 2001.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to this resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 122) was agreed to, as follows:

*Resolved*, That notwithstanding paragraph 9 of rule XXVI of the Standing Rules of the Senate—

(1) not later than July 15, 1999, each committee shall report 1 resolution authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff, for the period October 1, 1999 through February 28, 2001; and

(2) the Committee on Rules and Administration may report 1 authorization resolution containing more than 1 committee authorization resolution for the period October 1, 1999 through February 28, 2001.

ORDERS FOR TUESDAY, JUNE 15, 1999

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Tuesday, June 15. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

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

Mr. GRASSLEY. Further, I ask unanimous consent that the Senate stand in recess, immediately following the 2 hours of debate on S. 96, until 2:15 p.m. for the weekly policy conferences to meet.

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

#### PROGRAM

Mr. GRASSLEY. Mr. President, for the information of all Senators, on Tuesday, the Senate will convene at 11 a.m., and by previous consent immediately begin 2 hours of debate on S. 96, the Y2K legislation. Following that debate, the Senate will stand in recess for the weekly party conferences to meet. At 2:15 p.m., when the Senate recon-

venes, a series of stacked votes will occur. The first votes in order will be to complete the Y2K legislation. Following disposition of that bill, a cloture vote on the Social Security lockbox issue will occur. If cloture is not invoked on the lockbox legislation, a cloture vote on H.R. 1664, regarding steel, oil, and gas appropriations, will be in order; further, if cloture is not invoked on H.R. 1664, it is the intention of the leader to resume debate on the energy and water appropriations bill. It is hoped that this appropriations bill can be completed by tomorrow evening.

As a reminder, a cloture motion to the House-passed Social Security lockbox legislation was filed today. Therefore, that cloture vote will take place on Wednesday, 1 hour after the Senate convenes, unless there is a unanimous consent agreement to change that time.

#### ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Tuesday, June 15, 1999, at 11 a.m.