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Senate

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

PRAYER

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

Jehovah Shalom, we claim Isaiah's promise about Your faithfulness: "You will keep him in perfect peace whose mind is stayed on You."—Isaiah 26:3. This is good news! You stay our minds on You. This gives us lasting peace of mind and serenity of soul. You know how easily we can be distracted. For hours on end, we can forget You. Often we press on in our work, depending on our own strength, insight, or priorities with little thought of You or time for prayer. That's why Isaiah's promise is so propitious. You won't forget us nor allow us to forget You. You will invade our thinking and remind us that we belong to You, that You are Sovereign of this land, that You are in control, and that our chief end is to glorify You and enjoy You forever.

Bless the Senators today. Rivet their minds on You. Guide their thinking and their decisions. The future of our Nation depends on leaders who seek first Your will and righteousness. Help them to be attentive to You and keep them attuned to Your voice. Thank You in advance for a day filled with Your perfect peace. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore. Senator HATCH is now designated to lead the Senate in the Pledge of Allegiance.

The Honorable ORRIN HATCH, a Senator from the State of Utah, led the Pledge of Allegiance, as follows:

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

ORDER OF PROCEDURE

Mr. DURBIN addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding that I have been allocated 30 minutes in morning business, if I am not mistaken. I will be happy to yield to my colleague from Utah.

Mr. HATCH. Will the Senator from Illinois yield, because I understood I was to begin. I have to do the leadership announcements, and then I was supposed to give my statement.

Mr. DURBIN. I am happy to yield to my colleague.

Mr. HATCH. If my colleague will yield, I would appreciate it.

I thank the Senator.

SCHEDULE

Mr. HATCH. Mr. President, today the Senate will be in a period of morning business until 10:30 a.m. Following morning business, the Senate will resume debate on the intelligence authorization bill with Senator BINGAMAN to be recognized to offer a second-degree amendment regarding field reporting. Other amendments are expected to be offered and debated throughout today's session of the Senate. Therefore, Senators can expect votes throughout the day and into the evening. The majority leader would like to inform all Members that the Senate will remain in session today until action is completed on the pending intelligence authorization bill.

Upon completion of that bill, it is the intention of the majority leader to proceed to any appropriations bill on the calendar.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein up to 5 minutes each.

Under the previous order, the Senator from Illinois, Mr. DURBIN, or his designee, is to be recognized to speak up to 30 minutes. Also under the previous order, the Senator from Utah, Mr. HATCH, or his designee, is to be recognized to speak up to 30 minutes.

The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague from Illinois for allowing me to proceed with the two sets of remarks I would like to make.

CONDOLENCES TO THE KENNEDY AND BESSETTE FAMILIES

Mr. HATCH. Mr. President, I rise to express my heartfelt sympathy to our colleague, Senator TED KENNEDY, and the whole Kennedy Family on the death of his nephew, John F. Kennedy, Jr.

John Kennedy, Jr. was much admired by all Americans. The son of Camelot, he was aware of his own celebrity but did not flaunt it.

His entry into politics—the Kennedy family business—would have been well paved for him, but he chose to go his own way. He succeeded in the extremely competitive publishing world. When failures in this industry outnumber successes, he created and built "George" into a popular and often insightful magazine. By all accounts, JFK, Jr. was a hands-on editor, had a fair hand, and had an eye for what would be interesting and fresh for American readers.

His marriage to Carolyn Bessette took America's number one bachelor off the market. But, it also gave his life new dimension.

We here in the Senate would be remiss if we did not also express our

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



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deepest sympathy to the Bessette family who lost two daughters in this terrible accident. As a father, this is a loss I cannot begin to imagine.

It seems that no family should have to endure the level of tragedy that has befallen the Kennedys. I will say to the Senator from Massachusetts: America mourns with you and the Senate mourns with you, your family, and the Bessette family as well.

Elaine and I want to express publicly what we have said privately, which is that you and your family and the Bessette family are in our thoughts and prayers. May God hold you in the palm of his hand.

(The remarks of Mr. HATCH pertaining to the introduction of S. 1406 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HATCH. Mr. President, once again, I thank my dear friend from Illinois for allowing me to proceed, and at this point I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, under the order that was previously stated, I yield 3 minutes in morning business to the Senator from Maryland.

The PRESIDING OFFICER. Without objection, the Senator from Maryland is recognized.

RECOGNITION OF ROBERT TOBIAS

Mr. SARBANES. Mr. President, I rise today to recognize Robert Tobias for his distinguished service at the National Treasury Employees Union, including four terms as its president.

Admired by his friends and adversaries alike, Bob Tobias has garnered respect as an effective advocate and constructive mediator during his tenure at the NTEU.

Bob and his wife Susan reside in Bethesda, MD, and we are very proud to have them as residents of our State. However, Bob is a native of Michigan and received a bachelor's degree, as well as a master's degree, in business administration from the University of Michigan. Bob completed his education at George Washington University, where he received a law degree. He built upon his formal education with substantial legal experience as a labor relations specialist for General Motors Corporation in Detroit and with the Internal Revenue Service.

When Bob first joined the NTEU in 1968, he became its second staff employee. During his 31-year tenure at NTEU, Bob served the organization in numerous capacities and saw the staff grow to more than 100 members with seven field offices across the country. Now representing more than 150,000 Federal employees at the Internal Revenue Service, Customs Service, and other agencies, NTEU is a strong voice for public servants on Capitol Hill and with the other branches of Government.

Starting at NTEU as a staff attorney, Bob later served as general counsel and

executive vice president, supervising a staff of 45 attorneys and field representatives nationwide, as well as the litigation and negotiations staff in the NTEU training program. His dedicated and skillful performance in these positions led to his election as President of NTEU in 1983 and his subsequent reelection on three occasions.

Under Bob's guidance, NTEU has been an influential voice for Federal employees and has waged many successful battles on their behalf. From challenging the line-item veto, to securing the right to picket for Federal employees, to obtaining the payment of over a half billion dollars in back pay from the Nixon administration, Bob Tobias has achieved wide-ranging victories for our public servants.

In addition to his talent for successful litigation, Bob Tobias has worked with the Government and its agencies to improve the status of Federal employees and to enhance their ability to serve the public. For example, he is credited with wide-ranging IRS reforms, rendering the tax-collecting organization a more efficient and responsive public agency. He is credited with instituting the first negotiated alternate work schedule for employees and the first cooperative labor management program for onsite child care.

Because of his extensive interaction with the agencies that employ Federal workers, Bob is highly regarded as an expert on how to improve Government. Many different organizations have sought out his expertise on these matters and, among others, Bob is now a member of the President's National Partnership Council, the Federal Advisory Committee on Occupational Safety and Health, the Executive Committee of the Internal Revenue Service, and the American Arbitration Association.

Because of his dedicated leadership on behalf of our Federal workers, his consensus-building approach to Government reform, and the highly professional manner in which he carried out his work, Bob Tobias leaves a powerful and enduring legacy as President of the NTEU. I am pleased that he will continue in the public realm since he is planning a career in public policy teaching and writing.

Again, I congratulate Bob Tobias on his outstanding service at NTEU and his terrific record as a public servant on behalf of the American people, and I wish him all the best in the years ahead.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

ANOTHER TRAGEDY IN THE KENNEDY FAMILY

Mr. DURBIN. Mr. President, I want to say a word about the tragedy which has befallen the Kennedy family and the Bessette family, as we learn about the terrible circumstances involving

the plane crash last Friday. When my wife came in in Springfield, IL, Saturday morning and said that she had just heard on the radio that John Kennedy's plane was missing, our reaction was the same: Could this be another tragedy for this family?

The Kennedy family means so much to America, so much to the Democratic Party, and so much to many of us personally. As a young student just starting at Georgetown University in 1963, I arrived weeks before the assassination of President John Kennedy. I stood on Pennsylvania Avenue and watched the funeral cortege leave the White House for this Capitol Building, where President John Kennedy's body was held in reverence for visitation by the American people.

Then I can recall, as a college student, sitting in this gallery and looking down on this floor to watch as Senator TED KENNEDY and Senator Robert Kennedy talked about the war in Vietnam, and in the gallery across the way was Ethel Kennedy and other members of the Kennedy family. Little did I dream that the day would come when I would serve with Senator TED KENNEDY and come to know him personally. Each of us who serves with him understands what an extraordinary person he is. He, in my mind, is the best legislator on the floor of the Senate. He is so well versed, so well prepared, and so hard-working, that he is an inspiration to all of us.

We are reminded from time to time, as we were this weekend, that his obligations go beyond the Senate and certainly to a large family who looks to him for guidance and leadership in times of trial. This week, TED KENNEDY is bringing together the Kennedy family in mourning over the death of John Kennedy, his wife Carolyn Bessette Kennedy, and her sister Lauren. Our hearts go out to him and the entire family and to the Bessette family as well.

Those of us who remember that 1963 assassination graphically can recall exactly where we were at the moment that we heard President John Kennedy was shot. As we watched all the scenes unfold afterwards, one of the most poignant was that of little John Kennedy saluting his father as the casket passed in front of the church. I guess we had always hoped that because Caroline and John Kennedy had endured this tragedy so early in life that God would find a special place for them and they would lead normal, happy, and secure lives. They certainly set out to do it and did it well, both of them. Then again, a tragedy such as this will occur and remind us again of our vulnerability and fragility as human beings.

Our hearts and prayers go out to both families, and certainly to Senator KENNEDY in his leadership role in the Kennedy family. We will be remembering them as this week passes and as we address our concern and sympathy on the floor of the Senate.

Mr. SARBANES. Will the Senator yield?

Mr. DURBIN. I am happy to yield to my colleague.

Mr. SARBANES. Mr. President, I commend my very able colleague from Illinois for his very eloquent remarks about this tragedy, and I associate myself with his remarks. Our hearts do go out to both families, the Kennedy family and the Besette family. The Besette family has lost two children.

My State has been fortunate to be blessed by the extraordinary leadership of the next generation of the Kennedy family in terms of Kathleen Kennedy Townsend, who now serves as our lieutenant governor. So I have a direct sense of the strong responsibility of dedicated public service which has marked this family from the very beginning.

All of us are deeply struck by this tragedy. Our hearts reach out to the families. We extend them our very heartfelt sympathies. We feel very deeply about our colleague, Senator KENNEDY, who, of course, has assumed the family leadership responsibilities. We have to press on, but it really comes as a very saddening tragedy for all of us.

I thank my colleague for yielding.

Mr. DURBIN. Mr. President, I inquire of the time remaining under morning business.

The PRESIDING OFFICER. The Senator has 20 minutes under his control.

TAX CUTS

Mr. DURBIN. Mr. President, I wish to address an issue which is topical and one that most Americans will be hearing about during the course of this week and the next. It is an issue involving tax cuts. Can there be two more glorious words for a politician to utter than "tax cuts"?

People brighten up and their eyes open and they look in anticipation, and they think: What is this politician going to bring me by way of a tax cut?

Our friends on the Republican side of the aisle have decided that they will make the centerpiece of their legislative effort this year a tax cut, a tax cut which, frankly, will have an impact on America—positive in some respects but overwhelmingly negative in other respects—for decades to come. So I think it is important for us to come to the floor and discuss exactly where we are today and where we are going.

First, a bit of history:

In the entire history of the United States of America, from President George Washington and through the administration of President Jimmy Carter, our Nation accumulated \$1 trillion in debt—a huge sum of money over 200 years. But at the end of the Carter administration, and the Reagan and Bush administrations began, we started stacking up debts in numbers that were unimaginable. In fact, today we have over \$5 trillion in national debt. Think about that—200 years, \$1 tril-

lion, and, just in the last 20 years, another \$4 or \$5 trillion in debt.

What does it mean to have a debt in this country? You have to pay interest on it, for one thing. The interest we pay each year on that debt we have accumulated is \$350 billion out of a national budget this year of about \$1.7 trillion. You see that each year about 20 percent of our national budget goes to pay interest on the debt we have accumulated.

The new President came in—President Clinton—in 1992 and said: We have to do something about this. We can't keep going down this path of accumulating debt and paying more money in interest. It isn't good for our current generation to be paying out that money, and certainly we shouldn't saddle our children with that added responsibility.

In 1993, he came to the Congress and said: Let us take from what we have been doing over the past 10 years and do something new. The President proposed a new budget plan—a plan that was determined to bring down this debt. That plan passed without a single Republican vote. In 1993, the Clinton plan passed without a single Republican vote in this Chamber. Vice President Gore came to the Chair and cast the deciding vote to pass the plan.

It was a big gamble. Some Members of Congress on the Democratic side lost in the next election because they voted for the Clinton plan. Marjorie Margolies-Mezvinsky, one of my colleagues from the State of Pennsylvania, cast a courageous vote for that plan and lost in the next election.

But was the President right? History tells us he was dramatically so because in the last 6 years we have seen not only our economy grow dramatically in terms of the creation of jobs and businesses—low inflation, new housing starts, and all the positive things we like—but we have finally seen us turn the corner and move toward balance when it comes to our annual Federal budget.

Now, if you will, we are not discussing what to do as we swim through this sea of red ink but, rather, what to do with an anticipated surplus. In 6 years, we have moved from talk of a deficit to speaking of surplus.

There are two different views on what to do with this future surplus. The Republican side of the aisle is suggesting a \$1 trillion tax cut over a 10-year period of time. I am sure that is appealing to some, particularly if you are in the higher income groups in America who will benefit from this tax cut. But certainly we ought to step back for a second and say: Is that the responsible thing to do? Should we be giving away \$1 trillion in tax cuts over the next 10 years at the expense of virtually everything else?

Our side of the aisle, the Democratic side of the aisle, working with President Clinton, has a different approach, one which I think is more responsible and more consistent with the leader-

ship which the Democrats showed in turning the corner on these Federal deficits. It is basically this:

First, let us meet our current obligations to Social Security and to Medicare.

It is amazing to me, as I listen to the Republicans talk about all of our future challenges, that there is one word they are afraid to utter—the word "Medicare," the health insurance program for over 40 million senior and disabled Americans, a program which needs our attention and help.

What the Democrats and the President propose is to take a portion of the future anticipated surplus as it comes in to solidify Social Security for another 50 years and to make sure Medicare can start to meet its obligations past the year 2012.

We will have to do more, believe me. But at least by dedicating that portion of the surplus, I think we are accepting the responsibility, before we give money away for any new program or give money away for any tax cut, to take care of the programs that mean so much to American families and in the process bring down the national debt and start paying off this \$5 trillion national debt.

Is that important? It is critically important because not only by bringing down this debt will we reduce our annual interest payments of \$350 billion, but we will free up capital in America for small businesses, large businesses, and families alike to borrow money at a low interest rate.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I am happy to yield to my colleague, Senator BOXER.

Mrs. BOXER. Mr. President, I am happy to see our colleague, Senator SARBANES, because we all serve on the Budget Committee because we know what a turning point this is for our Nation.

My friend said that with the Clinton plan we have finally turned a sea of red ink into a fiscally responsible situation. Is my friend saying—I want to make sure we all understand—that in the Republican plan for the projected surplus there is not \$1 set aside for Medicare? Is that what my friend is telling me?

Mr. DURBIN. I thank the Senator from California.

I point to this chart. I hope this can be seen because the Republican tax cut plan of \$1 trillion over the first 10 years leaves nothing for Medicare—not a penny for Medicare, as if the Medicare program itself is self-healing. It is not.

If you were going to deal with the Medicare problems—and they are substantial—you have only two or three options: raise payroll taxes and increase the amount paid by those under Medicare or cut benefits. We may face some combination of those, as painful as they will be. But they will be much worse if, in fact, we don't dedicate a portion of the surplus to the Medicare program.

The Senator is right. If you take a look at this, there is not a penny of the Republican tax cut plan for Medicare and other priorities.

Mrs. BOXER. Could I ask a final question?

My friend and I have been on this floor on numerous occasions as proposals have come forward to raise the eligibility age for Medicare to 67 or 68. We have said, at a time when there are so many Americans with no health insurance, let us not raise the eligible age for Medicare.

I know how strongly the Senator feels, and how Senator SARBANES and I feel about Medicare. Does my friend not believe, as I do that, when we talk about the safety net for our senior citizens, we must talk about Social Security and Medicare—that, in fact, they are the twin pillars of the safety net?

I ask my friend—and I will yield to him—that if we save Social Security—and both parties have agreed, because President Clinton laid down the challenge, that that was good—and then do nothing about Medicare—which is the Republican plan—and suddenly those on Medicare have to pay \$200, \$300, or \$400 a month more for their health care because Medicare is strapped, does that not mean there really is no safety net because the seniors will have to use their Social Security to pay out-of-pocket expenses for their health care?

Does my friend believe, as I do, that to say you are reserving the safety net for seniors and at the same time you do nothing for Medicare, it is really kind of a fraud on the people?

Mr. DURBIN. Mr. President, I agree with the Senator from California.

I think we should take this a step further. It is not only a disservice to seniors who are covered by Medicare but to their families as well.

Those of us who have dealt with aging parents and their medical problems understand that a family often has to rally together to try to figure out how to help a mother, a father, a grandmother, or a grandfather. If the additional expenses that are being shouldered because of the refusal of the Republicans to deal with the Medicare challenge end up falling on the shoulders of the frail and elderly, they will be expenses shared by many members of the family.

I think it is an element that has to be brought to this basic consideration. It is one thing to say we are giving you a tax cut on the one hand and yet we are going to increase the cost of Medicare to you on the other.

I want to make two points which I think are important as well. I am, I guess, right on the age of what is known as the baby boom generation. I took a look at this Republican tax cut not just for the first 10 years. This isn't a tax cut where they want to change the law for 10 years and then go back to the old one. It goes on indefinitely. We have a right and a responsibility to chart out what the Republican tax cut means beyond the first 10 years, to see

what it means in the next 10 years and the following 10 years.

Look what happens. It explodes from the years 2000 to 2004, \$156 billion; \$636 billion in the next 5 years; \$903 billion in the following 4 years, and over \$1 trillion in the last.

What does it mean? For the so-called baby boomers such as myself, when the time comes for retirement, the debt is going to start exploding again. The service of that debt, the interest paid on the debt because of the Republican tax cut proposal, will be a new burden to be shouldered by that future generation. It is not responsible. The Republican approach is not responsible. Not only does it ignore Medicare but it drags America right back into the sea of red ink. They are so determined to give these tax cuts to wealthy Americans that they are going to do it at the expense of fiscal sanity. Haven't we learned a lesson over the last 10 or 20 years, that we cannot do this without jeopardizing the possibility that we are going to have some kind of fiscal sanity for decades to come?

Think about this in the private sector. My friends on the Republican side say run government like a business. Microsoft is a very profitable business. Would Microsoft give shareholders huge dividends based on expected future profits? Of course not. They declare a dividend when the money is in the bank.

The Republican tax cut programs wants to declare a national dividend in anticipation of money coming into the bank; the Democratic alternative says no, dedicate a portion of that surplus to Social Security and to Medicare, and if there is to be a tax cut, let it be a reasonable, affordable tax cut to help middle-income families first. That is the difference. It is an important difference.

We also have to take into consideration that if the Republican tax cut is enacted, it is going to put pressure on Congress to cut spending in future years. Some people say Congress should cut spending; we ought to live within our means. The amount of money that will be taken from the Treasury by the Republican tax cut in the outyears would have a dramatic negative impact on America.

This chart illustrates that. If the Republican budget passes, and the tax cuts which they have propose are enacted, here are the cuts we will face. The Head Start Program—a program for the youngest kids in America, in some of the most vulnerable families, who are given a chance to start school ready to learn—will be cut for 375,000 children. The Republican tax cut leads to a cut in Head Start of services to 375,000 kids.

What will happen to these children? They will show up for kindergarten and the first grade and they may not be ready to learn. So school districts will have added responsibilities and society will have added responsibilities. We see it reflected in crime statistics, in wel-

fare statistics. When we cut back in early childhood education, which the Republican plan leads us to, we will pay for it dearly.

Veterans, VA medical care. If the Republican plan passes, forcing the budget cuts which inevitably follow, they will cut treatment for 1.4 million patients, veterans who come to hospitals asking for the care they were promised when they served our country. Is that a reasonable alternative? I think it is not.

Under title I, education for the disadvantaged, cutting services for 6.5 million children; The FBI, eliminating over 6,000 agents.

The Republicans smile and say, come on, we can give tax cuts, we can cut the budget, and none of this will occur.

We have lived through that era, that era of overpromising, that era that built up the red ink in this country to the point where we faced a national crisis and pleas from the Republican side to enact a constitutional amendment so that the courts could force Congress to spend its money responsibly. We don't want to return to that again.

This morning I had a meeting with the superintendent of the Office of Education from the State of Illinois, Max McGee, and the chairman of the State board of education, Ron Gidwitz, a businessman from Chicago. They came in asking for more Federal dollars. They want to have early childhood programs so kids get a better start at learning. They want the schoolday to go from 3 o'clock in the afternoon until 6 o'clock where kids have added adult supervision. They want school extended in the summer so kids have an added chance to learn.

These are all wonderful consensus ideas in education, and each one of them costs money. Naturally, our State education officials come to us asking for more Federal dollars. I told them they came at exactly the right moment because the debate starts across the Rotunda in the House today on whether or not the Republican tax cut plan will pass. If it does, and if it is enacted—which I doubt the President would see in the future—we will face the possibility of fewer dollars available for education at a time when most people believe if the 21st century is to be another American century, we need to dedicate resources to education and to our kids. That is the choice. It is stark. It is difficult. It is politically treacherous.

We must do the responsible thing. The responsible thing is to take whatever surplus comes in the future, dedicate it first to Social Security, then to Medicare, and then to retiring the national debt so that families across America and businesses alike can enjoy continued prosperity, a responsible approach which guards the prosperity for the future.

I don't think the American people will be deceived in believing this tax cut is their deliverance from concern in the future.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Maryland.

Mr. SARBANES. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mr. SARBANES. I commend the Senator from Illinois.

We have a marvelous opportunity at this point, having come out of this deficit box as a consequence of the fiscal policies pursued by this administration, to reduce the national debt for the first time in a great number of years. Indeed, if we maintain proper discipline, we can in effect eliminate the national debt for the first time since the first part of the 19th century.

All of that is at risk of loss, as the Washington Post says, because of the "egregious recklessness of the Republican proposal" which goes way out to the extreme.

I ask unanimous consent that this editorial be printed at the end of this discussion.

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

(See Exhibit 1.)

Mr. SARBANES. Mr. President, the Senator from Illinois has pointed out very carefully, first of all, this is an exploding tax cut. The cost of this tax cut escalates very quickly as time goes by. While the projections are over the first 10 years, in the second 10 years it virtually triples in terms of cost.

Secondly, it is premised on the proposition there will be about a 20-percent cut in existing programs; Head Start, VA medical care, title I for the disadvantaged—all the investments we need to make for the future strength of our country. The Republican appropriations bills are zeroing out the COPS program which is putting community police on the streets all across America and bringing down the crime rate.

Thirdly, it does not adequately provide for Medicare. In fact, it doesn't provide at all for Medicare looking out into the future.

The real question is whether we are going to take advantage of this opportunity to exercise a responsible fiscal policy. Furthermore, if we start stimulating the economy with a tax cut at the very time that we have gotten unemployment down to 4.2 percent—an unprecedented low level, the best in the last 30 years—then we are going to run the risk that we will start pressure on prices, have an inflation problem, and the Federal Reserve will start raising the interest rates.

In fact, at the last Open Market Committee, the Federal Reserve raised the interest rates a quarter of a point. If the Republicans controlling the Congress start stimulating the economy, you can assume that the Fed will take up these interest rates in order to dampen down economic activity, and we will be right back in the box with a problem we had in terms of how to encourage economic growth and have a

responsible economic policy. We have done a good job.

Mr. DURBIN. Mr. President, I ask unanimous consent for 10 additional minutes.

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

Mr. SARBANES. Mr. President, as the Senator from Illinois pointed out, in 1993 when we enacted the President's economic program, not one single person from the other side of the aisle supported that program. Not only did they not support the program, they made all sorts of dire predictions of what would happen to the Nation's economy. In the debate on this floor, Members stood up and it was as though the sky was going to fall in if this program was carried through.

Only a few have been willing subsequently to own up to the inaccuracy of their prediction—only a few. The others sort of, I guess, forget they ever made the prediction. But the fact of the matter is, the policy has worked extraordinarily well: Unemployment at a 30-year low; inflation at a 30-year low; we have come out of deficit and into surplus. Now we have the opportunity to move ahead in a responsible manner, not in an egregiously reckless manner, as the Washington Post points out in this editorial.

So I commend my colleague from Illinois for his comments. This is an extremely important decision we are about to make in terms of the future course of this Nation. If we make it responsibly, we can continue on the path of prosperity. We can continue to invest in the future strength of our country through education, research and development, and developing our Nation's infrastructure, our transportation, and our communication infrastructure. We can shore up the Social Security system. We can address the problems of Medicare. We can bring down the debt. We can even do targeted tax measures to help middle-income people and to help improve and increase productivity in our Nation. All of those are possible.

But things must be done in moderation. We cannot go to extremes, and the Republican proposal is an extreme proposal. Subjected to analysis, it does not stand up. We must not go down that path. I commend the Senator from Illinois for making that point so effectively here on the floor this morning.

EXHIBIT 1

[From the Washington Post, July 20, 1999]

A TAX PARTY

In part to placate party moderates whose votes they need, House Republican leaders are proposing modest cuts in the cost of the tax bill they are scheduled to bring to the floor this week. But no one should be fooled by this, least of all the moderates whose stock in trade is that they take governing seriously. The leadership trims don't begin to undo the egregious recklessness of this bill. There are three main problems.

(1) The surplus the sponsors are using to finance the tax cut the bill would grant is mostly phony. It is predicated on a willingness of future Congresses to make deep

spending cuts from just the first phase of which this Congress already is retreating. Most programs would have to be cut more than 20 percent in real terms. Without such cuts, about three-fourths of the imaginary surplus in other than Social Security funds disappears; the amount goes from \$1 trillion over the next 10 years to perhaps \$250 billion. If they set aside some money for Medicare, as they are bound to do, even less will be available for tax cuts—most likely nothing.

(2) The bill when fully effective would actually cost much more than the projected surplus. The cost is masked by the fact that so many provisions have been carefully backloaded—written to take effect only toward the end of the 10-year estimating period. The estimated cost of the first 10 years of the Ways and Means Committee bill is \$864 billion. The likely cost of the next 10 years would be three times that; one estimate puts it at \$2.8 trillion. This is a ludicrous bill, a lemming-like effort to put political points on the board whose effect would be to return the government to the destructive cycle of borrow-and-spend from which it only now is painfully emerging. The economy and the ability of the government to function both would be harmed.

(3) The principal beneficiaries would be people at the very top of the income scale. The rhetoric and some of the analysis surrounding the bill suggest otherwise. But here again, backloading comes into play. Some of the provisions slowest to take effect are those that would be of greatest benefit to the better-off. In the end, one analysis indicates that nearly half the benefit of the bill would accrue to households in the top one percent of the income distribution.

This is a bill that would mainly benefit relatively few people at the expense of many. It would once more strand the government—leave it with obligations far in excess of its means—and in the process do serious social as well as fiscal and economic harm. Not even as a political billboard that the president can be counted upon to veto should it pass. There ought not be a tax cut. The parties ought not use imaginary money to cut a deal at public expense. The greatest favor that this Congress could do the country would be to pass the appropriations bills and go home.

Mr. DURBIN. Mr. President, I thank the Senator from Maryland who has been recognized for his work with the Budget Committee and the Joint Economic Committee. He is a thoughtful analyst of our Nation's economy. I certainly agree with his conclusion.

I would like to make two points, though, that we have not raised so far, to take a closer look at the tax cuts proposed by the Republicans.

The Citizens for Tax Justice have done an analysis of the House tax cut proposal, and they have found that 44 percent of all the benefits in that tax cut bill will go to the wealthiest 1 percent of Americans. I am sure Mr. Gates, Mr. Trump, and all the others who have done so well in this economy would love to see a tax cut. But I am not sure they need a tax cut.

Take a look at this. Mr. President, 60 percent of the Republican tax cut would benefit the wealthiest 5 percent, three-quarters of it to the wealthiest 20 percent. Whom have they left behind? Working families—working families who will see little or no tax relief as a result of this Republican plan.

I think about Governor Ann Richards of Texas who used to make comments

about the other party, the Grand Old Party, and say: They just can't help themselves. When it comes to tax cuts, they just can't stay away from giving tax cuts to the wealthiest people in America at the expense of working families, at the expense of Medicare, at the expense of paying down the national debt, and at the expense of our current economic prosperity.

The Republican Party is adrift, searching for an issue. The one they think they can coalesce behind is a tax cut, the one thing that brings every wing of their party, from extreme right to right and everything between it, together. Yet every time they do it, it turns out they have tipped the scales so heavily to the rich that the American people say we do not want any part of this. If this is just going to be a cheering section of people from country clubs who think the tax cuts are really going to be something for the future, so be it, but it is not good enough for the country.

Mrs. BOXER. Will the Senator yield for a very quick question?

Mr. DURBIN. Yes.

Mrs. BOXER. I have to again say thank you to the Senator. I was looking at some of the analysis of the Republican tax cut, the across-the-board one. It said, if you earn about \$300,000 a year, you would get a \$20,000-a-year tax cut. I wonder if the Senator has thought about this. The tax cut, therefore, for those folks who earn over \$300,000, would be almost twice as much money as a person working on the minimum wage earns, which is approximately \$11,000, \$12,000. Could my friend just talk about the unfairness of that situation?

Mr. DURBIN. Mr. President, I think it is fundamentally unfair. I agree with the Senator from California. Most people who are in these high-net-worth situations would not miss a decimal point in their net worth, but the Republican tax cut plan wants to give them more money. Yet when we try to bring up an issue such as increasing the minimum wage from \$5.15 an hour, the Republicans just will not accept that. So we are going to have that fight later this year, I am sure, on the floor of the Senate.

That gives me an opportunity to summarize, if I may, my view of this Congress and the difference between the two parties. Take a look at the Senate over the last 2 months if you want to know the difference between this side of the aisle, the Democratic side, and the Republican side.

On the issue of gun control, sensible gun control, after the shootings in schools across America, the Democrats pushed a sensible gun control plan which attracted the support of six Republican Senators. I salute their courage for joining us, giving us finally enough votes, as a minority, to bring in Vice President GORE casting the tie-breaking vote for sensible gun control—trigger locks for guns that are safer for kids, trying to make sure peo-

ple buying guns at gun shows are not criminals or children, trying to make sure we do not keep importing these high-capacity ammunition clips of 240 rounds of ammunition. Who needs that for hunting or safety in their homes?

We passed it, sent it over to the Republicans in the House, and they just beat it to pieces. There is nothing left. We have to get back and pass sensible gun control—a clear difference between Democrats and Republicans.

On the Patients' Bill of Rights, we on the Democratic side came in and said what is going on is scandalous; doctors should make decisions, not insurance companies; and insurance companies should be held accountable when they make the wrong decision. The Democrats stood for that position. The Republicans, with the exception of two Senators, opposed us. The difference between the Democrats and Republicans: We believe in the Patients' Bill of Rights, the Republicans oppose it.

When it comes to this issue, what a change of hats. The Democrats are in the role of fiscal conservatives. The Democrats are saying mind our own business when it comes to Social Security, the future of Medicare, and retiring the national debt; the Republican side says at least \$1 trillion in tax cuts the first 10 years, and then watch it explode in the outyears.

For the American people following this debate in the Senate, they have a choice. If you buy into the Republican philosophy of runaway tax cuts and irresponsible spending in the future, if you buy into the idea of standing up on the floor of the Senate for the health insurance companies and opposing the efforts of families and doctors and hospitals to bring some sanity back to health care, if you buy into the Republican position supporting the National Rifle Association and the gun lobby, then that is your party, that is where you should turn, and be proud of it.

But if you think there is a better choice, if you think coming together on a bipartisan basis for sensible gun control, for the Patients' Bill of Rights, and for a fiscally responsible approach to our budget in the future, I think that is the better way to go. That is the clear choice, and politics is about choices.

I thank my colleagues from California and Maryland for joining me in the morning business, and I yield the remainder of my time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1555, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Pending:

Kyl amendment No. 1258, to restructure Department of Energy nuclear security functions, including the establishment of the Agency for Nuclear Stewardship.

The PRESIDING OFFICER. The Senator from New Hampshire.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the Senator from New Mexico, Mr. BINGAMAN, is recognized to offer an amendment.

AMENDMENT NO. 1260 TO AMENDMENT NO. 1258
(Purpose: Relating to the field reporting relationships under the Agency for Nuclear Stewardship)

Mr. BINGAMAN. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DOMENICI, and Mr. REID, proposes an amendment numbered 1260 to amendment No. 1258.

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

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

The amendment is as follows:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, at the end of subsection (k), insert the following:

"Such supervision and direction of any Director or contract employee of a national security laboratory or of a nuclear weapons production facility shall not interfere with communication to the Department, the President, or Congress, of technical findings or technical assessments derived from, and in accord with, duly authorized activities. The Under Secretary for Nuclear Stewardship shall have responsibility and authority for, and may use, as appropriate field structure for the programs and activities of the Agency."

Mr. BINGAMAN. Mr. President, I offer this amendment on behalf of myself and my cosponsors, Senator DOMENICI and Senator REID.

The amendment does two things. The first sentence of the amendment says:

Such supervision and direction of any Director or contract employee of a national security laboratory or of a nuclear weapons production facility shall not interfere with communication to the Department, the President, or Congress, of technical findings or technical assessments derived from, and in accord with, duly authorized activities.

That sentence makes clear that communication which presently occurs is intended to continue. The clarification is necessary because in the underlying amendment officers and employees of contractors, including the Directors and employees of the three National Laboratories, are referred to as "personnel of the Agency for Nuclear Stewardship" and all personnel of the Agency are subject to the supervision and direction of the Under Secretary for Nuclear Stewardship.

We want to be sure if they have information of a technical nature or based on their technical assessment that they believe should be directly communicated, that communication occur.

The Directors of the three nuclear weapons laboratories are responsible for certifying the adequacy of the nuclear weapons stockpile. Their independence and the integrity of their judgments are critical to the national security of the Nation. It is important that the legislation recognize and protect that independence and integrity by ensuring that these lab Directors and employees can communicate these technical findings and assessments to the Department, the President, and the Congress.

The second sentence of the amendment simply provides that the Under Secretary for Nuclear Stewardship may use field offices for the programs and activities of the Agency. This is a departure from one of the recommendations of the Rudman report. The Rudman report proposed streamlining the reporting chain for the Agency for Nuclear Stewardship by cutting the ties between the weapons labs and the Department of Energy field offices.

We had a hearing in the Energy Committee last week, and I asked Dr. Vic Reis, who is the Assistant Secretary of Energy for Defense Programs, whether he agreed with that Rudman report recommendation. He said he did not. He said we certainly need weapons ties in the field office because "we cannot run the operation entirely from Washington."

All we are saying is the Secretary has authority to use the field offices in an appropriate fashion—we are not dictating how but in an appropriate fashion to carry out the policies of the Department.

As I understand what Dr. Reis was saying, the important point is to clarify the lines of authority between the Agency for Nuclear Stewardship and the labs. The underlying amendment does that. But he said the new Under Secretary will still need field offices to help them oversee and run the complex of weapons laboratories and production facilities, and this gives the Under Secretary that option.

I believe this amendment is straightforward. My colleague on the Republican side, Senator DOMENICI, is the prime cosponsor of this amendment. I hope it is acceptable. I believe it is acceptable to all Senators, and I hope the Senate will adopt it.

The PRESIDING OFFICER. The Senator from New Mexico, Mr. DOMENICI.

Mr. DOMENICI. Mr. President, I wholeheartedly agree we ought to adopt the amendment. I will speak for one moment on it. I will not address the first portion of it, wherein the amendment discusses the responsibility that rests with reference to making sure that appropriate communications occur rather than be stymied by the new Agency. I think that is good language. I do not know that we would have had anything different than that in the underlying bill, but this clarifies it. I am pleased to be part of that.

With reference to the second part of the amendment, the Department of Energy has been operating with field offices—some of them very successful, some of them not so successful. There has even been a clamor over the past 5 or 6 years to create more of them rather than fewer of them. In fact, there have been proposals to create more field offices that this Senator personally has had to confront in the appropriations bill.

What this says is that rather than being silent in the bill with reference to the Rudman recommendation regarding field offices, this says the Deputy Secretary may use an appropriate field structure for programs and activities of the agency. I think that is good. It gives them the options and it gives them all they need for good management. What we are talking about is good management—field offices versus the national office.

So I urge the Senate to adopt this amendment. We have no objection on our side. I urge the chairman and co-chairman of the Intel Committee to concur in our recommendations.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I commend Senator BINGAMAN for offering this amendment. I believe it is constructive in nature. It is something we believe will, at the end of the day, clarify what we are trying to do. That is what this legislation is all about—to restructure the labs, making it harder for espionage to go on at the labs. So it is a good amendment. I urge that at the proper time we adopt it.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I also believe this is a good amendment. I am going to accept it. I think it is a sign that Senators on both sides of the aisle understand that we have an opportunity to do something that is long overdue, but that there is a reason in the past this has not been done; that is to say, restructuring the agency to increase the accountability for the work that is being done on nuclear weapons, both to make certain we preserve sound science at its best and security at its best.

I fervently hope we continue in this spirit, because if we do, we will produce

a bill with a big vote, and we will be able to conference it, be able to change the law, and enact good reform that will keep the United States of America and our people safe.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. It has been a pleasure working with Senator BINGAMAN on this and on some other amendments. I say to the two floor managers, it is my hope we can take the four or five remaining issues and see if we can't get one amendment put together to see if we can resolve them. We should have an answer to that for the floor managers within the next half hour, 45 minutes.

Having said that, let me talk about the field offices for a moment. I have also been a proponent of the belief that if you can do some of the business of government down close to where the problems are, you are better off. I believe that such is the case with field offices. If properly run, under the appropriate accountability rules, wherein everybody knows who is accountable for what, I believe they can be very helpful.

Because I believe that, I think this amendment gives the option to retain them in a manner that will be helpful to the new Under Secretary as he puts together the semiautonomous entity.

I think much of the activity in field offices has been good. The fact the entire Department has made it very difficult to run the nuclear weapons part may be some of the reason the Rudman board was not thinking of field offices in a very good light. I believe it is imperative we look at it that way—in a good light. We have not told them how to use them. We have not told them what kind of role they play. We have said they may be used for programs and activities of the agency.

I yield the floor.

Mr. REID. Mr. President, one of the most important contributions to our national security is the annual stockpile report to the President and the Congress in which the safety, security, and reliability of the stockpile is assessed.

A very important piece of that report is an assessment by the Directors of the national security laboratories regarding the results of their technical investigations.

That assessment by the lab Directors combines scientific and engineering findings with expert professional judgment to form an independent evaluation of the quality and character of the weapon designs that make up our nuclear stockpile.

The scientific and engineering findings are derived from data developed at Pantex, at Oak Ridge's Y-12 plant, at the Kansas City Plant, at the Nevada Test Site, and at the national security labs, Sandia, Los Alamos, and Lawrence Livermore.

Experts from all of these sites combine their efforts to review and validate this information upon which the

effectiveness of our stockpile is determined.

More experts are convened to consider the ramifications of findings and the whole effort is finally integrated into a certification of the reliability, the safety, and the security of the stockpile.

It is absolutely essential that this effort be free of political or bureaucratic interference.

Scientists, engineers, and technicians at these national security facilities are hired for their expertise and diligence.

They are the only experts who know the significance of their findings and they should remain absolutely unimpeded in exercising their professional skills and judgment.

At the same time, the lab Directors earn their positions of trust and responsibility by a lifetime of outstanding technical accomplishments, demonstrated skill at integrating large complex bodies of information, and consummate integrity in reporting their conclusions.

They, too, should remain absolutely unimpeded in the performance of their stockpile certification responsibilities.

Mr. President, in matters as important as certification of our stockpile, the possibility of interference, or even just the appearance of the possibility of interference, can affect the exercise of skills and professional judgment.

These professionals should retain their independence from bureaucratic or political interference.

Unfortunately, this amendment takes a step that will destroy that independence by asserting that these civilian contractor employees "shall be responsible to, and subject to the supervision and direction of, the Secretary and the Under Secretary for Nuclear Stewardship or his designee."

So now there are at least three Federal officers, necessarily politicized by their positions, and undoubtedly bureaucratic in their origins, who can direct these professionals in any or all aspects of their work.

That is not an environment that promises assessments that are independent of political or bureaucratic interference.

Mr. President, the labs and production facilities should not be independent of Federal direction, but that direction must not be allowed to dictate technical findings or their interpretation.

My concerns in this regard could be adequately addressed by adding to the appropriate section the following clarification:

Such supervision or direction of any Director or contract employee of a national security laboratory or of a nuclear weapons production facility shall not interfere with communication to the Department, to the President, or to the Congress, of technical findings or technical assessments derived from, and in accord with, duly authorized activities.

Mr. KERREY. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 1260) was agreed to.

Mr. KERREY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

(The remarks of Mrs. MURRAY pertaining to the introduction of S. Res. 158 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. MURRAY. 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. KYL. 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. KYL. Mr. President, I would like to return to the business of today, the Intelligence Committee authorization bill and the underlying Kyl-Domenici-Murkowski amendment to that authorization bill which provides for the reorganization of the Department of Energy with a semiautonomous agency responsible for our nuclear weapons programs. That is the business of the Senate since this time yesterday.

Americans who are watching the activities of the Senate might be a little confused. I would like to try to straighten out some of the confusion. I challenge my colleagues who have a different point of view to express that if, in fact, they care to do so.

We are well aware, over the last several years now, of espionage that has been occurring within our nuclear laboratories and other facilities in this country which has resulted in a significant number of very important secrets of this country being obtained by others who should not have them, including, we believe, the Government of China. This is not minor. The secrets that have been obtained, we believe, from our nuclear laboratories include the information necessary to build the most sophisticated weapons ever designed by man. They include the designs for the most sophisticated weapons in our arsenal—the seven or eight nuclear warheads the United States now has on our existing weapons, as

well as designs for a weapon that we never produced but which we understand because the Chinese have now said they have; the so-called neutron bomb that they have developed; as well as some other technology dealing with radar, for example, that can detect our submarines under the sea.

These are the most sophisticated technological developments of our country in recent years. Design information about these weapons has been obtained by others. So, naturally, one of the questions is: How did it happen, and how can we prevent it from happening in the future?

We don't know the answer to the question of how it happened exactly, because people involved in espionage don't come forward and say to you, well, here is what I did. But piecing the information together, we have concluded that it is likely that information was obtained from our nuclear weapons laboratories, and this information got into the wrong hands.

So part of the question of how to prevent this in the future is: What do we need to do, if anything, to ensure security at our nuclear laboratories?

Now, it turns out that over the years there have been numerous General Accounting Office studies, studies by other independent groups, and even studies of the Department of Energy itself, which has jurisdiction over these National Laboratories, which have highlighted the ongoing problems and have suggested that there have to be changes made in the organizational structure of the DOE if we are ever to stop this espionage.

Most recently, the President's own Foreign Intelligence Advisory Board, chaired by former Senator Warren Rudman, issued a scathing report and made some very important recommendations about the reorganization of the Department of Energy. In this report, in effect, the Rudman panel said to the President that the Department of Energy will tell you that it can reorganize itself. It can't. It is the problem.

Many of the bureaucrats within the Department don't want to reorganize in a way that will solve these problems. They want to protect their turf. Therefore, it is going to have to be up to Congress to pass a new statute that literally reorganizes the Department of Energy to get this done.

Now, interestingly, just before that Presidential advisory panel made its recommendations, Senator DOMENICI of New Mexico, in whose State two of the three primary weapons labs are located, had come to the same conclusion, based upon a lot of these previous reports that I talked about, and had actually developed an idea of how to reorganize the Department of Energy to provide for greater accountability and responsibility. He discussed those ideas with me and with Senator MURKOWSKI, chairman of the Energy Committee. The three of us decided to introduce

legislation, which we attempted to attach to the Department of Defense authorization bill back in May, to accomplish this exact result.

At that time, for a variety of reasons, the leadership, including Senator WARNER and others, said: Don't attach that to this bill, do it later with the intelligence authorization bill—which we now have before us. For one thing, no hearings have been held, and we need time to work out the specific language.

So Senators DOMENICI and MURKOWSKI and I agreed to do that back in May. Since then, there have been, I believe, six different hearings by four different committees specifically on this legislation. Senator Rudman has testified, as has Secretary Richardson, and many others, about this specific legislation.

Since the time of our initial introduction of the amendment, the Rudman panel made its recommendations. It was so close to what Senator DOMENICI and the rest of us had originally proposed that we conformed our legislation to that recommendation so that we were in effect asking the Department to be reorganized exactly along the lines recommended by the President's own advisory panel. That was back in May.

A lot of time has now elapsed, obviously—almost 2 months—while we have been going over this. We have been meeting with Secretary Richardson. We have been talking to each other trying to come up with some compromise language where we thought it was appropriate.

But in the meantime, we have the question of whether our secrets are being protected at our National Laboratories. The Rudman report, and Senator Rudman's testimony before at least one of these committees in the interim, made it clear that we had not solved the problem. The Cox report made the point that espionage was still continuing. The Rudman report specifically said the recommendations of the Secretary of Energy and the implementation of what he was doing was in effect too little too late; it was not solving the problem; it didn't go far enough; and we had to get on with the urgent business of solving this problem.

The reason I point this out is that we agreed to delay even though that delay poses a risk to the people of the United States of America; that more secrets will fly out the window before we get this thing resolved. But we agreed to hold the hearings and to try to get the acquiescence of the Secretary of Energy.

He has now finally agreed with the proposition that was recommended to the President's advisory panel that we need a semiautonomous agency.

We are now arguing about a lot of the details. But in this matter the details matter. The details matter because it is possible for the bureaucrats within the Department of Energy to scuttle the reform if they can take enough

pieces of it out and create the same kind of burdensome, multimanagement kind of structure that exists today which the Rudman report criticized as being so ineffective.

We fear that is what some of the amendments which will be proposed will do.

We have been trying over the last 48 hours literally to bring this bill before the Senate. We had to actually invoke cloture in order to begin debating the intelligence authorization bill. Democrats objected to the consideration of the intelligence authorization bill.

What does that mean? Without an intelligence authorization bill, the programs for fiscal year 2000 in our intelligence community cannot go forward.

Why would people object to even considering the bill, not voting on it, but even bringing it up when these kinds of threats to our national security exist? Why would they object to the consideration of the amendment for the reorganization of the Department of Energy along the lines recommended by the President's own panel of advisers, the concept of which has been signed off by his Secretary of Energy?

Why would we have this delay? Why now for the last 48 hours have the people who want to amend our proposal not come forward to present this amendment so we can get on with this?

We have had this bill pending for 24 hours. People watching might say: Why have we heard speeches about everything under the Sun except the Department of Energy reorganization?

The answer is because people who object to our proposal have not come to the floor and have not been willing to offer their own amendments.

Senator DOMENICI has been laboring mightily in the back rooms trying to work out some language differences. We have been willing to meet others more than halfway in trying to resolve differences that we could resolve. We have agreed to accept a couple of amendments and make some modifications to language so we can work together in a bipartisan fashion. But I have yet to hear anybody say, who has proposed amendments that we have accepted, that they will agree with and support the legislation at the end of the day, even if we accept what they have offered.

I am not going to suggest a lack of good faith. But there is a matter of national security involved. Time is wasting.

I see nobody on the floor willing to debate with us or tell us where they think we are wrong or to offer amendments to what we are trying to propose.

Under the rules of the Senate, unless they come down and do that, we are stuck.

We don't want to spend all of the time just reiterating what Senators DOMENICI, MURKOWSKI, THOMPSON, BUNNING, and myself and others have already said on the floor. We could keep talking about this.

I sometimes wonder what the American people think. They hear there is a crisis with intelligence. They hear there is a problem with these National Laboratories. They hear there is a suggestion to fix it made to the President by his own advisory board, and we have amendments to implement those recommendations. Yet nothing happens. In fact, people actually object to bringing up the bill that would begin to fix the problem.

When we finally bring it up because we invoked cloture, we actually made them vote on that—they all agreed to bring it up at that point—and nobody comes down to offer amendments.

I urge my colleagues, even those who disagree with us, to come to the floor. Let's debate this. If you think you have a legitimate point of view, let's talk it out. Reasonable people can differ about these things. If you have an amendment, bring it to the floor so we can debate and vote on it.

But, sooner or later, the American people are going to reach a conclusion, which is that this matter is being delayed.

I find it unconscionable that anybody would delay efforts to secure the Nation's most important secrets and to delay our efforts to ensure the security of our National Laboratories. That is what we are all about here.

I just hope that sooner rather than later people will be willing to come down and work with us to bring this bill to a conclusion so that we can get on with the important business of this country in protecting our national security.

I see Senator DOMENICI is on the floor. I know he has been working mightily to try to work out some language. I think it would be appropriate now to call upon him for a report on the success of his efforts.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me, first of all, congratulate and thank Senator KYL.

There have been many Senators involved, including the occupant of the Chair, who have serious concerns about the issue. But I believe we have a great threesome who worked together fundamentally from the beginning. Senator KYL was more than willing right up front when the idea evolved. When we said let's work on it, he was most willing to take the lead, and, frankly, knows a lot about nuclear weapons, the safety, and the well-being of them. He knows a lot about the so-called science-based stockpile stewardship. He has not been an advocate of doing anything with reference to nuclear weapons that would diminish in any way America's great strength in that regard. I commend him and thank him for it.

I want to comment for just about 3 minutes on the issue that he raised.

There have been contentions that the Department of Energy is moving in the right direction. In fact, I think the

Secretary misspoke once when he said to the Congress and to the people we have taken care of the security problems. That is not a quote. It is just a general notion of what he said.

I noted over the weekend that the new four-star general, retired, has been put in charge of security and counter-intelligence. They called him the czar. I note that he has indicated he is a year away from getting what he thinks is necessary under this dysfunctional department to be able to say we are taking care of the security issues in the best possible way.

Why wouldn't we hurry up and reorganize? Instead of that czar spending all of his time trying to get a structure set up under the old system—which everybody says isn't going to work, and which says, Good luck, general, but when you are finished with all of that, it isn't going to work—we ought to get this reorganization in the hands of that Department, in the hands of the President of the United States, and say, Let's get on with trying to implement.

I submit that it is going to be hard to implement.

There are many ties that are going to have to be broken. There are many parts of the Energy Department that are going to go down swinging in terms of them having little or nothing to say anymore about the nuclear weapons aspect of this. They all have parts in it. It has made it such a bureaucratic mess that even as I look at amendments that want to ease up a little on the semiautonomous nature, my mind immediately goes back to, well, if we open the door a little bit, we are just going to end up in 10 or 5 years right back where we are.

I want to make sure everybody understands that we want to keep it semiautonomous where the Secretary is ultimately engaged, but within that is something similar to the FAA that is doing its own work on nuclear weapons. I think we are close.

However, I suggest to those Senators who want to discuss amendments or who contemplate offering amendments, including the ranking member of the Armed Services Committee, Senator CARL LEVIN, that we hear from him soon as to what he wants to do. We have a proposal we are discussing about going somewhat in his direction but not totally.

I am trying to see if we can minimize amendments and get this done quickly. If not, I think we will just start voting. Some don't want to do that. I think we will have to do that within the next hour or so if we can't put things together. Then I will have a couple amendments, if that is the case. I think they are more acceptable than what I understand others are going to offer. We will get those debated.

Mr. DOMENICI. I ask unanimous consent I be permitted to speak as in morning business for 5 minutes.

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

TAX CUTS

Mr. DOMENICI. Mr. President, on the floor of the Senate today, yesterday in a press conference at the White House, today in a press conference, and this afternoon, the President of the United States will end about 48 hours of White House attack on tax cut proposals that Republicans have put forth. We are very grateful, however, that some Democrats are now espousing the same—in particular, in the Senate. The whole idea of the attack is, we don't have enough surplus to give the American people a tax break.

I hope the American people understand the contentions made by the President, by the Secretary of the Treasury, by those on the floor today from the other side who debated it. I hope they understand that this is an attack that should be called "anything but taxes." That is the philosophy of those who are attacking what we are trying to do—anything but taxes.

For those who think we don't have enough resources, I will take some time today, both on the floor and in other places here at the Capitol, to explain that, indeed, it is a prudent plan. Indeed, there are sufficient resources, and there are sufficient resources in the broadest sense, to take care of our commitment to Social Security. We have done that. We want a lockbox, and we can't get it passed in this Senate. There is ample money for reform of the Medicare system to include prescription drugs.

We will also today let the American people know that the Congressional Budget Office believes the President's prescription drugs are not going to cost only \$48 billion in new money; their estimate is they could cost \$118 billion—a very important difference, more than double the amount. The point of all this is the contention that we can't take care of the rest of government if we have a tax cut.

I will just use a round number here. My recollection is that the surplus is \$3.9 trillion—people can't even fathom \$3.9 trillion—over the next decade. To put it in perspective, the entire budget of the United States on an annual basis, including Social Security payments, Medicare payments, all of the appropriated accounts, is about \$1.8 to \$1.9 trillion. Almost twice the total expenditures of the Federal Government in a given year is the surplus accumulating, according to the best estimators and best economists we can put on this issue—experts at both the Office of Management and Budget and Congressional Budget Office.

I quickly penned some figures. If we have \$3.9 trillion in surplus and we want a tax cut over a 10-year period of \$782 billion, that is 20 percent of the surplus that would be given back to the American people by way of tax cuts and tax changes. That will make for better economic sense in the future.

That is a rough number. That is a gross number. However, it puts it in perspective. We ask the question,

Where is the rest of it going? We will share in detail what we say it is going for and what the Congressional Budget Office says the President's budget is going to be used for. It will be an interesting comparison.

For those on the other side and those in the White House—including the Secretary of the Treasury—who think they will have free rein making their case, which in my opinion is extremely partisan, it is Democrats in the White House, including the Secretary of the Treasury, who are saying, "We are not for tax cuts," and making every kind of excuse in the world to avoid it.

We will make sure that our side of this is understood. We believe if we don't have a significant tax cut adopted now for the next decade, all that surplus will be spent. We can already see it in plans coming from the White House. We can already see it in the current budget of the President extended over a decade as estimated by the Congressional Budget Office.

I thank the Senate for giving me a little bit of time this morning. I clearly did not today present our case in its totality. I want everybody to know there is another side to the partisan antitax fever that will be coming out of the White House the next couple of weeks. That is what it is. It is a ferocious attack on anyone who wants to give back taxes to the American people, using all kinds of arguments, even if they are totally partisan, one-sided exaggerations.

We won't get as much news because the President's press conference will be heralded everywhere. Before we are finished, we will have a few spokesmen tell the American people what this is about. I wish we had an opportunity to present what we are going to present today to the House. I wish we could do it in a joint meeting to the public. The concern that there is not enough money for discretionary appropriations in defense is wrong. The notion that there is not enough money for Medicare—be it the President's \$48 billion or the \$118 billion that the CBO says a plan such as the President's would cost—is not so.

In these 5 minutes, that is the best I can do. I don't have charts. They prepared their charts for use today and hereafter. We will use them. Frankly, attacks on the budget resolution by the White House should get thrown in the wastebasket. If Members want to attack a budget, attack the President's budget and see what he did with all this surplus. See what the Congressional Budget Office says he will do with all this surplus. We know what we will do. We will lock up \$1.9 trillion for Social Security. That leaves a very large amount for defense, education, and other areas—indeed, a very significant amount for Medicare, if we choose to reform it, and a tax cut about the size proposed in the budget resolution approved here.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—Continued

Mr. KYL. 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. KYL. Mr. President, I ask unanimous consent that Senator LUGAR from Indiana be added as a cosponsor to the Kyl-Domenici-Murkowski amendment.

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

Mr. KYL. Mr. President, I will be happy to defer to Senator LEVIN. He is prepared now to report on one of his amendments.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, in the last half-hour, or hour, there have been discussions going on relative to Senator BINGAMAN's second amendment. One of them has already been accepted, as I understand, in modified form. It is now my understanding that the managers would just as soon proceed to my amendment while they are trying to work out Senator BINGAMAN's second amendment. That is fine with me.

Mr. KYL. Fine.

AMENDMENT NO. 1261 TO AMENDMENT NO. 1258

Mr. LEVIN. 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 Michigan [Mr. LEVIN] proposes an amendment numbered 1261 to amendment No. 1258:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, add at the end the following:

(u) The Secretary shall be responsible for developing and promulgating all Departmental-wide security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies. The Director of the Agency for Nuclear Stewardship is responsible for implementation of the Secretary's security, counterintelligence, and intelligence policies within the new agency. The Director of the Agency may establish agency-specific policies so long as they are fully consistent with the departmental policies established by the Secretary.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I will be happy to consider a time agreement. My good friend Senator KYL suggested we try to adopt it. It is my understanding it might have been already adopted last night, so I suggest it would be perhaps an hour evenly divided.

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

Mr. LEVIN. Mr. President, it is not often an amendment is read in its entirety around here, even a short one. Usually we ask unanimous consent that further reading of the amendment be dispensed with. I do not know how many times I have used those words on this floor in the last 20 years. But in this case I decided to have this amendment—it is fairly short—read in its entirety because it may sound familiar to some people.

These are Senator Rudman's words. This amendment incorporates some very important parts of Senator Rudman's panel's recommendation that are left out of the pending amendment. That is why I wanted the entire amendment read.

The sponsors of this amendment have correctly pointed out that Senator Rudman is recommending a semi-autonomous agency, and that is the heart of Senator Rudman's proposal. It happens to be a proposal that I support. But the difference between my position and the sponsor's position, relative to Senator Rudman's recommendations, is that their amendment leaves out some very critical recommendations of the Rudman panel relative to the operation of the Department of Energy.

My amendment would insert in the pending amendment some very important recommendations of the Rudman panel the pending amendment omits.

We have heard a lot relative to the importance of the Rudman panel recommendations. Senator Rudman and his panel performed an extremely important service to this Nation in pointing out the complicated bureaucratic maze that exists at the Department of Energy and pointing out that for 20 years, report after report, recommendation after recommendation to streamline the bureaucracy the Department of Energy have been made, including made to the Congress, without action being taken by the Congress.

All of us bear responsibility for that failure. Three administrations and 20 years of Congresses have been told in a number of reports there should be some reorganization done at the Department of Energy.

Finally, a year and a half ago, President Clinton issued a Presidential directive that reorganizes the Department of Energy. That directive has been mainly implemented, not yet fully apparently but mainly implemented. The Rudman panel goes beyond that Presidential directive but does give credit to President Clinton for being the first President in 20 years to direct the reorganization of the Department of Energy, even though three Presidents have been told there is significant organizational problems, and even though as early as 1990 there was a public statement about espionage being carried out by the People's Republic of China at one of these labs.

Secretary Richardson is engaged in significant reorganization of this agency, and the Rudman panel gave credit

to Secretary Richardson for beginning the important reorganizational changes.

This Congress has taken some steps to reorganize the Department of Energy. The Armed Services Committee, for instance, upon which our Presiding Officer sits with distinction, has acted on our bill, which is now in conference, to carry out some significant reorganization of the Department of Energy.

On the House side, the Armed Services Committee did the same thing. The language is different. Parts of their provision differ from ours. But the point is, there are some very important things going on in terms of reorganization in the Department of Energy, as we speak. But the Rudman panel goes beyond that. It would put into law, for instance, things which are in an Executive order. We know how much more important a law is than an Executive order because an Executive order, No. 1, can be changed by the next President but, No. 2, can be too often ignored by the bureaucracy. We had a recent example of that in another agency where an agency just almost totally ignored an Executive order.

We want to put into law a significant reorganization, and we want to—at least I do, and I think most of my colleagues want to—put into law a reorganization along the lines of the Rudman panel recommendation. I do not know that there is any disagreement on that, but apparently there is a disagreement when it comes to setting forth not just the provisions of the Rudman panel's recommendations relative to the power of this new semiautonomous agency, but when it comes to setting forth the power of the Secretary of Energy relative to directing and controlling his Department.

What is left out in this amendment is also important, according to the Rudman panel. This is not the Senator from Michigan talking; this amendment is the Rudman panel talking. I will go into what these provisions are in just one moment.

I emphasize, the security breakdown that has existed for 20 years that was highlighted in the Cox commission report must be corrected. There are a number of steps underway to correct them, but we should act. There have been some pretty important, good-faith discussions going on over the last few days as to how we might be able to come up with a bill which can become law.

We can pass a bill, and if the House does not accept the bill because they think it ought to be a freestanding bill and not on an intelligence authorization bill, or because they do not think it ought to be on a Department of Defense authorization bill—and that is their position in conference relative to the defense authorization bill—we can attach language here. But if we do not have a strong, healthy consensus, it seems to me we are in a much weaker position in getting this law actually

passed in the House and signed by the President. That should be our goal.

If we are serious about trying to tighten up and streamline the Department of Energy, if we are serious about passing a law to do that, then we ought to figure out a way we can come together, incorporate the Rudman panel recommendations, including the ones which are left out in this amendment which I will try to add in a moment, so we can go to the House of Representatives with a healthy consensus vote, a strong vote, rather than a divided vote, and the same message would then be delivered to the President.

The Rudman report calls for a semi-autonomous Agency for Nuclear Stewardship. I fully support that. That would be an agency which will oversee all nuclear-related matters in the Department of Energy, including defense programs and nuclear nonproliferation. It would also oversee all functions of the national security labs and the weapons production facilities. I strongly support that. It would streamline the new Agency's management structure by abolishing ties between the weapons labs and all DOE regional field and site offices and all contractor intermediaries. It would appoint the Director of the new Agency by the President with Senate confirmation, and it would have effective administration of safeguard security and counterintelligence at all the weapons labs and plants by creating a coherent security counterintelligence structure within the new Agency.

In making the recommendation for a semiautonomous agency, the Rudman report cites as models similar agencies within the Department of Defense, such as the National Security Agency, NSA, the Defense Advanced Research Projects Agency, DARPA, and the National Reconnaissance Office, the NRO.

Each of these three agencies is a separately organized agency run by an administrator within the Department of Defense. While the mission of each is different from the other, all three are under the authority, direction, and control of the Secretary of Defense; all three are subject to Department of Defense policies and regulations; and all three are directed by the Secretary and his deputy through an assistant.

That is the model Senator Rudman has based his recommendation on—three agencies in the Department of Defense, separately organized, each having their own staff, but where the Secretary and the Deputy Secretary direct that separately organized agency through an assistant.

That is a very important part of that model which is omitted in this bill. So Senator Rudman and his panel, on June 30, sent a "Memorandum of Clarification" relative to their report. One of those recommendations in the statement is the following: "The Secretary is still responsible," under their model, "for developing and promulgating DOE-wide policy on these matters," these matters being security, intel-

ligence, and counterintelligence, "and it makes sense to us," that is, the Rudman panel, "that a Secretary would want advisers on his/her immediate staff to assist in that vein."

So the first sentence of our amendment says:

The Secretary shall be responsible for developing and promulgating all Departmental-wide security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies.

It is verbatim from Senator Rudman's panel's recommendation.

Senator Rudman's panel also says: "... The Agency Director," that is the new Agency, "... is responsible and held accountable for ensuring complete and faithful implementation of the Secretary's security, counterintelligence and intelligence policies within the new Agency."

The second sentence of our amendment reads:

The Director of the Agency for Nuclear Stewardship is responsible for implementation of the Secretary's security, counterintelligence, and intelligence policies within the New Agency.

Again, it is verbatim from the Rudman panel's memorandum of June 30.

The Rudman panel also said on that day that "The Director of the Agency," that is, the new Agency "may establish agency-specific policies so long as they are fully consistent with the departmental policies established by the Secretary."

The third line in our amendment says:

The Director of the Agency may establish agency-specific policies so long as they are fully consistent with the departmental policies established by the Secretary.

It is verbatim from the Rudman panel recommendation.

I do not think we can have it both ways. The Rudman panel's recommendations are very important. We are not obligated to adopt every one. We are not obligated to adopt any of them. But there are some of us who believe those recommendations are hugely important. As always is the case when you create a new agency within a Department, you have to figure out a balance between the power of the new Agency and the power of the Secretary to run his Department that contains that new Agency.

That is a very important balance. We are doing it on the Senate floor. Usually that kind of a complex and rather arcane effort would be made by the Governmental Affairs Committee, but in this case, for many reasons, legitimate reasons, it comes to us in this form, and we must deal with it.

But in dealing with these issues, as to that balance, we have guidance. We have guidance from the Rudman panel. The Rudman panel says: Create a semi-autonomous agency. It then goes into detail on the functions of that semi-autonomous agency and the power both of its director and the Secretary of Energy. It sets them out. It lays this out for us.

The amendment before us omits some critically important recommendations of the Rudman panel, the ones I have just read and the ones that are in my amendment. It is that omission which, it seems to me, so flaws, and unnecessarily flaws, may I say, the amendment before us.

I do not quite fathom why it is that specific recommendations of the Rudman panel, relative to what the balance and the relationship are, should be omitted when they are important.

The sponsors of the amendment will no doubt say that the Secretary reserves the right in their amendment to direct and control the Department, and that is true. But when it comes down to putting any flesh on those bones, when it comes down to saying how the Secretary will do that—that he is able, for instance, to use his staff to promulgate policies, that the agency must comply with the Department's policies that apply departmentwide—when it comes to those things, then we have a problem with this amendment.

This amendment actually suggests the opposite is true from what Rudman has suggested when it says that "The Secretary may not delegate to any Department official the duty to supervise or direct" but leaves out the critically important power that Rudman would give the Secretary to utilize his staff to assist him in developing and promulgating departmentwide policies.

So we correct this omission. The spirit of Rudman is that there be a semiautonomous agency when it comes to spelling out how that agency would function, what the balance of powers and functions would be between the Secretary of the Department, of which this agency is a part, and the new Agency Director. It is at that point that we have the omissions that Rudman recommends and the omissions in this pending amendment which my amendment would fill in.

Mr. President, I inquire how much time this Senator has left.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Michigan has 10 minutes 26 seconds.

Mr. LEVIN. I thank the Chair and reserve the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. We have 30 minutes on our side?

The PRESIDING OFFICER. The Senator has 30 minutes exactly.

Mr. DOMENICI. Mr. President, the Senator from Illinois, Senator FITZGERALD, had asked, before we knew the Senator was coming up, whether he could come to the floor and speak for 5 minutes. He got here, but the Senator had started so he was cut out for an hour. I wonder if we could have consent for the Senator to speak for 5 minutes and it not be counted against either side.

Mr. LEVIN. I am happy to.

Mr. DOMENICI. I so request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois.

Mr. FITZGERALD. I thank the Chair. To the Senator from Michigan, I thank him for allowing me to speak on Senator KYL's underlying amendment.

The recent release of the Cox report and the President's Foreign Intelligence Advisory Board's report has confirmed our worst fears that lax security at our national laboratories enabled the Chinese to steal some of our nation's most guarded nuclear secrets. This appears to be among the most severe breaches of American security in our Nation's history. This issue is of particular concern to my state, Illinois, as we are the home of three labs—Argonne National Laboratory, Fermi National Accelerator Laboratory, and the New Brunswick National Laboratory.

But despite years of warnings, beginning with a detailed briefing by the Department of Energy on the issue, the administration did next to nothing to close the breach in security at our national labs, and did next to nothing to keep suspected scientists away from classified information. Instead, the administration soft-pedaled the issue, encouraged the transfer of technology to China, and even denied that any secrets were lost to China during this administration. The administration's response to report after report of security threats to our labs has been, "See no evil, hear no evil, speak no evil." In fact, the administration sought to undermine the truth and accuracy of reports of these security breaches. And when the disastrous consequences of this policy of denial and inaction were exposed, the administration played a half-hearted game of catch-up that continues to this day.

The report issued by the President's Foreign Intelligence Advisory Board presents a scathing and highly critical account of DOE's handling of, and response to, the threat posed to weapons labs by Chinese espionage. The report characterizes DOE as having a "dysfunctional management structure and culture," unable to respond to the unique challenge posed by China. Unfortunately, DOE is in the words of the report a "dysfunctional bureaucracy that has proven it is incapable of reforming itself."

In the coming years, the United States may pay a terrible price for this dereliction of duty. China is likely to make a great leap forward in its ability to threaten the United States with nuclear attack, thanks to stolen American nuclear weapon and missile technology. In fact, China now admits that it has neutron bomb technology. A well-known proliferator, China may sell or give this advanced technology to Iran or Pakistan, further increasing the spread of weapons of mass destruction and the missiles to deliver them.

For our part we, as Senators, must undertake the task of repairing the system that allowed this information to fall into the hands of China. To this end a number of my colleagues and I have co-sponsored an amendment to

the intelligence authorization bill initially offered by Senators KYL, DOMENICI, and Chairman MURKOWSKI. This amendment would create a semi-autonomous agency within DOE responsible for the nuclear weapons laboratories and their security. I ask for and encourage Senators to join me and the other cosponsors in supporting this measure. I welcome Secretary Richardson's change of mind on this issue. Although he was initially opposed to such an agency, the Secretary has joined the bipartisan group of Senators in supporting the concept of a semi-autonomous agency for nuclear stewardship.

I hope that my colleagues will join us in passing this legislation and implementing this important step in sealing the breach in security at our Nation's weapons labs.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will take the first few minutes and reply to Senator LEVIN's amendment, and then Senator DOMENICI will add his thoughts.

I first note that this language was handed to us as this debate began, and so it has been a little difficult to correlate the provisions of this amendment with the provisions of our bill and with the recommendations of the Rudman report. I think it is fair to say the following four things about this amendment.

First of all, it is not necessary. I haven't really heard any explanation of why we need this different language. I believe that our bill, which tracks the report of the President's Foreign Intelligence Advisory Board, allows the Secretary of Energy to create policies that are applicable to the entire department and that the implementation of security and counterintelligence within this new Agency is the responsibility of the new Under Secretary that is responsible for nuclear stewardship, but that the Secretary of Energy will always have the ultimate say with respect to those security and counterintelligence policies. That is what our bill calls for. That is what the Rudman report recommends should be done. I don't see any need for this different way of saying it.

There are also at least two problems with the language itself. I am a little concerned because Senator LEVIN scores a debater point by saying one of the sentences of his three-sentence amendment comes right out of a letter that Senator Rudman wrote to us. It is not the Rudman report, but it is a letter that he sent to us. Since we have been saying that our legislation tracks the Rudman recommendation, therefore, we have to accept that sentence.

That is, of course, a dual standard. Senator LEVIN is perfectly willing to reject parts of the PFIAB report. Under his analysis, then he should accept everything the Rudman report recommends as well.

The truth of the matter is, we have tried to track it as closely as possible,

and I think we have done a good job. We haven't included the sentence from the letter that Senator Rudman wrote. It is not necessary.

I think there is a dual standard being applied here. I think all of us can appreciate the fact that we are trying to track it as closely as we can, consistent with writing this legislation.

The two primary points of objection I have to the amendment are these: As a practical matter, this whole exercise is to do things differently within this new Agency than they are done departmentwide. That is the essence of the President's Foreign Intelligence Advisory Board report. It says: You need to create a new semiautonomous agency that doesn't have to do things the way they are done all over the rest of the Department of Energy. That has been the problem—all these different people making rules and regulations and policies. It is impossible to protect the Nation's security and our foremost secrets when you have so many people, in effect, with their finger in the pie. You need to create a very specific semiautonomous agency that has control over those nuclear programs, and don't apply all of the other departmentwide policies, as good as they may be for the rest of the Department, to this new Agency.

Many of the departmentwide policies will be appropriate, but undoubtedly some of them will not be. The whole point is to do things differently than they have been done in the past and to have the flexibility to do them differently within this new Agency.

For example, suppose the Secretary says to one of his staff assistants: I want you to develop a new departmentwide policy on polygraph tests. This person goes out and does the research, comes back and says: We shouldn't have any polygraph tests. The Secretary of Energy says: Okay, that is our departmentwide policy.

Under the Levin amendment, this new Agency, this new semiautonomous Agency that is responsible for control of our nuclear secrets, wouldn't have any choice but to implement that departmentwide policy. That is exactly what this language says. I will read it, Mr. President:

The director of the agency may establish agency-specific policies so long as they are fully consistent with the departmental policies established by the Secretary.

No flexibility to do anything different. That is the whole point. That is what the PFIAB report said: You have to do things differently. You cannot expect a different result if you keep doing them the same old way. You cannot require, for this very unique, highly technical business of making nuclear weapons, the application of all the same standards and policies that apply throughout the Agency.

The one example used frequently is the refrigerator standards. But there are so many different examples you can point to. Agencywide policies may be fine agencywide, but they should not

necessarily be applicable to this new Agency. They may be, but they aren't necessarily. That is the approach our bill takes. It says the Secretary can develop these agencywide policies, but the Director of this new Agency has to have some flexibility to say some of the things that apply to other parts of the Department of Energy should not apply here; they are not applicable, and they may even be dangerous.

That it the whole point of what we are trying to accomplish. When the amendment says the Director of the Agency for Nuclear Stewardship is responsible for the implementation of the Secretary's security, counterintelligence, and intelligence policies within the new Agency—and he can only devise agency-specific policies as far as they are fully consistent with the departmentwide policies—you are tying his hands behind his back; he is set up for failure before he even starts.

This amendment is very dangerous. One reason it is dangerous is that the language seems to track fairly closely elements of the report. But again, what we are saying is the Secretary, of course, can develop agencywide policies. Some of those will be applicable to this new Agency, but they don't necessarily have to be. That is where we diverge. That is a critical difference here. It would be impossible for this new Agency Director to do his job if he were bound by this language.

Our whole point is to have accountability and responsibility of this person. Well, I would not take the job if I were given the responsibility to protect our Nation's nuclear secrets and then I was told: However, you cannot establish any policy within your new Agency that is inconsistent with departmentwide policies. I would not undertake that job because I would not be able to do it the way I thought best.

Mr. President, with respect for the Senator from Michigan, I have to say this is the wrong approach and we will have to oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. How much time do we have on this side?

The PRESIDING OFFICER. The Senator has 22 minutes 49 seconds. Senator LEVIN has 10 minutes.

Mr. KYL. I inquire, does the Senator from Michigan want to speak next? We have more time on our side. Would he want to address the Senate?

Mr. LEVIN. No.

Mr. KYL. Mr. President, perhaps we should suggest the absence of a quorum.

Mr. LEVIN. I misheard the Senator. Did he say there were additional speakers on his side?

Mr. KYL. Yes.

Mr. LEVIN. Senator KERREY has expressed a desire to speak in support of the amendment. I will briefly yield 2 minutes to myself. Regarding the comments of the Senator from Illinois about both the President and the Secretary relative to the Secretary's ac-

tions, the PFIAB, or the Rudman report, as we call it, says the following:

We concur with and encourage many of Secretary Richardson's recent initiatives to address the security problem at the Department. And we are heartened by his aggressive approach and command of the issue. He has recognized the organizational dysfunction and cultural vagaries at the DOE and has taken strong, positive steps to try to reverse the legacy of more than 20 years of security mismanagement.

Now, the contrast between what the Rudman report says about Secretary Richardson and what the Senator from Illinois says the Rudman report said, relative to Secretary Richardson, is a pretty sharp contrast, indeed. This is what the Rudman panel actually said:

We concur with and encourage many of Secretary Richardson's recent initiatives to address the security problems at the Department. And we are heartened by his aggressive approach and command of the issues. He [Secretary Richardson] has recognized the organizational dysfunction and cultural vagaries at the DOE, and he [Secretary Richardson] has taken strong, positive steps to try to reverse the legacy of more than 20 years of security mismanagement.

I ask the Senator from Nebraska, the ranking Democrat, the vice chair of the committee, whether he wishes to speak at this time.

Mr. KERREY. I am pleased to.

Mr. LEVIN. I gave you both titles.

Mr. KERREY. Mr. President, I apologize to the Senator from Arizona. I did not hear all the reasons for opposing the Levin amendment because I am afraid, in my own mind, this is getting down to a point where it seems to me—I said to Senator LEVIN earlier that it seems the bill gives the Secretary the right to do all these things. I don't see a lot of reason to oppose this, I really don't.

As I understand it, the Senator from Arizona has a problem with the last sentence, which says, "The director of the agency may establish"—this is a nuclear security agency—"agency-specific policies"—that is the same autonomous objection that we have—"so long as they are fully consistent with departmental policy established by the secretary."

It seems to me we want the Secretary to be able to establish Departmental policies that would apply to everybody and allow the new security Agency still to be able to establish specific policies that don't relate to the rest of the Department. I don't understand the Senator's objection to that because it seems to me that is a reasonable thing to say.

The trouble I am having—and I am trying to make certain we achieve a big bipartisan vote on this because I don't want to lose the opportunity that we have been given many times in the past couple of decades, and the Senator from Arizona has been pushing hard on this thing. I would hate for us to fail as a consequence of not being able to resolve what seems to me is not that big a conflict. I would appreciate the Senator talking about this last sentence

and what he thinks seems to be wrong with it.

Mr. KYL. Mr. President, I will respond on my time, and if we need more time, we can utilize that.

Senator KERREY raises the exact right question. In many respects, we are not that far apart. I think this language creates one specific, big problem, however. In the bill, we provide the authority for the Secretary to establish not only departmentwide policies on security, counterintelligence, and other matters, but also he would have the residual authority to direct those issues within the new Agency itself if he really wanted.

Mr. KERREY. Can the Senator refer to where that is in the bill?

Mr. KYL. I will have my staff find the pages. On page 2 of the bill, there is "general authorities residual to the secretary."

I refer the Senator's attention to section 213(c):

The secretary shall be responsible for all policies of the agency.

So that is the overall general policy here. That is, of course, consistent with the recommendations of the Rudman report. It is what we have always said has to be—that ultimately the Secretary has the authority to impose his will on this new Agency in any way he should desire to do so, whether it is agency specific, or with respect to a departmentwide policy. We provide for that.

The problem with this amendment and the problem with the last sentence is that it would remove from the Under Secretary in charge of the nuclear program the ability to have policies different from general DOE-wide policies because it says:

The director of the agency may establish agency-specific policies so long as they are fully consistent with the departmental policies established by the Secretary.

I can give an example of polygraphs. If you read the first sentence of this amendment, the Secretary may use his immediate staff to assist him in developing these departmentwide policies.

He asks a person not in this new semiautonomous Agency to go out and develop a policy regarding polygraphs. I am using this as a hypothetical. The person comes back and says we shouldn't have polygraphs. That is a departmentwide policy. And the new Under Secretary, in the second sentence, is directed to implement the Secretary's policies within the new Agency.

How might he do that? The third sentence:

The director of the agency may establish agency-specific policies so long as they are fully consistent with the departmental policies established by the Secretary.

We need to allow enough flexibility so there can be some differences.

The whole point of the Rudman recommendation is that this new Agency may have to do some things different from the rest of the Department. There may be personnel policies. There may

be contracting policies. There may even be policies of security and counterintelligence that would be different in this new entity.

But even if they are different—this, I know, goes right to the point of the Senator from Nebraska—even if the person in charge of this new semi-autonomous Agency says, look, we have to do things differently with respect to security in our new Agency than you do them in the rest of the Departments, the Secretary of Energy still has the ultimate say as to whether he approves of that and agrees with that or not because he is ultimately in charge.

But the way this amendment is written, the new Director wouldn't have any options. He has to do it consistent with the departmentwide policy. He has no discretion to do it differently. He has to have this discretion to do it differently if he thinks it is necessary. Then if the Secretary says, no, I don't want you to, the Secretary still wins. He is still the boss.

That is my answer to the Senator from Nebraska.

Mr. KERREY. I appreciate that answer.

I am struggling. I have been in this position before, I say to my friend from Arizona, where I hear words and they mean something to me and they mean something entirely different to somebody else. I am still struggling.

It seems to me that the language of "the director of the agency may establish agency-specific policies," which is what the Senator from Arizona wants, by the way, this amendment amends section 213(a). At the end of the following, "the secretary shall be responsible"—OK, at the end. It has a paragraph (u) to this.

Is that what the Senator from Michigan just took?

Is the Senator saying in his amendment that the Secretary shall be responsible for all policies of the Agency? The Senator is saying the Secretary still has that authority.

How is that inconsistent? I still don't understand how that undercuts. This one says:

The director of the agency may establish agency-specific policies so long as they are fully consistent with the departmental policies established by the Secretary.

Mr. KYL. Mr. President, the point is as long as they are consistent with departmental policies established by the Secretary. In other words, the policies the Secretary establishes for all of the other Departments would control. We don't want it to.

I might add that the language that I quoted before was specifically requested by the Senator: The Secretary shall be responsible for all policies of the Agency.

We think that is important to clarify—that in the end he always has the authority. If this language says something, it is not wise to try to fix that amendment during debate. But if the language in effect says that the Direc-

tor of the Agency may establish agency-specific policies, it is obviously always subject to review by the Secretary—no problem. But when I say in the language that they have to be consistent with departmental policies, obviously that infers previously established.

Then you could have a problem.

Mr. KERREY. The Senator is saying that if this language says that the Director of the Agency may establish agency-specific policies—the Senator is quite right; I added that. I appreciate very much that change being made.

Before I get to the rest of it, let me say that one of the reasons I did that was because of the experience of dealing with agencies or situations in the executive branch where somebody has the responsibility but lacks authority. It is a heck of a problem to be in where you are held accountable for something, but you don't really have the authority to do anything about it in the first place.

That is exactly the problem that the Senator is trying to fix with this amendment in the first place—situations where Secretaries have authority and responsibility, but they lack the authority. They lack the ability to actually be able to manage.

I appreciate that inclusion. The Senator is saying that if the language said the Director of the Agency may establish agency-specific policies subject to the approval of the Secretary, you have no problem with that?

Mr. KYL. Mr. President, obviously that is in response to the amendment. But I think that is the general idea.

I also add one other point. In the second sentence of the amendment it provides that the Director of the Agency for Nuclear Stewardship is responsible for implementation of the Secretary's security counterintelligence and intelligence policies within the new Agency.

I think, while that is true, since it follows the Secretary, the sentence previous to it, which talks about departmentwide policies, there is an implication in the second sentence, again, that he has to implement all of the departmentwide policies without exception.

I think we have to make it clear that the second sentence is what we are talking about, and the third sentence as well.

Mr. KERREY. Part of the problem I am having with this is it is very clear in the Senator's amendment that the Secretary shall be responsible for all policies of the Agency. That is very clear in the language of the amendment. That is why I am having difficulty understanding how this language undercuts that, or changes that. The Senator wants the Secretary to have the responsibility for the policies of the Agency. What the Senator is trying to do is establish a sufficient amount of independence that this new Agency for nuclear security can develop its own agency-specific policies. It doesn't undercut or eliminate the

authority of the Secretary to be able to come in and say: I don't like that. I am not going to allow you to do it. But it is going to occur in an environment where Congress knows it, and the people understand what is going on.

It seems to me that is what Senator LEVIN is trying to do, as well.

Mr. KYL. The Senator said it very well.

Obviously, the whole intention here is that there be a lot of things done differently in this new Agency than would otherwise be done within the Department.

Our problem with Senator LEVIN's amendment is it not only implies but in the last sentence actually directs that whatever is departmentwide also has to exist in this new Agency—no exceptions; "fully consistent with."

That is just not what this whole reform is all about. There are going to be a lot of things with a new agency that are going to be different.

To the Senator's point, as I said before, I wouldn't take the job as the new Under Secretary in charge of this new Agency if I took the job knowing that I had to begin by complying with all departmentwide policies.

Mr. KERREY. We have comparable agencies.

I was very much involved with the development of the new law governing the IRS. We wanted that agency also to be semiautonomous.

In that case, we created a board with authority to evaluate the budget and make budget recommendations to the Secretary of the Treasury, and that budget has to be forwarded on. If the President wants to change it, he can change it. That budget gets forwarded on to us.

In addition, we made a change that the Internal Revenue Commissioner has a 5-year term allowing some continuity. That is one of the problems we had. We had lots of turnover.

The same problem existed with the FBI Director a number of years ago. I don't know who was involved in changing that law. We changed some independence of the FBI Director. But in both cases, if the Secretary of the Treasury decides they don't like what the IRS Commissioner is doing, or in Justice's case they don't like what the FBI Director is doing, one of the things we are not talking about is they can always go to the President. The President issues an Executive order; everybody does it. At least they are supposed to do it. Although, again, that is part of the problem that we are trying to address—eliminating a lot of that middle-level management and creating direct lines of authority so Executive orders are carried out. In this case, a Presidential directive was implemented relatively slowly. Perhaps the Senator from Michigan has some suggestions.

Does the Senator see a substantial difference between the language in his amendment that says, "the director of the agency may establish agency-specific policies so long as they are fully

consistent," and language that says, "the director of the agency may establish agency-specific policies understanding," and then reference back to section 213(c) that says the Secretary shall be responsible for all policies of the agency? If the Senator can tie it into that line, it seems that is what he is trying to do.

Mr. LEVIN. If the suggestion is that the Director of the Agency may establish agency-specific policies which are different from the policies which govern the rest of the Department with the approval of the Secretary—if that is the question, I see no difference between that and the last line because at that point those agency-specific policies are consistent with departmental policy. The departmental policy at that point is that that Agency will be governed by a different rule than the rest of the Department. I don't see any difference in terms of that concept with what is already in the last line.

The last part of that discussion I am not sure I fully follow. As far as that specific question is concerned, the Senator from Arizona is saying, as I understand it, and the Senator from Nebraska is responding in the following way: The Senator from Arizona says we want to make it possible for there to be an agency-specific policy that does differ with the departmentwide policy. My answer to that is, yes, providing it is approved by the head of the Department, at which point it is then Department policy that that separate agency have a different policy than the rest of the Department.

I have no problem with that.

Mr. KERREY. If the Senator will yield, it seems to me what we ought to try to do is work this thing a little bit longer and see if we can get agreement.

I think in the key area with the amendment, we have to reference back this very declarative and clear line the Senator from Arizona referenced, which is 213(C) that says the Secretary shall be responsible for all policies of the Agency.

The Senator is shaking his head.

Mr. LEVIN. I don't want to read too much into the Senator from Arizona nodding his head, but I think he is responding positively to how I characterized his suggestion.

I ask the Senator from Nebraska if he would, perhaps, yield to me a moment.

Mr. KERREY. I will yield the floor and let the Senator have more than a moment.

Mr. LEVIN. I want to see if both concur in this.

The Director of the Agency may establish agency-specific policies which are different from the general policy for the Department with the approval of the Secretary.

Those are not artfully perfect words, but that is the concept as I understood it that the Senator from Arizona is proposing.

I say to my dear friend from Nebraska, if that is what the Senator is

proposing and with your intermediary help, that is fine with me.

Mr. KYL. Mr. President, it appears to me that we have achieved a meeting of the minds—almost—and therefore the language could be worked out.

Let me restate the two concerns I have, both of which I think we would have to satisfy. In the second sentence of the amendment, it says that the Director of the Agency is responsible for the implementation of the Secretary's policies within the new Agency. Obviously, that has to mean to the extent that they are applicable to this new Agency and not inconsistent with any agency-specific recommendations.

If the Senator has that language following the first sentence, it doesn't mean that it means whatever the departmentwide policies are this new Director has to implement them. That is not what we intend.

Secondly, to the final sentence, the Senator is correct, this head of this new Agency should have the ability to have agency-specific policies with respect to security and counterintelligence and virtually anything else. It is always subject to the Secretary's approval.

I don't think in this one unique situation we want to say that prior to the effectiveness of any policy, the head of this new Agency has to obtain the approval of the Secretary. But since he has to report to the Secretary, the Secretary, obviously, has the ability to say no.

Clearly, we want this Agency to be running not on its own but semiautonomously. If the new person has to go get approval from people before he does things—obviously, he would have to notify the Secretary—then I think that could diminish his ability to operate the new entity.

However, if the principle is agreed to that there can be, and indeed should be in some cases, different policies within this new Agency than departmentwide, and if we understand that the Secretary always has the ability to say no or to say do it differently, then I will say positively that I think we have a meeting of the minds and it is simply a matter of drafting the language in a way to achieve that.

I thought our bill did that. If the Senator thinks we need to modify it somewhat, clearly we can talk about it.

Mr. KERREY. If I can respond, the Senator from Michigan has a lot of respect on this side of the aisle and I know a lot of respect on that side of the aisle as well, not just because of this particular issue but because of his longstanding interest in the operations of government and his understanding of how statutes need to be written in order to get government to function properly.

If the goal is to produce a big bipartisan vote so we can seize this opportunity, as the Senator from Arizona has pressed so relentlessly to get done, it is my hope that there could be a

meeting of the minds leading to an agreement of language.

If we can get that done, we are one step closer to getting a very large bipartisan vote. That sends a very important signal to the House. That increases the chances to successfully conference this in the Intelligence Committee and bring it back to the full Senate for approval.

Mr. REID. Mr. President, I believe that we are all in agreement that the weapons program should remain within the Department of Energy, with clear lines of authority, responsibility, and accountability.

The sponsors of this amendment agree that the Secretary of Energy must have the ultimate authority for Department functions because he carries the ultimate responsibility.

The question is how does the Secretary exercise his authority in a way that allows him to meet his Cabinet-level responsibilities and still remain consistent with the restrictions in this bill.

The bill's prohibition against delegation of any supervisory or directive authority over the Under Secretary for Nuclear Stewardship means that only the Secretary may intervene in Agency matters that may be inconsistent with Department policy.

That is backwards.

The provision for non-Agency review of Agency programs permits the Secretary to understand the compliance status of the Agency, but the prohibition against delegation requires the Secretary to appeal to the Under Secretary to respond to noncompliance findings.

That is a reveal of normal management flow of authority.

The Under Secretary should be the one making the appeal to the Secretary if the Agency is found to be non-compliant in a review.

Under the provisions of the amendment, the Secretary is likely to spend far too much of his valuable time ensuring that the Agency is complying with the Department policy.

A simple change in the bill would effectively accommodate this concern.

The amendment should specifically acknowledge that the Secretary is endowed with equivalent authority to meet his Department-wide responsibilities; and those include the Agency for Nuclear Stewardship.

Instead of prohibiting delegation of authority, the bill should provide direct appeal authority for the Under Secretary to the Secretary.

I understand the reluctance of the sponsors to encourage broad delegation of authority to non-Agency Department employees.

Nevertheless, compliance reviews of the Agency should be communicated to the Under Secretary and to the Secretary, with the presumption that any corrective actions would be implemented by the Under Secretary unless he determines to appeal to the Secretary.

This would encourage the Under Secretary to consider the merits of review findings and consider changes before involving the Secretary.

The PRESIDING OFFICER. The Chair informs the Senator from Nebraska all of his time has expired. There are 9 minutes 30 seconds remaining to the Senator from Arizona.

Mr. KYL. Certainly, Senator DOMENICI wants to speak to this issue. To the extent we need any further discussion, I am sure we will agree to provide the time for that.

I agree with Senator KERREY; the more bipartisan this is the better. I say the first goal is security. Frankly, I detect a flaw in the exact wording of this amendment. If we can eliminate that flaw and thereby achieve bipartisan consensus on this point, obviously, that is a twofer. It not only achieves our policy objective but the political objective of the bipartisan approach as well.

Mr. KERREY. I ask unanimous consent for 2 minutes to speak on this and to respond on our side.

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

Mr. KERREY. Mr. President, I wonder if there is a chance, rather than going to a motion to table, we can work this out. If we can work it out, it increases the chances of getting a big affirmative vote on this bill, which all of us want.

The Senator from Michigan sees a flaw in the bill and is concerned about national security and concerned about good science. He has a lot of experience in this.

I ask the Senator from Arizona if it is possible we could get the two sides to see if the meeting of the minds we apparently have could lead to an agreement on specific language and acceptance of this amendment, rather than having to get a vote to table or a vote up or down on the amendment with disagreement.

Mr. KYL. We will have to defer. I am advised the majority leader is concerned about the amount of time and is desirous of having a vote as soon as possible. I think perhaps after Senator DOMENICI has spoken, we should confer and attempt to resolve this very quickly along the lines the leader has requested.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I hope this issue does not in any firm manner split the Senate. It seems to me that need not be the case.

I want to read from the original Rudman report and then I will try to put quickly into a framework why we think we have complied with what the distinguished Senator, the ranking member of the Department of the defense authorization committee, Senator LEVIN, is concerned about.

I am reading from page 46 of the report:

The panel is convinced that real and lasting security and counterintelligence reform

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

Actually, when you read that and you read the letter that came some 3 or 4 weeks after the report from the panel, talking about clarification, the best you can conclude is that it is not absolutely clear how we should do this. I submit that when you read the clarifications that were proposed with reference to the issue before us, we have solved that issue in this bill. I hope those who are thinking they can vote against the bill if we do not do this will understand.

On page 2 of the bill, as said a number of times, we have made it eminently clear that the Secretary is the ultimate authority; the Secretary, not the new Under Secretary. We have said:

There shall be within the department a separately organized agency under the direction, authority and control of the Secretary.

I do not read the rest of the sentence, but that is what it says. Then it says, at the request of the distinguished Senator from Nebraska, Senator BOB KERREY, paragraph C:

The Secretary shall be responsible for all the policies of the agency.

Then, at the request of others because they wanted to make sure the Secretary could use other Department people to help him—that is, the big Secretary—we said:

The Secretary may direct other officials of the Department who are not within the agency to review agency programs and make recommendations to the Secretary regarding the administration of such programs . . .

And then—I read the next part very slowly:

. . . including consistency with similar programs and activities in the Department.

I read that, and other things in this bill, to say that those who are putting this bill before us to straighten up the Department and give us some security and counterintelligence that is reliable have, to the best of our ability, provided the Secretary and the new Agency with precisely what the Rudman board recommended. First, they wanted autonomy. I read that: It should be a structure free of all other obligations of the DOE. Yet it goes on in the supplemental report, or the letter of transmittal, saying here is our final interpretation of conflicts. It talks about some policies that ought to be consistent across the Department.

I do not believe we need to put language in that charges the Secretary with putting these policies that are departmentwide in place and then saying this new Agency is bound by them. I think the room ought to be there for the new Agency to prepare its programs in this regard, be it on the environment, be it on management, be it on safety, be it on whatever. The Secretary still has the overriding author-

ity, if he chooses, to say: I have selected some members of the staff of the Department, we have reviewed it carefully, and we recommend that you change something because we want you to be more in harmony with the Department.

But to create a structure that is semiautonomous and then say whatever policies the Secretary pronounces that are departmentwide are binding on this Agency is to deny the Agency the autonomy right up front and to set the presumption in the wrong place. So I hope we do not do that. I am willing to clarify it, if it needs to be clarified further, but I do not think we need this provision ripping at the autonomy at the very outset, waiting around to see what the departmentwide rules are before you can implement this. I just think that is the wrong way to go.

Having said that, I want to recapitulate where we are going for just a moment. The amendments that have been offered so far have been offered on the Democrat side. Senator BINGAMAN and I have one we are going to offer together, that we have resolved and the Senate is going to accept, with reference to work for others within the laboratory, which has been an issue of concern. Then I understand there are a couple more amendments.

I want to say to my friend, Senator BINGAMAN, I know he has an amendment with reference to the environment. Since I have not offered an amendment, I am going to offer an amendment on the environment before he offers his. I am hopeful it will clarify the situation and he may not offer his. But if he chooses to, we will have one on the environment, safety, and others, so as to make it eminently clear we do not intend to exculpate this new Agency from any of the national environmental laws or the national laws with reference to safety. We never intended to. We will make it clear.

Beyond that, we have a little bit of time left. I, myself, am going to run out of time to be able to be down here working on this, but if the Senator thinks another 10 minutes of effort together will help—might I do it this way? Might I ask, how much time do we have left?

The PRESIDING OFFICER. The Senator has 1 minute 20 seconds remaining. The Senator from Michigan has 52 seconds remaining.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. DOMENICI. Mr. President, I ask unanimous consent, if we have not reached conclusion of this amendment, that we vote on or in reference to this amendment at 1 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, reserving the right to object, Senator KERREY has said he would be gone 30 minutes. I indicated to him I would reserve his right to get here before we voted. That will probably be, say, 1:15.

Mr. DOMENICI. I modify my request and make it 1:15.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ALLARD. Mr. President, I ask unanimous consent to lay the pending amendment aside and that I be able to speak for 10 minutes on the bill.

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

Mr. ALLARD. Mr. President, I rise in strong support of the Intelligence Authorization Act.

While we cannot discuss the details of the bill, I can say that as a member of the Intelligence Committee, we have provided the necessary funds to the intelligence community to do their job.

One matter of controversy for some is the Kyl-Domenici-Murkowski DOE reorganization amendment. I strongly support this amendment.

In the last year, the Cox report has shown us why we need to improve the security structure at DOE, and the President's Foreign Intelligence Advisory Board, headed by Senator RUDMAN, shows us the way. The Kyl amendment before us is nearly identical to the President's own Advisory Board recommendation.

The President's Advisory Board report states that the problems at DOE are worse than most people could have ever imagined. Quoting from the report:

In response to these problems, the Department has been the subject of a nearly unbroken history of dire warnings and attempted but aborted reforms . . . Second only to its world-class intellectual feats has been its ability to fend off systematic change.

I know that Secretary Richardson has put forward a reorganization plan, and I commend him for taking the initiative. I have known him for some time and I know he is doing what he believes is right for the Department. However, my concern is that he will not be the Secretary forever, and I am worried that the Department's "ability to fend off systematic change" will prevail once he leaves.

The only way to fix the security problems are to make radical changes at the Department, as recommended in the DOE study headed by then chairman of Motorola, Bob Galvin.

The amendment before us is not the most "radical" idea which could have

been presented. In many ways, I believe that a separate agency for the nuclear programs could be the best way to enhance security, but I am a realist and know that if the amendment before us causes such heartache, I can only imagine the reaction to a separate agency amendment.

Basically, the Kyl-Domenici-Murkowski amendment would establish a separate entity, the Agency for Nuclear Stewardship, within the Department of Energy. The Agency will have clear lines of authority, accountability, and an independent budget. The new Agency will be headed by an Under Secretary of Nuclear Stewardship who reports directly to the Secretary. The Directors of the 3 national labs and the nuclear labs will report to the Under Secretary.

First, I understand the amendment creates a "security czar," for the lack of a better term, who will be in charge of security for all the nuclear lab programs under the Under Secretary. While I understand why this position would be placed under the Under Secretary, I also understand how bureaucracies work and the perception they hold for their hierarchy of authority. That is why I believe the security czar position should be placed directly under the Secretary, if for no other reason than to show that he is in charge and will be held accountable. However, I have also heard the concern that if this person is placed under the Secretary then his attention may be diverted to the other matters outside of the nuclear programs. For this reason, I hope that it will be understood that the security czar has the authority, both real and perceived, and will be solely focused on the real security concerns of the nuclear programs but also with the flexibility to not be tied to nonnuclear concerns.

Second, Secretary Richardson believes that this amendment would only divide the Department into more fiefdoms. I do not agree with this assessment. We must break the nuclear stewardship programs out of the main programs of DOE. This new Agency for Nuclear Stewardship is too important and sensitive to treat it like the power marketing administrations, fossil energy, or any other area of the Department. The reports from the last year show that we need to break the nuclear programs out and the approach in this amendment will raise the stature of the programs and will improve the security for our nation.

Let me end by stating that after five internal DOE reviews, four outside studies, six GAO reports, and three blue ribbon commissions, it is time to make these much needed changes at the Department. I ask that all my colleagues support the Kyl-Domenici-Murkowski amendment and the Intelligence Authorization Act.

I yield back the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. DOMENICI. Mr. President, Senator BINGAMAN is in the Chamber. I assume the Bingaman-Domenici amendment with reference to work for others is available and ready; is that correct, I ask the Senator?

Mr. BINGAMAN. Mr. President, it is ready. We have it written up in amendment form. We just got it on a sheet of paper. We can easily do that and take another minute or two.

Mr. DOMENICI. I would like to get it done before this vote.

Mr. BINGAMAN. We will put it on the right paper and go with it.

Mr. DOMENICI. I will use the remaining 10, 15, 20 seconds to say we have been looking through the amendments to see if we can see daylight in dealing with the agency for nuclear weapons development. I believe Senator CARL LEVIN has another amendment. We are going to submit to him some language on reporting, the deputy to the Secretary being available for the Secretary to accomplish some of the responsibilities that the Secretary has. We will get with him on that. Hopefully, we can work that out.

Mr. LEVIN. I thank the Senator from New Mexico.

Mr. DOMENICI. Senator BINGAMAN has an environment and safety amendment. I will have one I will offer ahead of that. Perhaps it can be accepted and Senator BINGAMAN can offer his after it. We will work on that. It seems to me, other than the alleged, talked-about substitute, which I know nothing about, which I assume will be ready—is that correct, I ask Senator LEVIN? It will not cause us a long delay to have that available?

Mr. LEVIN. That is correct, depending on the actions of the Senate prior to that. It should not take more than perhaps 10, 15 minutes to prepare after we are done with all the amendments.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent Katy Lampron, of my staff, have privileges of the floor throughout today, including all votes today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I have some rather brief remarks that will probably take me 15 minutes. Is this a time when I might speak out of order?

The PRESIDING OFFICER. The vote is scheduled to occur at 1:15.

Mr. BYRD. Mr. President, if there is no objection, I would like to proceed. I ask unanimous consent that the vote be delayed for an additional 5 minutes or whatever.

Mr. LOTT. Mr. President, certainly I do not object for such a reasonable request from the Senator. But I would hope there would be no further delay. We had intended to vote at 12; then we were told 12:30, 12:40, 1:15, and now it is 1:20. I know there is an effort being made to work it out, and that is very commendable, but I think we need to have a recorded vote. I will not object, but I plead with Senators, let's vote at 1:20.

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

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

I do not take the time of the Senate very often. I try not to impose upon other Senators or upon the Senate. But I noted a series of quorum calls, so I felt this might be a good time for me to speak.

EULOGY FOR JFK, JR.

Mr. BYRD. Mr. President, the small, serious, tousled-hair lad seemed, even at the tender age of 3, to know just the right thing to do. With a straight back and a smart, entirely proper, military salute, John F. Kennedy, Jr. expressed the grief of an entire nation with a dignity far beyond his years. He was only 3, yet he gave the Nation a lasting, memorable, indelible image, an image that is remembered by millions and captured on videotape for generations to come.

Now John F. Kennedy, Jr. has, himself, been lost at an age far too young for easy acceptance by a country which had affectionately watched him grow to manhood. His untimely death feels as heavy and oppressive as the too hot, too dry summer in which he lived his final days.

Words fail to express the special deprivation that the human spirit feels when the young, the beautiful, the handsome, the vital among us are suddenly taken from our midst before they have fulfilled their potential promise. Especially, in this case, the mind reels at the spectre of yet another Kennedy, taken too soon, yet another unbearable sorrow for this family which has had so much sorrow to bear. Yet this incred-

ible American family will undoubtedly once again demonstrate to the Nation that they will endure, and that it is how one lives, and not how one dies, that ultimately matters.

John Kennedy, Jr., his wife, Carolyn, and his sister-in-law, Lauren Bessette have vanished in the summer night in the springtime of their years, and our hearts go out to the Bessette and the Kennedy families. I am particularly saddened for my good friend, Senator TED KENNEDY. He is a great Senator. He is a great figure on the American political stage. I know that his heart must be broken by this latest family tragedy, yet I am confident that his expansive spirit and his deep faith in God will see him safely to a harbor of peace and of comfort.

My wife, Erma, and I offer our prayers and our deepest sympathies to him and to the families at this saddest of sad times.

TED KENNEDY, in July of 1996—3 years ago—presented to me a book titled "American Poetry."

I have chosen a bit of poetry by Nathaniel Hawthorne from that book for the RECORD today. It seems to me that it is most appropriate for this occasion.

The title of this poem is "The Ocean."

The Ocean has its silent caves,
Deep, quiet and alone;
Though there be fury on the waves,
Beneath them there is none.
The awful spirits of the deep
Hold their communion there;
And there are those for whom we weep,
The young, the bright, the fair.
Calmly the wearied seamen rest
Beneath their own blue sea.
The ocean solitudes are blest,
For there is purity.
The earth has guilt, the earth has care,
Unquiet are its graves;
But peaceful sleep is ever there,
Beneath the dark blue waves.

Mr. President, what is the scheduled time for the vote?

The PRESIDING OFFICER. At 1:15.

Mr. BYRD. I thank the Chair.

Mr. President, I am going to honor the request by the distinguished majority leader, and I am going to yield the floor now. But I will ask unanimous consent that immediately after the vote, I may be recognized to make a second speech, to which I had alluded earlier, which will probably require no longer than 15 minutes at that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. I thank the Chair, and I yield the floor.

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

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

INTELLIGENCE AUTHORIZATION
ACT FOR FISCAL YEAR 2000—Continued

AMENDMENT NO. 1262 TO AMENDMENT NO. 1258

Mr. BINGAMAN. Mr. President, there is an amendment that Senator DOMENICI, Senator REID, and I have agreed to, which I offer at this time 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. BINGAMAN], for himself, Senator DOMENICI and Senator REID, proposes an amendment numbered 1262 to amendment No. 1258.

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

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

The amendment is as follows:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, strike subsection (o) and insert the following new subsection (o):

(o)(1) The Secretary shall ensure that other programs of the Department, other federal agencies, and other appropriate entities continue to use the capabilities of the national security laboratories.

(2) The Under Secretary, under the direction, authority, and control of the Secretary, shall, consistent with the effective discharge of the Agency's responsibilities, make the capabilities of the national security laboratories available to the entities in paragraph (1) in a manner that continues to provide direct programmatic control by such entities.

Mr. BINGAMAN. Mr. President, I am very pleased that we could get agreement to offer this amendment. It is a joint amendment that Senator DOMENICI, Senator REID, and I have participated in drafting. It tries to ensure that our national laboratories, particularly those that are focused on defense-related activities and our nuclear weapons capability, are open to do other work, work for other parts of the Department of Energy, work for other agencies of the Government, and work with industry, where appropriate.

We provide what the Secretary needs to ensure that this is the case, and that the Under Secretary, working under the direction of the Secretary, shall make the capabilities of the national laboratories available to these other entities that want to perform work there, and that these entities shall be able to do so in a manner that continues to provide them with direct programmatic control of the activities they are sponsoring at the laboratories.

Mr. President, this concern has been for the future of civilian research and development at the DOE laboratories that carry out defense-related research. I was concerned that the Kyl amendment was setting up an architecture for these laboratories that well may make it more difficult to carry out civilian-related research. We don't want to wake up, 5 years from now, and discover that this architecture dictated the destiny of those laboratories in unfortunate ways.

I don't quarrel with the notion that these labs have, and should continue to have, nuclear weapons as a core mission. But it seems to me that the task of science-based stockpile stewardship cannot succeed unless these labs are fully integrated into the larger world of science and technology.

I believe that the civilian R&D programs at Sandia, Los Alamos, and Lawrence Livermore National Laboratories play a critical role in attracting and keeping the best people in those laboratories. By civilian R&D, I am talking about the work funded at the laboratories by DOE programs other than the defense programs, programs funded by other civilian agencies of the government, and technology partnerships with industry.

There have been numerous cases where this civilian R&D has provided new ideas for defense-related technical activities. In other cases, this civilian R&D has helped maintain core competencies at the labs needed for their defense missions. Our national security, in my view, would be damaged in the long run if these institutions stopped being national laboratories and just had a weapon focus.

My colleagues and co-sponsors agree with this assessment. It is basic to a number of provisions of law that we have enacted in past Congresses, particularly the National Competitiveness Technology Transfer Act of 1989, which I sponsored with Senator DOMENICI. The findings of that bill are as relevant today, 10 years later, as they were when we passed that bill as part of the Defense Act that year.

Last week, before the Committee on Energy and Natural Resources, we heard testimony from one of DOE's most distinguished laboratory directors, Dr. Burt Richter. He's the head of a civilian DOE laboratory, but has a long acquaintance with the defense side of DOE. He stated, "one has to face the fact that maintaining the credibility of a nuclear deterrent is not the most exciting job in science these days", underlining the issues of attracting and retaining personnel. But he says, "it needs some of the best people to do it".

He then went on to say, "The scientists at the weapons labs have to be able to interact with the rest of the scientific community, because all of the science needed for stockpile stewardship is not in the weapons labs, and the best people will not go into isolation behind a fence in today's world." He concluded by reminding us, "This is not World War II."

I think that he's right. In creating this new Agency, we need to make sure that we are not damaging one of the most precious assets for which the Department of Energy is the custodian.

I think this is an important clarification, an important provision to add to the bill. I appreciate the cooperation of my colleague in getting agreement on the amendment. I hope the Senate will adopt it.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may proceed for 30 seconds.

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

Mr. DOMENICI. Mr. President, I think this is a good amendment. I was pleased to work with the Senator BINGAMAN and Senator REID in getting it developed. I thank our staff.

We are very proud that the laboratories do work for others. That means the Department of Defense and the private sector; it means other agencies of the Federal Government and work for the Department in other areas besides nuclear. It is important, and we knew it from the very beginning, that this flexibility and ability to do such work be protected to the maximum extent in the new configuration and management scheme.

I believe we have done that. It will not detract from its principal mission, which is the subject matter of the amendment, creating a new agency within the Department, but it will assure that these jewels of research, which are the three nuclear deterrent laboratories, remain at the high level they have been for many, many decades. That means it will work for others, thus attracting the very best scientists.

We think this can be done and protect intelligence and counterintelligence activities within the laboratories.

We have no objection on our side, and I don't assume there is any on the other side.

Mr. BINGAMAN. Mr. President, there is no objection here.

Mr. REID. Mr. President, I think we are all in agreement that the quality of American science benefits from participation by the national security labs.

And, I think all would agree that the quality and character of our nuclear stockpile benefits from non-weapons research and development at these labs.

The national weapons labs are truly multi-program labs that apply their skills and facilities, unmatched anywhere in the world, to the solution of critical nondefense problems as well as defense problems.

I do not believe for one moment that any of the bill's sponsors intend to isolate the weapons labs from their scientific roots.

But I do believe that the amendment's restrictive language that assigns direct responsibility and authority to the Under Secretary for Nuclear Stewardship for "all activities at the Department's national security laboratories, and nuclear weapons production facilities" will do just that.

For example, the Director of the Office of Science is responsible for research in high energy physics, a topic of particular interest and skill at the weapons labs.

But, according to the amendment, the Director has no authority over high energy physics work that might be performed at Lawrence Livermore National Lab.

According to the amendment, only the Under Secretary for Nuclear Stewardship can have responsibility and authority for work at that lab.

Mr. President, I suppose that the Director of the Office of Science could simply "trust" the Under Secretary to do the "right thing", but that is not the way things normally work.

A far more likely outcome in my opinion would be that the Director would choose to assign work to a University or other source of skills, regardless of the lost opportunity at these superb weapons labs—just in order to retain authority over things for which the Director is responsible.

In the same way that the Secretary needs to retain authority over functions for which he is responsible, other functionaries in the Department need to retain authority over work for which they are responsible.

There has been unanimous agreement among my colleagues on both sides of the aisle as well as among the members of the President's Foreign Intelligence Advisory Board that no person should be assigned responsibility without appropriate accompanying authority.

So I think we should be able to agree on this matter.

I understand that we are very near agreement on this matter with some differences remaining between whether it is the Secretary or the Under Secretary who ensures that the national security labs remain available for appropriate scientific work for other agencies and other parts of the Department.

I hope we can arrive at some common ground on this issue.

It does not seem wrong to me to call for the Secretary to establish policies regarding the availability of the national security labs since the Secretary is, according to the underlying amendment, responsible for all policies at the Department of Energy.

So I hope my colleagues can continue to work toward a bipartisan agreement that will strengthen this legislation and allow it to endure.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1262. Without objection, the amendment is agreed to.

The amendment (No. 1262) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1261

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on the Levin amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1261. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAIG) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—44

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NAYS—54

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

NOT VOTING—2

Craig Kennedy

The amendment (No. 1261) was rejected.

Mr. SPECTER. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 15 minutes.

ONLY A DRIZZLE IN AN EMPTY BUCKET

Mr. BYRD. Mr. President, farmers across America are experiencing hard times. This year, the difficulties of farmers in the northeast and central-Atlantic regions of America have been made worse by a serious lack of rainfall for many, many weeks.

West Virginia's farmers have been especially hard hit by the drought of 1999. No significant rainfall has drenched the scorched earth in my State since May 15. On May 28 the Gov-

ernor of West Virginia declared an Agricultural State of Emergency for West Virginia. At that time, the U.S. Department of Agriculture's State Emergency Board for West Virginia concurred with that decision. Now farmers await a decision by the U.S. Department of Agriculture that would permit much needed federal emergency assistance funds to be dispensed.

We know that here in Washington, in northern Virginia, in the Maryland suburbs, and on the farms nearby, the ground is dry. We can look out our windows and see that where there was once soft green grass growing, there is now a crispy, lifeless carpet of beige. Where there is no grass, cracked, dusty earth remains. I know that my tomato plants have needed extra watering to keep them growing up their stakes, but these are merely part of my backyard small garden that I sow for pleasure. My life will not drastically change if I fail to bring in a tomato crop. That is not true for those whose livelihood depends upon it.

Close your eyes and take a moment to imagine this: you have been looking to the sky for two months praying that the clouds will release a downpour, but no drops fall. Your corn plants that should be up to your shoulder by the fourth of July in a normal season, remain below your knees. They are short stems shriveling slowly on acres and acres of parched land. You have moved your herd to your last pasture. In a short period of time the animals have grazed it over so thoroughly that nothing remains but unpalatable dried-out grass stubble. Your pastures have been grazed over so thoroughly that you are now, during the middle of the summer, when lengthy pasture grasses should blow in the gentle summer breeze, and naturally produced resources should be plentiful, feeding your animals with purchased hay and grain as though it were the desolate season of winter. Even though they are being fed enough to gain weight, the extreme heat is causing them so much stress that they are losing weight. It is impossible to keep them cool and comfortable. The pond on your farm that you use as a source of water for your animals is slowly, slowly becoming a puddle. The stream that runs through the far end of your property first became a muddy trickle, but now is becoming dusty and cracked. When you turn on the tap, try to flush your commode, or bathe, no water flows. You instead must travel every day to a truck parked in the middle of your town to get a couple of gallons of water for you and your family to drink. Even if it rains today or tomorrow, you begin to wonder if it will make any difference to you. You have fallen on hard times before as an Appalachian farmer. Times are often lean in that region. Now, in desperation, you begin to think about what you could do if you were not a family farmer.

This is a very real situation for the farmers in West Virginia and in many areas of the country. The most serious

impact of the drought on farmers is having to purchase feed for their animals. Under normal conditions, there are regions in West Virginia where farmers can grow two or three cuttings of hay in a year. They use this hay to feed their animals.

Last year's cuttings were thin, and this year's have been even thinner, with farmers barely being able to make one cutting! So, as I mentioned earlier, the farmers have begun to purchase feed. This does not bode well for the winter, either, as farmers will have to rely on purchasing expensive hay and grain brought in from outside the drought areas, or face the prospect of selling off their underweight stock for little or no profit or at a loss. Farmers will not be able to afford to keep feeding their animals in this way. West Virginia's farmers fear that they may lose their farms—not just lose their crop, lose their farms—if they must wait until next spring to receive U.S. Department of Agriculture assistance, which is how long it would take for the funds we appropriate to reach them if appropriations are completed on time, as I hope they will be. West Virginia farmers need Federal assistance now.

And the same can be said for Maryland farmers and Virginia farmers and others. Nearly \$2.9 million in Federal emergency aid for energy assistance was released through the Department of Housing and Urban Development Low Income Home Energy Assistance Program on Monday, July 12. Hopefully our farmers who have been having a difficult time keeping their animals cool will be allowed a portion of these funds. However, this is a tiny drop of water in a very empty State bucket where it is estimated that the drought has caused \$50 million in damages.

Regulations allow farmers to become eligible for emergency assistance when they have suffered at least a 30-percent loss of normal production in a single enterprise. In West Virginia, which is not a large State and certainly not a large farming State, according to the most recent statistics available, which were calculated in the middle of June, in all but 3 counties 40 to 50 percent of grass hay production has been lost for this year. It has been lost. In 17 West Virginia counties, 35 percent of corn production has already been lost—already been lost; 40 percent of tobacco has been lost; 50 percent of pasture—50 percent of pasture has been lost. A dozen other counties have experienced at least a 10- to 20-percent loss of corn, tobacco, and tobacco crops; a 30- to 50-percent loss of pasture; and a 20- to 40-percent loss of their truck crops, such as apples and peaches, grown for table consumption. Twenty-three other counties have lost 10- to 30-percent of their alfalfa hay, 40- to 50-percent of their pasture, 10- to 30-percent of their corn, and 25- to 30-percent of other grains.

So I remind those listening and those who are watching through the electronic cameras that these statistics are

from the middle of June. Now, weeks later, after a continued period of scorching temperatures, and arid conditions, it is expected that a statistical report that will be generated later this week will show significant losses occurring in every one of the 55 counties of the great State of West Virginia.

The Federal Government has established mechanisms that are intended to aid Americans in times of crisis. However, when these mechanisms are slow to work, difficulties have a tendency to grow, and greater assistance becomes necessary. As we have often heard, "One stitch, in time, saves nine." In the case of farmers, if nothing is done, and the farmer is forced to abandon the land that he has worked, it is likely that this land will not be reclaimed next year or the year after as a family farm. A farm is not a machine that can be shut down temporarily until someone is ready to work on it again or conditions make it profitable. Farming is, by its very nature, a cyclical industry that every now and then needs the support of the Federal Government.

America can never afford to not help its farmers. Now is the time to help farmers and I speak particularly of West Virginia farmers, of course. If we fail to help them now, they will not be able to survive. Farmers are losing out on every side of their industry. Prices have been, and continue to be, low, the weather is slowing or eliminating crop production, crop insurance payback is so low that it may not even cover costs, and springs and farm ponds are drying up. There are no resources left from which to draw.

Farmers have always been an essential part of the fabric that makes America great. "God made the country but man made the town." And from the country is where America gets much or most of its sustenance—not just America but also the world, many nations in the world.

We cannot forget these farmers. We cannot forget them now like a child forgets a once-treasured security blanket that has become worn and he has now outgrown. Therefore, I am urging that West Virginia be granted Federal disaster area status so that farmers will receive immediate Federal assistance that will enable them to continue to work their land and raise their animals.

I have talked with the Secretary of Agriculture, Mr. Glickman, and he has indicated that as soon as he is supplied with the sufficient data from the State, adequate and careful and prompt consideration will be given. But I have to say that time waits for no one and the clock waits for no one and the farmers' problems cannot wait. We must have help. We need it and the sooner the better.

Mr. President, I thank the Senate and I yield the floor.

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

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to speak for up to 6 minutes as in morning business.

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

RESPECT AND ADMIRATION FOR THE KENNEDY FAMILY

Mr. LAUTENBERG. Mr. President, I want to take a few minutes to talk about the events that have weighed so heavily on all of us. Whether one knows Senator KENNEDY well or casually through contact in the Senate, one cannot but have respect and admiration for the contribution the Kennedy family has made to our public well-being for so many years. That is why I am sure others share the same feeling of grief as I do, and others who know the Kennedy family well, at the loss of John F. Kennedy, Jr.

When the news came—and I was on my way to Martha's Vineyard—that the young Mr. Kennedy's airplane was missing, we all, I am sure, had the same reaction—let's pray that it is not true, that there is some information that will come out that will prove to be worry-unfounded. Unfortunately, our worst fears were realized. This day, apparently, the discovery has been made that confirms the death of John F. Kennedy, Jr., 38 years of age.

One of the remarkable things we saw in this young man was the way he treated his position in life, coming from a famous family, with all of the celebrity status one could imagine, from a family that has seen tragedy after tragedy after tragedy.

I had an opportunity, a year ago Christmas week, to sit with Michael Kennedy and his young sons on the morning of the day he perished on the ski slopes below. We actually skied together for a while in the morning. I visited with his brother that night to see if I could be of any help to the family in managing the affairs they had to put in order. It was very sad.

When John F. Kennedy, Jr.'s life was just really beginning to flourish, it is hard to understand what it was that took this young man so full of life. The imagery of John F. Kennedy, Jr., was the same imagery that we had, in a way, of John F. Kennedy, Sr., President of the United States—attractive, intelligent, concerned about the well-being of our country, trying always to lift the opportunity and the spirits of those who in America depended so much on government and individual leadership. John F. Kennedy, Jr., evoked the same imagery—of this attractive young man, of this bright, intelligent, caring person, eschewing the

spotlight whenever he could, trying to become part of the society in which we all live.

His early death will prevent what all of us believe was so much talent and so much future. Any of us who have worked with TED KENNEDY—and I have now for 16 years—only gains respect the longer we know Senator KENNEDY. His accomplishments are legendary, but his commitment to people—rich, poor, those who have needed help—is without reservation. We have seen an energized Senator KENNEDY over at his desk, stating the causes and cases he is concerned about. And to see them, the whole Kennedy family, put into the grief can only be imagined by those who have their family intact without the trail of misfortune that has followed the Kennedy family.

So I just came in, for the RECORD, to make some comments to register my feelings, as I know so many others have, of grief for the families of John F. Kennedy, Jr., his wife, and his sister-in-law, the Kennedys and the Bessettes.

We hope his life will inspire us to give whatever we can by way of service to our country, to recognize the advantages we have as citizens of the United States, not to be discouraged by this untimely tragedy but, rather, to be motivated to try to do better.

Mr. President, I hope we will reserve appropriate time, collectively, to acknowledge our share of feelings for the Kennedy family and the grief they are going through.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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 (Mr. BUNNING). Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—Continued

Mr. DOMENICI. Mr. President, I ask unanimous consent that the junior Senator from Missouri, Mr. ASHCROFT, be made an original cosponsor of the Kyl amendment.

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

Mr. DOMENICI. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. DOMENICI. Mr. President, I note the presence on the floor of my colleague, Senator BINGAMAN. I will shortly send an amendment to the desk on

behalf of myself, Senator BINGAMAN, Senator LEVIN, Senator LIEBERMAN, and Senator REID.

Let me suggest, first, that this has been worked out during very serious discussions, and I think it turned out to be a very good amendment.

Senator BINGAMAN has played a vital role in it. He has been concerned and wants to make sure that it is eminently clear that this new semi-autonomous Agency complied with the applicable environmental, safety and health rules, and laws.

I will read quickly a couple of sentences of the amendment and yield to my friend, Senator BINGAMAN, and see if we can agree. We have no objection on our side. I don't believe he has any on his side.

This is section (u), in the underlying Kyl-Domenici-Murkowski amendment. It says:

The Agency for Nuclear Stewardship shall comply with all applicable environmental, safety, and health statutes and substantive requirements. The Under Secretary for Nuclear Stewardship shall develop procedures for meeting such requirements. Nothing in this section shall diminish the authority of the Secretary to ascertain and ensure that such compliance occurs.

AMENDMENT NO. 1263 TO AMENDMENT NO. 1258

Mr. DOMENICI. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself, Mr. BINGAMAN, Mr. LEVIN, Mr. LIEBERMAN, and Mr. REID, proposes an amendment numbered 1263 to amendment No. 1258.

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:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, add at the end of the section the following new subsection:

“(u) The Agency for Nuclear Stewardship shall comply with all applicable environmental, safety, and health statutes and substantive requirements. The Under Secretary for Nuclear Stewardship shall develop procedures for meeting such requirements. Nothing in this section shall diminish the authority of the Secretary to ascertain and ensure that such compliance occurs.”.

It has always been the intention that this new, semiautonomous agency be subject to applicable environmental, safety, and health rules. The question we had was to make sure the new agency could go about developing their environmental safety and health rules. On the other hand, there was concern that they be bound by the applicable laws and rules. I think this amendment does that.

Then Senator BINGAMAN raised the question which we have just made very clear. I thought it was in the statute. He raised the question about the Secretary making sure there was compliance. As he put it, if something untoward happened of an environmental or

safety nature, it needed to be solved. I think we covered that.

I am pleased Senator BINGAMAN had others join in this amendment. I think we will agree to it by voice vote shortly.

I yield to Senator BINGAMAN.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Mexico.

Mr. BINGAMAN. I thank my colleague, Senator DOMENICI, for yielding. I thank him for his willingness to accommodate despite the concerns he just described.

Of course, all of us have intended from the very beginning that all environmental laws be complied with. My concern has been that the Secretary, who is ultimately responsible for the entire Department and for the conduct of the entire Department, Secretary have the wherewithal and the legal authority to be sure that all of these environmental, safety, and health requirements be met.

I believe this amendment adequately meets that concern. I think it is a compromise between a provision I earlier drafted and one that Senator DOMENICI drafted. I think it is a good resolution of this issue. I think it does clarify for all Senators what we intend in this regard.

I am very pleased to cosponsor it. I urge all my colleagues to vote for it.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President I will take just a minute and commend the Senator from New Mexico, Mr. DOMENICI, and also the junior Senator from New Mexico, Mr. BINGAMAN, for their work in bringing this about. I think what they have done is drafted a good amendment. I have no problem with it, and I am sure Senator KERREY doesn't. I urge adoption of the amendment.

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

The amendment (No. 1263) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. 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. MOYNIHAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENTS NOS. 1264 AND 1265, EN BLOC

Mr. MOYNIHAN. Mr. President, I have two amendments that I believe the distinguished chairman is prepared

to accept en bloc, as is the ranking member, as I understand.

They are, first of all, a sense of the Senate, which says:

It is the sense of Congress that the systematic declassification of records of permanent historic value is in the public interest and that the management of classification and declassification by the Executive Branch agencies requires comprehensive reform and additional resources.

The second measure, in regard to that last phrase, the Information Security Oversight Office, which is charged with administering this Nation's intelligence classification and declassification, would receive an additional \$1.5 million to hire more staff so it can more efficiently manage the program. They are in the National Archives. The Archives asked for \$5 million. They did not get it. This is a small agency. It does indispensable work. It gives you a continuous series of the amount of classification we do and the degree of classification and the agencies that do it.

Mr. SHELBY. Mr. President, have the amendments been sent down?

The PRESIDING OFFICER. Will the Senator send the amendments to the desk.

Mr. MOYNIHAN. I am sorry. Forgive me.

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes amendments numbered 1264 and 1265, en bloc.

The amendments (Nos. 1264 and 1265) are as follows:

AMENDMENT NO. 1264

On page 5 strike lines 7-12, and insert the following:

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2000 the sum of \$193,572,000. The Information Security Oversight Office, charged with administering this nation's intelligence classification and declassification programs shall receive \$1.5 million of these funds to allow it to hire more staff so that it can more efficiently manage these programs.

AMENDMENT NO. 1265

After section 308 insert the following new section:

SEC. 309. SENSE OF THE CONGRESS ON CLASSIFICATION AND DECLASSIFICATION

It is the sense of Congress that the systematic declassification of records of permanent historic value is in the public interest and that the management of classification and declassification by Executive Branch agencies requires comprehensive reform and additional resources.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I commend the distinguished senior Senator from New York for offering these amendments. They make sense to me. We have reviewed them. I think Senator KERREY has reviewed them.

I also commend the senior Senator from New York for his past work, not only in the Senate but specifically on the Intelligence Committee, where he spent a lot of time—a lot of hours, and a lot of years—and understands what we are going through—and what we need to do. Hopefully, this is one of those little steps.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, like Chairman SHELBY, I fully support these two amendments and am enthusiastic as well for the efforts the senior Senator, Mr. MOYNIHAN, has made in the area of secrecy over the years.

I made a point earlier, when we were talking about secrecy, that sometimes secrecy does equal security. We have to have secrecy in order to maintain security. But there are times when secrecy actually makes it harder for us to achieve security. It can make us less secure.

I retold the story in the Senator's book on the Venona project when Omar Bradley made the decision not to inform the President of the United States about Klaus Fuchs and others. As a consequence of believing the President didn't have a need to know, he kept the secret. I think, as a consequence, there was less security for the Nation.

I appreciate and fully agree with the chairman. These amendments are good amendments and should be adopted. I appreciate and applaud and am grateful for the leadership of the Senator from New York on this issue of secrecy.

Mr. SHELBY. Mr. President, I urge adoption of the amendments.

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

The amendments (Nos. 1264 and 1265) were agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent that I may be able to proceed as in morning business for up to 5 minutes.

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

CAMPAIGN FINANCE REFORM

Mr. LEVIN. Mr. President, yesterday, a unanimous consent request was propounded with respect to the Senate's consideration of campaign finance reform legislation. I objected to the request and I want to explain to my colleagues why I did so.

There is no more important work for this institution than passing campaign finance reform. Despite our good efforts in 1974, following the debacle of Watergate, to limit the influence of money in our political system, we are currently operating without effective limits. We have a law that sets out reasonable limits at \$1,000 for individuals, \$5,000 for PACs, and \$25,000 to a national party. But those limits are easily evaded by the unlimited contributions of soft money. We have, in effect, no limits today.

The 1974 Federal Election Campaign Act has, in effect, been repealed. To return our elections to issues and people and away from money, we must pass campaign finance reform. Since the time agreement is critical to determining how and when we take up campaign finance reform, and perhaps its ultimate success, I wanted to be sure that I understood what the agreement contained. I objected initially on the basis of needing time to review the agreement. Having read the agreement, I do continue my objection to the original unanimous consent proposal, because I believe the agreement is inadequate for the necessary consideration of campaign finance reform.

I am well aware of the opponents' desire to filibuster the McCain-Feingold bill, a bill which is supported by a majority of the Members of the Senate. The opponents have every right to do that, and I respect that right. But supporters of campaign finance reform have every right not to back down in the face of a filibuster.

The unanimous consent agreement proposed that each of us agree that the McCain-Feingold proposal be withdrawn if we do not get 60 votes on the first try to close off a filibuster. But as long as we have a majority of the Members of the Senate supporting passage of campaign finance reform, we should be able to defeat efforts to withdraw the McCain-Feingold bill from Senate consideration. Opponents can filibuster, but supporters don't have to agree in advance to withdraw in the face of that filibuster.

The unanimous consent agreement, however, would require supporters to agree to withdraw if we don't achieve, on the first try, the 60 votes necessary to close off the filibuster.

The unanimous consent agreement said that not sooner than the third calendar day of consideration a cloture motion may be filed on the McCain-Feingold bill, and if cloture is not invoked, the bill will be placed back on the calendar. It then said that it will not be in order during the remainder of the first session of the 106th Congress for the Senate to consider issues relevant to campaign reform. This agreement would lock the Senate into relying on the one cloture vote to determine whether the fight for campaign finance reform, this year, lives or dies.

I cannot agree with that proposal. If we can't at first get 60 votes to close off the filibuster, I can't agree to putting the McCain-Feingold bill back on the calendar and just calling it quits

for the year. The proposed time agreement would have us do that.

If it takes an all-out battle to keep campaign finance reform on the front burner of this Congress, I believe we should be prepared to wage such a battle. Opponents say they are prepared to wage such a battle in opposition. Supporters surely feel just as passionately in support of this bill as opponents do in opposition.

Another term of the agreement with respect to the consideration of amendments is also unacceptable to me. The proposed agreement says:

If an amendment is not tabled, it will be in order to lay aside such amendment for two calendar days.

The unusual provision allowing an amendment which the Senate has failed to table to be laid aside for 2 days puts in question whether such amendments will be voted on after they are not tabled prior to the cloture vote. I am afraid this provision would cause more mischief than facilitate serious consideration of key campaign finance issues.

I objected—and do object—to the unanimous consent agreement which was proposed yesterday. But I am, of course, willing to work with colleagues to try to address the concerns that I have.

Again, I want to emphasize that I am speaking as one Senator who was asked to participate in a unanimous consent agreement. The proponents, the sponsors of the bill, of course, with the leadership, have every right to work out any arrangement they see fit.

But to ask unanimous consent from this Senator to agree to proceeding in this form is something to which I objected, and do object, as a Senator.

I thank the Chair.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—Continued

AMENDMENTS NOS. 1266 AND 1267 TO AMENDMENT NO. 1258, EN BLOC

Mr. KERREY. Mr. President, I send two amendments to the desk—one on behalf of myself for Senator SHELBY, and the other for Senator FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Nebraska (Mr. KERREY) for Mr. SHELBY and Mrs. FEINSTEIN, proposes amendments numbered 1266 and 1267 to Amendment No. 1258, en bloc.

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

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

The amendments en bloc are as follows:

AMENDMENT NO. 1266 TO AMENDMENT NO. 1258

Following section (213)(t) add the following new subsection to section 213 as added by the Kyl amendment:

“(u) The Secretary shall be responsible for developing and promulgating Departmental security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies. The Under Secretary for Nuclear Stewardship is responsible for implementation of all security, counterintelligence and intelligence policies within the Agency for Nuclear Stewardship. The Under Secretary for Nuclear Stewardship may establish agency-specific policies unless disapproved by the Secretary.”.

AMENDMENT NO. 1267 TO AMENDMENT NO. 1258

On page 6, line 13 following the word “report” insert: “, consistent with their contractual obligations.”.

Mr. KERREY. Mr. President, these two amendments have been agreed to on both sides.

The first one was the agreed-upon amendment between Senator LEVIN and Senator KYL. We took my language and the language of Senator SHELBY and merged them. There is agreement on both sides. I think this and the reporting requirements of Senator FEINSTEIN are excellent additions to the bill.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I concur with Senator KERREY.

I commend Senators LEVIN, KYL, DOMENICI, MURKOWSKI, and others who brought about the progress on the bill.

I urge adoption of the amendments en bloc.

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

The amendments (Nos. 1266 and 1267) were agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I extend my appreciation to the managers, the good Senators, who have worked very hard to adopt this language.

This implements the heart of the amendment which I previously offered. I want to read it so that people who are following this debate—it is very short—can understand why this is important.

The amendment reads:

The Secretary shall be responsible for developing and promulgating Departmental security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies.

With one minute change, that is the same sentence which was previously in my amendment.

The next sentence is:

The Under Secretary for Nuclear Stewardship is responsible for implementation of all

security, counterintelligence and intelligence policies within the Agency for Nuclear Stewardship.

I think that is basically the previous language.

The one change is really in the third sentence, which is now with this amendment:

The Under Secretary for Nuclear Stewardship may establish agency-specific policies unless disapproved by the Secretary.

That was the intention of the third sentence in effect. Senator KYL thought it was an important change and would clarify a point. We accept that.

We thank Senator KYL, as well as our other colleague, Senator DOMENICI, and others who have worked on this language. This language is fully acceptable to me, because it does indeed carry out the language for the most part in the spirit, in toto, of the previous amendment.

I thank our colleagues.

Mr. KERREY. I didn't hear everything the distinguished Senator said. He read, I think, an earlier draft. I don't think he meant to. The word “all” in the first sentence had been stricken.

Mr. LEVIN. The draft given to me had that in it, and I read it, but it was stricken in the actual amendment sent to the desk.

I thank the Senator for that correction.

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

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

AMENDMENT NO. 1268 TO AMENDMENT NO. 1258

(Purpose: To provide for the delegation to the Deputy Secretary of Energy of authority to supervise and direct the Under Secretary of Energy for Nuclear Stewardship)

Mr. LEVIN. 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 Michigan [Mr. LEVIN] proposes an amendment numbered 1268 to amendment No. 1258.

In the fourth sentence of section 213(c) of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, insert after “to any Department official” the following: “other than the Deputy Secretary”.

Mr. LEVIN. Mr. President, this amendment makes it possible for the Secretary of Energy to fully utilize his Deputy Secretary. The Deputy Secretary of Energy, as with the Deputy Secretary of Defense, is the No. 2 person in the Department. The Secretary of Energy simply must be allowed to rely on his deputy to serve in his absence, to help with the running of the

Department when he is absent and, indeed, to effectively be his alter ego.

To be useful to the Secretary and perform his job, the Deputy Secretary must be involved fully in every facet of the business of the Department. This amendment will allow the Deputy Secretary to carry out that very important function.

The bill will now have that change, that the Secretary may not delegate to any departmental official other than the deputy the duty to service or direct the Under Secretary for Nuclear Stewardship.

This is a very important change. I thank the managers for their support of this change. I believe it has broad support. I hope it will pass.

The organizational chart contained in the Rudman panel report, which graphically displays the panel's recommendation to create a new separately organized Agency for Nuclear Stewardship, includes the Deputy Secretary in the same box as the Secretary. The amendment before the Senate today, however, is silent with respect to the duties and responsibilities of the Deputy Secretary.

The absence of any reference to the Deputy Secretary of Energy could be simply an oversight. But given the language in the underlying amendment that prohibits all others in the Department of Energy, except the Secretary, from supervising or directing the new Agency or its staff, I believe the role of the Deputy should be clearly spelled out.

Each of the separately organized agencies of the Department of Defense, sited as organizational models by Senators Rudman's panel, relies heavily on the involvement of the Deputy Secretary of Defense. Indeed, the Deputy Secretary of Defense has a full delegation of responsibility from the Secretary of Defense to act for the Secretary.

This amendment removes the potential for confusion about the role of the Deputy Secretary of Energy and is consistent with the organizational charts contained in the Rudman panel report that describe the organization of the new Agency for Nuclear Stewardship.

Mr. KERREY. Mr. President, I think it is a good amendment. I believe the amendment has been cleared by Senator DOMENICI as well. I don't think there is any problem with this amendment at all. I think it is a good amendment and a good improvement in the bill.

Mr. SHELBY. Mr. President, I agree with the Senator from Nebraska. This is an agreed-on amendment. A lot of work has gone into it. I commend the Senator from Michigan, the Senator from Arizona, and also the Senator from New Mexico in fashioning this with their staff.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on the amendment.

The amendment (No. 1268) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

Mr. LEVIN. Mr. President, the amendments which we have just adopted improve the underlying provision. Nevertheless, there are some important concerns that were raised, and I want to take a moment to address them and speak to the hope they be addressed in conference. Let me go through some of these concerns.

First, section (k) of the amendment prohibits anybody in the Department except for the Secretary and Deputy Secretary from providing supervision or direction to the Agency for Nuclear Stewardship.

That could prohibit certain specific statutory authorities found in other laws from being implemented. For instance, the Chief Financial Officers Act established some very specific authorities and duties for chief financial officers. They must direct all aspects of a department's fiscal policy.

Second, the same is true for the Inspector Generals Act. The inspector general has independent investigatory authority over the entire Department of Energy, including the new Agency. This authority includes the authority to direct and conduct investigations unimpeded. To conduct the investigations, the inspector general has, by law, full access to everyone in the department.

Those two important pieces of law, existing legislation, are key tools in avoiding waste, fraud, and abuse. I do not believe that we can nor should nor perhaps even intend in this amendment, this underlying amendment, to modify them. But it is unclear and I hope it will be clarified in conference so we do not impede the operation of those laws by this language.

Third, the method of appointing certain employees of the new Agency, in my judgment, violates the appointments clause of the Constitution. For instance, in section 213 (j)(1), the amendment says that "the Under Secretary shall, with the approval of the Secretary and Director of the Federal Bureau of Investigation, designate the chief of Counterintelligence. . . ." That responsibility, making an appointment, is, under the appointments clause, restricted to the Secretary or the President of the United States. I do not think we can delegate that authority by statute to this new Agency Director.

Fourth, there are certain restrictions on how the head of the new Agency submits reports to Congress, which I believe run afoul of the separation of powers doctrine.

Fifth, there are still too many restrictions on the Secretary's authority to control and direct the Agency.

Sixth, there are provisions which establish new relationships between the Department of Energy contractors and Federal employees of the Department. Those relationships may violate the current operating contracts for DOE facilities. More important, these new relationships may make these contractor employees Federal employees for certain purposes, such as the Federal Authority Claims Act, the Federal Drivers Act, and the Federal ethics statutes.

These are a few of the statutes that could be interpreted as being applicable to contractor employees, raising new issues of liability and responsibilities. I believe the implications of these should be and must be fully understood before we finally adopt a law in this area, a reorganization of this Department, and a conference report which contains any such implications or changes.

These issues and others should be addressed in conference on this provision. I wanted to highlight them now for our colleagues. We have made some progress on this underlying amendment, on the amendment which I think reflects the determination of most of us that we do create this semiautonomous agency. That represents, I believe, almost the consensus view of the Senate—pretty close to it—that we have a semiautonomous agency. But there are a lot of subquestions to that issue. Just creating a semiautonomous agency does not resolve the myriad of questions that exist in that process. Some of them have now been resolved. I thank my colleagues for their work with me on that.

Senator BINGAMAN has had some very important amendments which have been adopted as well. The Kyl amendment is a better amendment now that those amendments of ours have been added to it. But, again, there are many remaining questions and doubts which, hopefully, the conferees will resolve. I wanted to bring some of those to the attention of our colleague at this time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, I want to report on the status, as I understand, of where we are on the Kyl amendment. When you turn on your television set and see what is happening in the Senate Chamber, you see that the pending

business is the Kyl amendment. Since that is me, I thought I should explain we are about ready to bring this to a conclusion, I think a very successful conclusion. In fact, the bipartisanship we were seeking to attain earlier in the day, in fact, will be attained with respect to the adoption of the Kyl amendment.

I will back up a little bit and recapitulate where we are. The underlying bill is the intelligence authorization bill. There will be a little bit of business to transact on that after the adoption of the Kyl amendment. Then the intelligence authorization bill can be approved by the Senate and we can move on to other business.

In the meantime, the Kyl amendment is the pending amendment. That is the amendment cosponsored by Senator DOMENICI, Senator MURKOWSKI, and a host of others, that will reform the Department of Energy so it will be less likely in the future that there will be nuclear secrets walking out the door of our National Laboratories. That is an oversimplification, but that is the essence of what we are trying to do.

The reorganization involves the creation of a semiautonomous agency within the Department. We basically have followed the recommendations of the President's Foreign Intelligence Advisory Board in establishing that new Agency.

There have been some amendments dealing with details of this reorganization that have been worked out between representatives of the Democratic side and supporters of our amendment.

With respect to the most perplexing of the difficulties, a matter on which an earlier vote was held, where the Levin amendment was defeated, we have gone back and rewritten the language of the bill and the Levin amendment and combined the two in a way in which we think both sides think we can make the legislation work. There have been some other concessions, as well, to Members on the Democratic side in order to achieve a broad bipartisan consensus for this legislation.

I am pleased to report that there is an agreement, A, to bring this Kyl amendment to a vote very soon, so I think Members should expect that in the very near term we will be able to have a final vote on it; and, B, that it will have the concurrence of many, if not most, of the Members on the other side of the aisle, as well as the Republican side of the aisle. That is because of the concessions that have been made in this intervening time.

So my hope is, if there is anyone else who wishes to discuss any aspect of the Kyl amendment, or to raise any questions about it, or about the other amendments that have been offered and to one degree or another worked out in the interim, that they would come and do that now because in just a matter of a few minutes we are going to propound a request to get on with the vote and then be able to move on.

I know that is the leader's desire, and we would like to be able to do that.

If there isn't anybody at this point who wants to weigh in, let me add one other point about the reason why the Senate is acting on this important matter. At the end of the day, for the Nation, there is nothing more important than our national security. We in the Senate and the House and the President understand that probably our first obligation is to protect the American people.

One of the stable elements of the peace that has prevailed over the last many decades has been the nuclear stockpile of the United States, the fact that we have nuclear weapons that provide a deterrent to any attack by an aggressor that would threaten the homeland of the United States.

It is a horrible thing to ever contemplate using those weapons, but it is undeniable that the threat of nuclear retaliation has enabled us to have a period of peace literally since World War II with our major adversaries.

It is important that the stability the world has seen because of the creation of those weapons not be disrupted by other nations acquiring the same weapons. Obviously, that could unbalance this stability that has been created over time because of the U.S. possession of those weapons.

We now know that the design information for all of the nuclear warheads that are currently in our useful arsenal are in the hands of people who could cause us harm if they were able to build weapons from that data, from those plans. That is a very distressing fact.

There are ways that we can hope to prevent the development of those weapons. It is going to require us to be very careful about what we sell to other countries and what we permit by way of technology transfer because it is still difficult to build a nuclear weapon even if you have the designs. You have to have the materials; you have to have the computing capacity and the machining capacity, and all the rest of it.

So there may still be some ability on our part to have control over our own destiny. There is no question we have now been put at risk because of the theft of these secrets. The National Laboratories, which are responsible for developing those nuclear weapons, have begun to embark upon a very important project called the Stockpile Stewardship Program in which we will attempt to be able to certify the safety and reliability of our nuclear stockpile through computing which will simulate nuclear testing.

If that program is compromised, it would, in effect, be the compromise of everything we have, not just the design information but also our analysis of how all these things work.

If we cannot protect that, we cannot protect our national security. That is one of the reasons why it is important for us to ensure that nothing else hap-

pens in the way of security breaches at our National Labs.

The Rudman report made it very clear that under the existing organization of the Department of Energy, we could not guarantee that. There were too many people that had too much influence over things, and, in effect, everybody's responsibility became nobody's responsibility. As a result, that recommendation was: We have to reorganize the Department; and it cannot reorganize itself.

Congress needs to pass a statute that provides for that reorganization. That is why we brought forth the Kyl-Domenici-Murkowski amendment. That is why I am very proud of the fact that soon the Senate is going to vote to approve that amendment. By putting it on the intelligence authorization bill, we will enable it to become the law of the land and enable the Department of Energy to be reorganized with this semiautonomous agency having jurisdiction over the nuclear programs, including the National Laboratories.

That will be a very big step. No one should rest easy that this is the end of the issue, that we do not have to worry about spying, that this will stop the espionage or the release of secrets that other people should not have. But at least it is one thing we can do, and we believe it will have a significant impact in at least this one area.

I guess one of the things many of us were saying was: If we can't do this now, after all of this time, then we think it is fairly clear we can't protect the national security of the United States.

I am not saying this is easy. But if we cannot accomplish this reorganization, then, frankly, we are not up to the task. That is why I am so glad we are going to be able to effect this reorganization. After we pass this bill, I am very hopeful that our friends in the House will be willing to work with us. If they have additional ideas, obviously, we want to work with them. But we need to send to the President a bill that he can sign. After all, his own advisory board made the recommendations we are attempting to follow.

If I am correct that what we have done has resulted in a broad bipartisan consensus, we will be able to make it clear to the executive branch of the Government that it is the will of the Congress—not just one party, the majority party of the Congress—and that should enable us to also then gain the support from the Secretary of Energy, who has acknowledged that he supports the basic concept of a semiautonomous agency but had some disagreements with us about specifics. By making some changes that go some distance toward meeting his objections, I hope we will not only have the support of both Democrats and Republicans in the Congress but also the Secretary of Energy because we have to get about this quickly.

There is no reason, after the Senate acts today, hopefully, that the process

cannot begin in anticipation of the fact that this will be the law. No one has to wait until September or whatever date we might actually be able to get the President's signature on this law. This Secretary of Energy has a great opportunity; as the person who came into office about the time all of these revelations were made public and who himself began to make some changes in a positive way, he is in a unique position now to take advantage of the reorganization that we will present to him and actually institute the changes so that his successor, a year and a half from now, whoever that might be, presumably will have in place a very well-functioning Department of Energy with a semiautonomous agency in charge of our nuclear weapons programs.

That is something this Secretary will have the opportunity to do. But it is a real challenge for him. If he is able to accomplish that, he will certainly have earned his place in history. Meanwhile, it is up to us to earn our place in history by adopting this legislation and moving the process forward.

I am very hopeful we will not see any additional delays now. There have been some in the past. I had complained about that earlier in the day. I am hopeful we will not see any additional delays, that we will move this legislation forward, get it signed into law, and get it implemented. If we do that, we will be proud of the fact that we have helped the security of the people of the United States of America.

Mr. President, I will soon propound a request with respect to a vote on my amendment. I will check with a couple other people before I do that. But, again, I think Members should expect that pretty soon we will be having a vote on this amendment.

Mr. CRAIG. Mr. President, I rise to engage in a colloquy with my colleague from New Mexico, Senator DOMENICI, regarding an issue associated with the implementation of the Kyl, Domenici, Murkowski amendment. This amendment creates a new semi-autonomous Agency for Nuclear Stewardship within the Department of Energy by collecting together various national security programs and nuclear weapons laboratories and facilities into a new agency. My state of Idaho hosts two Department of Energy laboratories—the Idaho National Engineering and Environmental Laboratory and Argonne National Laboratory West. Since these laboratories do not meet the definition of nuclear weapons laboratories, they are not included in the amendment, but I want to raise for my colleagues some of the complexities of implementing this new organizational structure.

As I said, the laboratories in my state are not included in the proposal for the new agency but it is important to understand that Idaho's laboratories are making significant contributions to national security. Just as my colleagues from New Mexico have mentioned earlier in this debate, that we

must do nothing to impede the continued contribution of the weapons laboratories to the critical civilian missions of the Department of Energy. I want to emphasize and confirm my colleague's agreement that the non-weapons laboratories shall continue to contribute and have their capabilities made available to the national security programs of the Department of Energy.

To clarify this point, I would like to use a specific example from the Idaho National Engineering and Environmental Laboratory. The Advanced Test Reactor, or ATR, in Idaho is the only world-class test reactor left in the United States. I do not state this as a boast, but as a fact. The ATR has a vital role in both improving the operation of the nuclear Navy and supporting our nation's future nuclear energy research and development endeavors. In addition, this important facility has the potential to attract significant international interest and investment. I am concerned that this amendment, which moves the Naval Reactors program from under the umbrella of DOE's nuclear research and development program to the new agency, will also reassign responsibility for this reactor.

Reassigning the responsibility for this reactor to the new agency would be harmful from two perspectives. First, our Naval Reactors program is a user of this facility but should not be burdened with its operation and maintenance. Second, moving responsibility for this reactor out of the nuclear research and development program could inadvertently endanger its use by the U.S. civilian and international research community. Since this latter use is growing and very important to our future civilian nuclear research activities, could I ask my colleague from New Mexico to confirm that it is not the intent of this amendment to move responsibility for the Advanced Test Reactor when moving the Naval Reactors program to the new agency?

Mr. DOMENICI. In responding, let me first confirm for my friend from Idaho that it is not the intent of this amendment to shift or reassign responsibility for Idaho's Advanced Test Reactor to the new Agency for Nuclear Stewardship. Let me further acknowledge the larger issue that my colleague has raised, by stating that under the new Departmental structure created by the Kyl, Domenici, Murkowski amendment the Secretary of Energy should continue to ensure that the capabilities, skills and unique expertise of all of the Department's laboratories are made available to the national security programs of DOE. In this way, the beneficial collaboration between defense and non-defense sectors of the Department—a collaboration that has been taking place over the entire history of DOE—will continue under the new structure.

Mr. CRAIG. I thank my colleague for that clarification and assurance. The Naval Reactors program has a proud history in Idaho. All spent naval nu-

clear fuel is sent to Idaho for examination and storage pending its permanent disposition. Although Idaho's facilities are not included in the new agency, I am assured that the many ways in which Idaho's laboratories contribute to our national security will continue under this new organizational structure.

Mr. LIEBERMAN. Mr. President, I rise today in support of Mr. DOMENICI's amendment to the Department of Energy reorganization amendment. I have been a strong supporter of the need to reorganize the defense labs in order to improve security and I applaud the sponsors of the reorganization amendment that we will be considering. It is of overriding importance that we take all necessary actions to protect our national security.

However, as I have considered the very serious need to address security threats, I have also been listening closely to the debate about how environment, safety, and health protections can best be incorporated into the Department of Energy's operations as they relate to the weapons labs.

The legacy of the Atomic Energy Commission and the Department of Energy regarding environmental protection is not a proud one. Since the first days of the Atomic Energy Commission over 40 years ago, weapons production programs and facilities emphasized production and too often neglected environmental safety. By the 1980s, the history of mismanagement caught up with the Agency, when 17 major plants in 13 states, employing 80,000 people were brought to a standstill because of a series of accidents and leaks. Over 10,000 individual sites have been documented where toxic or radioactive substances were improperly abandoned or released into soil, groundwater, or surface waters. "Tiger Teams" of trained investigators were sent to plants to ensure compliance with environmental and safety requirements. The Agency and the public have paid for the cost of this mismanagement: the price tag of past mistakes is now at about \$250 billion dollars, or \$6 billion a year. Clearly we have to learn from the past as we think about how to deal with environment and safety in the future.

Based on the Rudman report, there is a strong case made for treating environment and safety issues separately. Our former colleague Warren Rudman himself has said that environment and health issues "ought to stay where they ought to stay, with the Secretary . . . because I know what we all went through back during the 1980s." GAO has testified on numerous occasions that independent oversight is critical to ensuring adequate protection of health and safety. They have said explicitly that this oversight needs to encompass on-site reviews of compliance with environmental and safety laws.

Much has changed since the time that rampant disregard for environmental protections at the labs was discovered. Over time, we as a society,

within industry, and within government have come to incorporate environment and health concerns more fully into both policy and practice. And I have no reason to believe that there would be any intentional disregard for environmental and health concerns if the those functions were put under the supervision of the Agency for Nuclear Stewardship. However, given the potential magnitude of problems that could be caused even by simple, honest mistakes, the best course of action is to be prudent. I therefore support the Domenici amendment because it allows the Secretary of the Department of Energy to ensure compliance with all environmental, safety and health requirements, while protecting the security of the weapons labs. I am pleased that we were able to work out this issue as part of the restructuring proposal.

Ms. COLLINS. Mr. President, I rise today as a cosponsor to the Kyl/Domenici/Murkowski amendment requiring reorganization of the Department of Energy.

Over the past several months, I have been deeply troubled by the revelations regarding the efforts made by the People's Republic of China to acquire our most sensitive technology. The report of the House Select Committee revealed that design information has been stolen on all of the nuclear warheads that the United States currently has deployed. Among the material stolen by China was design information on the W-88, the most sophisticated nuclear weapon the U.S. has ever built. We use the W-88 on the sixth-generation ballistic missiles carried aboard our nuclear submarine fleet.

With this information, the PRC has rapidly assimilated stolen nuclear secrets into its own weapons systems and advanced their nuclear program by approximately forty years. Not only am I deeply concerned about these incidents of espionage, I am even more disturbed by the lackadaisical response by the Clinton Administration. After learning about the theft of information in 1995, the Administration failed to undertake a serious reassessment of our intelligence community. When questioned a few months ago about the Department of Energy's security structure, Secretary Bill Richardson commented, "whoever figured it out must've been smoking dope or drunk." What a sobering assessment, indeed, of the state of security at our nuclear weapons laboratories. In fact, only after the espionage accounts hit the news media earlier this year did the President take any action to reevaluate the security of our weapons labs.

In March, the President requested that the President's Foreign Intelligence Advisory Board (PFIAB) undertake an inquiry and issue a report on the security threat at the Department of Energy's weapons labs. This review, chaired by the former Senator Warren B. Rudman, found that the Department of Energy is responsible for the worst security record that the members of

the advisory board had ever encountered. The Department devoted far too little time, attention, and resources to the responsibilities of security and counterintelligence. Without change, it is feared that the Department of Energy laboratories would continue to be a major target of foreign intelligence services. According to the Rudman report, the only way to combat these problems is through a reorganization which takes the oversight of our weapons labs away from the "dysfunctional bureaucracy" of the Department of Energy and gives it to a new, semi-autonomous agency.

The Kyl/Domenici/Murkowski amendment, which I am pleased to cosponsor, will begin the reform efforts at the Department of Energy by establishing a separate organizational entity, the Agency for Nuclear Stewardship, with clear lines of authority, accountability, and responsibility. These changes will help correct the current organizational disarray and ensure that all programs and activities related to national security functions receive proper attention and oversight. These changes will strengthen the security and protection of our most vital technological secrets and ensure that if violations do occur, the responsible parties are readily identified, and the proper corrective actions put into place immediately.

I urge my colleagues to join with us in support of this amendment to help ensure the security of our nation for years to come.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRYAN. 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. BRYAN. Mr. President, I thank the Chair. I ask unanimous consent that the pending amendment be set aside momentarily for the purpose of considering an amendment that I propose to offer.

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

AMENDMENT NO. 1269

(Purpose: To terminate the exemption of certain contractors and other entities from civil penalties for violations of nuclear safety requirements under the Atomic Energy Act of 1954)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN] proposes an amendment numbered 1269.

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

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

The amendment is as follows:

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

SEC. ____ . TERMINATION OF EXEMPTION OF CERTAIN CONTRACTORS AND OTHER ENTITIES FROM CIVIL PENALTIES FOR VIOLATIONS OF NUCLEAR SAFETY REQUIREMENTS UNDER ATOMIC ENERGY ACT OF 1954.

(a) NONPROFIT EDUCATIONAL INSTITUTIONS.—Subsection b. (2) of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is amended by striking the second sentence.

(b) LIABILITY OF NONPROFIT CONTRACTORS.—Subsection b. of that section is further amended by adding at the end the following:

"(3)(A) Subject to subparagraph (B), the amounts of civil penalties for violations of this section by nonprofit contractors of the Department shall be determined in accordance with the schedule of penalties employed by the Nuclear Regulatory Commission under the General Statement of Policies and Procedures for NRC Enforcement for similar violations by nonprofit contractors.

"(B) A civil penalty may be imposed on a nonprofit contractor of the Department for a violation of this section only to the extent that such civil penalty, when aggregated with any other penalties under the contract concerned at the time of the imposition of such civil penalty, does not exceed the performance fee of the contractor under such contract."

(c) SPECIFIED CONTRACTORS.—That section is further amended by striking subsection d..

(d) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to violations specified in section 234A of the Atomic Energy Act of 1954 that occur on or after that date.

Mr. BRYAN. Mr. President, I want to call your attention to a situation that I became aware of only a short time ago. An article that appeared in the June 28 issue of Newsweek caught my attention. It is entitled "Nuclear Leaks of Another Kind."

This was in the context of a discussion we have had about some of the espionage activity that has occurred in our labs and, particularly, the issue as it relates to Los Alamos in recent months. Let me share an excerpt so my colleagues will get the flavor of the article and understand the amendment I am offering and its underlying purpose.

The article begins by saying:

Nuclear secrets aren't the only kind of unauthorized leaks from U.S. weapons labs. According to a General Accounting Office draft report obtained by Newsweek, over the past three weeks, the Los Alamos and Lawrence Livermore labs were assessed fines of hundreds of thousands of dollars for safety violations, including exposing their employees to radiation levels that exceed the standards promulgated by the Department of Energy.

Then it goes on to say that, under the law, in an anomaly—which the occupant of the Chair will readily appreciate because of his own extraordinary and impressive legal background—we make a distinction with respect to the contractor status of those who work in the DOE labs. If the contractor is a contractor who is a private entrepreneur—that is to say, it is a profit-making contractor—these fines for safety violations—one in particular that caught my eye is the radiation standards to protect the employees ac-

cording to the DOE promulgated standards. With respect to those fines that would be imposed upon a contractor who is a private sector contractor, the fines are assessed and collected. But under what I consider an extraordinary anomaly in the law, if you are a nonprofit contractor, the very violation—again, fundamental to the essence of protecting the health and safety of the employees; namely, the radiation standard they would be exposed to—for those kinds of violations, a fine is assessed but is never collected.

So in effect we have a totally inconsistent policy. One says that if you are a private contractor and you are an entrepreneur and are in the business to make money or to profit from that—all of which is very legitimate—and you violate one of the DOE's safety regulations and you are fined, you are assessed initially, and the fine is collected. If you are a nonprofit, you are assessed for the identical violation, but it is never collected.

Let me say that the General Accounting Office report that was referenced in this Newsweek article has now been made public in its final form. This is a document issued June 1999: General Accounting Office, Department of Energy Nuclear Safety, "Enforcement Program Should Be Strengthened."

This report gives additional persuasive force to what I propose in the amendment. This General Accounting Office report makes an important point that if the regulations were promulgated by the Nuclear Regulatory Commission, the NRC, no distinction is made between the private sector contractor and the public sector contractor. That is to say, if a violation occurs with respect to the nonprofit contractor, and it is a violation of health and safety standards, then the nonprofit is assessed and a fine may be collected. So we have an anomaly in the law that makes no public policy sense at all.

Let me make it clear to my colleagues that it is not my intention to impose onerous fines on nonprofit entities that have a contract. But as the General Accounting Office makes very clear, the fact that a fine may be collected has a deterrent value. As this report further makes the point, there is no rational basis—none whatsoever—in making the distinction between for-profit and nonprofit contractors, and the further point that the purpose of imposing these civil penalties is not to collect fines but to encourage contractors to perform safely, that is the issue that I seek to address.

I recognize the concern that the nonprofits raise that, my golly, if you change the law, somehow this may constitute an invasion of our endowment moneys; that all of this could be compromised. Let me assure my colleagues that nothing is further from the truth. That is not what I intend.

So as a further effort to assuage those concerns in the amendment that

is before this body, we would limit any fine that was assessed to the amount of the performance fee provided to the nonprofit contractor by the Department. Let me repeat that. In effect, we would put a ceiling, a limit, if you will, on any fine that would be assessed and would say that, in no event, notwithstanding the extent, severity, and the extended period of time in which the violation may have occurred, may the fine exceed the performance fee that you are provided. It strikes me that that addresses fairly and reasonably the concern that a nonprofit would have in terms of the potential invasion of the endowments.

The point I seek to emphasize is that nonprofits have a track record of some very extensive fines. The assessments, according to the report, amount to several hundreds of thousands of dollars. So we are not talking about something that is theoretical, hypothetical, or highly speculative; it has occurred. And, remember, under current law, with respect to nonprofits, a fine can be assessed but never collected. So human nature tells us—and our entire legal system is structured on this premise—that for people who violate the rules, whether it is a speed limit or some other regulation, the fact that one can be fined or can be subject to some kind of a sanction, tends to influence our behavior in a positive way. That is, we don't do that sort of thing. No one is accusing the nonprofits of bad faith. But I must say we have not gotten their attention with respect to these violations.

I conclude, as I began, by describing the nature of these violations. We are not talking about some highly technical extenuated rule or regulation that only a flyspeck—as we used to say—lawyer could pick up. We are talking about something fundamental to the public health and safety. That is the radiation standard—the exposure to which employees in these laboratories could be exposed.

I can't think of anything that would be more significant or more important in terms of health and safety than to make sure the laboratory is adhering to a radiation standard which the Department of Energy has promulgated, which they say is to observe to protect health and safety.

Let me say that I have had a little experience in this area, not as a technical person, but many years ago in my youth I worked as an employee at the Nevada Test Site. Every employee who entered the Nevada Test Site was given a badge. That badge had in it a gasometer. The reason for that is this was during the days of atmospheric testing programs. It was to periodically check to make sure no employee by inadvertence or accident was exposed to a higher radiation standard than had been determined necessary for the protection of the health and safety of that employee.

In the same spirit, these standards have been imposed to protect the

health and safety of those individuals who work in the lab. That is the kind of violation about which we are talking.

I have attempted to work some type of an accommodation through the very able manager of the bill, and others, particularly the distinguished Senator from New Mexico, who understandably have an interest in this measure. We have not been able to reach an agreement.

I want to serve notice that this is not the last time this amendment will surface. This is a gross injustice to those employees who serve in the lab, and their families. Their health and safety can be endangered. And those who would do so face no penalty under the law.

I will not ask for a rollcall vote on this amendment. I intend to withdraw the amendment at the appropriate time, after the distinguished chairman of the committee responds. But this is an issue which must be addressed. It will be addressed by this Senator. We will have a series of votes on this at a later point in time if we are not able to reach an accommodation.

I will be happy to either yield the floor or to respond to any questions that the able managers of the bill have.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Alabama.

Mr. SHELBY. Mr. President, I will be brief.

First of all, I commend my friend and colleague, Senator BRYAN, who brought this to the attention of the Senate. We have discussed this before. He feels very strongly about it. I believe if you look at it in its entirety, it has some merit. But I also think this should be addressed at the level of the appropriate committee. At the time when he pursues this, I will tell every one of my colleagues to look at this very carefully because I believe what he is proposing should be evaluated in that light. Personally, I think it has some merit.

I commend the Senator from Nevada, who is also a member of the Intelligence Committee, and a senior member. Perhaps soon he will be the vice chairman of the committee—next year.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I, too, thank the Senator from Nevada for bringing this to our attention. I was not aware of the problem. I look forward to the opportunity of having a chance to work with the Senator to change the law and to end the problem he has identified.

Mr. BRYAN. I thank both the Senator from Alabama and the Senator from Nebraska, with whom I have the privilege of working closely in the Intelligence Committee.

We need to address that. His comments have been very helpful and encouraging. We want to work through this and protect the employees in these critically important national security facilities.

I am not sure of the parliamentary vehicle that I may need to employ. If I need to ask unanimous consent to withdraw my amendment—I don't think I need that—if I do, I will ask for it.

If the Chair will guide the gentleman from Nevada, I will ease us out of this parliamentary situation.

The PRESIDING OFFICER. The Senator would need to ask unanimous consent to withdraw the amendment.

AMENDMENT NO. 1269 WITHDRAWN

Mr. BRYAN. Mr. President, I ask unanimous consent that the amendment be withdrawn.

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

The amendment (No. 1269) was withdrawn.

Mr. BRYAN. I thank the Chair. I thank my colleagues.

AMENDMENT NO. 1258

Mr. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Arizona, Mr. KYL.

Mr. SHELBY. I urge adoption of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—96

Abraham	DeWine	Kerrey
Akaka	Dodd	Kerry
Allard	Domenici	Kohl
Ashcroft	Dorgan	Kyl
Baucus	Durbin	Landrieu
Bayh	Edwards	Lautenberg
Bennett	Enzi	Leahy
Biden	Feingold	Levin
Bingaman	Feinstein	Lieberman
Bond	Fitzgerald	Lincoln
Boxer	Frist	Lott
Breaux	Gorton	Lugar
Brownback	Graham	Mack
Bryan	Gramm	McConnell
Bunning	Grams	Mikulski
Burns	Grassley	Moynihan
Byrd	Gregg	Murkowski
Campbell	Hagel	Murray
Chafee	Harkin	Nickles
Cleland	Hatch	Reed
Cochran	Helms	Reid
Collins	Hollings	Robb
Conrad	Hutchinson	Roberts
Coverdell	Hutchison	Rockefeller
Craig	Inhofe	Roth
Crapo	Inouye	Santorum
Daschle	Johnson	Sarbanes

Schumer	Snowe	Thurmond
Sessions	Specter	Torricelli
Shelby	Stevens	Voinovich
Smith (NH)	Thomas	Warner
Smith (OR)	Thompson	Wellstone

NAYS—1

Wyden

NOT VOTING—3

Jeffords

Kennedy

McCain

The amendment (No. 1258), as amended, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST

Mr. SHELBY. Mr. President, I ask unanimous consent that it now be in order to offer a substitute amendment which consists of the committee-reported bill, S. 1009, a managers' package of amendments, and all previously agreed to amendments. The substitute is at the desk, and I ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. There is an issue we have to work out before we can proceed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. 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. DODD. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

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

TRIBUTE TO THE KENNEDY AND BESSETTE FAMILIES

Mr. DODD. Mr. President, I want to address the Senate for a few moments about a topic I know has consumed the attention of each and every one of us in this Chamber, indeed all Americans, over the past several days, and that is the tragic deaths of John Kennedy, Jr., his wife Carolyn, and her sister Lauren Bessette.

Permit me, if you will, to engage in a little regional chauvinism, for there are few things in life so pleasant as a

New England summer day. It is glorious to behold. The warm sweet air, the cold waters of its rivers and lakes and ocean seem to command a celebration of the very simple pleasures of life.

On this past Saturday, though, the inherent joy of a New England summer season dissolved throughout America with the news that these three young people were lost off the New England coast. Lost on a day that seemed meant for gladness, not grief. Lost in waters that should have welcomed pleasure, not disaster. For one family, the Kennedy family, a moment of a family's supreme joy—a wedding—was snatched greedily by the hand of a very cruel fate, indeed.

Most of us spent the better part of this past weekend hoping against hope that John and Carolyn and Lauren could be found safe and alive. By Sunday night we were resigned to the awful truth. Two American families have endured unspeakable loss.

One of those families, which is represented by the Bessette and Freeman families, we know very little about. They are constituents of mine and my colleague, Senator LIEBERMAN. We know very little about them other than the fact of their tragic loss. We can only imagine the joy and love and, yes, the easy and brilliant summer days, that they shared with these two remarkable and talented young women.

The other family we know a great deal about—about its moments of triumph and tragedy—and through it all their consistent service to our Nation and to humanity.

It happens that the patriarch, if you will, today of that family is our colleague and one of my dearest friends in this body, TED KENNEDY. We can only wonder at the immense burden of the grief he carries for his relatives over this loss and over all the other senseless, excruciating losses endured by the Kennedy family over the years. Those of us who have come to know him can only admire his courage and perseverance in the face of adversity which would wither the will of other men.

I know I speak for all of us here, and that I echo the sentiments expressed here on the floor this morning and last evening by other colleagues, in saying that we send our deepest, deepest sympathies to him, to his family, and to the family of Carolyn and Lauren Bessette.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I cannot add to the words of Senator DODD. I thank him for what he said on

the floor of the Senate. And I say to him that what he said represents how I feel as a Senator from Minnesota.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST— H.R. 1501

Mr. LEAHY. Mr. President, I am about to propound a unanimous consent request on the juvenile justice conference. I notified the distinguished majority leader that I would be doing this earlier, and a day ago I also notified the distinguished chairman of the Judiciary Committee. I do it not in expectation the unanimous consent request will be agreed to but to, I hope, move this ball down the field.

So my request is this: I ask unanimous consent that the Senate proceed to the consideration of H.R. 1501, the House juvenile justice bill; that all after the enacting clause be stricken, and that the text of S. 254, as passed by the Senate, minus the provision added by Senator FEINSTEIN's amendment No. 343, as modified, be inserted in lieu thereof; the bill be passed, as amended; the Senate insist on its amendment and request a conference with the House; that the conferees be instructed to include in the conference report the provision added by Senator FEINSTEIN's amendment No. 343 to S. 254; and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. I reserve the right to object—and I will object.

First of all, this is the kind of motion that usually the majority leader would make, and it is my intent to do that in the near future. I think we should go to conference on this issue. The juvenile justice bill came from the Judiciary Committee. The committee had been working on it, I think, for 3 years. Senators on both sides of the aisle worked on that bill. It included a variety of Senators, including, obviously, Senator LEAHY, Senator HATCH, Senator FEINSTEIN, Senator SESSIONS, Senator ASHCROFT, Senator THOMPSON, and a whole number of Senators over a period of years.

It does have very important provisions in regard to how do you deal with juvenile crime, how do you try offenders, and where do you incarcerate them. It deals with the real world problems of trying to deal with juvenile crime, including security in our schools. Specifically, it provides for metal detectors at our schools. It has programs that deal with alcohol abuse, drug abuse. It has some very important

amendments dealing with values in society and how we can help in that area with our young people.

So I think this is legislation that should go to conference. It is my intent to move to go to conference and to appoint conferees. However, there have been some Senators who had some concerns about it both in terms of the makeup of who the conferees would be, but also I think it would be fair to say that Senator SMITH of New Hampshire has indicated that he would be opposed to going to conference at this time. I have been working with him to see how that procedure could be worked out. I know most Senators don't get into some of the esoteric rules around here, but believe me, we need to try to find a way to work it out where we can get to conference. I am trying to do that. At an appropriate time, within the next 2 weeks, I will do so—if not this week, next week. The only reason I didn't do it this week is because of interminable delays by the Senate on other issues.

We had the whole of last week tied up with the Patients' Bill of Rights. We didn't want to interrupt the Patients' Bill of Rights for a 3- or 4-hour process to appoint conferees. And then this week we have been dragging all day and yesterday on a question we should have done like that—reorganization of the Department of Energy. Hearings have been held on it. We had a good proposal. Instead, we have been talking and chatting here all day. Now it is 6 o'clock and we still have not gotten it done, the intelligence authorization bill, an authorization for intelligence, the CIA. Give me a break.

If the Senate would like for us to act on some of these issues, then the Senate needs to find a way to quit delaying and dragging out other issues. We have appropriations bills to do. We need to get going on them.

The main thing I want to assure the Senate is, I think we should go to conference. I intend for us to go to conference. If Senators on both sides will work with me and support my effort to do that, I think we will get an overwhelming vote to do that. But as is the case with Senators on both sides of the aisle, when a Senator or Senators have problems, my disposition is to try to see if we can work it out in a way that is acceptable to him or her. That is my intent.

Mr. President, I make that explanation as to what is happening. We do intend to go to conference. With the cooperation of both sides of the aisle, I am sure we will go to conference.

I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY. Mr. President, I appreciate the explanation of the distinguished majority leader. He and I had discussed this earlier. I anticipated both the objection and the explanation.

I fully concur that such a unanimous consent request would normally be made by the leadership, but it is also

the reason I notified both the distinguished majority leader and the distinguished Democratic leader that I would do this. I had expressed my concern, actually, before the Fourth of July recess, how the Congress is able to move legislation and move it quickly if the right interests want it. I compared the priority being put on two separate pieces of legislation, S. 254, the Hatch-Leahy juvenile justice bill, and H.R. 775, the Y2K Act, to show how this works.

The Hatch-Leahy juvenile justice bill, S. 254, passed the Senate after 2 weeks of open debate, after significant improvements, on May 20. That was a vote, as I recall, of 73-25, a bipartisan vote. On June 17, the House passed its version of this legislation but chose not to take up the Senate bill and insert its language, as is standard practice. Nor has the Republican leadership in the House made any effort over the past month to seek a House-Senate conference or to appoint House conferees.

Instead, what the other body did was send the Senate a blue slip, returning S. 254 to the Senate on the ground it contained a revenue provision that must originate in the House. The provision they point to is the amendment to S. 254 that would amend the Federal Criminal Code to ban the import of high-capacity ammunition clips. Whatever the merits are of that particular provision, the majority thought that did have merit. I voted against it. But it appears to me that no matter which side one is on, the House resorted to a procedural technicality to avoid a conference on juvenile justice legislation.

The amendment is in the final bill which a majority of us, three-quarters of us, voted for. The Senate has so far taken no steps to proceed to conference on the juvenile justice bill or to appoint conferees. This delay costs valuable time to get the juvenile justice legislation enacted before school resumes this fall.

I appreciate the words of the distinguished majority leader that we will try to move quickly to it, but I mention this as a contrast to the pace of action on the juvenile justice bill when we look at the Y2K Act. That legislation provided special legal protections to businesses. After earlier action in the House on H.R. 775, the Y2K liability limitations bill, the bill passed the Senate on June 15, almost 1 month after we passed the juvenile justice bill. On June 16, the next day, the Senate asked for a House-Senate conference and appointed its conferees. The House agreed to the conference and appointed its own conferees. The legislation immediately went to conference. The conference met that same day, on June 24. After a weekend break for extensive negotiations with the administration, the conference report was filed on June 29. The bill was taken up, passed before the Fourth of July recess, and the President signed it yesterday.

Now, this took care of the potential liability of a lot of businesses under Y2K, some found it at the expense of American consumers, but whichever way it was, it became law very quickly.

The juvenile justice bill can make a difference in the lives of our children and families. That should be our No. 1 priority, so that we get the conference, conclude it, and so that new programs and protections for schoolchildren can be in place when school resumes this fall, and not wait until this fall to do it. A lot of the programs in here are designed to be available to schools when they come in.

Mr. DURBIN. Will the Senator from Vermont yield?

Mr. LEAHY. I will yield for a question.

Mr. DURBIN. I ask the Senator from Vermont, if the majority leader appoints a conference committee within the next 2 weeks, doesn't that diminish the likelihood that we could even have a conference report and do anything before school starts again?

This bill was inspired in large part by school violence and shootings in schools, and now we will have passed through the entire summer and not have done anything in the Senate or the House to respond to that if we delay this conference committee. Is that not a fact?

Mr. LEAHY. The distinguished senior Senator from Illinois raises a valid point. This bill is designed, very substantive parts of it, for programs that we in the Senate debated and I think the American public are in support of and thought should be in place before our children go back to school this fall. This prompt action is what parents have talked to me about it, what school administrators have talked to me about it—that they need to have it in place before the schoolchildren go back this fall. They want to pass into law the things we learned from Columbine and other school tragedies.

That means we have a very short window, I think about 3 weeks, to finish this before the August recess. We have a very short window. If we don't finish this before the August recess and get it on the President's desk, I don't know how these programs will be in place.

Frankly, a lot has changed since my children were young enough to be in those classes. It may have been growing then, but the demand is paramount today. The Senator from Illinois is absolutely right. If we don't do it now, we are not going to get it done on time.

Mr. DURBIN. I salute the leadership of the Senator from Vermont. I hope he will renew this request on a regular basis until we have a conference committee appointed to pass the juvenile justice bill to do something in Congress about the school violence which American families understand is a national problem we should address.

Mr. SCHUMER. Will the Senator yield?

Mr. LEAHY. I thank the Senator from Illinois. I yield to the Senator

from New York without losing my right to the floor.

Mr. SCHUMER. Mr. President, I thank the Senator from Vermont and just want to concur with what the Senator from Illinois said and what the Senator from Vermont said. We should be moving this bill. As I understand the Senate procedure, even if we wait 2 weeks to appoint conferees, and there is objection, we could have trouble there as well. So there is no guarantee at all, given the volatility of this issue, that we would go to conference even after 2 weeks. Am I correct in assuming that?

Mr. LEAHY. The Senator from New York is correct. The Senator from New York has sat on a number of conferences in the other body and now is a distinguished and respected Member of this body. He knows from that experience that conferences can take awhile, especially when you are dealing with criminal law. I recall the Senator from New York and I, when he served in the other body, on a major crime bill, sitting there until 5 or 6 o'clock in the morning, breaking for 45 minutes while we grabbed some breakfast, and going right back in around the clock again.

There is no guarantee if we went tonight that we could finish by August. If we wait until the last few days, it is almost impossible.

Mr. SCHUMER. The bottom line, I say to the Senator, is that if we want to get something done, we really can't afford to wait. There are so many slips between the cup and the lip, especially on an issue such as this, that we ought to be moving and not waiting 2 weeks but appointing conferees tomorrow.

Mr. LEAHY. I agree, Mr. President.

I have been advised by the distinguished chairman and vice chairman of the Senate Intelligence Committee that they are prepared to wrap up with voice votes.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that I be able to yield the floor for them to finish this up, with the understanding that I will be able to reclaim the floor once they have finished the bill.

Mr. GREGG. Reserving the right to object, there is an appropriations bill we are waiting to bring to the floor this evening. I am interested to know if the Senator will agree to a time agreement as to how much time he will need.

Mr. LEAHY. Mr. President, I can assure the Senator from New Hampshire that I will try to keep to the type of brevity for which our part of the world is known. I have 2 or 3 pages left. I wanted to make sure the RECORD was clear. I could do it now, but I was trying to accommodate the leadership of the Intelligence Committee.

Mr. GREGG. With that representation, I will not object.

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—Continued

Mr. SHELBY. Mr. President, I ask unanimous consent that it now be in order to offer a substitute amendment which consists of the committee-reported bill, S. 1009; a managers' package of amendments; and all previously agreed to amendments.

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

AMENDMENT NO. 1270

Mr. SHELBY. Mr. President, I send the substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself and Mr. KERREY, proposes an amendment numbered 1270.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SHELBY. Mr. President, I want to inform Members of the Senate that the order of sentences in amendment No. 1258 does not reflect a meeting of the minds of Senators involved, and we have discussed it among them. That will have to be brought to the attention of the conferees for resolution.

I ask unanimous consent that the substitute be agreed to, the bill be read the third time, and passed, and the motion to reconsider be laid upon the table.

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

The amendment (No. 1270) was agreed to.

The bill (H.R. 1555), as amended, was read the third time, and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1555) entitled "An Act to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2000".

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Extension of application of sanctions laws to intelligence activities.

Sec. 304. Access to computers and computer data of executive branch employees with access to classified information.

Sec. 305. Naturalization of certain persons affiliated with a Communist or similar party.

Sec. 306. Funding for infrastructure and quality of life improvements at Menwith Hill and Bad Aibling stations.

Sec. 307. Technical amendment.

Sec. 308. Sense of the Congress on classification and declassification.

Sec. 309. Declassification of intelligence estimate on Vietnam-era prisoners of war and missing in action personnel and critical assessment of estimate.

Sec. 310. Submittal to Congress of lists on classified information regarding uncovered United States prisoners of war and other personnel.

Sec. 311. Study of background checks for employees of the Department of Energy.

Sec. 312. Report on legal standards applied for electronic surveillance.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Improvement and extension of central services program.

Sec. 402. Extension of CIA Voluntary Separation Pay Act.

TITLE V—DEPARTMENT OF ENERGY INTELLIGENCE ACTIVITIES

Sec. 501. Short title.

Sec. 502. Moratorium on foreign visitors program.

Sec. 503. Background checks on all foreign visitors to national laboratories.

Sec. 504. Report to Congress.

Sec. 505. Definitions.

TITLE VI—FOREIGN COUNTERINTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

Sec. 601. Expansion of definition of "agent of a foreign power" for purposes of the Foreign Intelligence Surveillance Act of 1978.

Sec. 602. Federal Bureau of Investigation reports to other executive agencies on results of counterintelligence activities.

TITLE VII—BLOCKING ASSETS OF MAJOR NARCOTICS TRAFFICKERS

Sec. 701. Finding and policy.

Sec. 702. Purpose.

Sec. 703. Designation of certain foreign international narcotics traffickers.

Sec. 704. Blocking assets.

Sec. 705. Denial of visas to and inadmissibility of specially designated narcotics traffickers.

TITLE VIII—COMMISSION TO ASSESS THE BALLISTIC MISSILE THREAT TO THE RUSSIAN FEDERATION

Sec. 801. Establishment of commission.

Sec. 802. Duties of commission.

Sec. 803. Report.

Sec. 804. Powers.

Sec. 805. Commission procedures.

Sec. 806. Personnel matters.

TITLE IX—AGENCY FOR NUCLEAR STEWARDSHIP

Sec. 901. Department of Energy Nuclear Security.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the conduct of

the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The National Reconnaissance Office.
- (11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2000, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2000 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2000 the sum of \$193,572,000. The Information Security Oversight Office, charged with administering this Nation's intelligence classification and declassification programs shall receive \$1,500,000 of these funds to allow it to hire more staff so that it can more efficiently manage these programs.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 353 full-time personnel as of September 30, 2000. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized

to be appropriated for the Community Management Account for fiscal year 2000 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2001.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2000, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2000, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2001, and funds provided for procurement purposes shall remain available until September 30, 2002.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for activities of the Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2000 the sum of \$209,100,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking "January 6, 2000" and inserting "January 6, 2001".

SEC. 304. ACCESS TO COMPUTERS AND COMPUTER DATA OF EXECUTIVE BRANCH EMPLOYEES WITH ACCESS TO CLASSIFIED INFORMATION.

(a) ACCESS.—Section 801(a)(3) of the National Security Act of 1947 (50 U.S.C. 435(a)(3)) is amended by striking "and travel records" and inserting "travel records, and computers used in the performance of government duties".

(b) COMPUTER DEFINED.—Section 804 of that Act (50 U.S.C. 438) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) the term 'computer' means any electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device and any data or other information stored or contained in such device."

(c) APPLICABILITY.—The President shall modify the procedures required by section 801(a)(3) of the National Security Act of 1947 to take into account the amendment to that section made by subsection (a) of this section not later than 90 days after the date of the enactment of this Act.

SEC. 305. NATURALIZATION OF CERTAIN PERSONS AFFILIATED WITH A COMMUNIST OR SIMILAR PARTY.

Section 313 of the Immigration and Nationality Act (8 U.S.C. 1424) is amended by adding at the end the following:

"(e) A person may be naturalized under this title without regard to the prohibitions in subsections (a)(2) and (c) of this section, if the person—

"(1) is otherwise eligible for naturalization;

"(2) is within the class described in subsection (a)(2) solely because of past membership in, or past affiliation with, a party or organization described in that subsection;

"(3) does not fall within any other of the classes described in that subsection; and

"(4) is jointly determined by the Director of Central Intelligence, the Attorney General, and the Commissioner of Immigration and Naturalization to have made a contribution to the national security or to the national intelligence mission of the United States."

SEC. 306. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.

Section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104-93; 109 Stat. 974), as amended by section 502 of the Intelligence Authorization Act for Fiscal Year 1998 (Public Law 105-107; 111 Stat. 2262), is further amended by striking "for fiscal years 1998 and 1999" and inserting "for fiscal years 2000 and 2001".

SEC. 307. TECHNICAL AMENDMENT.

Section 305(b)(2) of the Intelligence Authorization Act for Fiscal Year 1997 (Public Law 104-293; 110 Stat. 3465; 8 U.S.C. 1427 note) is amended by striking "subparagraph (A), (B), (C), or (D) of section 243(h)(2) of such Act" and inserting "clauses (i) through (iv) of section 241(b)(3)(B) of such Act".

SEC. 308. SENSE OF THE CONGRESS ON CLASSIFICATION AND DECLASSIFICATION.

It is the sense of Congress that the systematic declassification of records of permanent historic value is in the public interest and that the management of classification and declassification by Executive Branch agencies requires comprehensive reform and additional resources.

SEC. 309. DECLASSIFICATION OF INTELLIGENCE ESTIMATE ON VIETNAM-ERA PRISONERS OF WAR AND MISSING IN ACTION PERSONNEL AND CRITICAL ASSESSMENT OF ESTIMATE.

(a) DECLASSIFICATION.—Subject to subsection (b), the Director of Central Intelligence shall declassify the following:

(1) National Intelligence Estimate 98-03 dated April 1998 and entitled "Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue".

(2) The assessment dated November 1998 and entitled "A Critical Assessment of National Intelligence Estimate 98-03 prepared by the United States Chairman of the Vietnam War Working Group of the United States-Russia Joint Commission on POWs and MIAs".

(b) LIMITATIONS.—The Director shall not declassify any text contained in the estimate or assessment referred to in subsection (a) which would—

(1) reveal intelligence sources and methods; or

(2) disclose by name the identity of a living foreign individual who has cooperated with United States efforts to account for missing personnel from the Vietnam era.

(c) DEADLINE.—The Director shall declassify the estimate and assessment referred to in subsection (a) not later than 30 days after the date of the enactment of this Act.

SEC. 310. SUBMITTAL TO CONGRESS OF LISTS ON CLASSIFIED INFORMATION REGARDING UNRECOVERED UNITED STATES PRISONERS OF WAR AND OTHER PERSONNEL.

(a) REQUIREMENT.—(1) The head of each element of the United States Government listed in section 101 shall submit to the designated congressional committees a list of all classified documents, files, and other materials under the control of such element that pertain to the subject of United States prisoners of war, missing in action personnel, or killed in action personnel whose remains have not been recovered and identified.

(2) Each list submitted under paragraph (1) shall—

(A) for each document, file, or other material contained in the list—

(i) specify the date of the preparation or dissemination of the document, file, or material;

(ii) specify the date or dates of any information contained in the document, file, or material; and

(iii) identify the subject matter of the document, file, or material; and

(B) be organized in chronological order according to the date of the preparation or dissemination of the documents, files, or materials concerned.

(b) DEADLINE.—The lists required by subsection (a) shall be submitted not later than 120 days after the date of the enactment of this Act.

(c) ACCESS BY COMMITTEES AND MEMBERS OF CONGRESS.—A designated congressional committee shall, upon request and in accordance with regulations of the committee regarding protection of classified information, make available any list submitted to the committee under subsection (a) to any Member of Congress or committee of Congress, and to any staff member of a Member of Congress or committee of Congress who possesses a security clearance appropriate for access to the list.

(d) DESIGNATED CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term "designated congressional committee" means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 311. STUDY OF BACKGROUND CHECKS FOR EMPLOYEES OF THE DEPARTMENT OF ENERGY.

(a) STUDY OF BACKGROUND CHECK PRACTICES.—The Secretary of Energy shall conduct a study comparing the procedures used by the Department for conducting background checks of employees seeking access to classified information with the procedures used by the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, and other similar departments and agencies of the Federal Government for conducting background checks of such employees.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on the study conducted under subsection (a). The report shall include—

(1) a discussion of the adequacy of the procedures used by the Department for conducting background checks of employees seeking access to classified information in light of the comparison required under the study; and

(2) any other recommendations, including recommendations for legislative action, that the Secretary considers appropriate.

SEC. 312. REPORT ON LEGAL STANDARDS APPLIED FOR ELECTRONIC SURVEILLANCE.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of Central Intelligence, the Director of the National Security Agency, and the Attorney General shall jointly prepare, and the Director of the National Security Agency shall submit to the appropriate congressional committees a report in classified and unclassified form describing the legal standards employed by elements of the intelligence community in conducting signals intelligence activities, including electronic surveillance.

(b) MATTERS SPECIFICALLY ADDRESSED.—The report shall specifically include a statement of each of the following legal standards:

(1) The legal standards for interception of communications when such interception may result in the acquisition of information from a communication to or from United States persons.

(2) The legal standards for intentional targeting of the communications to or from United States persons.

(3) The legal standards for receipt from non-United States sources of information pertaining to communications to or from United States persons.

(4) The legal standards for dissemination of information acquired through the interception of the communications to or from United States persons.

(c) DEFINITION.—As used in this section:

(1) The term "intelligence community" has the meaning given that term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) The term "United States persons" has the meaning given such term under section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(3) The term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives, and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. IMPROVEMENT AND EXTENSION OF CENTRAL SERVICES PROGRAM.

(a) SCOPE OF PROVISION OF ITEMS AND SERVICES.—Subsection (a) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended by striking "and to other" and inserting "nonappropriated fund entities or instrumentalities associated or affiliated with the Agency, and other".

(b) DEPOSITS IN CENTRAL SERVICES WORKING CAPITAL FUND.—Subsection (c)(2) of that section is amended—

(1) by amending subparagraph (D) to read as follows:

"(D) Amounts received in payment for loss or damage to equipment or property of a central service provider as a result of activities under the program.";

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D), as so amended, the following new subparagraph (E):

"(E) Other receipts from the sale or exchange of equipment or property of a central service

provider as a result of activities under the program."

(c) AVAILABILITY OF FEES.—Section (f)(2)(A) of that section is amended by inserting "central service providers and any" before "elements of the Agency".

(d) EXTENSION OF PROGRAM.—Subsection (h)(1) of that section is amended by striking "March 31, 2000" and inserting "March 31, 2005".

SEC. 402. EXTENSION OF CIA VOLUNTARY SEPARATION PAY ACT.

(a) EXTENSION OF AUTHORITY.—Section 2(f) of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403-4 note) is amended by striking "September 30, 1999" and inserting "September 30, 2000".

(b) REMITTANCE OF FUNDS.—Section 2(i) of that Act is amended by striking "or fiscal year 1999" and inserting "1999, or 2000".

TITLE V—DEPARTMENT OF ENERGY INTELLIGENCE ACTIVITIES

SEC. 501. SHORT TITLE.

This title may be cited as the "Department of Energy Sensitive Country Foreign Visitors Moratorium Act of 1999".

SEC. 502. MORATORIUM ON FOREIGN VISITORS PROGRAM.

(a) MORATORIUM.—The Secretary of Energy may not admit to any classified facility of a national laboratory any individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(b) WAIVER AUTHORITY.—(1) The Secretary of Energy may waive the prohibition in subsection (a) on a case-by-case basis with respect to specific individuals whose admission to a national laboratory is determined by the Secretary to be necessary for the national security of the United States.

(2) Not later than 30 days after granting a waiver under paragraph (1), the Secretary shall submit to committees referred to in paragraph (4) a report in writing regarding the waiver. The report shall identify each individual for whom such a waiver was granted and, with respect to each such individual, provide a detailed justification for the waiver and the Secretary's certification that the admission of that individual to a national laboratory is necessary for the national security of the United States.

(3) The authority of the Secretary under paragraph (1) may not be delegated.

(4) The committees referred to in this paragraph are the following:

(A) The Committees on Armed Services, Appropriations, Commerce, and Energy and Natural Resources and the Select Committee on Intelligence of the Senate.

(B) The Committees on Armed Services, Appropriations, Commerce, and Resources and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 503. BACKGROUND CHECKS ON ALL FOREIGN VISITORS TO NATIONAL LABORATORIES.

Before an individual who is a citizen of a foreign nation is allowed to enter a national laboratory, the Secretary of Energy shall require that a security clearance investigation (known as a "background check") be carried out on that individual.

SEC. 504. REPORT TO CONGRESS.

(a) REPORT.—(1) The Director of Central Intelligence and the Director of the Federal Bureau of Investigation jointly shall submit to the committees referred to in subsection (c) a report on counterintelligence activities at the national laboratories, including facilities and areas at the national laboratories at which unclassified work is carried out.

(2) The report shall include—

(A) a description of the status of counterintelligence activities at each of the national laboratories;

(B) the net assessment produced under paragraph (3); and

(C) a recommendation as to whether or not section 502 should be repealed.

(3)(A) A net assessment of the foreign visitors program at the national laboratories shall be produced for purposes of the report under this subsection and included in the report under paragraph (2)(B).

(B) The assessment shall be produced by a panel of individuals with expertise in intelligence, counterintelligence, and nuclear weapons design matters.

(b) DEADLINE FOR SUBMITTAL.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

(c) COMMITTEES.—The committees referred to in this subsection are the following:

(1) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

(2) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 505. DEFINITIONS.

In this title:

(1) The term "national laboratory" means any of the following:

(A) The Lawrence Livermore National Laboratory, Livermore, California.

(B) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) The Sandia National Laboratories, Albuquerque, New Mexico.

(2) The term "sensitive countries list" means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

TITLE VI—FOREIGN COUNTERINTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

SEC. 601. EXPANSION OF DEFINITION OF "AGENT OF A FOREIGN POWER" FOR PURPOSES OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 101(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(2)) is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) knowingly enters the United States under a false or fraudulent identity for or on behalf of a foreign power or, while in the United States, knowingly assumes a false or fraudulent identity for or on behalf of a foreign power; or".

SEC. 602. FEDERAL BUREAU OF INVESTIGATION REPORTS TO OTHER EXECUTIVE AGENCIES ON RESULTS OF COUNTERINTELLIGENCE ACTIVITIES.

Section 811(c)(2) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103-359; 108 Stat. 3455; 50 U.S.C. 402a(c)(2)) is amended by striking "after a report has been provided pursuant to paragraph (1)(A)".

TITLE VII—BLOCKING ASSETS OF MAJOR NARCOTICS TRAFFICKERS

SEC. 701. FINDING AND POLICY.

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

(1) Presidential Decision Directive 42, issued on October 21, 1995, ordered agencies of the executive branch of the United States Government to, inter alia, increase the priority and resources devoted to the direct and immediate threat international crime presents to national security, work more closely with other governments to develop a global response to this threat, and use aggressively and creatively all legal means available to combat international crime.

(2) Executive Order No. 12978 of October 21, 1995, provides for the use of the authorities in

the International Emergency Economic Powers Act (IEEPA) to target and sanction four specially designated narcotics traffickers and their organizations which operate from Colombia.

(b) POLICY.—It should be the policy of the United States to impose economic and other financial sanctions against foreign international narcotics traffickers and their organizations worldwide.

SEC. 702. PURPOSE.

The purpose of this title is to provide for the use of the authorities in the International Emergency Economic Powers Act to sanction additional specially designated narcotics traffickers operating worldwide.

SEC. 703. DESIGNATION OF CERTAIN FOREIGN INTERNATIONAL NARCOTICS TRAFFICKERS.

(a) PREPARATION OF LIST OF NAMES.—Not later than January 1, 2000 and not later than January 1 of each year thereafter, the Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, shall transmit to the President and to the Director of the Office of National Drug Control Policy a list of those individuals who play a significant role in international narcotics trafficking as of that date.

(b) EXCLUSION OF CERTAIN PERSONS FROM LIST.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, the list described in subsection (a) shall not include the name of any individual if the Director of Central Intelligence determines that the disclosure of that person's role in international narcotics trafficking could compromise United States intelligence sources or methods. The Director of Central Intelligence shall advise the President when a determination is made to withhold an individual's identity under this subsection.

(2) REPORTS.—In each case in which the Director of Central Intelligence has made a determination under paragraph (1), the President shall submit a report in classified form to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives setting forth the reasons for the determination.

(d) DESIGNATION OF INDIVIDUALS AS THREATS TO THE UNITED STATES.—The President shall determine not later than March 1 of each year whether or not to designate persons on the list transmitted to the President that year as persons constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The President shall notify the Secretary of the Treasury of any person designated under this subsection. If the President determines not to designate any person on such list as such a threat, the President shall submit a report to Congress setting forth the reasons therefore.

(e) CHANGES IN DESIGNATIONS OF INDIVIDUALS.—

(1) ADDITIONAL INDIVIDUALS DESIGNATED.—If at any time after March 1 of a year, but prior to January 1 of the following year, the President determines that a person is playing a significant role in international narcotics trafficking and has not been designated under subsection (d) as a person constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the President may so designate the person. The President shall notify the Secretary of the Treasury of any person designated under this paragraph.

(2) REMOVAL OF DESIGNATIONS OF INDIVIDUALS.—Whenever the President determines that a person designated under subsection (d) or paragraph (1) of this subsection no longer poses an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the person shall no longer be considered as designated under that subsection.

(f) REFERENCES.—Any person designated under subsection (d) or (e) may be referred to in this Act as a "specially designated narcotics trafficker".

SEC. 704. BLOCKING ASSETS.

(a) FINDING.—Congress finds that a national emergency exists with respect to any individual who is a specially designated narcotics trafficker.

(b) BLOCKING OF ASSETS.—Except to the extent provided in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this Act, and notwithstanding any contract entered into or any license or permit granted prior to the date of designation of a person as a specially designated narcotics trafficker, there are hereby blocked all property and interests in property that are, or after that date come, within the United States, or that are, or after that date come, within the possession or control of any United States person, of—

(1) any specially designated narcotics trafficker;

(2) any person who materially and knowingly assists in, provides financial or technological support for, or provides goods or services in support of, the narcotics trafficking activities of a specially designated narcotics trafficker; and

(3) any person determined by the Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, to be owned or controlled by, or to act for or on behalf of, a specially designated narcotics trafficker.

(c) PROHIBITED ACTS.—Except to the extent provided in section 203(b) of the International Emergency Economic Powers Act or in any regulation, order, directive, or license that may be issued pursuant to this Act, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, the following acts are prohibited:

(1) Any transaction or dealing by a United States person, or within the United States, in property or interests in property of any specially designated narcotics trafficker.

(2) Any transaction or dealing by a United States person, or within the United States, that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, subsection (b).

(d) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this section is intended to prohibit or otherwise limit the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(e) IMPLEMENTATION.—The Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by the International Emergency Economic Powers Act as may be necessary to carry out this section. The Secretary of the Treasury may redelegate any of these functions to any other officer or agency of the United States Government. Each agency of the United States shall take all appropriate measures within its authority to carry out this section.

(f) ENFORCEMENT.—Violations of licenses, orders, or regulations under this Act shall be subject to the same civil or criminal penalties as are provided by section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) for violations of licenses, orders, and regulations under that Act.

(g) DEFINITIONS.—In this section:

(1) ENTITY.—The term "entity" means a partnership, association, corporation, or other organization, group or subgroup.

(2) **NARCOTICS TRAFFICKING.**—The term “narcotics trafficking” means any activity undertaken illicitly to cultivate, produce, manufacture, distribute, sell, finance, or transport, or otherwise assist, abet, conspire, or collude with others in illicit activities relating to, narcotic drugs, including, but not limited to, heroin, methamphetamine and cocaine.

(3) **PERSON.**—The term “person” means an individual or entity.

(4) **UNITED STATES PERSON.**—The term “United States person” means any United States citizen or national, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 705. DENIAL OF VISAS TO AND INADMISSIBILITY OF SPECIALLY DESIGNATED NARCOTICS TRAFFICKERS.

(a) **PROHIBITION.**—The Secretary of State shall deny a visa to, and the Attorney General may not admit to the United States—

(1) any specially designated narcotics trafficker; or

(2) any alien who the consular officer or the Attorney General knows or has reason to believe—

(A) is a spouse or minor child of a specially designated narcotics trafficker; or

(B) is a person described in paragraph (2) or (3) of section 704(b).

(b) **EXCEPTIONS.**—Subsection (a) shall not apply—

(1) where the Secretary of State finds, on a case-by-case basis, that the entry into the United States of the person is necessary for medical reasons;

(2) upon the request of the Attorney General, Director of Central Intelligence, Secretary of the Treasury, or the Secretary of Defense; or

(3) for purposes of the prosecution of a specially designated narcotics trafficker.

TITLE VIII—COMMISSION TO ASSESS THE BALLISTIC MISSILE THREAT TO THE RUSSIAN FEDERATION

SEC. 801. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT.**—There is hereby established a commission to be known as the “Commission to Assess the Ballistic Missile Threat to the Russian Federation” (hereinafter in this title referred to as the “Commission”).

(b) **COMPOSITION.**—The Commission shall be composed of nine members appointed by the Director of Central Intelligence. In selecting individuals for appointment to the Commission, the Director should consult with—

(1) the Speaker of the House of Representatives concerning the appointment of three of the members of the Commission;

(2) the majority leader of the Senate concerning the appointment of three of the members of the Commission; and

(3) the minority leader of the House of Representatives and the minority leader of the Senate concerning the appointment of three of the members of the Commission.

(c) **QUALIFICATIONS.**—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the political and military aspects of proliferation of ballistic missiles and the ballistic missile threat to the Russian Federation.

(d) **CHAIRMAN.**—The Speaker of the House of Representatives, after consultation with the majority leader of the Senate and the minority leaders of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) **SECURITY CLEARANCES.**—All members of the Commission shall hold appropriate security clearances.

(g) **INITIAL ORGANIZATION REQUIREMENTS.**—(1) All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1999.

SEC. 802. DUTIES OF COMMISSION.

(a) **REVIEW OF BALLISTIC MISSILE THREAT.**—The Commission shall assess the nature and magnitude of the existing and emerging ballistic missile threat to the Russian Federation.

(b) **COOPERATION FROM GOVERNMENT OFFICIALS.**—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of Central Intelligence, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 803. REPORT.

The Commission shall, not later than six months after the date of its first meeting, submit to Congress a report on its findings and conclusions.

SEC. 804. POWERS.

(a) **HEARINGS.**—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) **INFORMATION.**—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 805. COMMISSION PROCEDURES.

(a) **MEETINGS.**—The Commission shall meet at the call of the Chairman.

(b) **QUORUM.**—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) **COMMISSION.**—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) **AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 806. PERSONNEL MATTERS.

(a) **PAY OF MEMBERS.**—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to per-

form its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

TITLE IX—AGENCY FOR NUCLEAR STEWARDSHIP

SEC. 901. DEPARTMENT OF ENERGY NUCLEAR SECURITY.

(a) Section 202(a) of the Department of Energy Organization Act (referred to in this section as the “Act”) is amended by striking the second sentence and inserting “The Secretary shall delegate to the Deputy Secretary such duties as the Secretary may prescribe unless such delegation is otherwise prohibited by law, and the Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of the Secretary becomes vacant.”

(b) Section 202(b) of the Act is amended by striking the first two sentences and inserting “There shall be in the Department two Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. One Under Secretary shall be the Under Secretary for Nuclear Stewardship. The other Under Secretary shall bear primary responsibility for science, energy (including energy conservation), and environmental functions.”

(c) After section 212 of the Act add the following new section:

“AGENCY FOR NUCLEAR STEWARDSHIP

“SEC. 213(a) There shall be within the Department a separately organized Agency for Nuclear Stewardship under the direction, authority, and control of the Secretary, to be headed by the Under Secretary for Nuclear Stewardship who shall also serve as Director of the Agency.

“(b) The Under Secretary for Nuclear Stewardship shall be a person who has an extensive background in national security, organizational management and appropriate technical fields, and is especially well qualified to manage the nuclear weapons, nonproliferation and fissile materials disposition programs of the Department in a manner that advances and protects the national security of the United States.

“(c) The Secretary shall be responsible for all policies of the Agency. The Under Secretary for Nuclear Stewardship shall report solely and directly to the Secretary and shall be subject to the supervision and direction of the Secretary. The Secretary shall have a staff adequate to fulfill the responsibility to set policies throughout the Department including establishing policies governing the Agency for Nuclear Stewardship. The Secretary's staff, including but not limited to the General Counsel and the Chief Financial Officer, shall assist the Secretary in the supervision of the development and implementation of

policies set forth by the Secretary and shall advise the Secretary on the adequacy of such development and implementation. The Secretary may not delegate to any Department official, other than the Deputy Secretary, the duty to supervise or direct the Under Secretary for Nuclear Stewardship.

"(d) The Secretary may direct other officials of the Department who are not within the Agency for Nuclear Stewardship to review the Agency's programs and to make recommendations to the Secretary regarding the administration of such programs, including consistency with other similar programs and activities in the Department.

"(e) The Secretary shall assign to the Under Secretary for Nuclear Stewardship direct authority over and responsibility for—

"(1) all programs and activities of the Department related to its national security functions, including nuclear weapons, nonproliferation and fissile materials disposition; and

"(2) all activities at the Department's national security laboratories, and nuclear weapons production facilities.

"(f) The Secretary shall assign to the Under Secretary for Nuclear Stewardship direct authority over and responsibility for all executive and administrative operations and functions of the Agency for Nuclear Stewardship (except for the authority and responsibility assigned to the Deputy Director for Naval Reactors), including but not limited to—

"(1) strategic management;

"(2) policy development and guidance;

"(3) budget formulation and guidance;

"(4) resource requirements determination and allocation;

"(5) program direction;

"(6) safeguards and security;

"(7) emergency management;

"(8) integrated safety management;

"(9) environment, safety, and health operations (except those environmental remediation and nuclear waste management activities and facilities that the Secretary determines are best managed by other officials of the Department);

"(10) administration of contracts, including those for the management and operation of the nuclear weapons production facilities and the national security laboratories;

"(11) intelligence;

"(12) counterintelligence;

"(13) personnel, including their selection, appointment, distribution, supervision, fixing of compensation, and separation;

"(14) procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code; and

"(15) legal matters.

"(g) There shall be within the Agency three Deputy Directors, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5 (except the Deputy Director for Naval Reactors when an active duty naval officer). There shall be a Deputy Director for each of the following functions—

"(1) defense programs;

"(2) nonproliferation and fissile materials disposition; and

"(3) naval reactors.

"(h) The Deputy Director for Naval Reactors shall report to the Secretary of Energy through the Under Secretary for Nuclear Stewardship and have direct access to the Secretary and other senior officials of the Department, and shall be assigned the responsibilities, authorities, and accountability for all functions of the Office of Naval Reactors as described by the reference in section 1634 of Public Law 98-525. Except as specified in subsection (g) and this subsection, all other provisions described by the reference in section 1634 of Public Law 98-525 remain in full force until changed by law.

"(i) There shall be within the Agency three offices, each of which shall be administered by a

Chief appointed by the Under Secretary for Nuclear Stewardship. There shall be a:

"(1) Chief of Nuclear Stewardship Counterintelligence, who shall report to the Under Secretary and implement the counterintelligence policies directed by the Secretary and Under Secretary. The Chief of Nuclear Stewardship Counterintelligence shall have direct access to the Secretary and all other officials of the Department and its contractors concerning counterintelligence matters and shall be responsible for—

"(A) the development and implementation of the Agency's counterintelligence programs to prevent the disclosure or loss of classified or other sensitive information; and

"(B) the development and administration of personnel assurance programs within the Agency for Nuclear Stewardship.

"(2) Chief of Nuclear Stewardship Security, who shall report to the Under Secretary and shall implement the security policies directed by the Secretary and Under Secretary. The chief of Nuclear Stewardship Security shall have direct access to the Secretary and all other officials of the Department and its contractors concerning security matters and shall be responsible for the development and implementation of security programs for the Agency including the protection, control and accounting of materials, and the physical and cybersecurity for all facilities in the Agency.

"(3) Chief of Nuclear Stewardship Intelligence, who shall be a senior executive service employee of the Agency or an agency of the intelligence community who shall report to the Under Secretary and shall have direct access to the Secretary and all other officials of the Department and its contractors concerning intelligence matters and shall be responsible for all programs and activities of the Agency relating to the analysis and assessment of intelligence with respect to foreign nuclear weapons, materials, and other nuclear matters in foreign nations.

"(j)(1) The Under Secretary shall, with the approval of the Secretary and the Director of the Federal Bureau of Investigation, designate the chief of Counterintelligence who shall have special expertise in counterintelligence.

"(2) If such person is a Federal employee of an entity other than the Agency, the service of such employee as Chief shall not result in any loss of employment status, right, or privilege by such employee.

"(k) All personnel of the Agency for Nuclear Stewardship, in carrying out any function of the Agency, shall be responsible to, and subject to the supervision and direction of, the Secretary and the Under Secretary for Nuclear Stewardship or his designee within the Agency, and shall not be responsible to, or subject to the supervision or direction of, any other officer, employee, or agent of any other part of the Department. Such supervision and direction of any Director or contract employee of a national security laboratory or of a nuclear weapons production facility shall not interfere with communication to the Department, the President, or Congress, of technical findings or technical assessments derived from, and in accord with, duly authorized activities. The Under Secretary for Nuclear Stewardship shall have responsibility and authority for, and may use, an appropriate field structure for the programs and activities of the Agency.

"(l) The Under Secretary for Nuclear Stewardship shall delegate responsibilities to the Deputy Directors except that the responsibilities, authorities and accountability of the Deputy Director for Naval Reactors are as described in subsection (h).

"(m) The Directors of the national security laboratories and the heads of the nuclear weapons production facilities and the Nevada Test Site shall report, consistent with their contractual obligations, directly to the Deputy Director for Defense Programs.

"(n) The Under Secretary for Nuclear Stewardship shall maintain within the Agency staff sufficient to implement the policies of the Secretary and Under Secretary for Nuclear Stewardship for the Agency. At a minimum these staff shall be responsible for—

"(1) personnel;

"(2) legal services; and

"(3) financial management.

"(o)(1) The Secretary shall ensure that other programs of the Department, other Federal agencies, and other appropriate entities continue to use the capabilities of the national security laboratories.

"(2) The Under Secretary, under the direction, authority, and control of the Secretary, shall, consistent with the effective discharge of the Agency's responsibilities, make the capabilities of the national security laboratories available to the entities in paragraph (1) in a manner that continues to provide direct programmatic control by such entities.

"(p)(1) Not later than March 1 of each year the Under Secretary for Nuclear Stewardship shall submit through the Secretary to the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Senate and the House of Representatives, a report on the status and effectiveness of the security and counterintelligence programs of the Agency for Nuclear Stewardship during the preceding year.

"(2) The report shall provide information on—

"(A) the status and effectiveness of security and counterintelligence programs at each nuclear weapons production facility, national security laboratory, or any other facility or institution at which classified nuclear weapons work is performed;

"(B) the adequacy of procedures and policies for protecting national security information at each nuclear weapons production facility, national security laboratory, or any other facility or institution at which classified nuclear weapons work is performed;

"(C) whether each nuclear weapons production facility, national security laboratory, or other facility or institution at which classified nuclear weapons work is performed is in full compliance with all security and counterintelligence requirements, and if not what measures are being taken or are in place to bring such facility, laboratory, or institution into compliance;

"(D) any significant violation of law, rule, regulation, or other requirement relating to security or counterintelligence at each nuclear weapons production facility, national security laboratory, or any other facility or institution at which classified nuclear weapons work is performed;

"(E) each foreign visitor or assignee, the national security laboratory, nuclear weapons production facility, or other facility or institution at which classified nuclear weapons work is performed, visited, the purpose and justification for the visit, the duration of the visit, whether the visitor or assignee had access to classified or sensitive information or facilities, and whether a background check was performed on such visitor prior to such visit; and

"(F) such other matters and recommendations to Congress as the Under Secretary deems appropriate.

"(3) Each report required by this subsection shall be submitted in unclassified form, but may include a classified annex.

"(4) Thirty days prior to the submission of the report required by subsection (p)(1), but in any event no later than February 1 of each year, the director of each Department of Energy national security laboratory and nuclear weapons production facility shall certify in writing to the Under Secretary for Nuclear Stewardship whether that laboratory or facility is in full compliance with all national security information protection requirements. If the laboratory or facility is not in full compliance, the director of the laboratory or facility shall report on why it is not in compliance, what measures are being

taken to bring it into compliance, and when it will be in compliance.

"(g) The Under Secretary for Nuclear Stewardship shall keep the Secretary, the Committees on Armed Services of the Senate and House of Representatives, the Committee on Energy and Natural Resources of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Commerce of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives fully and currently informed regarding any actual or potential significant threat to, or loss of, national security information, unless such information has already been reported to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence pursuant to the National Security Act of 1947, as amended.

"(r) Personnel of the Agency for Nuclear Stewardship who have reason to believe that there is a problem, abuse, violation of law or executive order, or deficiency relating to the management of classified information shall promptly report such problem, abuse, violation, or deficiency to the Under Secretary for Nuclear Stewardship.

"(s)(1) The Under Secretary for Nuclear Stewardship shall not be required to obtain the approval of any officer or employee of the Department of Energy, except the Secretary, or any officer or employee of any other Federal agency or department for the preparation or delivery of any report required by this section.

"(2) No officer or employee of the Department of Energy or any other Federal agency or department may delay, deny, obstruct or otherwise interfere with the preparation of any report required by this section.

"(t) For purposes of this section—

"(1) the term 'personnel of the Agency for Nuclear Stewardship' means each officer or employee within the Department of Energy, and any officer or employee of any contractor of the Department (pursuant to the terms of the contract), whose—

"(A) responsibilities include carrying out a function of the Agency for Nuclear Stewardship; or

"(B) employment is funded primarily under the—

"(i) Weapons Activities; or

"(ii) Nonproliferation, Fissile Materials Disposition or Naval Reactors portions of the Other Defense Activities budget functions of the Department;

"(2) the term 'nuclear weapons production facility' means the following facilities—

"(A) the Kansas City Plant, Kansas City, Missouri;

"(B) the Pantex Plant, Amarillo, Texas;

"(C) the Y-12 Plant, Oak Ridge, Tennessee;

"(D) the tritium operations facilities at the Savannah River Site, Aiken, South Carolina;

"(E) the Nevada Test Site, Nevada; and

"(F) any other facility the Secretary designates.

"(3) the term 'national security laboratory' means the following laboratories—

"(A) the Los Alamos National Laboratory, Los Alamos, New Mexico;

"(B) the Lawrence Livermore National Laboratory, Livermore, California; and

"(C) the Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

"(u) The Agency for Nuclear Stewardship shall comply with all applicable environmental, safety, and health statutes and substantive requirements. The Under Secretary for Nuclear Stewardship shall develop procedures for meeting such requirements. Nothing in this section shall diminish the authority of the Secretary to ascertain and ensure that such compliance occurs.

"(v) The Secretary shall be responsible for developing and promulgating departmental secu-

rity, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies. The Under Secretary for Nuclear Stewardship is responsible for implementation of all security, counterintelligence and intelligence policies within the Agency for Nuclear Stewardship. The Under Secretary for Nuclear Stewardship may establish agency-specific policies unless disapproved by the Secretary.

"(w) In addition to any personnel occupying senior-level positions in the Department on the date of enactment of this section, there shall be within the Agency not more than 25 additional employees in senior-level positions, as defined by title 5, United States Code, who shall be employed by the Agency for Nuclear Stewardship and who shall perform such functions as the Under Secretary for Nuclear Stewardship shall prescribe from time to time."

(d) Within 180 days of the date of enactment of this Act, the Secretary shall report to the Senate and the House of Representatives on the adequacy of the Department's procedures and policies for protecting national security information, including national security information at the Department's laboratories, nuclear weapons facilities and other facilities, making such recommendations to Congress as may be appropriate.

(e) The following technical and conforming amendments are made:

(1) Section 5314 of title 5, United States Code, is amended by striking "Under Secretary, Department of Energy" and inserting "Under Secretaries of Energy (2), one of whom serves as the Director, Agency for Nuclear Stewardship".

(2) Section 202(b) of the Act is amended in the third sentence by striking "Under Secretary" and inserting "Under Secretaries".

(3) Section 212 of the Act is amended by striking subsection 212(b) and redesignating subsection 212(c) as subsection 212(b).

(4) Section 309 of the Act is amended by striking "Assistant Secretary to whom the Secretary has assigned the functions listed in section 203(a)(2)(E)" and inserting "Under Secretary for Nuclear Stewardship".

(5) The table of contents of the Act is amended by inserting after the item relating to section 212 the following new item:

"Sec. 213. Agency for Nuclear Stewardship."

Mr. SHELBY. Mr. President, I ask consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

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

The PRESIDING OFFICER (Mr. ABRAHAM) appointed Mr. SHELBY, Mr. CHAFEE, Mr. LUGAR, Mr. DEWINE, Mr. KYL, Mr. INHOFE, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, Mr. WARNER, Mr. KERREY of Nebraska, Mr. BRYAN, Mr. GRAHAM of Florida, Mr. KERRY of Massachusetts, Mr. BAUCUS, Mr. ROBB, Mr. LAUTENBERG, and Mr. LEVIN; from the Committee on Armed Services, Mr. WARNER, conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, under the previous order, I am to reclaim the floor, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, on the juvenile justice bill, the reason why I have encouraged the leadership to move as quickly as they are able to—and I say, in regard to what the distinguished Senator from Mississippi said earlier, I also know if he were to make the same request I made, he could face an objection. What I am urging is that we find a way to move forward because to have the full impact in the United States of our juvenile justice bill, which passed by a 3-to-1 margin in the Senate, we have to get it on the President's desk in its final form before the August recess so there is some chance of moving before school goes back in this fall. All of us, whether we are parents, grandparents, teachers, or policymakers, have been puzzling over the causes of children turning violent in our country.

Certainly all of us in our lifetimes have seen random acts of violence somewhere in the country. I don't think any of us have seen the severity or the number, almost a regularity, of violence we are seeing today. The root causes are likely multifaceted, and we know that. But the Hatch-Leahy juvenile justice bill is a firm and significant step in the right direction. Passage of this bill shows when the Senate rolls up its sleeves and gets to work, we can make significant progress. But that progress amounts to naught if the House and Senate do not conference and proceed to final passage on a good bill.

Once conferees are appointed, there will be another point in the legislative process where we will have to roll up our sleeves to work out differences between the House- and Senate-passed legislation.

Every parent in this country is concerned this summer about school violence over the last 2 years. They are worried about the situation they are going to confront this fall. Each of us wants to do something to stop that violence. There is no single cause and there is no single legislative solution that will cure the ill of youth violence in our schools or on our streets. But we have an opportunity before us to at least start to do something, to do our part. Now, it is unfortunate we are not moving full speed ahead to seize this opportunity to act on balanced, effective juvenile justice legislation.

We should not repeat the delays that happened in the last Congress on the juvenile justice legislation. In the 105th Congress, the Senate Judiciary Committee reported juvenile justice legislation in July 1997, but then it was left to languish for over a year until the very end of that Congress. In fact, serious efforts to make improvements to this bill did not even occur until the last weeks of that Congress, when it was too late and we ran out of time.

The experience of the last Congress causes me to be wary of this delay in action on this legislation this year. I want to be assured that after the hard work so many Senators put into crafting a juvenile justice bill, that we go to a House-Senate conference that is fair, full, and productive. We have worked too hard in the Senate for a strong, bipartisan juvenile justice bill to simply shrug our shoulders when the House returns a juvenile justice bill rather than proceeding to a conference. I will be vigilant in working to maintain this bipartisanship and to press for action on this important legislation.

To this end, I circulated yesterday to the distinguished chairman of the Judiciary Committee the unanimous consent request that I made. It lays out a simple road map for us to proceed to a juvenile justice conference before the August recess and before the new school year begins. I understand the unanimous consent request cannot be accepted tonight, but if we could accept this, or a form of it, this is what it would do:

We would take up the House juvenile justice bill, H.R. 1501; we would substitute the Hatch-Leahy bill, S. 254, amended to eliminate the provision banning the import of high-capacity ammunition clips; pass the bill as amended; request a conference with the House; instruct the conferees to include in the conference report the eliminated provision on high-capacity ammunition clips—put it back in, because parliamentarily it would be allowed—and we would authorize the Chair to appoint conferees.

The fact that the House returned the Senate juvenile justice bill to us is not an insurmountable obstacle to get to conference on this important issue. This unanimous consent—or a form of it—would lay out a simple procedure for us to get to conference promptly, and the majority has the power to say: We agree, let's go to conference.

We know only too well that when it is something that has the commercial interests of Y2K liability protection, we can go over what seem to be insurmountable obstacles and enact legislation into law. There is no commercial interest. There is certainly far more. It is the safety of our children. It is allowing our children to have a youth. It is allowing our children to go to school, as we did, in safety. It is allowing our children to learn, to be young people, and not to be forced to grow up in violence.

It is a gift we could give to the children of America. It is something we could do before they go back to school. It is something we should do.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. LEAHY. Yes.

Mrs. BOXER. It is a very brief question.

I have just gone over with my colleague and some of our staff the fact that the House sent this bill over 3

weeks ago. We did our work. They did their work. And when our friend, the majority leader, says we are dragging our feet, we certainly didn't drag our feet on the juvenile justice bill.

I ask my friend if he agrees that we have not dragged our feet on that bill and that we have acted as we should. God knows, we want to make sure we do something to make things better.

As I see it, on June 23, 1999, this bill was placed on the calendar. No one is dragging their feet on this bill. Both Houses have done their work, and it is time to move forward to avoid another tragedy.

I ask my friend if he agrees with that.

Mr. LEAHY. The Senator from California is correct. We have moved very quickly on it. I hope we do not run into the situation that happened last year. We spent a lot of time on the juvenile justice bill, and then it languished and languished after coming out of committee. It sat so long that by the time we got to it, the time of the session ran out. In fact, the end of the Congress ran out.

Here we are not right at the end of a Congress, but we are facing a school year, and we should begin.

I promised the distinguished senior Senator from New Hampshire that I would wrap up. I believe I have wrapped up.

Mr. GREGG. I thank the Senator from Vermont.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from New Hampshire.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. GREGG. Mr. President, I ask the Chair to lay before the Senate Calendar No. 153, the fiscal year 2000 Commerce, Justice, and State appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A bill (S. 1217) 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.

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

Mr. GREGG. Mr. President, I bring before the Senate today, on behalf of myself, the Senator from South Carolina, and members of the Appropriations Committee, the bill to fund the Departments of Commerce, Justice, and State, the judiciary, and related agencies, which I want to spend some time discussing.

But before I do that, let me begin by thanking, for the extraordinary amount of work and effort that they put into this bill, my staff and the staff of the Senator from South Carolina. They have put in so many hours. It is incredible. They spent evenings here.

They spent nights here. And they spent weekends here, all at the expense of their families. I, for one, am extraordinarily appreciative of that.

PRIVILEGE OF THE FLOOR

Let me mention a few folks. I ask unanimous consent that all of these people be granted full floor privileges during the consideration of this bill.

Jim Morhard, of course, who is the clerk of the staff and chief operating officer, Paddy Link, Kevin Linskey, Eric Harnischfeger, Clayton Heil, Dana Quam, Meg Burke, Vas Alexopoulos, Jackie Cooney, Brian McLachlan, Lila Helms, Emelie East, and Tim Harding. These folks work incredible hours. We very much appreciate it.

Mr. President, this bill recommends a total of \$35.3 billion in spending for the fiscal year 2000. The bill provides, however, \$918 million less than was appropriated in fiscal year 1999.

In fact, if you include in it the fact that we have had the significant increase in the amount of money that is being spent on the census over what was spent last year, because we are headed into a census period, the real reduction below last year's spending in this bill is closer to about \$2.6 billion. It is, of course, significantly less than the President's request.

Much of this reduction, however, from the President's request, is the result of the fact that we decided not to fund advanced appropriations, something I very much oppose, and I think is bad policy. The President included in his budget request advanced funding requests of considerable amounts. We simply did not proceed with those.

In fact, his advanced funding initiatives covered 6 years out. So I hope the President won't be putting out press statements that we are "denying" him something. When we get to those years, we will take a hard look at his request and, hopefully, be able to address them in a way that we can agree on them, should we all be in our present positions.

The Committee chose not to add a great deal of money for many of the President's requests that are new initiatives. We instead took a very strong, fiscally conservative approach. We stay within our budget allocation, which was \$918 million below last year's level.

The Administration's proposed programmatic spending increased by 29.5 percent over last year's enacted budget. We decided that was a mistake. Ironically, considering the amount of the increase, the President's budget still underfunded what we considered to be critical functions of these agencies under our jurisdiction.

Specifically, the Border Patrol was underfunded by \$185 million; and targeted programs that the Committee relies upon, such as the State and local law enforcement block grants, cut by \$522 million; juvenile crime funding by \$250 million; and State prison grants by \$665 million. These were all reductions in the President's budget, even though the President's budget was a high number.

So we took the President's budget, and we tried to work with it, and we put our priorities in place. I think we have come up with an excellent bill considering the tightness of the allocation and the pressures which are on us. We had to reevaluate our priorities in light of that.

The Justice Department is, of course, the single biggest area in our bill. It is a big number. It represents, obviously, a significant part of the responsibility of the Federal Government. It has within it agencies such as the FBI, DEA, INS, U.S. Attorneys Office, and many other subagencies that do an exceptional job of protecting our country and making us a safe nation in which to live.

We have attempted to show our concern and our respect for the efforts of these agencies by funding them as aggressively as we can in the context of this difficult financial situation in which we find ourselves.

We have, however, also made some initiatives. First, we initiated efforts in the area of children and youth. Last year, unfortunately, we saw—and this year we have seen—students shoot people in schools. We have seen violence in schools of extraordinary proportions that has depressed us and outraged us.

Last year we were a little bit ahead of the curve, I guess, in this Committee in that we set up a fund the purpose of which was to address safe school initiatives. This year we are expanding that fund. The Safe Schools Initiative was really an effort by myself and Senator HOLLINGS. It addressed issues such as making sure that schools would have the opportunity, if they so desired, to have police officers work with the students, making available better equipment for schools, and determining whether weapons were being brought into the schools. It is to provide a significant amount in the area of prevention in the schools so that there would be adequate counseling funds available.

That effort, which was started last year with approximately \$240 million, is continued in this bill aggressively. We have for example, put \$180 million in for school resource officers. The idea is to have police officers in the school systems, if the school systems want them, to help educate kids as to the need to respect the law and to work with law enforcement.

There is \$38 million for community planning and prevention activities, which is a big sum, and \$25 million to develop new and more effective safety technology that schools can use for surveillance.

We are also providing a significant amount of money for a number of specific agencies which we think do an extraordinary job in helping prevent crime and deal with kids who may have gotten off the path in their early years. Specifically, we are providing \$50 million for the Boys and Girls Clubs of America, which we think have done an excellent job.

We also put money in for Big Brothers/Big Sisters and for the National

Center for Missing and Exploited Children, significant amounts of dollars, increases over last year.

We don't want to reinvent the wheel. We think there are programs out there working. Rather than trying to reinvent the wheel, we are saying to the programs, "Let us help you." They are the professionals, and they know how to do this. They have a track record of doing it well, such as the Boys and Girls Club, Big Brothers and Big Sisters, the National Center for Missing and Exploited Children. Let us support you. We have done that in this bill. I named those three agencies; there are others.

We also escalated the effort in the area of the Office of Juvenile Justice and Delinquency Prevention to a level of \$284 million, and \$100 million for the juvenile accountability block grants, giving funds to States that come forward to use the money.

We address the Missing and Exploited Children Program. Again, the National Center has done an extraordinary job. The FBI has the strike team in this area. We have funded both those areas very aggressively. We feel very strongly this is an area where we have made progress, and we want to keep that progress going. For example, we have a Cyber Tipline for parents, teachers—even kids, if they are so inclined—who can directly access the National Center for Missing and Exploited Children. The tipline is reached through the Internet. The information entered goes to professionals who review each concern, whether it happens to be pornography, pedophilia, or just a threat to a child. Professionals can directly access the proper law enforcement agency or community service agency to immediately be brought into the process for addressing that person's concern.

We have done a great deal in the area of fighting drugs. I can go on at considerable length in the drug-fighting area. We put a high priority on this. We felt the Administration maybe missed the mark a little bit. Instead of giving the DEA the reinforcement teams they needed, they underfunded the teams. We funded the regional and mobile enforcement teams at the level the DEA wanted so we can have the strike teams that have been so successful. In the methamphetamine area we have done a great deal, and we will continue to push that aggressively.

The Justice Department covers such a broad spectrum, there is no shortage of areas to discuss. I am trying to highlight themes of the bill. We are trying to put funds where we know we get results. We are trying to address needs we know are essential, such as the safe school programs, the missing children programs, the issue of child pornography on the Internet, and the pedophile issue of predators over the Internet.

Again this year, we put an extremely strong effort into the violence against women initiatives. This was an area both Senator HOLLINGS and I felt

strongly about. We have funded this aggressively over the last few years. We will continue to fund this area aggressively. The bill includes \$283 million to combat violence against women. The funding continues special grants started last year at the suggestion of Senator WELLSTONE for colleges to have funds available to address threats against women on campuses.

We have Indian initiatives in the bill, including the Indian Country Law Enforcement Initiative. These have mostly been done at the suggestion of Senator CAMPBELL, who is the head of the Indian Affairs Subcommittee, and is also on this Committee. He has had great ideas.

We have initiatives in the area of DNA identification.

A long-standing effort of the Committee has been to make sure that we are getting better prepared for what is an inevitable, unfortunate event, and that is a terrorist attack against American facilities. We are coming upon, unfortunately, the anniversary of the Nairobi and Dar es Salaam attacks. We know there are evil people that wish Americans harm. We have to get ready for that. We have had a three-prong approach to this which was started about 4 years ago, purely through the urging and initiative of this Committee. We set up a task force effort for coordination of the agencies on counterterrorism. We have great results, although we are nowhere near where we need to be. However, we are moving in the right direction.

The three levels of effort are: (1) counterintelligence, especially overseas counterintelligence; (2) interdiction of people before they get to the United States; and, (3) the issue of dealing with an event should a catastrophe occur as a result of a terrorist attack.

We have set up counterterrorism initiatives in this bill, and we continue to expand all our efforts on all three of those fronts. We fund research to try to get a handle on how to respond to biological and chemical attacks. For first responders, we are giving communities the ability through police, fire, and health facilities, when they are first on the scene, to be able to handle that efficiently. We have an excellent national effort on first responders. There is adequate funding for the FBI and State Department, which are under our jurisdiction, in their efforts of counterterrorism, intelligence, and identifying the threat.

I don't claim we are there. We are just at the beginning, an adolescence level. We were at an embryonic state 4 years ago, but we have grown and gotten better. We will continue to grow and get better. Unfortunately, we are in a race against time, in my opinion, but we do recognize that. It takes a long time to educate and get people up to speed. It takes a long time to buy the equipment we need. We are doing our best at it. In this Committee, and I think as a government, we are working well together.

The INS issue is another big issue we tried to address. We have had a lot of support from people who have border issues. Certainly, Senator HUTCHISON from Texas has been a strong member of this Subcommittee and feels very strongly about this. Senator DOMENICI, of course, from New Mexico feels strongly about this. Senator KYL from Arizona feels strongly about this.

Last year, we funded an extra 1,000 Border Patrol agents in our bill. Unfortunately, the INS has not been able to put those people in place. There are a lot of excuses flying around and a lot of finger pointing. We think we have in this bill addressed the finger pointing. There should be no excuse for not getting those folks on board. We have added another 1,000 agents on top of those 1,000. We had made a commitment to add 3,000 and we are keeping that. We differ with the White House, who did not address the 1,000 agents. There was a front-page newspaper story about people in terror in Douglas, AZ, of being overrun by illegal aliens. People cannot water their garden without a gun in order to protect themselves. We have to control our borders. This bill makes an extraordinary effort to do that.

We have funded aggressively the Commerce Department. That is not an understatement, even in the context of our tight funding situation.

We have increased the Census Bureau significantly with \$1.7 billion of new funds, for a total of \$3.1 billion. We understand they do not feel that is enough. We will hold hearings to find out what they think they need. The night we were marking up, we got the notice they were upset with the amount of money. I found that to be ironic and not very good management. When I see something similar to that, I say to myself maybe we better find out what they really do need. If they can't get it to us sooner than that, maybe there is not a good management scheme behind that request. We will have hearings to find out. There may have to be some further effort to address the census funding. I recognize that. I think everybody else recognizes that.

The NOAA account is well funded. This is a very important agency for many who live on the coast. Obviously, it is critical, but equally important, for those that happen to live in Oklahoma or in Arkansas where the severity of the weather can have horrible events. As in Oklahoma recently, the importance of adequate atmospheric predictions are critical. We have taken a major effort to adequately fund that.

NTIA and ITC—we have funded all those as best we can. We think we have done a good job, especially in the international trade accounts.

State Department is another agency which comes under the jurisdiction of this Committee. This Committee has fascinating jurisdiction. State Department, of course, is critical. We had the Crowe report, which told us that we

need to spend \$1.4 billion annually for a period of 10 years in order to get our embassies to a position where they could adequately defend themselves against potential terrorist attack. We are coming up on the 1-year anniversary of that event.

Now, we did have an emergency appropriation a year ago of \$1.4 billion and that is being spent, and I think they are doing a good job of using that money to do the initial, primary protective things they need to do: put in barriers, change the location of the security houses, and making sure people have adequately secured the immediate activity going on in the embassies. But there are tens of embassies which have to be repaired, changed, physically moved in order to become secure. The cost is extraordinary.

The White House regrettably did not send up a very high number in security. They asked for \$300 million. We put a priority on this. We have it up to \$430 million in this bill, which was difficult to do in the context of the caps we are working with. We hope to find more money somewhere as we move down the road because we feel very strongly that giving adequate security—not only physical security is important, but I feel very strongly, and I know Senator HOLLINGS feels strongly, the dependents of our people we send overseas need to have security. If you have kids going to school, if your wife is living, going to the grocery store or maybe working another job in a foreign country, she, and your children—or your husband and children—should not be at risk. We should be able to give them security too. So we are trying to upgrade the security, not only for the diplomats but also for their dependents, something I place a very high degree of responsibility on.

Obviously, the State Department has a lot of other functions. U.N. arrears has been an item of considerable discussion now that there has been an agreement. With the foreign relations authorization bill being passed, we have funded the arrears. There is still some discrepancy as to what the number was in that agreement, but our intention is to fund the arrears, pursuant to the agreement reached between Senator HELMS, the Administration, and the U.N. But let's remember those moneys do not get spent unless the U.N. lives up to its responsibilities to start putting in place adequate accounting systems, to cut down on what is the patronage system there, which is outrageous, and to give the United States an adequate voice in the budgetary process. It does not have this now because it was kicked off the Budget Committee which was inexcusable considering the fact we pay 25 percent of the costs of that institution.

We have also, of course, funded a variety of other activities within the State Department, and we are totally committed to trying to give the State Department the resources they need. I recognize there are some shortfalls

here in the State Department which again were forced upon us by the tight constraints we are confronting. They are not shortfalls which we are happy with, but they were things we had to do, especially in the overhead area.

There may be some amendments to move money around in the State Department. If there are, I am going to ask people serious questions as how they can do that because there is no budget in the State Department that has any excess money in it. I can assure my colleagues of that, after we have gone through this and had to reduce overall spending a stated \$73.683 million below last year's level, but it's actually \$3.614 billion below the President's budget request. We have funded this year's services at last year's levels. It is something members of the Subcommittee have agreed with.

We also made, as I mentioned, a major initiative in the area of Internet on a variety of different levels. I feel very strongly we should not discipline the Internet. It's not our job to try to control the Internet. It would be a serious mistake as a Government. We should not be taxing it. What we do need to do is look at those areas where the Federal role is appropriate. One, of course, as I mentioned before, is to continue to police the Internet relative to the use of child pornography and the predations of pedophiles on the Internet. We have again aggressively funded the FBI efforts in that area, along with the National Center for Missing and Exploited Children and Boys and Girls Clubs' initiatives in this area, so we can start to get a handle on this. So when a predator goes on the Internet and starts selling child pornography, or starts trying to entice a child, through the use of the Internet, into some sort of meeting that might end in the harm of that child, that predator will have to ask themselves, "Am I talking to a child or am I talking to a FBI agent or a trained local law enforcement agent?" That is a good question today because, I can tell you, there are a lot of FBI resources committed to this. Every day we are multiplying the number of local law enforcement resources committed, so people are at significant risk if they try to use the Internet for those types of things.

In addition, the Internet is unfortunately being used to prey on senior citizens through fraudulent schemes. We funded the FTC effort in this area, which I think is very important. They started their own initiative to try to deal with fraud over the Internet, and we are aggressively funding this program.

Not of less importance, but not as personally important because it doesn't impact individuals so immediately, but certainly it can impact them, is the need for the Securities and Exchange Commission (SEC) to be more aggressive. They understand this. There is an initiative that came from the SEC to get more aggressive in monitoring the Internet and certainly the

stock activities on the Internet. Therefore, we fund the SEC initiatives in this area. We are happy to do that.

In our opinion, we fund adequately the other agencies regulatory agencies, SBA, FCC. I already mentioned the FTC and the SEC. So we have attempted in this bill to address, with the extremely limited amount of money that we had, the needs of the agencies which are under our control.

Mr. President, I now yield to the Senator from South Carolina. Before I do, I thank the Senator from South Carolina for his extraordinary knowledge and support. I say this every year, but it is absolutely true. He brings so much institutional history to this bill, we really could not function without him. He understands what the background is of these issues as they come down the pike, something I do not necessarily understand. That type of information is critical.

He is wonderful to work with. I respect his knowledge, his ability, and his willingness to be supportive and helpful on what is a very complex bill, which includes many strong initiatives of which he is certainly the father.

I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I am pleased to join my subcommittee chairman and colleague, Senator GREGG, in presenting to the Senate S. 1217, the fiscal year 2000 Commerce, Justice, and State, the judiciary, and related agencies appropriations bill. Once again, I would like to commend Chairman GREGG for his outstanding efforts and bipartisan approach in bringing a bill to the floor that—in most areas—is good and balanced.

We fund a wide variety of Federal programs through this appropriations bill. We fund the FBI, the DEA, the State Department and our embassies overseas, the Census Bureau, NOAA, the Supreme Court, the Federal Communications Commission, the Federal Trade Commission, and the list goes on and on. As a result, this bill provides funding for a host of efforts that range from fighting “the war on drugs” and “the battle against cybercrimes”, to preparing at the local level against “domestic terrorism” and “natural disasters.” This bill provides funding to protect both our elderly citizens from abuse and marketing scams and our youth from sexual predators on the streets and on the Internet. We provide funding for fisheries research and atmospheric research; we provide funding for our weather satellite systems and forecasts; we provide funding for the management of our fragile coastal areas—initiatives that impact every single aspect of our community—businesses, farms, the fishing industry, the tourism industry, and the consumer.

In total, this bill provides \$34.1 billion in budget authority which is about \$400 million above last year's appropriated level. Even though we had an

increase of \$400 million in our allocation for fiscal year 2000, the funding level requested for the Census Bureau for fiscal year 2000 was a \$1.7 billion increase above the current funding level. In other words, Mr. President, to fully fund the 2000 decennial census we were required to cut \$1.3 billion in funding from the fiscal year 1999 funding level for all other programs. This was not an easy task, and with the exception of a few circumstances that I will touch on in greater detail later, Senator GREGG did a remarkable job.

Chairman GREGG has mentioned many of the funding specifics in this bill, so I will not repeat the details; however, I would like to point out to our colleagues some of the highlights of this bill.

This bill provides \$17 billion for the Department of Justice, including \$2.9 billion for the FBI, \$1.2 billion for the DEA, and \$3 billion for the Office of Justice programs. Within the Department of Justice, we continue the Safe Schools Initiative which Senator GREGG and I started last year, and provides \$218 million in funding for additional school resource officers, technology, and community initiatives in an effort to combat violence in our schools.

Mr. President, again this year Americans watched news stories unfold about shootings and other violent acts as they occurred in our schools. Violent crime in our schools is simply unacceptable and must be stopped. We cannot allow violence or the threat of violence to turn our schools into a hostile setting that prevents our students from obtaining the education they deserve. To fully understand the circumstances under which our youth are attending school, one needs to only look at a few statistics that have been gathered recently:

During the 1996–97 school year, 10 percent of all public schools reported one or more serious violent crimes to the police or other law enforcement representatives. An additional 47 percent of public schools reported at least one less serious or nonviolent crime to police. (1998 Department of Education Annual Report on School Safety)

About 6,093 students were expelled during the 1996–1997 academic school year for bringing firearms or explosives to school. (1998 Report on State Implementation of the Gun-Free Schools Act—School Year: 1996–1997, Department of Education)

In 1995, over 2 million students between the ages 12 and 19 feared they were going to be attacked or harmed at school.

Likewise, about 2.1 million students between the ages 12 and 19 avoided one or more places at school for fear of their own safety. (1998 Indicators of School Crime and Safety, U.S. Depts. of Education and Justice.)

This Safe Schools initiative is aimed at protecting our children by putting more police in the school setting. The bill provides \$180 million, \$55 million

above the President's request, through the Office of Justice programs solely for the hiring of school resource officers. The additional \$38 million is directed towards community planning and prevention activities—for local police departments and sheriff's offices to work with schools and other community-based organizations to develop programs to improve the safety of elementary and secondary school children and educators in and around the schools of our nation. This is a much needed program, and an initiative that has proven to be successful in the past.

This bill also provides \$283.7 million for the Violence Against Women Program, \$75 million for State prison grants, \$400 million for the Local Law Enforcement Block Grant Program, \$40 million for drug courts, and \$284.5 million for juvenile justice programs. In addition, \$25 million has again been provided for the bulletproof vest grant program to reduce the risk of serious injury or death to our nation's law enforcement officers. In an effort to respond to the proliferation of crimes involving children, the committee has provided \$19.9 million for the Missing Children Program, an increase of \$2.78 million over last year's amount. This money will be used to combat the ever increasing number of crimes against children with an emphasis on kidnapping and sexual exploitation.

The bill provides \$7.2 billion for the Commerce Department, of which \$3.1 billion is to be used to conduct the decennial census. The administration submitted a budget amendment for an additional \$1.7 billion in funding for the decennial census; unfortunately, we received that request only two days before consideration of the bill by the subcommittee and full committee. Senator GREGG and I are working on scheduling a hearing prior to conference with the House to address the budget amendment, and I appreciate the chairman's efforts in addressing this issue in a nonpartisan manner.

The Advanced Technology Program (ATP) of the National Institute of Standards and Technology (NIST) is funded at \$233.1 million which is above last year's level by \$29.6 million, and the Manufacturing Extension Partnership (MEP) program is funded at a level of \$109.8 million. This amount will fully fund all MEP centers.

The bill also provides \$2.5 billion for NOAA, an increase of \$384 million over last year's funding level. I am pleased that the distinguished chairman has worked with me to insure that we maintain a focus on our oceans and coastal waterways.

Regarding NOAA, Mr. President, if I could just take a minute, I would like to recognize the outstanding work of Dr. Nancy Foster, head of the National Ocean Service, which oversees the labs, estuarine reserves, and the Coastal Services Center in my home state of South Carolina. I can tell you she is one of the hardest working public servants with whom I have had the privilege of working over the past several

years, and she has brought to the job boundless energy, understanding, and an ability to fix problems.

Dr. Foster has been with NOAA since 1977. She helped create the National Marine Sanctuary and Estuarine Research Reserve Programs. These programs preserve America's near shore and offshore marine environments in the same manner as do the better known national parks and wildlife refuges run by the Department of the Interior. Nancy went on to serve as the Director of Protected Resources at NOAA's National Marine Fisheries Service, where she managed the Government's programs to protect and conserve whales, dolphins, sea turtles and other endangered and protected species. After that, she was named the Deputy Director of the entire fisheries service, where she proved especially sensitive to the economic impact on communities and the need to promote what the folks downtown and in academia call "sustainable development."

In 1997, Secretary Bill Daley and Under Secretary Jim Baker tapped Nancy to take over the National Ocean Service. That is about as high as a career professional can go; in other agencies or bureaus, this level of position would be held by at least an Assistant Secretary-level official. NOS is the oldest part of NOAA—coastal mapping traces its lineage back to 1807—and she directed reinvention and change so that the Ocean Service became one of the most modern and more effective parts of NOAA. Dr. Foster is always finding new ways to do business. She is an innovator. She directed the total modernization of NOAA's nautical mapping and charting. Along with Dr. Sylvia Earle, she has created a partnership with the National Geographic Society to launch a 5-year undersea exploratory program called "Sustainable Seas Expeditions." Their goal is to use these exploratory dives to rekindle our nation's interest in the oceans, and especially the national marine sanctuaries. They are bringing back the kind of enthusiasm and public education that Jacques Cousteau created when I first came to the Senate.

Mr. President, Nancy Foster is the person at NOAA whom the rank and file employees—the marine biologists, scientists and researchers—trust and look up to. She is a role model for professional women everywhere, especially those who work in the sciences. She is an official whom we in the Congress can look to for leadership and who pays attention to local and constituent issues. She is non-partisan and plays it straight.

Dr. Foster recently underwent surgery at Johns Hopkins Hospital and is home recuperating. So Nancy, if you are watching at home on C-Span, on behalf of Senator GREGG, the Appropriations Committees as well as the Commerce Authorization Committee, and our professional staff, I want to wish you the best. Take your time and get well. We need you back on the job, and wish you a speedy recovery.

The bill includes a total of \$5.4 billion for the Department of State and related agencies. Within the State Department account, \$883 million has been provided for worldwide security, an increase of \$146 million above the President's request. Additionally, in recognition of the high profile risk that State Department family members face in overseas locations, \$40 million has been included to improve the security in and around both housing and school areas for the families of those who serve in this capacity. The funding level also includes payment of international organization and peace-keeping funds, including \$244 million for UN arrears.

I highlighted a few minutes ago the Safe Schools Initiative that Chairman GREGG and I have worked together on for the past 2 years. I would also like to comment briefly on two other important initiatives before closing: electronic commerce and COPS.

Regarding electronic commerce and the Internet, I would like to discuss an area which is growing in significance each day. With the explosion of the Internet as an electronic transaction medium, we cannot ignore the increasing potential for fraud, abuse, and attacks on consumer privacy. If we stop and take a look at the Internet and the potential that it has, we recognize that its very design allows schemers and con artists to reach more people, with more scams, at a faster rate while remaining virtually anonymous. This is a veritable breeding ground for electronic fraud and abuse. In fact, it was recently reported that the Securities and Exchange Commission (SEC) receives more than 100 complaints per day about illegal Internet activity involving fraudulent stock and investment schemes. In 1998, the National Consumers League received over 7,700 Internet fraud complaints which was a 385-percent increase over the previous year. With reports like this I think that it is clear that protection efforts need to keep pace with the growing number of Internet users, particularly since estimates indicate that perhaps 50 percent of the population of the United States will have access to the Internet by the year 2000.

In response to the growth of this sector, Mr. President, this bill includes funding for a number of programs and activities. I would like to again commend Chairman GREGG for his efforts to address this growing problem of Internet fraud, particularly given the tight budget constraints under which this bill was put together. This bill provides \$133 million in funding to the Federal Trade Commission (FTC) for FY 2000, an increase of \$16.7 million above the current funding level. This increase was provided in part because the subcommittee is mindful of the FTC's efforts toward ensuring that electronic commerce continues to flourish and consumers do not become victims of fraud and abuse while conducting transactions on the web. Addi-

tionally, the committee has provided \$10 million in funding for the Securities and Exchange Commission (SEC) to assist in the prevention, detection, and prosecution of Internet related fraud and investment schemes.

Finally, regarding the COPS initiative, I can fully understand the difficult decisions the chairman had to make as we put this bill together. And as I have stated, I support him on just about everything in this bill—with the exception of eliminating the COPS program. This is a good program that has proven to work. And it works well. Crime has been declining for 6½ consecutive years and is at a 25 year low. We are getting the jump on crime and this is not the time to just stop funding the program. Numerous law enforcement groups agree. The International Brotherhood of Police Officers support the program, the National Sheriffs Association supports the program, the National Troopers Coalition supports the program, the International Association of Chiefs of Police supports the program, and the list goes on. I completely understand the limitations under which the chairman operated in getting a bill to the floor. Several of my colleagues have been working for the past several weeks in putting together an amendment to reestablish the COPS Program. While I believe that program deserves even more funding than provided in the amendment, I also believe the amendment is a good response and practical effort toward restoring an effective and valuable program while acknowledging the many funding restraints imposed on this bill. I look forward to debating this issue further when the amendment is offered.

In closing let me say again that given the allocation we received, this is a good bill. Many—but not all—of the administration's priorities were addressed to some extent. Likewise many—but not all—of the priorities of congressional Members were addressed to some extent. I know that every year we face difficulties with respect to limited funding and multiple priorities, but the funding caps this year proved to be unusually prohibitive. As a result, tough decisions were made. However, I believe that the Commerce, Justice, State Subcommittee made those decisions in a bipartisan and judicious manner which will allow us to address many critical funding needs such as Census 2000, 1000 additional Border Patrol agents, counter-terrorism efforts, the FBI's capabilities to combat cybercrime and crimes against children, DEA's continued war on drugs, critical fisheries research, and overseas peacekeeping efforts.

I would like to take a moment before closing to acknowledge and thank Senator GREGG's staff and my staff for their hard work and diligence in bringing together a bill that does everything I have just mentioned and more. They have worked nonstop in a straightforward and bipartisan manner, to deliver the bill that is before the Senate

today. This bill could not have come together without their efforts and I thank them for all of their hard work.

Mr. President, let me reiterate my gratitude to Chairman GREGG and my admiration for the balanced bill that he has produced. What we were confronted with, in a capsule, was a cut of some \$1.3 billion from the present policy appropriation, with the ad-on demand of \$1.7 billion for the census for next year. Within those confines, Senator GREGG has really done an outstanding job, I can tell you that. It is balanced. It is thoughtful. I have seen, over the years, this bill handled by several chairmen but no one has done the job Senator GREGG has done on this particular measure. So I am glad to join with him. We want to move it as expeditiously as we possibly can.

With that said, let me yield to the chairman.

AMENDMENT NO. 1271

Mr. GREGG. Mr. President, at this time I send to the desk a managers' amendment. I ask unanimous consent the managers' amendment I have now sent to the desk be considered and agreed to, en bloc. These noncontroversial amendments have been cleared by both sides.

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

The amendment was agreed to, as follows:

On page 6, line 14, strike "any other provision of law" and insert "31 U.S.C. 3302(b)".

On page 6, line 18, strike "(15 U.S.C. 18(a))" and insert "(15 U.S.C. 18a)".

On page 25, line 23, insert after "(106 Stat. 3524)", "of which \$5,000,000 shall be available to the National Institute of Justice for a national evaluation of the Byrne program."

On page 30, line 17, strike after "1999"; "of which \$12,000,000 shall be available for the Office of Justice Programs' Global Information Integration Initiative;"

On page 50, line 6, insert before the period: "to be made available until expended".

On page 73, between lines 12 and 13, insert the following:

"SEC. 306. Section 604(a)(5) of title 28, United States Code, is amended by adding before the semicolon at the end thereof the following: ', and, notwithstanding any other provision of law, pay on behalf of justices and judges of the United States appointed to hold office during good behavior, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States.'"

On page 75, line 15, insert the following after "period": " , unless the Secretary of State determines that a detail for a period more than a total of 2 years during any 5 year period would further the interests of the Department of State".

On page 75, line 21, insert the following after "detail": " , unless the Secretary of State determines that the extension of the detail would further the interests of the Department of State".

On page 76, line 11, insert before the period: " : Provided further, That of the amount made available under this heading, not less than \$11,000,000 shall be available for the Office of Defense Trade Controls".

On page 110, strike lines 15 through 23 and insert in lieu thereof:

"(ii) Notwithstanding otherwise applicable law, for each license or construction permit issued by the Commission under this subsection for which a debt or other monetary obligation is owed to the Federal Communications Commission or to the United States, the Commission shall be deemed to have a perfected, first priority security interest in such license or permit, and in the proceeds of sale of such license or permit, to the extent of the outstanding balance of such a debt or other obligation."

On page 111, insert after the end of Sec. 619: "SEC. 620. (a) DEFINITIONS.—For the purposes of this section—

(1) the term "agency" means the Federal Communications Commission.

(2) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is serving under an appointment without time limitation, and has been currently employed by such agency for a continuous period of at least 3 years; but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government.

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government.

(C) an employee who has been duly notified that he or she is to be involuntarily separated for misconduct or unacceptable performance;

(D) an employee who has previously received any voluntary separation incentive payment from the Federal Government under this section or any other authority.

(E) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(F) any employee who, during the twenty-four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of that title.

(3) The term "Chairman" means the Chairman of the Federal Communications Commission.

(b) AGENCY PLAN.—

(1) IN GENERAL.—The Chairman, prior to obligating any resources for voluntary separation incentive payments, shall submit to the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced, eliminated, and increased, as appropriate, identified by organizational unit, geographic location, occupational category and grade level;

(B) the time period during which incentives may be paid;

(C) the number and amounts of voluntary separation incentive payments to be offered; and

(D) a description of how the agency will operate without the eliminated positions and functions and with any increased or changed occupational skill mix.

(3) CONSULTATION.—The Director of the Office of Management and Budget shall review the agency's plan and may make appropriate recommendations for the plan with respect to the coverage of incentives as described under paragraph (2)(A), and with respect to the matters described in paragraph (2)(B)–(C).

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by the Chairman to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary incentive payment—

(A) shall be paid in a lump sum, after the employee's separation;

(B) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code (without adjustment for any previous payments made); or

(ii) an amount determined by the Chairman, not to exceed \$25,000;

(C) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) under the provisions of this section by not later than September 30, 2001;

(D) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(E) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final base pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this Act.

(2) DEFINITION.—For the purpose of paragraph (1), the term "final basic pay," with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) An individual who has received a voluntary separation incentive payment from the agency under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the lump sum incentive payment to the agency.

(2) If the employment under paragraph (1) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under paragraph (1) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities

and is the only qualified applicant available for the position.

(4) If the employment under paragraph (1) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant for the position.

(f) INTENDED EFFECT ON AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—Voluntary separations under this section are not intended to necessarily reduce the total number of full-time equivalent positions in the Federal Communications Commission. The agency may redeploy or use the full-time equivalent positions vacated by voluntary separations under this section to make other positions available to more critical locations or more critical occupations.

(2) ENFORCEMENT.—The president, through the office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) REGULATIONS.—The Office of Personnel Management may prescribe such regulations as may be necessary to implement this section.

(h) EFFECTIVE DATE.—This section shall take effect on the date of enactment. (Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1999, as included in Public Law 105-277, section 101(b)).

At the end of title VI, insert the following: "SEC. 621. The Secretary of Commerce (hereinafter the "Secretary") is hereby authorized and directed to create an "Interagency Task Force on Indian Arts and Crafts Enforcement" to be composed of representatives of the U.S. Trade Representative, the Department of Commerce, the Department of Interior, the Department of Justice, the Department of Treasury, the International Trade Administration, and representatives of other agencies and departments in the discretion of the Secretary to devise and implement a coordinated enforcement response to prevent the sale or distribution of any product or goods sold in or shipped to the United States that is not in compliance with the Indian Arts and Crafts Act of 1935, as amended."

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

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

AMENDMENT NO. 1272

(Purpose: To extend the Violent Crime Reduction Trust Fund)

Mr. GREGG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1272.

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

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

The amendment is as follows:

At the end of title I, insert the following:

SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Sections 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

- (1) for fiscal year 2001, \$6,025,000,000;
- (2) for fiscal year 2002, \$6,169,000,000;
- (3) for fiscal year 2003, \$6,316,000,000;
- (4) for fiscal year 2004, \$6,458,000,000; and
- (5) for fiscal year 2005, \$6,616,000,000.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

SEC. 310002. DISCRETIONARY LIMITS.

For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term "discretionary spending limit"—

(1) with respect to fiscal year 2002—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,025,000,000 in new budget authority and \$5,718,000,000 in outlays;

(2) with respect to fiscal year 2002—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,169,000,000 in new budget authority and \$6,020,000,000 in outlays; and

(3) with respect to fiscal year 2003—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,316,000,000 in new budget authority and \$6,161,000,000 in outlays;

(4) with respect to fiscal year 2004—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,458,000 in new budget authority and \$6,303,000,000 in outlays; and

(5) with respect to fiscal year 2005—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,616,000 in new budget authority and \$6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.

Mr. GREGG. Mr. President, this amendment deals with the violent crime trust fund. I understand there are some people who wish to speak on it. I ask unanimous consent that debate on this be limited to an hour.

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

Mr. GREGG. Mr. President, as we know, the violent crime trust fund was set up back in 1993, and the concept of it was through savings which would occur as a result of the reduction in personnel in the Federal Government, that funding from those savings would be used to expand our efforts in fighting crime in this country.

It has been a tremendous success. As a result of the violent crime trust fund, we have been able to undertake a significant expansion of the efforts of the FBI, the INS, the DEA, just to name a few at the Federal level, and also our local and community law enforcement, who are so important to us. This is critical. Without this trust fund, we might have some serious problems as we go down the road maintaining some of these efforts.

The President is funding his Community Oriented Policing (COPS) Program from the violent crime reduction trust fund. Later, we are going to get from the other side an amendment which, I presume, deals with the COPS Program, but as a practical matter, I think we have resolved it. I do not think we are going to have a problem on this bill with the COPS Program. The COPS Program was a violent crime initiative, and a good one. It worked. I have to admit, I had suspicions about it when it was first offered, but it has worked out.

We move on to other initiatives in the violent crime trust fund: terrorism initiatives; some initiatives to deal with the question of how the FBI is able to identify DNA; and initiatives with local communities, for their efforts to gear up with the technology of today. So, for example, when someone is arrested on the street, a law enforcement officer will have the computer capability to immediately contact the FBI, the National Crime Information Center (NCIC), and get a reading as to whom that person is and in what possible other activity he or she might be involved.

These are critical expansions in our efforts in law enforcement across this country. They are proving to work well. As we move down the road, they will work even better, I am sure.

We have a number of major initiatives at the Federal level. We just got our Integrated Automated Fingerprint Identification System up and running, fingerprinting. The NCIC program is working now. And coming on line—it may take some more years than I would like—is something dealing with information sharing initiative (ISI) which will give Federal agents the computer capability they need to have instant access to what is going on nationally. This is an initiative that is very appropriate. There are a lot of other things that are going to make our law enforcement much more effective as it deals with crime in this Nation.

In addition, of course, we have done a lot in the area of DEA and drug enforcement. The violent crime trust

fund plays a major role, and it is about to run out, so we should reauthorize it. That is why I have offered this authorization. I hope the Senate will agree to it.

I suggest we set a vote for tomorrow, if that is all right with the Senator from South Carolina.

Mr. HOLLINGS. I suggest to the distinguished chairman that we limit the time to be equally divided.

Mr. GREGG. I ask unanimous consent that the time be equally divided.

Mr. HOLLINGS. Senator BIDEN and Senator LEAHY wish to be heard on this in the morning. If it is all right with the distinguished chairman, we will reserve that time for the morning.

Mr. GREGG. Why don't we reserve a half hour of the time on this amendment so it can be given to Senator BIDEN and Senator LEAHY and they can take that time between them.

Mr. HOLLINGS. Good. They are ready, then, to lay down that amendment on COPS. I thank the Chair.

Mr. GREGG. 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. GREGG. I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. GREGG. Mr. President, I ask unanimous consent that under the time agreement, no second-degree amendments be in order.

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

Mr. GREGG. 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. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. GREGG. Mr. President, tomorrow I will ask unanimous consent that all first-degree amendments be filed by noon. Hopefully, we can get an agreement on that. I am not asking it now.

Mr. HOLLINGS. We have to check on our side.

Mr. GREGG. I am telling people so, hopefully, they will have their amendments together tonight, and staff will listen to this request and be all charged up to get their amendments down here by 12 o'clock tomorrow.

MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes.

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

A TRIBUTE TO JOHN F. KENNEDY, JR.

Mr. FEINGOLD. Mr. President, it is with deep sadness that I come to the floor today to speak of the tragedy that struck the Kennedy family last Friday night. I offer my condolences to the Kennedy family, and in particular to my friend and colleague, Senator KENNEDY of Massachusetts, who has lost a beloved nephew.

My thoughts and prayers are with the Kennedy and Bessette families as they struggle to cope with the loss of John F. Kennedy, Jr., his wife Carolyn Bessette Kennedy, and her sister Lauren Bessette. While we as a nation mourn the loss of a young man who had so much yet to offer the world, these families must suffer the private pain of the loss of their beloved brother or sisters, their children, their cousins, their friends.

The late John F. Kennedy was a genuine inspiration to me and so many of my generation. I am grateful for the hope and the direction that President Kennedy gave so many of us when we were young, and I know that in his own way John F. Kennedy, Jr., carried on his father's work to inspire young people to public service, or to otherwise serve the public good, throughout his lifetime.

There can perhaps be no comparison to the contributions the Kennedy family has made to our country, or the sacrifices the family has endured, and sadly continues to endure with the death of John F. Kennedy, Jr. Like his father and his uncle Bobby, John F. Kennedy, Jr.'s life was cut tragically short, but like them he lived his life to the fullest, with the vigor and dedication that marks the Kennedy legacy.

Recently I had the honor of receiving the Profile in Courage Award from the late President Kennedy's family, and had the pleasure of meeting and spending time with John F. Kennedy, Jr. I was impressed by his kindness, his dignity, and the keen grasp of both politics and policy which he so often displayed as editor of *George* magazine. John reflected all the best hopes we have for our country, as did his father before him.

In a speech I gave at that time, I chose one of the many beautiful memorials I have heard about President Kennedy to express my own feelings. The following passage from *Romeo and Juliet* was previously used by Robert F. Kennedy himself at the 1964 Democratic convention to memorialize his brother:

and, when he shall die,
take him and cut him out in little stars.
And he will make the face of heaven so fine
That all the world will be in love with
night
And pay no worship to the garish sun.

These words both pained and consoled us as we remembered John F. Kennedy then, and they do the same today as we mourn the loss of his son, John F. Kennedy, Jr.

Mr. President, again I offer my condolences to all those who have been affected by this tragedy. I yield the floor.

THE 30TH ANNIVERSARY OF THE APOLLO 11 LUNAR LANDING

Mr. SHELBY. Mr. President, I rise today in support of the resolution that I offered yesterday with Senator SESSIONS and many of my colleagues which recognizes the 30th Anniversary of the Apollo 11 Lunar Landing.

Mr. President, for thousands of years, men looked to the sky and were fascinated by the moon. To our forefathers it was a source of wonder, hope, curiosity and fear. Near enough to draw their attention, yet so far beyond their reach to remain a constant mystery, the moon was an unattainable destination for the people of earth.

Undaunted by the significance of the task, President Kennedy called upon our nation "to commit itself to achieving the goal . . . of landing a man on the moon and returning him safely to earth." With this challenge, a goal that had previously exceeded the grasp of every generation, became the mission of the United States to achieve within ten years.

Facing this great endeavor, the men and women of the American Space Program set to work with steadfast conviction. While their efforts produced steady results, there were tragic losses and technical setbacks that tested their resolve. Brave men gave their lives. Brilliant men and women spent countless hours trying to work through the numerous difficulties associated with such a complex undertaking. However, all remained dedicated to the goal of landing a man on the moon.

On July 20, 1969, 30 years ago yesterday, that goal was achieved. On that day, Neil Armstrong and Buzz Aldrin closed the timeless breach that had separated the earth from the moon and landed on the Sea of Tranquility. With Neil Armstrong's first step on the lunar surface, the American Space Program met the awesome challenge set by President Kennedy. This important event marks America's ascendance to the preeminent role that it occupies today as the world's leader in space exploration.

While yesterday was an important anniversary for all the people of the world, it was especially important for the people of the United States. Landing men on the moon represents a great triumph of American endeavor. As the Spanish could be proud for having built the great ships that carried Columbus on his voyage of discovery, American scientists and engineers can feel equally proud for having built the Saturn V Rocket, the vehicle that carried the astronauts to the moon. That no other nation has produced a similar vehicle is a testament to the unparalleled achievement of our Space Program.

This resolution celebrates the anniversary of the great achievement of landing men on the moon. It celebrates the efforts of the many men and women who defied the odds and helped to make what was once believed to be

impossible, possible. Finally, it celebrates the courageous spirit of the American people.

PENDING NOMINATION OF BILL LANN LEE

Mr. LEAHY. Mr. President, today in communities all around the country and here at the United States Capitol, Asian Pacific Americans are leading all Americans in a demonstration of our commitment to one America, equal opportunity and equal justice under law by urging the Senate to vote on the nomination of Bill Lann Lee to head the Civil Rights Division at the Department of Justice. I hear the call of the Congressional Asian Pacific Caucus, the Congressional Black Caucus and the Congressional Hispanic Caucus for prompt Senate consideration and a vote on this highly-qualified nominee and dedicated public servant. I commend the National Council of Asian Pacific Americans and their Chair Daphne Kwok, the National Asian Pacific American Bar Association and the National Asian Pacific American Legal Consortium for their leadership in connection with this matter and their commitment to fundamental fairness.

Today is the second anniversary of the initial nomination of Bill Lann Lee to the office of Assistant Attorney General for Civil Rights. I repeat today what I have said before: It is past time to do the right thing, the honorable thing, and report this qualified nominee to the Senate so that the Senate may fulfill its constitutional duty under the advice and consent clause and vote on this nomination without further delay. Two years is too long to wait for Senate action on this important nomination.

Yesterday, I was privileged to attend a meeting with the President of the United States in the East Room of the White House in which he issued a challenge to the lawyers of our country to rededicate themselves to help build one America and realize the American dream of equality for all under the law. What kind of message is the Senate sending when it refuses to act on the nomination of this outstanding Asian Pacific American?

After Bill Lann Lee graduated from Yale and then Columbia Law School he could have spent his career in the comfort and affluence of any one of the nation's top law firms. He chose, instead, to spend his career on the front lines, helping to open the doors of opportunity to those who struggle in our society. His is an American story. The son of immigrants whose success can be celebrated by all Americans.

In my view, Bill Lann Lee should be commended for the years he worked to provide legal services and access to our justice system for those without the financial resources otherwise to retain counsel. His work should be a source of pride and a basis for praise. His career should be a model for those who take up the challenge that the President

enunciated yesterday to lawyers across this country. I say that Bill Lann Lee represented the best of the legal profession while serving those without means.

It appears that some on the Republican side want to hold the Lee nomination as a partisan trophy—to kill it through obstruction and delay rather than allowing the Senate to vote up or down on the nomination. This effort started with a letter from the former Speaker of the House, Newt Gingrich, to the Republican Majority Leader of the Senate in 1997. Over the ensuing weekend progress toward confirmation of this nomination ground to a halt. Speaker Gingrich is gone but the disastrous consequence of his unjustified opposition to this nomination lingers. It is past time to put past injustice to rest. As speaker after speaker reiterated today across the country, it is time for the Senate to vote on the nomination of Bill Lann Lee.

Bill Lann Lee's skills, his experience, the compelling personal journey that he and his family have traveled, his commitment to full opportunity for all Americans—these qualities appeal to the best in us. Let us affirm the best in us. Let the Senate vote on the confirmation of this good man. We need Bill Lann Lee's proven problem-solving abilities in these difficult times with apparent hate crimes on the rise across the country. He is spearheading efforts against hate crimes, against modern slavery and for equal justice for all Americans.

If the Senate is allowed to decide, I believe he will be confirmed and will move this country forward to a time when discrimination will subside and affirmative action is no longer needed; a time when each child—girl or boy, black or white, rich or poor, urban or rural, regardless of national or ethnic origin and regardless of sexual orientation or disability—shall have a fair and equal opportunity to live the American dream.

Earlier this year Congress voted to award the Congressional Gold Medal to Mrs. Rosa Parks. I heard Mrs. Parks, Reverend Jackson and the President each take the occasion to remind us that the struggle for equality is not over.

I will ask the Judiciary Committee again tomorrow, in the spirit of fairness, that the Committee recognize the 18-month stewardship of the Civil Rights Division of Bill Lann Lee, his qualifications, and his quiet dignity and strength and send his nomination to the full Senate so that the United States Senate may, at long last, vote on that nomination and, I hope, confirm this fine American to full rank as the Assistant Attorney General for Civil Rights.

When confirmed Bill Lann Lee will be the first Asian Pacific American to be appointed to head the Civil Rights Division in its storied history and the highest ranking Federal Executive officer of Asian Pacific American heritage in our 200-year history.

I have previously brought to all Senators' attention a June letter from the Assistant Attorneys General for Civil Rights from the Eisenhower through Bush Administrations in support of this outstanding nominee: Harold Tyler, Burke Marshall, Stephen J. Pollak, J. Stanley Pottinger, Drew Days and John R. Dunne note in their letter:

Over the past eighteen months, Mr. Lee has shown that he honors the Civil Rights Division's mission to safeguard equal justice for all. He has enforced the nation's civil rights laws fairly and effectively. He has demonstrated that he can and will meet the demands of the position with distinction and thus merits the Senate's confidence.

Civil Rights is about human dignity and opportunity. Bill Lann Lee ought to have an up or down confirmation vote on the Senate floor. The Senate should fulfill its constitutional duty under the advice and consent clause and vote on this nomination. Twenty-four months and three sessions of Congress is too long for this nomination to have to wait. He should no longer be forced to ride in the back on the nominations bus but be given the fair vote that he deserves.

I have often referred to the Senate as acting at its best when it serves as the conscience of the nation. I call on the Judiciary Committee and the Senate to bring this nomination to the floor for an up or down vote without obstruction or further delay so that the Senate may vote and we may confirm a dedicated public servant to lead the Civil Rights Division into the next century. Racial discrimination, and harmful discrimination in all its forms, remain among the most vexing unsolved problems of our society. Let the Senate move forward from the ceremonial commemorations earlier this year by doing what is right and voting on the nomination of Bill Lann Lee.

SWEARING IN OF DIANE WATSON AS AMBASSADOR TO MICRONESIA

Mrs. FEINSTEIN. Mr. President, it is with real pleasure that I rise today to note the swearing-in this afternoon of California State Senator Diane Watson as United States Ambassador to the Federated States of Micronesia. Senator Watson's confirmation was a long time coming, and I am proud that today she will finally come to occupy the Ambassadorial posting which she so well deserves.

State Senator Watson was the first African-American woman elected to the California State Senate, and has represented California's 26th District—which includes Los Angeles, Culver City, Ladera Heights, Baldwin Hills, Palms, Miracle Mile, Mar Vista, Cheviot Hills, and Koreatown—since 1978. Senator Watson has been a real leader in California politics and community life, and has been in the forefront of the fight for civil rights and human rights in Los Angeles and the entire state of California for her entire career. She was a dedicated crusader in

the desegregation of Los Angeles school, and, in 1975, became the first elected African American to serve on the Board of Education of the Los Angeles Unified School District.

Prior to her elected office, Senator Watson led a distinguished career in the field of education, including service as an assistant superintendent of child welfare, a school psychologist, and as a member of the faculty at both California State University Los Angeles and Long Beach. She has also traveled extensively, participating in numerous international conference on women's health issues, democracy building, and trade.

As a member of the State Senate and as an educator, Diane Watson has always brought honor to the organizations and people she has represented. For many years now she has been a leader in improving the lives of Californians, and I am pleased that the people of the United States will now also be able to benefit from her experience, energy, and talents as our Ambassador to the Federated States of Micronesia.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 20, 1999, the Federal debt stood at \$5,630,644,963,071.99 (Five trillion, six hundred thirty billion, six hundred forty-four million, nine hundred sixty-three thousand, seventy-one dollars and ninety-nine cents).

One year ago, July 20, 1998, the Federal debt stood at \$5,532,950,000,000 (Five trillion, five hundred thirty-two billion, nine hundred fifty million).

Five years ago, July 20, 1994, the Federal debt stood at \$4,626,395,000,000 (Four trillion, six hundred twenty-six billion, three hundred ninety-five million).

Ten years ago, July 20, 1989, the Federal debt stood at \$2,803,321,000,000 (Two trillion, eight hundred three billion, three hundred twenty-one million).

Fifteen years ago, July 20, 1984, the Federal debt stood at \$1,534,688,000,000 (One trillion, five hundred thirty-four billion, six hundred eighty-eight million) which reflects a debt increase of more than \$4 trillion—\$4,095,956,963,071.99 (Four trillion, ninety-five billion, nine hundred fifty-six million, nine hundred sixty-three thousand, seventy-one dollars and ninety-nine cents) during the past 15 years.

HIGH TECH AWARD FOR SENATOR ABRAHAM

Mr. MCCAIN. Mr. President, I rise to inform my colleagues of a significant honor recently bestowed upon our colleague, the Senator from Michigan, Mr. ABRAHAM.

On June 16, Senator ABRAHAM became the first United States Senator to receive the "Cyber Champion" award, from the Business Software Alliance. He was recognized for his legislative accomplishments in support of

America's high-technology economy. I would like to congratulate Senator ABRAHAM on receiving this well-deserved honor.

Senator ABRAHAM has been a champion of high-tech since coming to the Senate. He has worked hard on a high-tech agenda to keep Americans employed in good jobs at good wages, and to help our nation keep the edge we need in the global marketplace. It has been my pleasure to work with him on many of these issues.

Whether fighting to expand and rationalize the use of electronic signatures, expanding high-tech visas, increasing charitable giving to our schools so that we can train our kids in the uses of high-technology, keeping the Internet free from unnecessary interference and taxation, or seeing to it that we are prepared for the year 2000, Senator ABRAHAM has been a leader on high-tech issues.

Now Senator ABRAHAM is working to protect property rights on the Internet through his anti-cybersquatting legislation. His bill would empower trademark owners to protect their marks, at the same time protecting consumers from potential fraud.

There is no doubt in my mind that Senator ABRAHAM's efforts will help workers and the economy in Michigan and across the United States. Once again, I congratulate him on this honor, and on the accomplishments that have earned it for him.

PROTECT ACT

Mr. FEINGOLD. Mr. President, I rise today to discuss an issue of increasing national and international importance.

Mr. President, encryption may not yet be the most common term in the American lexicon, but it may well affect every American as we progress in this Information Age. Encryption systems provide security to conventional and cellular telephone conversation, fax transmissions, local and wide area networks, personal computers, remote key entry systems, and radio frequency communication systems. As we become more reliant on these technologies, encryption becomes a more important application.

For these and other reasons, I come to the floor today to discuss my decision to cosponsor S. 798, the Promote Reliable Online Transactions to Encourage Commerce and Trade, or PROTECT Act. This bill pushes us toward a thoughtful debate on encryption policy.

I appreciate the efforts of the Chairman of the Commerce Committee, Senator MCCAIN, to push this important legislation forward. As the chairman knows all too well, balancing competing interests, regardless of issue, is a difficult, and often thankless, job. In this case, we must find an equitable balance between personal privacy, technological innovation and public safety.

The rapidly expanding global marketplace and our increasing reliance on

new technology has resulted in the almost instantaneous transfer of consumer information. Bank information, medical records, and credit card purchases are transferred at lightning speed. But these transactions, and even browsing on the Internet, can leave consumers vulnerable to unwanted and illegal access to private information. Encryption technology offers an effective way consumers can ensure that only the people they choose can read other communications or their e-mail, review their medical records, or take money out of their bank accounts. Plain and simple, encryption products protect consumers.

Over the past couple of years, we have seen the power of Internet commerce. From amazon.com to eBay to drugstore.com, companies with a dot com have become the darlings of the investment world. For consumers, online commerce provides viable competition and, thus, a cost-effective alternative to traditional brick-and-mortar stores.

The Internet, however, will never achieve its full potential as a center of commerce if consumers do not trust that their transactions and communications remain confidential. If we ever are to realize the commercial and communications potential of the Internet, we must have sophisticated and effective encryption.

For these precise reasons, consumers have an economic interest in the use of strong encryption technology. That economic interest necessitates more research and more development of stronger technology. The current export control climate, however, stifles development of domestic encryption technology. I believe that expansion of the market for U.S. developers will serve to quicken the pace of innovation.

Two recent reports bear this out. The Electronic Privacy Information Center found that the United States is virtually alone in its restrictions on encryption. Another report by researchers at George Washington University found that 35 foreign countries manufacture 805 encryption products. The same GWU report found that of the 15 algorithms now being considered by the National Institute of Standards for a new American encryption standard, 10 have been developed outside the U.S. Clearly, our outdated policies are doing more to exclude U.S. manufacturers from the marketplace than they are doing to keep encryption technology out of the hands of criminals.

I do not mean to belittle the serious law enforcement implications of encryption. As the FBI has stated, "encryption has been used to conceal criminal activity and thwart law enforcement efforts to collect critical evidence needed to solve serious and often violent criminal activities." The same technology that prevents a computer hacker from stealing one's credit card number can prevent a law enforcement officer, even one with a properly

obtained court order, from decrypting illegal information.

But the fact of the matter is that criminals simply can purchase and use an advanced encryption product produced in a foreign country. I understand concerns that some in the law enforcement community may have. Muzzling American development and export, however, is a doomed strategy. I believe there should be criminal penalties for those that use encryption in the furtherance of a crime and I hope the Senate will adopt penalties similar to those found in the leading House encryption bill.

Mr. President, there is no question that this bill moves us forward, both in terms of privacy and technological innovation. I must point out, however, that my support for this bill will not preclude me from advocating a stronger privacy position in the future. My cosponsorship of this bill establishes what I believe should be the starting point for the Congress to begin the encryption debate. I look forward to working with my colleagues on this very important issue.

I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NOTICE OF THE CONTINUATION OF THE IRAQI EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1999, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on

August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 20, 1999.

MESSAGES FROM THE HOUSE

At 10:42 a.m., a message from the House of Representatives, delivered by Ms. Kelleher, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 31. An act to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the discovery of the New World by Leif Ericson.

H.R. 322. An act for the relief of Suchada Kwong.

H.R. 660. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 1033. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

H.R. 1477. An act to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H.Con.Res. 121. Concurrent resolution designating the Document Door of the United States in the cold war and the fall of the Berlin Wall.

H.Con.Res. 158. Concurrent resolution designating the Document Door of the United States Capitol as the "Memorial Door."

The message further announced that the House has passed the following bills, without amendment:

S. 361. An act to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest.

S. 449. An act to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 31. An act to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millen-

nium of the discovery of the new World by Lief Ericson; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 322. An act for the relief of Suchada Kwong; to the Committee on the Judiciary.

H.R. 660. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on Governmental Affairs.

H.R. 1033. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1477. An act to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolution was read and referred as indicated:

H.Con.Res. 121. Concurrent resolution expressing the sense of the Congress regarding the victory of the United States in the cold war and the fall of the Berlin Wall; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4265. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District and Yolo-Solano Air Quality Management District" (FRL # 6376-3), received July 15, 1999; to the Committee on Environment and Public Works.

EC-4266. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Michigan" (FRL # 6357-3), received July 15, 1999; to the Committee on Environment and Public Works.

EC-4267. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Correction of Partial Withdrawal of Direct Final Rule, Protection of Stratospheric Ozone: Reconsideration of Petition Criteria and Incorporation of Montreal Protocol Decisions" (FRL # 6400-9), received July 15, 1999; to the Committee on Environment and Public Works.

EC-4268. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District; Mojave Desert Air Quality Management District; Ventura County Air Pollution Control

District" (FRL # 6378-7), received July 15, 1999; to the Committee on Environment and Public Works.

EC-4269. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland—Fuel Burning Equipment" (FRL # 6378-7), received July 15, 1999; to the Committee on Environment and Public Works.

EC-4270. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of California State Implementation Plan for the San Joaquin Valley Unified Air Pollution Control District" (FRL # 6378-7), received July 15, 1999; to the Committee on Environment and Public Works.

EC-4271. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ocean Dumping; Amendment of Site Designation" (FRL # 6377-3), received July 15, 1999; to the Committee on Environment and Public Works.

EC-4272. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards for the Use of Disposal of Sewage Sludge" (FRL # 6401-3), received July 15, 1999; to the Committee on Environment and Public Works.

EC-4273. A communication from the Fisheries Biologist, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; 90-day finding for a petition to list barndoor skate (*Raja laevis*) as Threatened or Endangered" (ID 061199C), received July 16, 1999.

EC-4274. A communication from the Fisheries Biologist, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Listing Endangered and Threatened Species and Designating Critical Habitat: Petition to List Eighteen Species of Marine Fishes in Pudget Sound, Washington" (ID 061199B), received July 16, 1999; to the Committee on Environment and Public Works.

EC-4275. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MT-Propeller Entwicklung MBH Models MTV-9-B-C and MTV-3-B-C Propellers; Request for Comments; Docket No. 99-NE-35 (7-8/7-15)" (RIN2120-AA64) (1999-0268), received July 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4276. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Avon Park, FL; Docket No. 99-ASO-8 (7-13/7-15)" (RIN2120-AA66) (1999-0221), received July 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4277. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT9D Series Turbofan Engines; Docket No. 99-ANE-23 (7-13/7-15)" (RIN2120-AA64) (1999-0270), received July 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4278. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The New Piper Aircraft, Inc. Models PA-46-310P and PA-46-350P Airplanes; Docket No. 99-CE-112 (7-13/7-15)" (RIN2120-AA64) (1999-0269), received July 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4279. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes, and C-9 Airplanes; Docket No. 97-NM-49 (7-14/7-15)" (RIN2120-AA64) (1999-0271), received July 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4280. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Smme GmbH and Co. KG Model S10-VT Airplanes; Docket No. 99-CE-07 (7-14/7-15)" (RIN2120-AA64) (1999-0272), received July 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4281. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Mullins and Briarcliffe Acres, South Carolina)" (MM Docket No. 97-72; RM 901), received July 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4282. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Logan, Utah and Evanston, Wyoming)" (MM Docket No. 98-211), received July 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4283. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure for Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Area", received July 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4284. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species (HMS) Fisheries; Fishery Management Plan (FMP), Amendment, and Consolidation of Regulations", (RIN0648-AJ67) (I.D. 071699B), received July 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4285. A communication from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transpor-

tation, transmitting, pursuant to law, the report of a rule entitled "Certification Requirements for Vehicle Alterers" (RIN2127-AH49), received July 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-4286. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation relative to the definition of "public aircraft"; to the Committee on Commerce, Science, and Transportation.

EC-4287. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the Certification to the Congress for Suriname relative to shrimp harvested with technology; to the Committee on Commerce, Science, and Transportation.

EC-4288. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to danger pay for government employees in Eritrea; to the Committee on Foreign Relations.

EC-4289. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (SPATS # ND-038-FOR), received July 15, 1999; to the Committee on Energy and Natural Resources.

EC-4290. A communication from the Secretary of the Army and the Secretary of Agriculture, transmitting jointly, pursuant to law, a report of a joint order interchanging administrative jurisdiction of Department of the Army lands and National Forest lands at Willow Island Locks and Dam and Wayne National Forest; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1088. A bill to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes (Rept. No. 106-115).

H.R. 15. A bill to designate a portion of the Otay Mountain region of California as wilderness (Rept. No. 106-116).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 581. A bill to protect the Paoli and Bradywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes (Rept. No. 106-117).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry:

William J. Ranier, of New Mexico, to be Chairman of the Commodity Futures Trading Commission.

William J. Ranier, of New Mexico, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2004.

(The above nominations were reported with the recommendation that

they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HATCH:

S. 1406. A bill to combat hate crimes; to the Committee on the Judiciary.

By Mr. FRIST:

S. 1407. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2000, 2001, and 2002, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. MOYNIHAN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. LEAHY):

S. 1408. A bill to amend the Small Business Investment Act of 1958 to promote the clean-up of abandoned, idled, or underused commercial or industrial facilities, the expansion or redevelopment of which are complicated by real or perceived environmental contamination, and for other purposes; to the Committee on Small Business.

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

S. 1409. A bill to amend the Internal Revenue Code of 1986 to reduce from 24 months to 12 months the holding period used to determine whether horses are assets described in section 1231 of such Code; to the Committee on Finance.

By Mr. STEVENS:

S. 1410. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain air transportation; to the Committee on Finance.

S. 1411. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. MURRAY (for herself, Mr. WARNER, Mr. HATCH, Mr. BINGAMAN, Mrs. BOXER, Mr. CHAFEE, Mr. DODD, Mr. DORGAN, Mr. EDWARDS, Mr. GORTON, Mr. GRAMS, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Mr. SPECTER, Mr. TORRICELLI, and Mr. WELLSTONE):

S. Res. 158. A resolution designating October 21, 1999, as a "Day of National Concern About Young People and Gun Violence"; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Mr. BOND, Ms. COLLINS, Mr. FRIST, Mr. ALLARD, Mr. EDWARDS, Mr. COCHRAN, Mr. CLELAND, Mr. ROBERTS, and Mr. TORRICELLI):

S. Con. Res. 47. A concurrent resolution expressing the sense of Congress regarding the regulatory burdens on home health agencies; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1406. A bill to combat hate crimes.

COMBATING HATE CRIMES

Mr. HATCH: Mr. President, in the face of some of the hate crimes that have riveted public attention—and have unfortunately made the name Benjamin Nathaniel Smith synonymous with the recent spate of shootings in Illinois; the names James Byrd synonymous with Jasper, Texas; and the name Matthew Shepard synonymous with Laramie, Wyoming—I am committed in my view that the Senate must lead and speak against hate crimes.

During and just preceding this past generation, Congress has been the engine of progress in securing America's civil rights achievements and in driving us as a society increasingly closer to the goal of equal rights for all under the law.

Historians will conclude, I have little doubt, that many of America's greatest strides in civil rights progress took place just before this present moment on history's grand time line: Congress protected Americans from employment discrimination on the basis of race, sex, color, religion, and national origin with the passage of the Civil Rights Act of 1964; Congress protected Americans from gender-based discrimination in rates of pay for equal work with the Equal Pay Act of 1963; and from age discrimination with the passage of the Age Discrimination in Employment Act of 1967; Congress extended protections to immigration status with the Immigration Reform and Control Act in 1986, and to the disabled with the passage of the Americans With Disabilities Act in 1990. And the list continues on and on.

Yet while America's elected officials have striven mightily through the passage of such measures to stop discrimination in the workplace, or at the hands of government actors, what remains tragically unaddressed in large part is discrimination against peoples' own security—that most fundamental right to be free from physical harm.

Despite our best efforts, discrimination continues to persist in many forms in this country, but most sadly in the rudimentary and malicious form of violence against individuals because of their identities.

A fair question for this Congress is what it will do to stem this ugly form of hatred and to counter hate crime as boldly as this Congress has attempted to redress workplace bias and governmental discrimination. Will we continue to advance boldly in this latest civil rights frontier by furthering Congress' proud legacy, or will we demur on the ground that this is not now a battle for our waging?

Let me state, unequivocally, that this is America's fight. As much as we condemn all crime, hate crime can be more sinister than non-hate crime.

A crime committed not just to harm an individual, but out of the motive of sending a message of hatred to an entire community—oftentimes a community defined on the basis of immutable traits—is appropriately punished more harshly, or in a different manner, than other crimes.

This is in keeping with the longstanding principle of criminal justice—as recognized recently by the U.S. Supreme Court in a unanimous decision upholding Wisconsin's sentencing enhancement for hate crimes—that the worse a criminal defendant's motive, the worse the crime. (*Wisconsin v. Mitchell*, 1993)

Moreover, hate crimes are more likely to provoke retaliatory crimes; they inflict deep, lasting, and distinct injuries—some of which never heal—on victims and their family members; they incite community unrest; and, ultimately, they are downright un-American.

The melting pot of America is, worldwide, the most successful multi-ethnic, multi-racial, and multi-faith country in all recorded history. This is something to ponder as we consider the atrocities so routinely sanctioned in other countries—like Serbia so recently—committed against persons entirely on the basis of their racial, ethnic, or religious identity.

I am resolute in my view that the federal government can play a valuable role in responding to hate crime. One example here is my sponsorship of the Hate Crime Statistics Act of 1990, a law which instituted a data collection system to assess the extent of hate crime activity, and which now has thousands of voluntary law enforcement agency participants.

Another, more recent example, is the passage in 1996 of the Church Arson Protection Act, which, among other things, criminalized the destruction of any church, synagogue, mosque, or other place of religious worship because of the race, color, or ethnic characteristics of an individual associated with that property.

To be sure, however, any federal response—to be a meaningful one—must abide by the constitutional limitations imposed on Congress, and be cognizant of the limitations on Congress' enumerated powers that are routinely enforced by the courts.

This is more true today than it would have been even a mere decade ago, given the significant revival by the U.S. Supreme Court of the federalism doctrine in a string of decisions beginning in 1992. Those decisions must make us particularly vigilant in respecting the courts' restrictions on Congress' powers to legislate under section 5 of the 14th amendment, and under the commerce clause. [*City of Boerne* (invalidating Religious Freedom Restoration Act under 14th amendment); *Lopez* (invalidating Gun-Free School Zones Act under commerce clause); *Brzonkala* (4th circuit decision

invalidating one section of the Violence Against Women Act on both grounds).]

We therefore need to arrive at a federal response to hate crimes that is not only as effective as possible, but that carefully navigates the rocky shoals of these court decisions. To that end, I have prepared an approach that I believe will be not only an effective one, but one that would avoid altogether the constitutional risks that attach to other possible federal responses that have been raised.

Indeed, just a couple months ago, Deputy Attorney General Eric Holder testified before the Senate Judiciary Committee that states and localities should continue to be responsible for prosecuting the overwhelming majority of hate crimes, and that no legislation is worthwhile if it is invalidated as unconstitutional.

There are four principal components to my approach:

First, it creates a meaningful partnership between the federal government and the states in combating hate crime, by establishing within the Justice Department a fund to assist state and local authorities in investigating and prosecuting hate crime.

Much of the cited justification given by those who advocate broad federal jurisdiction over hate crimes is a lack of adequate resources at the state and local level.

Accordingly, before we take the step of making every criminal offense motivated by a hatred of someone's immutable traits a federal offense, it is imperative that we equip states and localities with the resources necessary so that they can undertake these criminal investigations and prosecutions on their own.

Second, my approach undertakes a comprehensive analysis of the raw data that has been collected pursuant to the 1990 Hate Crime Statistics Act, including a comparison of the records of different jurisdictions—some with hate crime law, others without—to determine whether there is, in fact, a problem in certain states' prosecution of those criminal acts constituting hate crimes.

Third, my approach directs an appropriate, neutral forum to develop a model hate crimes statute that would enable states to evaluate their own laws, and adopt—in whole or in part from the model statute—hate crime legislation at the state level.

One of the arguments cited for a federalization of enforcement is the varying scope and punitive force of state laws. Yet there are many areas of grave national concern—such as drunk driving, by way of example—that are appropriately left to the states for criminal enforcement and punishment.

Before we make all hate crimes federal offenses, I believe we should pursue avenues that advance consistency among the states through the voluntary efforts of their legislatures. Perhaps, upon completion of this model

hate crime law, Congress will review its recommendation and consider additional ways to promote uniformity among the states.

Fourth, my proposal makes a long-overdue modification of our existing federal hate crime law (passed in 1969) to allow for the prosecution by federal authorities of those hate crimes that are classically within federal jurisdiction—that is, hate crimes in which state lines have been crossed.

Mr. President, I believe that passage of this comprehensive measure will prove a strong antidote to the scourge of hate crimes.

It is no answer for the Senate to sit by silently while these crimes are being committed. The ugly, bigoted, and violent underside of some in our country that is reflected by the commission of hate crimes must be combated at all levels of government.

For some, federal leadership necessitates federal control. I do not subscribe to this view, especially when it comes to this problem. It has been proposed by some that to combat hate crime Congress should enact a new tier of far-reaching federal criminal legislation. That approach strays from the foundations of our constitutional structure—namely, the first principles of federalism that for more than two centuries have vested states with primary responsibility for prosecuting crimes committed within their boundaries.

As important as this issue is, there is little evidence such a step is warranted, or that it will do any more than what I have proposed. In fact, one could argue that national enforcement of hate crime could decrease if states are told the federal government has assumed primary responsibility over hate crime enforcement.

Accordingly, we must lead—but lead responsibly—recognizing that we live in a country of governments of shared and divided responsibilities.

In confronting a world of prejudice greater than any of us can now imagine, Lincoln said to Congress in 1862 that the “dogmas of the quiet past” were “inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise—with the occasion. As our case is new, so we must think anew, and act anew.”

In that very spirit, I encourage this body to question the dogma that federal leadership must include federal control, and I encourage this body to act anew by supporting a proposal that is far-reaching in its efforts to stem hate crime, and that is at the same time respectful of the primacy states have traditionally enjoyed in prosecuting crimes committed within their boundaries.

Ultimately, I believe the approach I have set forth is a principled way to accommodate our twin aims—our well-intentioned desire to investigate, prosecute, and, hopefully, end these vicious crimes; and our unequivocal duty to respect the constitutional boundaries

governing any legislative action we take.

My proposal should unite all of us on the point about which we should most fervently agree—that the Senate must speak firmly and meaningfully in denouncing as wrong in all respects those actions we have increasingly come to know as hate crimes. Our continued progress in fighting to protect Americans' civil rights demands no less.

Mr. President, I feel deeply about this. I hope our colleagues will look at this seriously and realize this is the way to go. It appropriately respects the rights of the States and the rights of the Federal Government. It appropriately sets the tone. It appropriately goes after these types of crimes in a very intelligent and decent way. I believe it is the way to get at the bottom of this type of criminal activity in our society today.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1406

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

SECTION 1. HATE CRIMES.

(a) DECLARATIONS.—Congress declares that—

(1) further efforts must be taken at all levels of government to respond to the staggering brutality of hate crimes that have riveted public attention and shocked the Nation;

(2) hate crimes are prompted by bias and are committed to send a message of hate to targeted communities, usually defined on the basis of immutable traits;

(3) the prominent characteristic of a hate crime is that it devastates not just the actual victim and the victim's family and friends, but frequently savages the community sharing the traits that caused the victim to be selected;

(4) any efforts undertaken by the Federal Government to combat hate crimes must respect the primacy that States and local officials have traditionally been accorded in the criminal prosecution of acts constituting hate crimes; and

(5) an overly broad reaction by the Federal Government to this serious problem might ultimately diminish the accountability of State and local officials in responding to hate crimes and transgress the constitutional limitations on the powers vested in Congress under the Constitution.

(b) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF HATE CRIME.—In this paragraph, the term “hate crime” means—

(i) a crime described in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note); and

(ii) a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall select 10 jurisdictions with laws classifying certain types of crimes as hate crimes and 10 jurisdictions without such laws from which to collect data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data to be collected are—

(i) the number of hate crimes that are reported and investigated;

(ii) the percentage of hate crimes that are prosecuted and the percentage that result in conviction;

(iii) the length of the sentences imposed for crimes classified as hate crimes within a jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no hate crime laws; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data under this paragraph.

(2) STUDY OF TRENDS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States and the General Accounting Office shall complete a study that analyzes the data collected under paragraph (1) and under the Hate Crime Statistics Act of 1990 to determine the extent of hate crime activity throughout the country and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States and the General Accounting Office shall identify any trends in the commission of hate crimes specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number of hate crimes that are prosecuted and the number for which convictions are obtained.

(C) MODEL STATUTE.—

(1) IN GENERAL.—To encourage the identification and prosecution of hate crimes throughout the country, the Attorney General shall, through the National Conference of Commissioners on Uniform State Laws of the American Law Institute or another appropriate forum, and in consultation with the States, develop a model statute to carry out the goals described in subsection (a) and criminalize acts classified as hate crimes.

(2) REQUIREMENTS.—In developing the model statute, the Attorney General shall—

(A) include in the model statute crimes that manifest evidence of prejudice; and

(B) prepare an analysis of all reasons why any crime motivated by prejudice based on any traits of a victim should or should not be included.

(d) SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.—

(1) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation, shall provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(i) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(ii) constitutes a felony under the laws of the State; and

(iii) is motivated by prejudice based on the victim's race, ethnicity, or religion or is a violation of the State's hate crime law.

(B) PRIORITY.—In providing assistance under subparagraph (A), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State.

(2) GRANTS.—

(A) IN GENERAL.—There is established a grant program within the Department of Justice to assist State and local officials in the investigation and prosecution of hate crimes.

(B) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this paragraph shall—

(i) describe the purposes for which the grant is needed; and

(ii) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute the hate crime.

(C) DEADLINE.—An application for a grant under this paragraph shall be approved or disapproved by the Attorney General not later than 24 hours after the application is submitted.

(D) GRANT AMOUNT.—A grant under this paragraph shall not exceed \$100,000 for any single case.

(E) REPORT.—Not later than December 31, 2001, the Attorney General, in consultation with the National Governors' Association, shall submit to Congress a report describing the applications made for grants under this paragraph, the award of such grants, and the effectiveness of the grant funds awarded.

(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$5,000,000 for each of fiscal years 2000 and 2001.

(e) INTERSTATE TRAVEL TO COMMIT HATE CRIME.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“§ 249. Interstate travel to commit hate crime

“(a) IN GENERAL.—A person, whether or not acting under color of law, who—

“(1) travels across a State line or enters or leaves Indian country in order, by force or threat of force, to willfully injure, intimidate, or interfere with, or by force or threat of force to attempt to injure, intimidate, or interfere with, any person because of the person's race, color, religion, or national origin; and

“(2) by force or threat of force, willfully injures, intimidates, or interferes with, or by force or threat of force attempts to willfully injure, intimidate, or interfere with any person because of the person's race, color, religion, or national origin, shall be subject to a penalty under subsection (b).

“(b) PENALTIES.—A person described in subsection (a) who is subject to a penalty under this subsection—

“(1) shall be fined under this title, imprisoned not more than 1 year, or both;

“(2) if bodily injury results or if the violation includes the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title, imprisoned not more than 10 years, or both; or

“(3) if death results or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill—

“(A) shall be fined under this title, imprisoned for any term of years or for life, or both; or

“(B) may be sentenced to death.”.

(2) TECHNICAL AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Interstate travel to commit hate crime.”.

By Mr. FRIST:

S. 1407. A bill to authorize appropriations for the Technology Administra-

tion of the Department of Commerce for fiscal years 2000, 2001, and 2002, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TECHNOLOGY ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 2000, 2001, AND 2002

● Mr. FRIST. Mr. President, I rise today to offer a bill to authorize the appropriations for the Technology Administration (TA) of the Department of Commerce for fiscal years 2000, 2001, and 2002. This bill authorizes funding for activities in the National Institute of Standards and Technology (NIST), the National Technical Information Services (NTIS), the Office of Technology Policy (OTP), and the Office of Space Commercialization (OSC).

The Technology Administration is the only federal agency responsible for maximizing technology's contribution to America's economic growth, and for partnering with industry to improve U.S. industrial competitiveness. Because technological progress is the single most important factor in our current economic growth, it is important that the agency be adequately funded to pursue its missions, even during the current era of fiscal constraints. As the pace of technological changes accelerates and as the world transitions to a digital economy, we must work proactively to ensure that the private sector has the best possible tools to compete in this new economy.

NIST, as the main research laboratory in Technology Administration, promotes and strengthens the U.S. economy by collaborating with industry to apply new technology, measurement methods, and technical standards. In support of the programs in Scientific and Technical Research and Services, the bill seeks to increase the authorization amounts for fiscal years 2001 and 2002 by 5.5 percent annually, consistent with my objective for doubling the aggregate federal funding for civilian research over an 11-year period beginning in fiscal year 2000.

In keeping with my firm belief that our national commitment to technological innovation must include a complete framework that also facilitates the realization and commercialization of new technologies in the marketplace, the bill also continues to provide funding for two NIST programs that have been particularly contentious: the Advanced Technology Program (ATP) and the Manufacturing Extension Program (MEP). We respond to existing criticisms of ATP with several changes to the administration of ATP awards to ensure that the program fulfills its originally intended mission. These modifications include provisions to ensure that federal funds would not interfere or compete with private capital for the commercialization of new technologies, and that these funds would benefit primarily small businesses.

With MEP approaching maturity, the evidence of its success in providing technical assistance and advanced

business practices to help small manufacturers improve their competitiveness has been overwhelming. However, as we transition from a labor-based to a knowledge-based economy, the function of the manufacturing sector will change and its needs will evolve accordingly. In anticipation of these changes, the legislation requests the Director of NIST to examine these issues closely, and recommend modification or expansion of MEP as appropriate.

NTIS is an agency within Technology Administration that collects, archives, and disseminates scientific, technical, and related business information produced by or for the federal government. NTIS is required to cover its expenses through its revenues. However, the advance of the Internet and the convenience of electronic dissemination of information freely via agency web sites have severely impacted NTIS's ability to sell its products. It is my belief that the agency serves an important mission in ensuring the preservation of research results produced from federal investment. Yet, prudent fiscal management practice dictates that we give serious consideration to the agency and its future. Accordingly, the bill reauthorizes additional funding for the agency, but only if the Secretary can recommend potential resolutions to the issue. We leave open the option of possibly resolving this issue in a later bill.

Through the Technology Administration Act of 1998 (P.L. 105-309), we created the Office of Space Commercialization, and for the first time, the Office will receive its own funding authorization. As the pace of activities to commercialize aspects of space increases, I hope that the Office will become a more active participant in the ongoing discussion between the government and industry in this strategically important market.

Two other issues that the legislation addresses include the commissioning of a study to strengthen and maintain technical expertise of the national laboratories, and a study on the role and impact of international and domestic technical standards of global commerce. These are issues with national impact that I believe we must discuss in a timely manner.

Mr. President, I believe that this authorization bill reflects a balance between prudent fiscal policies and wise investment for our Nation's future. We have incorporated input from my colleagues in the Senate, the House, and the Administration, as well as my constituents, and other interested parties. The legislation reaffirms our national commitment to maximize technology's contribution to economic growth in a responsible manner, while at the same time, prepares us for changes ahead as we transition into a knowledge-based economy. It also seeks to maintain America's unique technical skills. Therefore, I urge my colleagues to support timely passage of this legislation

so that we can give a clear indication to the American people that we are serious about enhancing U.S. competitiveness as we approach the next century, and ensuring that our federal investment is well spent.●

By Mr. JEFFORDS (for himself, Mr. MOYNIHAN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. LEAHY):

S. 1408. A bill to amend the Small Business Investment Act of 1958 to promote the cleanup of abandoned, idled, or underused commercial or industrial facilities, the expansion or redevelopment of which are complicated by real or perceived environmental contamination, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS BROWNFIELDS
REDEVELOPMENT ACT OF 1999

Mr. JEFFORDS. Mr. President, I rise today to introduce the Small Business Brownfields Redevelopment Act of 1999.

As we debate the best avenue to promote smart growth in our communities, a prominent issue is brownfields revitalization. Historically an issue of corporate America, small businesses can play a crucial role in revitalizing brownfields sites. Providing small businesses with the necessary capital to redevelop these sites is critical. The potential for small businesses to redevelop brownfields sites has gone untapped for far too long.

Although Congress clarified lender liability in 1996—in the FY 1997 Omnibus Appropriations bill—P.L. 104-208—there has been little progress to enhance small business brownfields redevelopment efforts. Larger corporations have the necessary resources; for example, Bank of America has recognized the economic benefits for brownfields lending. The Small Business Brownfields Redevelopment Act of 1999 would level this playing field.

Our goal with this legislation is to take an existing framework—the Small Business Administration's (SBA) successful loan guarantee and community development corporation programs—and channel important resources into brownfields redevelopment and prevention. It is a concept with multiple objectives. It will provide legitimacy to brownfields investment and lending, which does not now exist; and promote innovative cleanup technologies.

By redeveloping brownfields and easing development pressure on greenfields, we are promoting smart growth; and by providing critical financial tools to our small businesses, we are promoting the backbone of our nation's economy. Revitalizing brownfields is pro-business, pro-community, and pro-environment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1408

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Brownfields Redevelopment Act of 1999".

SEC. 2. SMALL BUSINESS DEVELOPMENT COMPANY PROGRAM SET-ASIDE FOR BROWNFIELD PREVENTION AND REDEVELOPMENT.

Section 504 of the Small Business Investment Act of 1958 (15 U.S.C. 697a) is amended by adding at the end the following:

"(c) SET-ASIDE FOR BROWNFIELD PREVENTION AND REDEVELOPMENT PROJECTS.—

"(1) IN GENERAL.—Of the amount authorized for financings under this section in each fiscal year, the Administration shall set aside the lesser of \$50,000,000 or 10 percent, which shall be used by qualified State and local development companies to finance projects that assist qualified small businesses (or prospective owners or operators of qualified small businesses) in—

"(A) carrying out site assessment and cleanup activities at brownfield sites or at sites contaminated with petroleum; and

"(B) acquiring new, clean technologies and production equipment.

"(2) DEFINITIONS.—In this subsection—

"(A) the term 'brownfield site' has the meaning given that term in section 321(d);

"(B) the term 'site assessment' means any investigation of a site determined to be appropriate by the President and undertaken pursuant to section 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(b));

"(C) the term 'qualified small business' means a small business—

"(i) that—

"(I) has acquired a brownfield site; or

"(II) uses, in the course of doing business, any hazardous substance (as defined in section 101(14) of such Act (42 U.S.C. 9601(14))); and

"(ii) that has limited or no access to capital from conventional sources, as determined by the Administration; and

"(D) the term 'qualified State or local development company' has the meaning given that term in section 503(e)."

SEC. 3. PROMOTION OF SMALL BUSINESS INVESTMENT COMPANIES FOR BROWNFIELD ACTIVITIES.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following:

"SEC. 321. SMALL BUSINESS INVESTMENT COMPANIES FOR BROWNFIELD ACTIVITIES.

"(a) ESTABLISHMENT OF CERTAIN SMALL BUSINESS INVESTMENT COMPANIES.—The Administration shall promote the establishment of 1 or more small business investment companies, the primary purpose of which is to finance—

"(1) cleanup activities for brownfield sites or sites contaminated with petroleum, including those that use innovative or experimental cleanup technologies; or

"(2) projects that assist small businesses in cleaning up the facilities owned or operated by those small businesses and adopting new, clean technologies.

"(b) AUTHORITY TO WAIVE CERTAIN FEE.—The Administration may waive any filing fee otherwise required by the Administration under this title with respect to any small business investment company described in subsection (a).

"(c) SET-ASIDE.—Notwithstanding any other provision of this title, of the amount authorized for purchases of participating securities and guarantees of debentures under this title in each fiscal year, the Administration shall set aside the lesser of \$2,000,000 or 10 percent, which shall be used to provide leverage to any small business investment company described in subsection (a).

“(d) BROWNFIELD SITE DEFINED.—In this section, the term ‘brownfield site’ means an abandoned, idled, or underused commercial or industrial facility, the expansion or redevelopment of which is complicated by real or perceived environmental contamination.”.

Mr. MOYNIHAN. Mr. President, I rise to introduce the Small Business Brownfields Redevelopment Act of 1999, a bill to set aside a portion of the Small business Administration’s (SBA) resources for use by small businesses for brownfields prevention and redevelopment.

I am pleased to co-sponsor this measure with Senator JEFFORDS of Vermont. Together, we co-chair the Northeast-Midwest Senate Coalition. We recognize that our area of the country has its share of brownfields and the need for this important legislation.

Many smaller banks, including those represented by the SBA, are hesitant to lend to projects involving brownfields which they perceive to be risky. Our bill will encourage and provide the legitimacy to brownfields investment and lending that is long overdue.

This bill designates a portion of the funding of two of SBA’s programs, Section 504, Certified Development Companies (CDCs) and Small Business Investment Companies (SBICs), for brownfields activities. This will ensure that small businesses receive the support they need to promote the redevelopment of valuable land.

Companies across the nation have recognized the financial and social advantages of Smart Growth and brownfields redevelopment. Communities call on us to preserve and promote open space. This bill unites the goals of businesses and residents in a common purpose: more efficient, economical and ecological use of our nation’s lands.

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

S. 1409. A bill to amend the Internal Revenue Code of 1986 to reduce from 24 months to 12 months the holding period used to determine whether horses are assets described in section 1231 of such Code; to the Committee on Finance.

LEGISLATION REDUCING THE CAPITAL GAINS
HOLDING PERIOD FOR HORSES

Mr. MCCONNELL. Mr. President, I join with my colleague, Mr. BUNNING, to introduce legislation to reduce from 24 months to 12 months the capital gains holding period for horses. All capital assets—with the exception of horses and cattle—qualify for the lowest capital gains tax rate if held for 12 months. This discrepancy in the tax code is simply not fair to the horse industry.

The horse industry is extremely important to our economy, and accounts for thousands of jobs. Whether it is owning, breeding, racing, or showing horses—or simply enjoying an afternoon ride along a trail—one in thirty-five Americans is touched by the horse industry. In Kentucky alone, the horse

industry has an economic impact of \$3.4 billion, involving 150,000 horses and more than 50,000 employees.

What supports this industry is the investment in the horses themselves. Much like other businesses, outside investments are essential to the operation and growth of the horse industry. Without others willing to buy and breed horses, it is impossible for the industry to remain competitive. The two-year holding period ultimately discourages investment, putting this industry—and the 1.4 million jobs it supports nationwide—at risk. Clearly, this is bad economic policy and must be changed.

Mr. President, the two-year holding period for horses is sorely outdated. It was established in 1969, primarily as an anti-tax shelter provision. Since then, there have been a number of changes in the tax code. Specifically, the passive loss limitations have been adopted, putting an end to these previous tax loopholes.

Although horses are categorized as livestock, they have an entirely different function than other animals, like cattle. While both are livestock, the investment in these two animals is entirely different. Beef is a commodity, with a finite and generally short life span. However, horses—whether they are used for racing, showing, or working—are frequently bought and sold multiple times over their longer life in order to maximize the return on the owner’s investment. Additionally, once horses retire from the track or show arena, they continue to enhance their value through breeding.

Mr. President, there is no sound argument for distinguishing horses from other capital assets. The two-year holding period discriminates against the horse industry and must be reduced. I urge my colleagues to join Senator BUNNING and me in correcting this unfair tax policy. Mr. President, I ask that the text of this legislation be printed in the RECORD.

The bill follows:

S. 1409

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

SECTION 1. HOLDING PERIOD REDUCED TO 12 MONTHS FOR PURPOSES OF DETERMINING WHETHER HORSES ARE SECTION 1231 ASSETS.

(a) IN GENERAL.—Subparagraph (A) of section 1231(b)(3) of the Internal Revenue Code of 1986 (relating to definition of property used in the trade or business) is amended by striking “and horses”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

By Mr. STEVENS:

S. 1410. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain air transportation; to the Committee on Finance.

EMPTY SEAT TAX RELIEF LEGISLATION

Mr. STEVENS. Mr. President, I am introducing a bill to equate the tax

treatment of persons occupying what would otherwise be empty seats on private aircraft with the treatment of airline employees flying on a space available basis on regularly scheduled flights. Right now, use of these empty seats is deemed taxable personal income to the employee. I refer to it as the “empty-seat tax.” Filling these empty seats—the way airlines do—can be likened to personnel taking offsets on freight flights, and empty seat passengers on auto, trucks, taxis or limousines that are being driven for business.

Under current law, airline employees and retirees and their parents and children can fly tax-free on scheduled commercial flights for nonbusiness reasons. Military personnel and their families can hop military flights for nonbusiness reasons without the imposition of tax. Current and former employees of airborne freight or cargo haulers, together with their parents and children, can fly tax-free for nonbusiness reasons on seats that would have otherwise been empty.

In addition, no tax is imposed on passengers accompanying employees traveling on business via auto or other non-aircraft transportation. For example, a trucker can take his wife on a haul without facing the imposition of a tax for the seat that she occupies. Yet tax is frequently imposed on employees or “deemed” employees flying for non-business reasons when they occupy what would otherwise be unused seats on business flights of noncommercial aircraft. Employers who own or lease these aircraft are compelled by IRS regulations to consider 13 separate factors or steps in determining the incidence and amount of tax to be imposed on their employees. My proposal seeks to deal with this inequity by treating all passengers the same way.

Under this provision, the employer would have to demonstrate to the IRS on audit that the flight would have been made in the ordinary course of the employer’s business whether or not the person was on the flight. The employer would also have to show that the presence of the person did not cause the employer to incur additional costs for the flight. Personal use of a plane, such as when an executive files with his or her family or guests to a vacation home, would remain fully taxable, just as under current law.

In 1984, the Joint Committee on Taxation concluded that it was “unacceptable” to continue “conditions” under which “taxpayers in identical or comparable situations have been treated differently” because of the “inequities, confusion and administrative difficulties for business, employees and the internal revenue service resulting from this situation.” The Joint Committee on Taxation was right then, and the comment continues to be accurate 15 years later.

This is not just about creating equity for all passengers. It also goes to our ultimate goal of simplifying the Tax

Code for all Americans. Upon passage of this provision, a separate category of taxpayer will be eliminated and employees and employers will be able to better assess the tax implications of travel on aircraft.

This is an especially important issue to large States with smaller populations because air travel comprises such a large part of our transportation systems. Instead of getting on a plane to travel across country, many people from rural areas get on a plane to travel within the State.

This is also a health care issue. Many people in rural States like mine must take an empty seat on a company-owned airplane because they get sick and need medical treatment that can only be found in larger cities. In the contiguous States, someone can call an ambulance to take a car or bus to a larger metropolitan area to receive medical treatment. There are no buses from Barrow to Fairbanks or Cold Bay to Anchorage. The current Tax Code overlooks this fact of life and my provision will take this into account. We must begin to treat all passengers fairly, regardless of how they get to their final destination.

By Mr. STEVENS:

S. 1411. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources; to the Committee on Finance.

FISH OIL HEAT ACT OF 1999

Mr. STEVENS. Mr. President, today I introduce the Fish Oil Heat Act of 1999. This act would provide a tax credit for fishing operations who choose to burn waste fish oil rather than diesel fuel. Fishing operations would earn a tax credit for each Btu of heat produced by this alternative fuel source. This measure is similar to others that are before the Senate in that it encourages businesses to use alternative energy sources at hand rather than relying solely on fossil fuels.

This bill would amend section 45 of the Tax Code to include fish oil as a qualified energy producing resource. Fishing operations, whether on shore or at sea are able to use fish oil to keep their working areas warm and to process the fish they harvest. My legislation would expand the current Tax Code to provide an incentive to use alternative energy sources by including heat generated by waste fish oil under section 45. As it stands now, the Tax Code allows tax credits for electricity produced by wind or through a closed loop biomass system. Fishing operations are often isolated from energy grids and they do not rely on the organic biomass systems for energy, so they cannot take advantage of the electricity producing tax credit.

Several Senators have introduced bills to expand the current Tax Code to allow for new energy producing tax credits from alternative resources. However, the tax credits are limited to a single form of energy—electricity.

My bill would take into account a different form of energy—heat. This provision would give the same amount of tax credit for a single Btu of heat produced as the current Tax Code allows for a kilowatt hour of electricity produced. This will create equity within the tax system and across industry lines.

Fishing operations in my State are often isolated and rely on the resources they have at hand. Unlike many of the industries in the contiguous United States, fishing operations in Alaska can't connect to area wide power grids. They rely on fossil fuels to run generators for heat and electricity. The fuel must be transported to the operation, often by barge or small boat. This bill would encourage these isolated fishing operations to collect and use the waste fish oil that they generate to keep their business warm. This would cut down on the amount of fossil fuel being transported to these distant locations, thus reducing the chances of fuel spills. Additionally, by encouraging the fishing operations to burn the waste oil they generate, we can reduce the amount of fish oil going to waste.

ADDITIONAL COSPONSORS

S. 125

At the request of Mr. FEINGOLD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 125, a bill to reduce the number of executive branch political appointees.

S. 294

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 294, a bill to direct the Secretary of the Army to develop and implement a comprehensive program for fish screens and passage devices.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. DODD) 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. 484

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return

to the United States of those POW/MIAs alive.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 522

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

S. 541

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 632

At the request of Mr. DEWINE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation.

S. 751

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 758

At the request of Mr. ASHCROFT, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Mr. SARBANES) 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. 980

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1025

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1025, a bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and allied health education programs under the medicare program.

S. 1053

At the request of Mr. BOND, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1172

At the request of Mr. TORRICELLI, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1172, a bill to provide a patent term restoration review procedure for certain drug products.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1315

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1315, a bill to permit the leasing of oil and gas rights on certain lands held in trust for the Navajo Nation or allotted to a member of the Navajo Nation, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for lease.

S. 1348

At the request of Mr. BROWNBACK, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1348, a bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws.

S. 1396

At the request of Mr. FITZGERALD, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1396, a bill to amend section 4532 of title 10, United States Code, to provide for the coverage and treatment of overhead costs of United States factories and arsenals when not making supplies for the Army, and for other purposes.

S. 1403

At the request of Mrs. MURRAY, her name was withdrawn as a cosponsor of S. 1403, a bill to amend chapter 3 of title 28, United States Code, to modify en banc procedures for the Ninth Circuit Court of Appeals, and for other purposes.

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. SARBANES, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Concurrent Resolution 10, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Concurrent Resolution 34, a concurrent resolution relating to the observance of "In Memory" Day.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Rhode Island (Mr. REED), the Senator from Tennessee (Mr. FRIST), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. EDWARDS), the Senator from Illinois (Mr. DURBIN), the Senator from Alabama (Mr. SHELBY), the Senator from Utah (Mr. HATCH), the Senator from Florida (Mr. GRAHAM), the Senator from Hawaii (Mr. AKAKA), the Senator from Oregon (Mr. WYDEN), the Senator from Ohio (Mr. DEWINE), the Senator from Colorado (Mr. ALLARD), the Sen-

ator from Idaho (Mr. CRAPO), the Senator from Michigan (Mr. LEVIN), and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of Senate Resolution 95, A resolution designating August 16, 1999, as "National Airborne Day."

SENATE RESOLUTION 106

At the request of Mr. DOMENICI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of Senate Resolution 106, a resolution to express the sense of the Senate regarding English plus other languages.

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Resolution 128, a resolution designating March 2000, as "Arts Education Month."

AMENDMENT NO. 1258

At the request of Mr. DOMENICI the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of amendment No. 1258 proposed to H.R. 1555, a bill to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SENATE CONCURRENT RESOLUTION 47—EXPRESSING THE SENSE OF CONGRESS REGARDING THE REGULATORY BURDENS ON HOME HEALTH AGENCIES

Mrs. HUTCHISON (for herself, Mr. BOND, Ms. COLLINS, Mr. FRIST, Mr. ALLARD, Mr. EDWARDS, Mr. COCHRAN, Mr. CLELAND, Mr. ROBERTS, and Mr. TORRICELLI) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 47

Whereas 3,900,000 elderly persons currently use health care services provided under the medicare home health program;

Whereas the Balanced Budget Act of 1997 made a number of changes to the administration of the medicare home health program;

Whereas many such changes imposed by such Act were required to be implemented by the Health Care Financing Administration (referred to in this resolution as "HCFA") of the Department of Health and Human Services;

Whereas many of such regulations promulgated by HCFA in order to implement such changes have proven to be administratively burdensome, have diverted funds away from needed beneficiary care, and were promulgated as final rules without prior opportunity for comment by the home health industry and home health patients;

Whereas HCFA has implemented a branch office policy that imposes arbitrary distance and suspension requirements that are administratively burdensome and threaten access to home health services, particularly in rural areas;

Whereas, in order to implement the shift of medicare payment for home health services from part A to part B, HCFA imposed a sequential billing policy that prohibited home

health agencies from submitting bills for patient services if a previous bill was submitted for that patient who was undergoing medical review;

Whereas HCFA has expanded medical reviews of home health claims so that the processing of such claims has slowed down significantly nationwide;

Whereas HCFA is requiring home health agencies to submit patient data using the Outcomes and Assessment Information Set (referred to in this resolution as "OASIS") in anticipation of and to assist the development of a prospective payment system (PPS) for home health services;

Whereas, HCFA plans to implement an overly burdensome requirement that agencies report visit times in 15-minute increments that fails to account for the entire time spent in the home and on activities such as care planning, coordination, documentation, and travel that are essential for a home health visit;

Whereas most home health agencies will not be reimbursed for any of the costs or the increase in administrative requirements associated with OASIS;

Whereas the slowdown in claims processing, coupled with sequential billing and implementation of OASIS, has substantially increased home health agency cash flow problems because payments are often delayed by 3 months or more;

Whereas the vast majority of home health agencies are small businesses that cannot operate with such significant cash flow problems; and

Whereas there are many other elements of the medicare home health program, such as the interim payment system, which have created financial problems for home health agencies, such that more than 2,200 agencies nationwide have already closed: Now, therefore, be it

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

(1) Congress should actively oversee the administration by the Health Care Financing Administration (referred to in this resolution as "HCFA") of the medicare home health program;

(2) in overseeing such administration, Congress should pay particular attention to HCFA's compliance with the public notice and comment requirements of the Administrative Procedures Act (5 U.S.C. 551 et seq.), HCFA's consideration of input from the home health community, and HCFA's coordination and consistent application of policies among HCFA's central and regional offices; and

(3) Congress should monitor HCFA's adherence to and implementation of Congressional intent when executing changes during such administration.

• Mrs. HUTCHISON. Mr. President, I rise today to submit a Senate concurrent resolution intended to focus the attention of Congress on the current plight of Medicare beneficiaries who receive home health care. Specifically, the resolution calls for increased Congressional oversight with regard to home health care of the Health Care Financing Administration (HCFA), which has responsibility of implementing the federal Medicare program.

Home health providers, or "agencies" as they are called, are being decimated by overly burdensome and complex regulations issued by HCFA. Ostensibly issued to implement the Medicare preservation provisions of the 1997 Balanced Budget Act, these regulations in-

stead have ignored or conjured Congressional intent and in the process have driven thousands of home health agencies out of business and left tens of thousands of homebound seniors scrambling to find care.

Mr. President, my home state of Texas is very rural. Despite the fact that there are now almost 20 million people living in Texas, most areas of the state remain rural, even isolated from major population centers. Many of these areas are medically very underserved. There are counties in Texas without a single hospital, and several without so much as a clinic for people to go to find basic health services. It's not unusual for a Texan in some parts of the state to have to drive 100 miles or more just to see a doctor.

When Congress created the home health benefit within the Medicare program, it dramatically extended Medicare's reach to senior citizens and disabled persons living in these rural areas. Home health also offered to bring much needed health services to many who, although they may reside in a city, nevertheless may live an isolated existence because they are homebound.

Because of the tremendous need and demand for home health care, the program began to grow rapidly. This growth began to alarm some who felt that the cost of the program would soon outstrip the Medicare system's ability to pay for it. There were also a growing number of reports of abuse and fraud within Medicare generally, and specifically within the home health program.

So in 1997, as part of a broader Medicare package, Congress acted to make the home health program more efficient and to crack-down on fraud and abuse. While these reforms were intended as a wake-up call to inefficient and fraudulent home health providers, they were not intended to pull the rug out from under the entire home health industry, and the 4 million patients nationwide who depend on the services home care provides. Unfortunately, that is exactly what has happened.

Home health agencies have been besieged on all sides. Implementation of the Interim Payment System (IPS) has caused immediate cuts in payments to agencies by upwards of 60 percent. In many cases, these cuts are being implemented retroactively, resulting in many agencies being slapped with "overpayment" demand notices for hundreds of thousands of dollars. In some cases, these payment demands exceed the agency's annual payroll. Moreover, the manner in which HCFA has chosen to implement the IPS has caused the most efficient agencies to suffer the most severe cuts. Agencies that were less efficient, and thus were paid more in the past, are ironically given higher reimbursements under the IPS.

At the same time, home health agencies have been hit with many new, complex, and burdensome regulations,

some of which seem to have no real purpose other than to generate more paperwork and administrative costs by home care agencies.

For example, home health providers are now required to keep track of and report their time in 15 minute increments. Many visiting nurses and other home health providers report having to use a stopwatch while they administer care to their patients in order to comply with this new requirement. Another example is HCFA's implementation of a sequential billing policy, wherein an agency cannot bill Medicare for services provided to a patient until all previous claims for that patient are resolved, even if those earlier claims are held-up by the Medicare bureaucracy.

Across the nation, and particularly in my home state of Texas, the combined results of these payment cuts and new regulations have been nothing short of catastrophic. In Texas alone, an estimated 700 home care agencies have already gone out of business since 1997, and many more are on the verge of collapse. Nationwide, upwards of 2200 agencies have reportedly shut their doors, representing about a third of the total number of home care agencies.

Mr. President, it seems that everywhere I travel in Texas, and I travel to some very rural areas, the one health complaint I hear consistently from my constituents concerns changes in the Medicare home health benefit. I have heard numerous instances of home health beneficiaries, particularly those with complex illnesses and demanding health needs, who have been left high and dry by the closure of their home care agency. Many of these individuals have been forced into hospitals or nursing homes. Others simply get no care, or must rely to the extent they can upon what care family or neighbors can provide.

I and many of my colleagues have communicated with HCFA in an attempt to soften the blow of their regulations, with only very limited success. And while HCFA has been largely unresponsive to Congress, it has been even more insulated from the comments, suggestions, and complaints from the home health community. In many cases, payment system changes have been enacted with virtually no public participation or comment.

Mr. President, our nation's homebound senior citizens deserve more.

This resolution seeks to bring attention to the plight of home health beneficiaries under HCFA's cumbersome implementation of the reforms Congress enacted. It calls upon Congress to take a more active role in overseeing the Health Care Financing Administration with regard to home health care and HCFA's implementation of its home care regulations. Most importantly, the resolution calls upon HCFA to adhere more closely to Congressional intent in administering the Medicare home health benefit to ensure that the program is not further eviscerated.

This resolution is certainly not the only solution to the current home health crisis. Just this month I joined with Senators COLLINS, BOND, and others, many of whom are original cosponsors of this resolution, in introducing substantive legislation that will repeal some of the most severe applications of the 1997 Balanced Budget Act. While these changes cannot turn back time to restore the agencies and services that have been lost, it can help prevent even more providers from going out of business and even more homebound patients from being medically stranded.

Mr. President, I call upon my colleagues to support this resolution, as well as the substantive legislation just introduced by my colleague, Senator COLLINS. But most importantly, I call upon my colleagues to recognize the real and ongoing health care crisis facing America's homebound seniors and disabled individuals.●

SENATE RESOLUTION 158—DESIGNATING OCTOBER 21, 1999, AS A "DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE"

Mrs. MURRAY (for herself, Mr. WARNER, Mr. HATCH, Mr. BINGAMAN, Mrs. BOXER, Mr. CHAFEE, Mr. DODD, Mr. DORGAN, Mr. EDWARDS, Mr. GORTON, Mr. GRAMS, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Mr. SPECTER, Mr. TORRICELLI, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 158

Whereas every day in the United States, 14 children under the age of 19 are killed with guns;

Whereas in 1994, approximately 70 percent of murder victims aged 15 to 17 were killed with a handgun;

Whereas in 1995, nearly 8 percent of high school students reported having carried a gun in the past 30 days;

Whereas young people are our Nation's most important resource, and we, as a society, have a vested interest in enabling children to grow in an environment free from fear and violence;

Whereas young people can, by taking responsibility for their own decisions and actions, and by positively influencing the decisions and actions of others, help chart a new and less violent direction for the entire Nation;

Whereas students in every school district in the Nation will be invited to take part in a day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

Whereas the observance of October 21, 1999, as a "Day of National Concern about Young People and Gun Violence" will allow students to make a positive and earnest decision about their future in that such students will have the opportunity to voluntarily sign the "Student Pledge Against Gun Violence", and promise that they will never take a gun

to school, will never use a gun to settle a dispute, and will actively use their influence in a positive manner to prevent friends from using guns to settle disputes: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 21, 1999, as a "Day of National Concern about Young People and Gun Violence"; and

(2) requests that the President issue a proclamation calling on the school children of the United States to observe the day with appropriate ceremonies and activities.

Mrs. MURRAY. Mr. President, I rise today to introduce a resolution that has passed the Senate now for 3 years unanimously.

My resolution, which I am submitting today, along with Senator WARNER and 28 other original cosponsors, establishes October 21, 1999, as a day of national concern about young people and gun violence. For the last several years, I have sponsored this legislation. This year, Senator WARNER has joined me in leading the cosponsorship drive as we pledge to our young people across the Nation that we support their strong efforts to help stop the violence in their own schools and communities. I thank Senator WARNER for his help and partnership in work on this issue.

Sadly, this resolution has special meaning for all of us after the tragic events that occurred earlier this year in Littleton, CO, and Conyers, GA. These school shootings across the Nation have paralyzed their communities and shocked the country. In recent years, we have seen similar shootings from Mississippi to Oregon. These events have touched us all. Adults and young people alike have been horrified by the violence that has occurred in our schools, which should be a safe haven for children. We are all left wondering what we can do to prevent these tragedies.

I am again introducing this resolution because I am convinced the best way to prevent gun violence is by reaching out to individual children and helping them make the right decisions. This resolution simply establishes a special day that gives parents and teachers, government leaders, service clubs, police departments, and others a way to focus on the problems caused by gun violence. It also empowers young people to take affirmative steps to end this violence by encouraging them to take a pledge not to use guns to resolve disputes.

A Minnesota homemaker, Mary Lewis Grow, developed this idea of student pledges and for a day of national concern for young people and gun violence. In addition, Mothers Against Violence in America, the National Parent Teacher Association, the American Federation of Teachers, the National Association of Student Councils, and the American Medical Association have joined the effort to establish a special day to express concern about our children and gun violence and support a national effort to encourage students to sign a pledge against gun violence.

In 1998, more than 1 million students across the Nation signed this pledge card. The student pledge against gun violence gives students the chance to make a promise in writing that they will do their part to prevent gun violence. The students' pledge promises three things: First, they will never carry a gun to school; second, they will never resolve a dispute with a gun; and third, they will use their influence with friends to discourage them from resolving disputes with guns.

Just think of the lives we could have saved if all students had signed and lived up to such a pledge just last year.

Consider that in the months between today and the day we demonstrated our concern about youth violence last year, we have had terrifying outbreaks of school violence. Sadly, 12 students and one teacher have been killed, and more than 25 students have been wounded in shootings by children at school. In addition, we have lost many more children in what has become the all too common violence of drive-by shootings, drug wars, and other crime, and in self-inflicted and unintentional shootings.

We all have been heartened by statistics showing crime in America on the decline. Many factors are involved, including community-based policing, stiffer sentences for those convicted, youth crime prevention programs, and population demographics. None of us intend to rest on our success because we still have far, far too much crime and violence in this society.

So, we must find the solutions that work and focus our limited resources on those. We must get tough on violent criminals—even if they are young—to protect the rest of society from their terrible actions. And we, each and every one of us, must make time to spend with our children, our neighbor's children, and the children who have no one else to care about them. Only when we reach out to our most vulnerable citizens—our kids—will we stop youth violence.

Mr. President, I urge all of my colleagues to join in this simple effort to focus attention on gun violence among youth by proclaiming October 21 a "Day of Concern about Young People and Gun Violence." October is National Crime Prevention Month—the perfect time to center our attention of the special needs of our kids and gun violence. We introduce this resolution today in the hopes of getting all 100 Senators to cosponsor it prior to this passage, which we hope will occur in early September. This is an easy step for us to help facilitate the work that must go on in each community across America, as parents, teachers, friends, and students try to prevent gun violence before it ruins any more lives.

Mr. WARNER. Mr. President, I rise today to submit a resolution that passed the United States Senate by unanimous consent each of the last two years. I am pleased to join Senator MURRAY in establishing October 21, 1999, as the Day of National Concern About Young People and Gun Violence.

On April 20, 1999, two teenagers wearing long black trench coats over fatigues began shooting their fellow classmates and faculty at Columbine High School in Littleton, Colorado. In the end, 15 people died and many others were injured, in the bloodiest school shooting in America's history. Unfortunately, the atrocity that occurred in Littleton, Colorado, is not an isolated incident. Before the shooting in Columbine High School, recent school shootings occurred in Pearl, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; and Springfield, Oregon. After Littleton, six students were shot in Conyers, Georgia, by one of their fellow students.

The problem of young people and gun violence expands beyond school shootings. Every day in the United States, 14 children under the age of 19 are killed with guns, and in 1994, approximately 70 percent of murder victims aged 15 to 17 were killed with a handgun. America has lost thousands of children in what has become the all-too-common violence of drive-by shootings, drug wars and other crimes, as well as in self-inflicted and unintentional shootings.

In the aftermath of these tragedies, we all find ourselves looking for answers. While there is no simple solution as to how to stop youth violence, a Minnesota homemaker, Mary Lewis Grow, developed the idea of a Day of National Concern About Young People and Gun Violence. I believe this idea is a step in the right direction, as do such groups as Mothers Against Violence in America, the National Association of Student Councils, the American Federation of Teachers, the National Parent Teacher Associations, and the American Medical Association.

Simply put, this resolution will establish October 21, 1999, as the Day of National Concern About Young People and Gun Violence. On this day, students in every school district in the Nation will be invited to voluntarily sign the "Student Pledge Against Gun Violence." By signing the pledge, students promise that they will never take a gun to school, will never use a gun to settle a dispute, and will use their influence in a positive manner to prevent friends from using guns to settle disputes.

Mr. President, losing one child from gun violence is one too many. Though this resolution is not the ultimate solution to preventing future tragedies like Littleton, if it stops even one incident of youth gun violence, this resolution will be invaluable. I urge all of my colleagues to join in this resolution to focus attention on gun violence among youth.

AMENDMENTS SUBMITTED

INTELLIGENCE AUTHORIZATION
ACT FOR FISCAL YEAR 2000BINGAMAN (AND OTHERS)
AMENDMENT NO. 1260

Mr. BINGAMAN (for himself, Mr. DOMENICI and Mr. REID) proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, at the end of subsection (k), insert the following:

"Such supervision and direction of any Director or contract employee of a national security laboratory or of a nuclear weapons production facility shall not interfere with communication to the Department, the President, or Congress, of technical findings or technical assessments derived from, and in accord with, duly authorized activities. The Under Secretary for Nuclear Stewardship shall have responsibility and authority for, and may use, an appropriate field structure for the programs and activities of the Agency."

LEVIN AMENDMENT NO. 1261

Mr. LEVIN proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill, H.R. 1555, supra; as follows:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, add at the end the following:

(u) The Secretary shall be responsible for developing and promulgating all Departmental-wide security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies. The Director of the Agency for Nuclear Stewardship is responsible for implementation of the Secretary's security, counterintelligence, and intelligence policies within the new agency. The Director of the Agency may establish agency-specific policies so long as they are fully consistent with the departmental policies established by the Secretary.

BINGAMAN (AND OTHERS)
AMENDMENT NO. 1262

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. REID) proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill, H.R. 1555, supra; as follows:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, strike subsection (o) and insert the following new subsection (o):

(o)(1) The Secretary shall ensure that other programs of the Department, other federal agencies, and other appropriate entities continue to use the capabilities of the national security laboratories.

(2) The Under Secretary, under the direction, authority, and control of the Secretary,

shall, consistent with the effective discharge of the Agency's responsibilities, make the capabilities of the national security laboratories available to the entities in paragraph (1) in a manner that continues to provide direct programmatic control by such entities.

DOMENICI (AND OTHERS)
AMENDMENT NO. 1263

Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. LEVIN, Mr. LIEBERMAN, and Mr. REID) proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill, H.R. 1555, supra; as follows:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, add at the end of the section the following new subsection:

"(u) The Agency for Nuclear Stewardship shall comply with all applicable environmental, safety, and health statutes and substantive requirements. The Under Secretary for Nuclear Stewardship shall develop procedures for meeting such requirements. Nothing in this section shall diminish the authority of the Secretary to ascertain and ensure that such compliance occurs."

MOYNIHAN AMENDMENTS NOS.
1264-1265

Mr. MOYNIHAN proposed two amendments to the bill, H.R. 1555, supra; as follows:

AMENDMENT NO. 1264

On page 5 strike lines 7-12, and insert the following:

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2000 the sum of \$193,572,000. The Information Security Oversight Office, charged with administering the nation's intelligence classification and declassification programs shall receive \$1.5 million of these funds to allow it to hire more staff so that it can more efficiently manage these programs.

AMENDMENT NO. 1265

After section 308 insert the following new section:

SEC. 309. SENSE OF THE CONGRESS ON CLASSIFICATION AND DECLASSIFICATION.

It is the sense of Congress that the systematic declassification of records of permanent historic value is in the public interest and that the management of classification and declassification by Executive Branch agencies requires comprehensive reform and additional resources.

KERREY (AND SHELBY)
AMENDMENT NO. 1266

Mr. KERREY (for himself, and Mr. SHELBY) proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill, H.R. 1555, supra; as follows:

Following section 213(t) add the following new subsection to section 213 as added by the Kyl amendment:

"(u) The Secretary shall be responsible for developing and promulgating Departmental security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies. The Under Secretary for Nuclear Stewardship is responsible

for implementation of all security, counterintelligence and intelligence policies within the Agency for Nuclear Stewardship. The Under Secretary for Nuclear Stewardship may establish agency-specific policies unless disapproved by the Secretary."

FEINSTEIN AMENDMENT NO. 1267

Mr. KERREY (for Mrs. FEINSTEIN) proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill, H.R. 1555, supra; as follows:

On page 6, line 13 following the word "report" insert: ", consistent with their contractual obligations,".

LEVIN AMENDMENT NO. 1268

Mr. LEVIN proposed an amendment to amendment No. 1258 proposed by Mr. KYL to the bill, H.R. 1555, supra; as follows:

In the fourth sentence of section 213(c) of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, insert after "to any Department official" the following: "other than the Deputy Secretary".

BRYAN AMENDMENT NO. 1269

Mr. BRYAN proposed an amendment to the bill, H.R. 1555, supra; as follows:

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

SEC. ____ . TERMINATION OF EXEMPTION OF CERTAIN CONTRACTORS AND OTHER ENTITIES FROM CIVIL PENALTIES FOR VIOLATIONS OF NUCLEAR SAFETY REQUIREMENTS UNDER ATOMIC ENERGY ACT OF 1954.

(a) NONPROFIT EDUCATIONAL INSTITUTIONS.—Subsection b. (2) of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is amended by striking the second sentence.

(b) LIABILITY OF NONPROFIT CONTRACTORS.—Subsection b. of that section is further amended by adding at the end the following:

"(3)(A) Subject to subparagraph (B), the amounts of civil penalties for violations of this section by nonprofit contractors of the Department shall be determined in accordance with the schedule of penalties employed by the Nuclear Regulatory Commission under the General Statement of Policies and Procedures for NRC Enforcement for similar violations by nonprofit contractors.

"(B) A civil penalty may be imposed on a nonprofit contractor of the Department for a violation of this section only to the extent that such civil penalty, when aggregated with any other penalties under the contract concerned at the time of the imposition of such civil penalty, does not exceed the performance fee of the contractor under such contract."

(c) SPECIFIED CONTRACTORS.—That section is further amended by striking subsection d.

(d) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to violations specified in section 234A of the Atomic Energy Act of 1954 that occur on or after that date.

SHELBY (AND KERREY) AMENDMENT NO. 1270

Mr. SHELBY (for himself and Mr. KERREY) proposed an amendment to the bill, H.R. 1555, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2000".

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Extension of application of sanctions laws to intelligence activities.

Sec. 304. Access to computers and computer data of executive branch employees with access to classified information.

Sec. 305. Naturalization of certain persons affiliated with a Communist or similar party.

Sec. 306. Funding for infrastructure and quality of life improvements at Menwith Hill and Bad Aibling stations.

Sec. 307. Technical amendment.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Improvement and extension of central services program.

Sec. 402. Extension of CIA Voluntary Separation Pay Act.

TITLE V—DEPARTMENT OF ENERGY INTELLIGENCE ACTIVITIES

Sec. 501. Short title.

Sec. 502. Moratorium on foreign visitors program.

Sec. 503. Background checks on all foreign visitors to national laboratories.

Sec. 504. Report to Congress.

Sec. 505. Definitions.

TITLE VI—FOREIGN COUNTERINTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

Sec. 601. Expansion of definition of "agent of a foreign power" for purposes of the Foreign Intelligence Surveillance Act of 1978.

Sec. 602. Federal Bureau of Investigation reports to other executive agencies on results of counterintelligence activities.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The National Reconnaissance Office.
- (11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2000, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2000 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2000 the sum of \$193,572,000. The Information Security Oversight Office, charged with administering this nation's intelligence classification and declassification programs shall receive \$1.5 million of these funds to allow it to hire more staff so that it can more efficiently manage these programs.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 353 full-time personnel as of September 30, 2000. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 2000 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2001.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30,

2000, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2000, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2001, and funds provided for procurement purposes shall remain available until September 30, 2002.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for activities of the Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2000 the sum of \$209,100,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking "January 6, 2000" and inserting "January 6, 2001".

SEC. 304. ACCESS TO COMPUTERS AND COMPUTER DATA OF EXECUTIVE BRANCH EMPLOYEES WITH ACCESS TO CLASSIFIED INFORMATION.

(a) ACCESS.—Section 801(a)(3) of the National Security Act of 1947 (50 U.S.C. 435(a)(3)) is amended by striking "and travel

records" and inserting "travel records, and computers used in the performance of government duties".

(b) COMPUTER DEFINED.—Section 804 of that Act (50 U.S.C. 438) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) the term 'computer' means any electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device and any data or other information stored or contained in such device.".

(c) APPLICABILITY.—The President shall modify the procedures required by section 801(a)(3) of the National Security Act of 1947 to take into account the amendment to that section made by subsection (a) of this section not later than 90 days after the date of the enactment of this Act.

SEC. 305. NATURALIZATION OF CERTAIN PERSONS AFFILIATED WITH A COMMUNIST OR SIMILAR PARTY.

Section 313 of the Immigration and Nationality Act (8 U.S.C. 1424) is amended by adding at the end the following:

"(e) A person may be naturalized under this title without regard to the prohibitions in subsections (a)(2) and (c) of this section, if the person—

"(1) is otherwise eligible for naturalization;

"(2) is within the class described in subsection (a)(2) solely because of past membership in, or past affiliation with, a party or organization described in that subsection;

"(3) does not fall within any other of the classes described in that subsection; and

"(4) is jointly determined by the Director of Central Intelligence, the Attorney General, and the Commissioner of Immigration and Naturalization to have made a contribution to the national security or to the national intelligence mission of the United States.".

SEC. 306. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.

Section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104-93; 109 Stat. 974), as amended by section 502 of the Intelligence Authorization Act for Fiscal Year 1998 (Public Law 105-107; 111 Stat. 2262), is further amended by striking "for fiscal years 1998 and 1999" and inserting "for fiscal years 2000 and 2001".

SEC. 307. TECHNICAL AMENDMENT.

Section 305(b)(2) of the Intelligence Authorization Act for Fiscal Year 1997 (Public Law 104-293; 110 Stat. 3465; 8 U.S.C. 1427 note) is amended by striking "subparagraph (A), (B), (C), or (D) of section 243(h)(2) of such Act" and inserting "clauses (i) through (iv) of section 241(b)(3)(B) of such Act".

SEC. 308. SENSE OF THE CONGRESS ON CLASSIFICATION AND DECLASSIFICATION

It is the sense of Congress that the systematic declassification of records of permanent historic value is in the public interest and that the management of classification and declassification by Executive Branch agencies requires comprehensive reform and additional resources.

SEC. . . . DECLASSIFICATION OF INTELLIGENCE ESTIMATE ON VIETNAM-ERA PRISONERS OF WAR AND MISSING IN ACTION PERSONNEL AND CRITICAL ASSESSMENT OF ESTIMATE.

(a) DECLASSIFICATION.—Subject to subsection (b), the Director of Central Intelligence shall declassify the following:

(1) National Intelligence Estimate 98-03 dated April 1998 and entitled "Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue".

(2) The assessment dated November 1998 and entitled "A Critical Assessment of National Intelligence Estimate 98-03 prepared by the United States Chairman of the Vietnam War Working Group of the United States-Russia Joint Commission on POWs and MIAs".

(b) LIMITATIONS.—The Director shall not declassify any text contained in the estimate or assessment referred to in subsection (a) which would—

(1) reveal intelligence sources and methods; or

(2) disclose by name the identity of a living foreign individual who has cooperated with United States efforts to account for missing personnel from the Vietnam era.

(c) DEADLINE.—The Director shall declassify the estimate and assessment referred to in subsection (a) not later than 30 days after the date of the enactment of this Act.

SEC. . . . SUBMITTAL TO CONGRESS OF LISTS ON CLASSIFIED INFORMATION REGARDING UNRECOVERED UNITED STATES PRISONERS OF WAR AND OTHER PERSONNEL.

(a) REQUIREMENT.—(1) The head of each element of the United States Government listed in section 101 shall submit to the designated congressional committees a list of all classified documents, files, and other materials under the control of such element that pertain to the subject of United States prisoners of war, missing in action personnel, or killed in action personnel whose remains have not been recovered and identified.

(2) Each list submitted under paragraph (1) shall—

(A) for each document, file, or other material contained in the list—

(i) specify the date of the preparation or dissemination of the document, file, or material;

(ii) specify the date or dates of any information contained in the document, file, or material; and

(iii) identify the subject matter of the document, file, or material; and

(B) be organized in chronological order according to the date of the preparation or dissemination of the documents, files, or materials concerned.

(b) DEADLINE.—The lists required by subsection (a) shall be submitted not later than 120 days after the date of the enactment of this Act.

(c) ACCESS BY COMMITTEES AND MEMBERS OF CONGRESS.—A designated congressional committee shall, upon request and in accordance with regulations of the committee regarding protection of classified information, make available any list submitted to the committee under subsection (a) to any Member of Congress or committee of Congress, and to any staff member of a Member of Congress or committee of Congress who possesses a security clearance appropriate for access to the list.

(d) DESIGNATED CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term "designated congressional committee" means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

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

SEC. . . . STUDY OF BACKGROUND CHECKS FOR EMPLOYEES OF THE DEPARTMENT OF ENERGY.

(a) STUDY OF BACKGROUND CHECK PRACTICES.—

(1) The Secretary of Energy shall conduct a study comparing the procedures used by the Department for conducting background checks of employees seeking access to classified information with the procedures used by the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, and other similar departments and agencies of the Federal Government for conducting background checks of such employees.

(2) Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on the study conducted under paragraph (1). The report shall include—

(A) a discussion of the adequacy of the procedures used by the Department for conducting background checks of employees seeking access to classified information in light of the comparison required under the study; and

(B) any other recommendations, including recommendations for legislative action, that the Secretary considers appropriate.

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

SEC. . REPORT ON LEGAL STANDARDS APPLIED FOR ELECTRONIC SURVEILLANCE.

(a) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Director of Central Intelligence, the Director of the National Security Agency, and the Attorney General shall jointly prepare, and the Director of the National Security Agency shall submit to the appropriate congressional committees a report in classified and unclassified form describing the legal standards employed by elements of the intelligence community in conducting signals intelligence activities, including electronic surveillance.

(b) **MATTERS SPECIFICALLY ADDRESSED.**—The report shall specifically include a statement of each of the following legal standards:

(1) The legal standards for interception of communications when such interception may result in the acquisition of information from a communication to or from United States persons.

(2) The legal standards for intentional targeting of the communications to or from United States persons.

(3) The legal standards for receipt from non-United States sources of information pertaining to communications to or from United States persons.

(4) The legal standards for dissemination of information acquired through the interception of the communications to or from United States persons.

(c) **DEFINITION.**—As used in this section:

(1) The term “intelligence community” has the meaning given that term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) The term “United States persons” has the meaning given such term under section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(3) The term “appropriate congressional committees” means the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives, and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. IMPROVEMENT AND EXTENSION OF CENTRAL SERVICES PROGRAM.

(a) **SCOPE OF PROVISION OF ITEMS AND SERVICES.**—Subsection (a) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended by striking “and to other” and inserting “, nonappropriated fund

entities or instrumentalities associated or affiliated with the Agency, and other”.

(b) **DEPOSITS IN CENTRAL SERVICES WORKING CAPITAL FUND.**—Subsection (c)(2) of that section is amended—

(1) by amending subparagraph (D) to read as follows:

“(D) Amounts received in payment for loss or damage to equipment or property of a central service provider as a result of activities under the program.”;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D), as so amended, the following new subparagraph (E):

“(E) Other receipts from the sale or exchange of equipment or property of a central service provider as a result of activities under the program.”.

(c) **AVAILABILITY OF FEES.**—Section (f)(2)(A) of that section is amended by inserting “central service providers and any” before “elements of the Agency”.

(d) **EXTENSION OF PROGRAM.**—Subsection (h)(1) of that section is amended by striking “March 31, 2000” and inserting “March 31, 2005”.

SEC. 402. EXTENSION OF CIA VOLUNTARY SEPARATION PAY ACT.

(a) **EXTENSION OF AUTHORITY.**—Section 2(f) of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403-4 note) is amended by striking “September 30, 1999” and inserting “September 30, 2000”.

(b) **REMITTANCE OF FUNDS.**—Section 2(i) of that Act is amended by striking “or fiscal year 1999” and inserting “, 1999, or 2000”.

TITLE V—DEPARTMENT OF ENERGY INTELLIGENCE ACTIVITIES

SEC. 501. SHORT TITLE.

This title may be cited as the “Department of Energy Sensitive Country Foreign Visitors Moratorium Act of 1999”.

SEC. 502. MORATORIUM ON FOREIGN VISITORS PROGRAM.

(a) **MORATORIUM.**—The Secretary of Energy may not admit to any classified facility of a national laboratory any individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(b) **WAIVER AUTHORITY.**—(1) The Secretary of Energy may waive the prohibition in subsection (a) on a case-by-case basis with respect to specific individuals whose admission to a national laboratory is determined by the Secretary to be necessary for the national security of the United States.

(2) Not later than 30 days after granting a waiver under paragraph (1), the Secretary shall submit to committees referred to in paragraph (4) a report in writing regarding the waiver. The report shall identify each individual for whom such a waiver was granted and, with respect to each such individual, provide a detailed justification for the waiver and the Secretary’s certification that the admission of that individual to a national laboratory is necessary for the national security of the United States.

(3) The authority of the Secretary under paragraph (1) may not be delegated.

(4) The committees referred to in this paragraph are the following:

(A) The Committees on Armed Services, Appropriations, Commerce, and Energy and Natural Resources and the Select Committee on Intelligence of the Senate.

(B) The Committees on Armed Services, Appropriations, Commerce, and Resources and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 503. BACKGROUND CHECKS ON ALL FOREIGN VISITORS TO NATIONAL LABORATORIES.

Before an individual who is a citizen of a foreign nation is allowed to enter a national

laboratory, the Secretary of Energy shall require that a security clearance investigation (known as a “background check”) be carried out on that individual.

SEC. 504. REPORT TO CONGRESS.

(a) **REPORT.**—(1) The Director of Central Intelligence and the Director of the Federal Bureau of Investigation jointly shall submit to the committees referred to in subsection (c) a report on counterintelligence activities at the national laboratories, including facilities and areas at the national laboratories at which unclassified work is carried out.

(2) The report shall include—

(A) a description of the status of counterintelligence activities at each of the national laboratories;

(B) the net assessment produced under paragraph (3); and

(C) a recommendation as to whether or not section 502 should be repealed.

(3)(A) A net assessment of the foreign visitors program at the national laboratories shall be produced for purposes of the report under this subsection and included in the report under paragraph (2)(B).

(B) The assessment shall be produced by a panel of individuals with expertise in intelligence, counterintelligence, and nuclear weapons design matters.

(b) **DEADLINE FOR SUBMITTAL.**—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

(c) **COMMITTEES.**—The committees referred to in this subsection are the following:

(1) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

(2) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 505. DEFINITIONS.

In this title:

(1) The term “national laboratory” means any of the following:

(A) The Lawrence Livermore National Laboratory, Livermore, California.

(B) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) The Sandia National Laboratories, Albuquerque, New Mexico.

(2) The term “sensitive countries list” means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

TITLE VI—FOREIGN COUNTERINTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

SEC. 601. EXPANSION OF DEFINITION OF “AGENT OF A FOREIGN POWER” FOR PURPOSES OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 101(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(2)) is amended—

(1) in subparagraph (C), by striking “or” at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) knowingly enters the United States under a false or fraudulent identity for or on behalf of a foreign power or, while in the United States, knowingly assumes a false or fraudulent identity for or on behalf of a foreign power; or”.

SEC. 602. FEDERAL BUREAU OF INVESTIGATION REPORTS TO OTHER EXECUTIVE AGENCIES ON RESULTS OF COUNTERINTELLIGENCE ACTIVITIES.

Section 811(c)(2) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103-359; 108 Stat. 3455; 50

U.S.C. 402a(c)(2)) is amended by striking "after a report has been provided pursuant to paragraph (1)(A))."

TITLE —BLOCKING ASSETS OF MAJOR NARCOTICS TRAFFICKERS

SEC. —01. FINDING AND POLICY.

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

(1) Presidential Decision Directive 42, issued on October 21, 1995, ordered agencies of the executive branch of the United States Government to, inter alia, increase the priority and resources devoted to the direct and immediate threat international crime presents to national security, work more closely with other governments to develop a global response to this threat, and use aggressively and creatively all legal means available to combat international crime.

(2) Executive Order No. 12978 of October 21, 1995, provides for the use of the authorities in the International Emergency Economic Powers Act (IEEPA) to target and sanction four specially designated narcotics traffickers and their organizations which operate from Colombia.

(b) POLICY.—It should be the policy of the United States to impose economic and other financial sanctions against foreign international narcotics traffickers and their organizations worldwide.

SEC. —02. PURPOSE.

The purpose of this title is to provide for the use of the authorities in the International Emergency Economic Powers Act to sanction additional specially designated narcotics traffickers operating worldwide.

SEC. —03. DESIGNATION OF CERTAIN FOREIGN INTERNATIONAL NARCOTICS TRAFFICKERS.

(a) PREPARATION OF LIST OF NAMES.—Not later than January 1, 2000 and not later than January 1 of each year thereafter, the Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, shall transmit to the President and to the Director of the Office of National Drug Control Policy a list of those individuals who play a significant role in international narcotics trafficking as of that date.

(b) EXCLUSION OF CERTAIN PERSONS FROM LIST.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, the list described in subsection (a) shall not include the name of any individual if the Director of Central Intelligence determines that the disclosure of that person's role in international narcotics trafficking could compromise United States intelligence sources or methods. The Director of Central Intelligence shall advise the President when a determination is made to withhold an individual's identity under this subsection.

(2) REPORTS.—In each case in which the Director of Central Intelligence has made a determination under paragraph (1), the President shall submit a report in classified form to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives setting forth the reasons for the determination.

(d) DESIGNATION OF INDIVIDUALS AS THREATS TO THE UNITED STATES.—The President shall determine not later than March 1 of each year whether or not to designate persons on the list transmitted to the President that year as persons constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The President shall notify the Secretary of the Treasury of any person designated under this subsection. If the President determines not to designate any person

on such list as such a threat, the President shall submit a report to Congress setting forth the reasons therefore.

(e) CHANGES IN DESIGNATIONS OF INDIVIDUALS.—

(1) ADDITIONAL INDIVIDUALS DESIGNATED.—If at any time after March 1 of a year, but prior to January 1 of the following year, the President determines that a person is playing a significant role in international narcotics trafficking and has not been designated under subsection (d) as a person constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the President may so designate the person. The President shall notify the Secretary of the Treasury of any person designated under this paragraph.

(2) REMOVAL OF DESIGNATIONS OF INDIVIDUALS.—Whenever the President determines that a person designated under subsection (d) or paragraph (1) of this subsection no longer poses an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the person shall no longer be considered as designated under that subsection.

(f) REFERENCES.—Any person designated under subsection (d) or (e) may be referred to in this Act as a "specially designated narcotics trafficker".

SEC. —04. BLOCKING ASSETS.

(a) FINDING.—Congress finds that a national emergency exists with respect to any individual who is a specially designated narcotics trafficker.

(b) BLOCKING OF ASSETS.—Except to the extent provided in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this Act, and notwithstanding any contract entered into or any license or permit granted prior to the date of designation of a person as a specially designated narcotics trafficker, there are hereby blocked all property and interests in property that are, or after that date come, within the United States, or that are, or after that date come, within the possession or control of any United States person, of—

(1) any specially designated narcotics trafficker;

(2) any person who materially and knowingly assists in, provides financial or technological support for, or provides goods or services in support of, the narcotics trafficking activities of a specially designated narcotics trafficker; and

(3) any person determined by the Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, to be owned or controlled by, or to act for or on behalf of, a specially designated narcotics trafficker.

(c) PROHIBITED ACTS.—Except to the extent provided in section 203(b) of the International Emergency Economic Powers Act or in any regulation, order, directive, or license that may be issued pursuant to this Act, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, the following acts are prohibited:

(1) Any transaction or dealing by a United States person, or within the United States, in property or interests in property of any specially designated narcotics trafficker.

(2) Any transaction or dealing by a United States person, or within the United States, that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, subsection (b).

(d) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this

section is intended to prohibit or otherwise limit the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(e) IMPLEMENTATION.—The Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by the International Emergency Economic Powers Act as may be necessary to carry out this section. The Secretary of the Treasury may redelegate any of these functions to any other officer or agency of the United States Government. Each agency of the United States shall take all appropriate measures within its authority to carry out this section.

(f) ENFORCEMENT.—Violations of licenses, orders, or regulations under this Act shall be subject to the same civil or criminal penalties as are provided by section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) for violations of licenses, orders, and regulations under that Act.

(g) DEFINITIONS.—In this section:

(1) ENTITY.—The term "entity" means a partnership, association, corporation, or other organization, group or subgroup.

(2) NARCOTICS TRAFFICKING.—The term "narcotics trafficking" means any activity undertaken illicitly to cultivate, produce, manufacture, distribute, sell, finance, or transport, or otherwise assist, abet, conspire, or collude with others in illicit activities relating to, narcotic drugs, including, but not limited to, heroin, methamphetamine and cocaine.

(3) PERSON.—The term "person" means an individual or entity.

(4) UNITED STATES PERSON.—The term "United States person" means any United States citizen or national, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. —05. DENIAL OF VISAS TO AND INADMISSIBILITY OF SPECIALLY DESIGNATED NARCOTICS TRAFFICKERS.

(a) PROHIBITION.—The Secretary of State shall deny a visa to, and the Attorney General may not admit to the United States—

(1) any specially designated narcotics trafficker; or

(2) any alien who the consular officer or the Attorney General knows or has reason to believe—

(A) is a spouse or minor child of a specially designated narcotics trafficker; or

(B) is a person described in paragraph (2) or (3) of section 04(b).

(b) EXCEPTIONS.—Subsection (a) shall not apply—

(1) where the Secretary of State finds, on a case-by-case basis, that the entry into the United States of the person is necessary for medical reasons;

(2) upon the request of the Attorney General, Director of Central Intelligence, Secretary of the Treasury, or the Secretary of Defense; or

(3) for purposes of the prosecution of a specially designated narcotics trafficker.

At the end of the bill, add the following:

TITLE VII—COMMISSION TO ASSESS THE BALLISTIC MISSILE THREAT TO THE RUSSIAN FEDERATION

SEC. 701. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission to Assess the Ballistic Missile Threat to the Russian Federation" (hereinafter in this title referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of nine members appointed by the Director of Central Intelligence. In selecting individuals for appointment to the Commission, the Director should consult with—

(1) the Speaker of the House of Representatives concerning the appointment of three of the members of the Commission;

(2) the majority leader of the Senate concerning the appointment of three of the members of the Commission; and

(3) the minority leader of the House of Representatives and the minority leader of the Senate concerning the appointment of three of the members of the Commission.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the political and military aspects of proliferation of ballistic missiles and the ballistic missile threat to the Russian Federation.

(d) CHAIRMAN.—The Speaker of the House of Representatives, after consultation with the majority leader of the Senate and the minority leaders of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(g) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1999.

SEC. 702. DUTIES OF COMMISSION.

(a) REVIEW OF BALLISTIC MISSILE THREAT.—The Commission shall assess the nature and magnitude of the existing and emerging ballistic missile threat to the Russian Federation.

(b) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of Central Intelligence, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 703. REPORT.

The Commission shall, not later than six months after the date of its first meeting, submit to Congress a report on its findings and conclusions.

SEC. 704. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 705. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 706. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. . DEPARTMENT OF ENERGY NUCLEAR SECURITY.

(a) Section 202(a) of the Department of Energy Organization Act (referred to in this section as the "Act") is amended by striking the second sentence and inserting "The Secretary shall delegate to the Deputy Secretary such duties as the Secretary may prescribe unless such delegation is otherwise prohibited by law, and the Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of the Secretary becomes vacant."

(b) Section 202(b) of the Act is amended by striking the first two sentences and inserting "There shall be in the Department two

Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. One Under Secretary shall be the Under Secretary for Nuclear Stewardship. The other Under Secretary shall bear primary responsibility for science, energy (including energy conservation), and environmental functions."

(c) After section 212 of the Act add the following new section:

"AGENCY FOR NUCLEAR STEWARDSHIP

"SEC. 213(a). There shall be within the Department a separately organized Agency for Nuclear Stewardship under the direction, authority, and control of the Secretary, to be headed by the Under Secretary for Nuclear Stewardship who shall also serve as Director of the Agency.

"(b) The Under Secretary for Nuclear Stewardship shall be a person who has an extensive background in national security, organizational management and appropriate technical fields, and is especially well qualified to manage the nuclear weapons, nonproliferation and fissile materials disposition programs of the Department in a manner that advances and protects the national security of the United States.

"(c) The Secretary shall be responsible for all policies of the Agency. The Under Secretary for Nuclear Stewardship shall report solely and directly to the Secretary and shall be subject to the supervision and direction of the Secretary. The Secretary shall have a staff adequate to fulfill the responsibility to set policies throughout the Department including establishing policies governing the Agency for Nuclear Stewardship. The Secretary's staff, including but not limited to the General Counsel and the Chief Financial Officer, shall assist the Secretary in the supervision of the development and implementation of policies set forth by the Secretary and shall advise the Secretary on the adequacy of such development and implementation. The Secretary may not delegate to any Department official other than the Deputy Secretary the duty to supervise or direct the Under Secretary for Nuclear Stewardship.

"(d) The Secretary may direct other officials of the Department who are not within the Agency for Nuclear Stewardship to review the Agency's programs and to make recommendations to the Secretary regarding the administration of such programs, including consistency with other similar programs and activities in the Department.

"(e) The Secretary shall assign to the Under Secretary for Nuclear Stewardship direct authority over and responsibility for:

"(1) all programs and activities of the Department related to its national security functions, including nuclear weapons, nonproliferation and fissile materials disposition, and;

"(2) all activities at the Department's national security laboratories, and nuclear weapons production facilities.

"(f) The Secretary shall assign to the Under Secretary for Nuclear Stewardship direct authority over and responsibility for all executive and administrative operations and functions of the Agency for Nuclear Stewardship (except for the authority and responsibility assigned to the Deputy Director for Naval Reactors), including but not limited to:

- "(1) strategic management;
- "(2) policy development and guidance;
- "(3) budget formulation and guidance;
- "(4) resource requirements determination and allocation;
- "(5) program direction;
- "(6) safeguards and security;
- "(7) emergency management;

“(8) integrated safety management;

“(9) environment, safety, and health operations (except those environmental remediation and nuclear waste management activities and facilities that the Secretary determines are best managed by other officials of the Department);

“(10) administration of contracts, including those for the management and operation of the nuclear weapons production facilities and the national security laboratories;

“(11) intelligence;

“(12) counterintelligence;

“(13) personnel, including their selection, appointment, distribution, supervision, fixing of compensation, and separation;

“(14) procurement of services of experts and consultants in accordance with section 3109 of Title 5, United States Code; and

“(15) legal matters.

“(g) There shall be within the Agency three Deputy Directors, each of whom shall be appointed by the President, by and with the advice and consent of the Senate; who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of Title 5 (except the Deputy Director for Naval Reactors when an active duty naval officer). There shall be a Deputy Director for each of the following functions:

“(1) defense programs;

“(2) non-proliferation and fissile materials disposition; and

“(3) naval reactors.

“(h) The Deputy Director for Naval Reactors shall report to the Secretary of Energy through the Under Secretary for Nuclear Stewardship and have direct access to the Secretary and other senior officials of the Department; and shall be assigned the responsibilities, authorities, and accountability for all functions of the Office of Naval Reactors as described by the reference in section 1634 of Public Law 98-525. Except as specified in subsection (g) and this subsection, all other provisions described by the reference in section 1634 of Public Law 98-525 remain in full force until changed by law.

“(i) There shall be within the Agency three offices, each of which shall be administered by a Chief appointed by the Under Secretary for Nuclear Stewardship. There shall be a:

“(1) Chief of Nuclear Stewardship Counterintelligence, who shall report to the Under Secretary and implement the counterintelligence policies directed by the Secretary and Under Secretary. The Chief of Nuclear Stewardship Counterintelligence shall have direct access to the Secretary and all other officials of the Department and its contractors concerning counterintelligence matters and shall be responsible for—

“(A) the development and implementation of the Agency's counterintelligence programs to prevent the disclosure or loss of classified or other sensitive information; and

“(B) the development and administration of personnel assurance programs within the Agency for Nuclear Stewardship.

“(2) Chief of Nuclear Stewardship Security, who shall report to the Under Secretary and shall implement the security policies directed by the Secretary and Under Secretary. The Chief of Nuclear Stewardship Security shall have direct access to the Secretary and all other officials of the Department and its contractors concerning security matters and shall be responsible for the development and implementation of security programs for the Agency including the protection, control and accounting of materials, and the physical and cybersecurity for all facilities in the Agency.

“(3) Chief of Nuclear Stewardship Intelligence, who shall be a senior executive service employee of the Agency or an agency of the intelligence community who shall report to the Under Secretary and shall have direct

access to the Secretary and all other officials of the Department and its contractors concerning intelligence matters and shall be responsible for all programs and activities of the Agency relating to the analysis and assessment of intelligence with respect to foreign nuclear weapons, materials, and other nuclear matters in foreign nations.

“(j)(1) The Under Secretary shall, with the approval of the Secretary and the Director of the Federal Bureau of Investigation, designate the Chief of Counterintelligence who shall have special expertise in counterintelligence.

“(2) If such person is a federal employee of an entity other than the Agency, the service of such employee as Chief shall not result in any loss of employment status, right, or privilege by such employee.

“(k) All personnel of the Agency for Nuclear Stewardship, in carrying out any function of the Agency, shall be responsible to, and subject to the supervision and direction of, the Secretary and the Under Secretary for Nuclear Stewardship or his designee within the Agency, and shall not be responsible to, or subject to the supervision or direction of, any other officer, employee, or agent of any other part of the Department.

“(l) Such supervision and direction of any Director or contract employee of a national security laboratory or of a nuclear weapons production facility shall not interfere with communication to the Department, the President, or Congress, of technical findings or technical assessments derived from, and in accord with, duly authorized activities. The Under Secretary for Nuclear Stewardship shall have responsibility and authority for, and may use, an appropriate field structure for the programs and activities of the Agency.

“(1) The Under Secretary for Nuclear Stewardship shall delegate responsibilities to the Deputy Directors except that the responsibilities, authorities and accountability of the Deputy Director for Naval Reactors are as described in subsection (h).

“(m) The Directors of the national security laboratories and the heads of the nuclear weapons production facilities and the Nevada Test Site shall report consistent with their contractual obligation directly to the Deputy Director for Defense Programs.

“(n) The Under Secretary for Nuclear Stewardship shall maintain within the Agency staff sufficient to implement the policies of the Secretary and Under Secretary for Nuclear Stewardship for the Agency. At a minimum these staff shall be responsible for:

“(1) personnel;

“(2) legal services, and;

“(3) financial management.

“(o)(1) The Secretary shall ensure that other programs of the Department, other federal agencies, and other appropriate entities continue to use the capabilities of the national security laboratories.

“(2) The Under Secretary under the direction, authority, and control of the Secretary, shall, consistent with the effective discharge of the Agency's responsibilities, make the capabilities of the national security laboratories available to the entities in paragraph (1) in a manner that continues to provide direct programmatic control by such entities.

“(p)(1) Not later than March 1 of each year the Under Secretary for Nuclear Stewardship shall submit through the Secretary to the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Senate and the House of Representatives, a report on the status and effectiveness of the security and counterintelligence programs of the Agency for Nuclear Stewardship during the preceding year.

“(2) The report shall provide information on:

“(A) the status and effectiveness of security and counterintelligence programs at each nuclear weapons production facility, national security laboratory, or any other facility or institution at which classified nuclear weapons work is performed;

“(B) the adequacy of procedures and policies for protecting national security information at each nuclear weapons production facility, national security laboratory, or any other facility or institution at which classified nuclear weapons work is performed;

“(C) whether each nuclear weapons production facility, national security laboratory, or other facility or institution at which classified nuclear weapons work is performed is in full compliance with all security and counterintelligence requirements, and if not what measures are being taken or are in place to bring such facility, laboratory, or institution into compliance;

“(D) any significant violation of law, rule, regulation, or other requirement relating to security or counterintelligence at each nuclear weapons production facility, national security laboratory, or any other facility or institution at which classified nuclear weapons work is performed;

“(E) each foreign visitor or assignee; the national security laboratory, nuclear weapons production facility, or other facility or institution at which classified nuclear weapons work is performed visited, the purpose and justification for the visit, the duration of the visit, whether the visitor or assignee had access to classified or sensitive information or facilities, and whether a background check was performed on such visitor prior to such visit; and

“(F) such other matters and recommendations to Congress as the Under Secretary deems appropriate.

“(3) Each report required by this subsection shall be submitted in unclassified form, but may include a classified annex.

“(4) Thirty days prior to the submission of the report required by subsection p(1), but in any event no later than February 1 of each year, the director of each Department of Energy national security laboratory and nuclear weapons production facility shall certify in writing to the Under Secretary for Nuclear Stewardship whether that laboratory or facility is in full compliance with all national security information protection requirements. If the laboratory or facility is not in full compliance, the director of the laboratory or facility shall report on why it is not in compliance, what measures are being taken to bring it into compliance, and when it will be in compliance.

“(q) The Under Secretary for Nuclear Stewardship shall keep the Secretary, the Committees on Armed Services of the Senate and House of Representatives, the Committee on Energy and Natural Resources of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Commerce of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives fully and currently informed regarding any actual or potential significant threat to, or loss of, national security information, unless such information has already been reported to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence pursuant to the National Security Act of 1947, as amended.

“(r) Personnel of the Agency for Nuclear Stewardship who have reason to believe that there is a problem, abuse, violation of law or executive order, or deficiency relating to the management of classified information shall promptly report such problem, abuse, violation, or deficiency to the Under Secretary for Nuclear Stewardship.

“(s)(1) The Under Secretary for Nuclear Stewardship shall not be required to obtain the approval of any officer or employee of the Department of Energy, except the Secretary, or any officer or employee of any other Federal agency or department for the preparation or delivery of any report required by this section.

“(2) No officer or employee of the Department of Energy or any other Federal agency or department may delay, deny, obstruct or otherwise interfere with the preparation of any report required by this section.

“(t) For purposes of this section—

“(1) the term ‘personnel of the Agency for Nuclear Stewardship’ means each officer or employee within the Department of Energy, and any officer or employee of any contractor of the Department (pursuant to the terms of the contract), whose—

“(A) responsibilities include carrying out a function of the Agency for Nuclear Stewardship; or

“(B) employment is funded primarily under the;

“(i) Weapons Activities, or;

“(ii) Non-proliferation, Fissile Materials Disposition or Naval Reactors portions of the Other Defense Activities budget functions of the Department;

“(2) the term ‘nuclear weapons production facility’ means the following facilities:

“(A) the Kansas City Plant, Kansas City, Missouri;

“(B) the Pantex Plant, Amarillo, Texas;

“(C) the Y-12 Plant, Oak Ridge, Tennessee;

“(D) the tritium operations facilities at the Savannah River Site, Aiken, South Carolina;

“(E) the Nevada Test Site, Nevada, and;

“(F) any other facility the Secretary designates.

“(3) the term ‘national security laboratory’ means the following laboratories:

“(A) the Los Alamos National Laboratory, Los Alamos, New Mexico;

“(B) the Lawrence Livermore National Laboratory, Livermore, California; and

“(C) the Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

“(u) The Agency for Nuclear Stewardship shall comply with all applicable environmental, safety, and health statutes and substantive requirements. The Under Secretary for Nuclear Stewardship shall develop procedures for meeting such requirements. Nothing in this section shall diminish the authority of the Secretary to ascertain and ensure that such compliance occurs.

“(v) The Secretary shall be responsible for developing and promulgating Departmental security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies. The Under Secretary for Nuclear Stewardship is responsible for implementation of all security, counterintelligence and intelligence policies within the Agency for Nuclear Stewardship. The Under Secretary for Nuclear Stewardship may establish agency-specific policies unless disapproved by the Secretary.

“(w) In addition to any personnel occupying senior-level positions in the Department on the date of enactment of this section, there shall be within the Agency not more than 25 additional employees in senior-level positions, as defined by title 5, U.S.C. who shall be employed by the Agency for Nuclear Stewardship and who shall perform such functions as the Under Secretary for N.S. shall prescribe from time to time.”

(d) Within 180 days of the date of enactment of this Act, the Secretary shall report to the Senate and the House of Representatives on the adequacy of the Department's procedures and policies for protecting na-

tional security information, including national security information at the Department's laboratories, nuclear weapons facilities and other facilities, making such recommendations to Congress as may be appropriate.

(e) The following technical and conforming amendments are made:

(1) Section 5314 of title 5, United States Code is amended by striking “Under Secretary, Department of Energy” and inserting “Under Secretaries of Energy (2), one of whom serves as the Director, Agency for Nuclear Stewardship.”

(2) Section 202(b) of the Act is amended in the third sentence by striking “Under Secretary” and inserting “Under Secretaries”.

(3) Section 212 of the Act is amended by striking subsection 212(b) and redesignating subsection 212(c) as subsection 212(b).

(4) Section 309 of the Act is amended by striking “Assistant Secretary to whom the Secretary has assigned the functions listed in section 203(a)(2)(E)” and inserting “Under Secretary for Nuclear Stewardship”.

(5) The Table of Contents of the Act is amended by inserting after the item relating to section 212 the following new item:

“Sec. 213. Agency for Nuclear Stewardship.”

2000 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

GREGG (AND HOLLINGS) AMENDMENT NO. 1271

Mr. GREGG (for himself and Mr. HOLLINGS) proposed an amendment to the bill (S. 1217) 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; as follows:

On page 6, line 14, strike “any other provision of law” and insert “31 U.S.C. 3302 (b)”.

On page 6, line 18, strike “(15 U.S.C. 18(a))” and insert “(15 U.S.C. 18a)”

On page 25, line 23, insert after “(106 Stat. 3524)”, “of which \$5,000,000 shall be available to the National Institute of Justice for a national evaluation of the Byrne program.”

On page 30, line 17, strike after “1999”; “of which \$12,000,000 shall be available for the Office of Justice Programs’ Global Information Integration Initiative;”

On page 50, line 6, insert before the period: “to be made available until expended”.

On page 73, between lines 12 and 13, insert the following:

“SEC. 306. Section 604(a)(5) of title 28, United States Code, is amended by adding before the semicolon at the end thereof the following: ‘, and, notwithstanding any other provision of law, pay on behalf of justices and judges of the United States appointed to hold office during good behavior, aged 65 or over, any increases in the cost of Federal Employees’ Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States.’”

On page 75, line 15, insert the following after “period”: “, unless the Secretary of State determines that a detail for a period more than a total of 2 years during any 5 year period would further the interests of the Department of State”.

On page 75, line 21, insert the following after “detail”: “, unless the Secretary of

State determines that the extension of the detail would further the interests of the Department of State”.

On page 76, line 11, insert before the period: “: *Provided further*, That of the amount made available under this heading, not less than \$11,000,000 shall be available for the Office of Defense Trade Controls”.

On page 110, strike lines 15 through 23 and insert in lieu thereof:

“(ii) Notwithstanding otherwise applicable law, for each license or construction permit issued by the Commission under the subsection for which a debt or other monetary obligation is owed to the Federal Communications Commission or to the United States, the Commission shall be deemed to have a perfected, first priority security interest in such license or permit, and in the proceeds of sale of such license or permit, to the extent of the outstanding balance of such a debt or other obligation.”

On page 111, insert after the end of Sec. 619:

“SEC. 620. (a) DEFINITION.—For the purposes of this section—

(1) the term “agency” means the Federal Communications Commission.

(2) the term “employee” means an employee (as defined by section 2105 of title 5, United States Code) who is serving under an appointment without time limitation, and has been currently employed by such agency for a continuous period of at least 3 years; but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government.

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government.

(C) an employee who has been duly notified that he or she is to be involuntarily separated for misconduct or unacceptable performance.

(D) an employee who has previously received any voluntary separation incentive payment from the Federal Government under this section or any other authority;

(E) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(F) any employee who, during the twenty-four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of that title.

(3) The term “Chairman” means the Chairman of the Federal Communications Commission.

(b) AGENCY PLAN.—

(1) IN GENERAL.—The Chairman, prior to obligating any resources for voluntary separation incentive payments, shall submit to the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organization chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced, eliminated, and increased, as appropriate, identified by organizational unit, geographic location, occupational category and grade level;

(B) the time period during which incentives may be paid;

(C) the number and amounts of voluntary separation incentives to be offered; and

(D) a description of how the agency will operate without the eliminated positions and functions and with any increased or changed occupational skill mix.

(3) **CONSULTATION.**—The Director of the Office of Management and Budget shall review the agency's plan and may make appropriate recommendations for the plan with respect to the coverage of incentives as described under paragraph (2)(A), and with respect to the matters described in paragraph (2)(B)–(C).

(C) **AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.**—

(1) **IN GENERAL.**—A voluntary separation incentive payment under this section may be paid by the Chairman to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) **AMOUNT AND TREATMENT OF PAYMENTS.**—A voluntary incentive payment—

(A) shall be paid in a lump sum, after the employee's separation

(B) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code (without adjustment for any previous payments made) or

(ii) an amount determined by the Chairman, not to exceed \$25,000;

(C) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) under the provision of this section by not later than September 30, 2001;

(D) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(E) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) **ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.**—

(1) **IN GENERAL.**—in addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final base pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this Act.

(2) **DEFINITION.**—for the purpose of paragraph (1), the term “final basic pay,” with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) **EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.**—

(1) An individual who has received a voluntary separation incentive payment from the agency under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the lump sum incentive payment to the agency.

(2) If the employment under paragraph (1) is with an Executive agency (as defined by section 105 of title 5, United States Code), the

United States Postal service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under paragraph (1) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) If the employment under paragraph (1) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant for this position.

(f) **INTENDED EFFECT ON AGENCY EMPLOYMENT LEVELS.**—

(1) **IN GENERAL.**—Voluntary separations under this section are not intended to necessarily reduce the total number of full-time equivalent positions in the Federal Communications Commission. The agency may redeploy or use the full-time equivalent positions vacated by voluntary separations under this section to make other positions available to more critical locations or more critical occupations.

(2) **ENFORCEMENT.**—The president, through the office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) **REGULATIONS.**—The Office of Personnel Management may prescribe such regulations as may be necessary to implement this section.

(h) **EFFECTIVE DATE.**—This section shall take effect on the date of enactment. (Departments of Commerce, Justice, and State, the Judiciary and Related Agencies of Appropriations Act, 1999, as included in Public Law 105-277, section 101(b)).

At the end of title VI, insert the following:

“SEC. 621. The Secretary of Commerce (hereinafter the “Secretary”) is hereby authorized and directed to create an “Inter-agency Task Force on Indian Arts and Crafts Enforcement” to be composed of representatives of the U.S. Trade Representative, the Department of Commerce, the Department of Interior, the Department of Justice, the Department of Treasury, the International Trade Administration, and representatives of other agencies and departments in the discretion of the Secretary to devise and implement a coordinated enforcement response to prevent the sale or distribution of any product or goods sold in or shipped to the United States that is not in compliance with the Indian Arts and Crafts Act of 1935, as amended.”

GREGG AMENDMENT NO. 1272

Mr. GREGG proposed an amendment to the bill, S. 1217, *supra*; as follows:

At the end of title I, insert the following:

(a) **IN GENERAL.**—Section 310001(b) of the violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

- (1) for fiscal year 2001, \$6,025,000,000;
- (2) for fiscal year 2002, \$6,169,000,000;
- (3) for fiscal year 2003, \$6,316,000,000;
- (4) for fiscal year 2004, \$6,458,000,000; and
- (5) for fiscal year 2005, \$6,616,000,000.

(b) **DISCRETIONARY LIMITS.**—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

SEC. 310002. DISCRETIONARY LIMITS.

For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term “discretionary spending limit” means—

(1) with respect to fiscal year 2001—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,025,000,000 in new budget authority and \$5,718,000,000 in outlays;

(2) with respect to fiscal year 2002—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,169,000,000 in new budget authority and \$6,020,000,000 in outlays; and

(3) with respect to fiscal year 2003—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,316,000,000 in new budget authority and \$6,161,000,000 in outlays;

(4) with respect to fiscal year 2004—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,458,000,000 in new budget authority and \$6,303,000,000 in outlays; and

(5) with respect to fiscal year 2005—

(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

(B) for the violent crime reduction category: \$6,616,000 in new budget authority and \$6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.”

NOTICE OF HEARING

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that S. 1377, To amend the Central Utah Project Completion Act regarding the use of funds for water development for the Bonneville Unit, and for other purposes, S. 986, To direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority, have been added to the agenda of the hearing that is scheduled for Wednesday, July 28, 1999 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony

for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please call Kristin Phillips, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Wednesday July 21, 1999. The purpose of this meeting will be to consider the committee budget resolution and to possibly consider the nomination of William Rainer for Commissioner and Chairman of the Commodity Futures Trading Commission.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Wednesday, July 21, 1999. The purpose of this meeting will be to consider the nomination of William Rainer to become Chairman of the Commodity Futures Trading Commission and to conduct and oversight review of the Farmland Protection Program.

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

COMMITTEE ON ARMED SERVICES

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, July 21, 1999, in open session, to consider the nominations of F. Whitten Peters to be Secretary of the Air Force; and Arthur L. Money to be Assistant Secretary of Defense for Command, Control, Communications and Intelligence.

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

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday July 21, 1999 beginning at 10:00 a.m. in room SD-106, to conduct a markup.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 21, 1999 at 3:30 p.m. to hold a hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 21, 1999 at 4:30 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on International Security, Proliferation, and Federal Services be permitted to meet on Wednesday, July 21, 1999, at 2:00 p.m. for a hearing to examine whether the Russian commercial space launch quota has achieved its purpose.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, July 21, 1999 at 9:30 a.m. to conduct a hearing on S. 985, the Intergovernmental Gaming Agreement Act of 1999. The hearing will be held in room 106, Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re Oversight of Federal Asset Forfeiture: Its Role in Fighting Crime, during the session of the Senate on Wednesday, July 21, 1999, at 2:00 p.m., in SD628.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 21, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Wednesday, July 21, 1999 at 10:00 a.m. to hold a hearing.

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

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct a hearing Wednesday, July 21, 9:30 a.m., Hearing Room (SD-406), on

the science of habitat conservation plans.

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

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, July 21, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 1184, a bill to authorize the Secretary to dispose of land for recreation or other public purposes; S. 1129, a bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes; and H.R. 150, a bill to amend the Act popularly known as the Recreation and Public Purposes Act to authorize disposal of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes.

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

ADDITIONAL STATEMENTS

INTERNATIONAL MUSEUM OF WOMEN

• Mrs. FEINSTEIN. Mr. President, today I want to call my colleagues attention to a new effort in California, the International Museum of Women. Elizabeth Colton, the president of the Board of Directors of the International Museum of Women is building broad support among community leaders and public officials. The museum will be built in San Francisco, since this city has roots which reach virtually every corner of the globe. The museum will start construction in 2003, and the total cost of the museum is \$50 million.

Women have made important contributions and this museum can help us to better explore the role of women in history. This museum will seek to not simply bring recognition to women and their contributions, but it will re-examine history to more accurately incorporate the effects and implications of women's actions and ideas. The museum's educational programs can play a significant role in shaping how society views women and girls.

In addition, International Museum of Women can provide role models for women and girls, furnish a new context for historical interpretations, and portray the importance and existence of the historic, ongoing fight for equal rights. This museum can open the doors to endless possibilities and limitless opportunities for females.

I call on my colleagues to join me in saluting the International Museum of

Women, as one way to eradicate inequality and open doors to opportunity.●

300TH ANNIVERSARY OF THE MISSION SAN JOSE DE LA LAGUNA

Mr. DOMENICI. Mr. President, Our Independence Day, July 4th is also a significant day at the Laguna Pueblo in New Mexico. On July 4, 1699, seventy-seven years before the famous American Independence day, the Spanish Governor of the New Mexico Territory sanctioned the ground-breaking for the Mission San Jose de la Laguna.

Laguna Pueblo has six villages—Laguna, Mesita, Paguate, Encinal, Paraje, and Seama. The Mission San Jose is the Mother Church for all the villages. To celebrate this important milestone, a feast day was declared for the Laguna Pueblo. Events started with a fund raising dinner on Friday, July 2. On Saturday, July 3, traditional dances were held at the main plaza and a beautiful fireworks display and community dance closed the first full day of celebration.

On Sunday, July 4, at 8 o'clock in the morning, an open air mass was celebrated by Bishop Donald Pelotte of the Archdiocese of Gallup. Laguna Pueblo drummers and singers in traditional dress participated in the mass. Pottery vessels by Laguna artists were made for the Eucharist.

Special guests included former U.S. Interior Secretary Manuel Lujan, the Blessed Sacrament Sisters, Sisters of St. Agnes, and Sisters of the Immaculate Conception. Father Antonio Trujillo of the San Jose Mission was a key participant in the mass. He spoke of the importance of continuing to embrace two religious traditions in mutual respect.

Gratitude to all who organized this very special Independence Day event for Laguna Pueblo was generously given. Laguna Pueblo Governor Harry Early and the Pueblo Council were present and active throughout the activities. Special guests were introduced.

Traditional Indian dances such as the Hunter's Dance and the Eagle Dance were held throughout the day on the same plaza where the mass was celebrated.

The formal mass of the Mission San Jose and the Laguna Pueblo traditional dances emphasized the beauty in which these two cultures have overcome past difficulties and now flourish in grace and common respect. As Father Mark Joseph noted, we are reminded today to "take care of your family as St. Joseph took care of his family." The Catholic Church and the Laguna Pueblo families have clearly taken this message to heart.

A Spirit Garden was organized and planted to honor all those who farmed these arid lands over the past centuries. A procession to the Rio San Jose was held on Saturday afternoon. Statues of St. Joseph, St. Mary, Jesus

Christ, and other saints were brought in from all the villages for this procession.

A new niche about four feet high and a couple of feet deep for a shrine to St. Joseph was carved out of the sandstone between the church and the San Jose River. The niche was hand chiseled by the Siow brothers of Laguna Pueblo, Gaylord, Virgil, and Delbert. A stone carving of St. Joseph holding baby Jesus was placed in the shrine. The statue was made by Robert Dale Tsosie.

This new shrine to St. Joseph was dedicated and blessed with water from the Rio San Jose. This river water was also used to bless the personal and village saints that were carried to the river by about two hundred participants. Governor Harry Early led the procession as he carried a statue of St. Joseph down to the river and then back up the hill to the Mission San Jose. A blessing ceremony for the saints, the mission, and the Pueblo was held at the river on Saturday, July 3, 1999.

In preparation for this 300th anniversary celebration, many traditional practices like gardening, belt weaving, drum making, and pottery making were undertaken with special pride by young and old alike.

I am pleased to be able to share this special event with my colleagues who will be intrigued by the added significance of the 4th of July to the Laguna Pueblo of New Mexico and to Americans in general.

Mr. President, an article by Debra Haaland Toya further explains the significance of this important anniversary to Laguna Pueblo. This article was published in the June, 1999, edition of New Mexico Magazine. Debra is an enrolled member of Laguna Pueblo and a member of the San Jose 300th Anniversary Committee. I ask that her article be printed in the CONGRESSIONAL RECORD.

The article follows:

MISSION SAN JOSE DE LA LAGUNA

(By Debra Haaland Toya)

The splendor of the San Jose Mission at the Village of Old Laguna goes much deeper than its three-century-old altar, dominated by hand-carved pine columns. A magnificent wooden altar screen, originally painted by a man known only as The Laguna Santero, depicts the guardians of the village. Brilliant red and green dominates the floor to ceiling adornment and prominently attests to the unification of traditional Native and Catholic Religions. This July 4th, Laguna's coexistence with the Catholic Church will enter its 300th year.

Built of sandstone, San Jose Mission sits on the highest rise in the village, watching over its caretakers. The church is revered for its magnificent art and architecture, and for its spiritual contributions. Laguna's church was built after the Pueblo Revolt of 1680; therefore, enjoyed a peaceful existence. It missed the fire and destruction exerted by other peoples, onto their churches, as a result of opposition to religious suppression.

Before the mission was built, a delegation of Lagunas traveled the dusty roads, by foot and with horses, to Santa Fe during the late-1600s, to ask Governor Pedro Rodriguez Cubero for a priest. The Governor sent the

delegation away and told them that once they prepared a place of worship, a priest would be sent. On July 4, 1699, Mission San Jose was founded along with the recognition by the Spanish Government that Laguna Pueblo was a legitimate possession. The original document attesting to this shift states that Laguna "swore its vassalage and obedience," to Spain.

Throughout the years the church has been a beacon, although its path has not always been a straight one. The Indians continued their traditional ceremonies even after Christianization. From time-to-time, this practice gathered ire from those non-Indians intent on making Lagunas single-minded in their worship. It is documented that during the mid-1800s most Lagunas attended church out of fear rather than desire. During Mexican rule, prior to 1848, part of the church's convent fell into ruins, and another part of the church was used as a kiva, where sacred ceremonies were prepared for.

In spite of the changes that occur with time, the care the church receives remains constant. In August of 1998 a meeting, of the San Jose 300th Anniversary Committee and the elder women, highlighted plans of replastering the floor. Lifetime resident, Julia Herrera, who has plastered since she was a girl, stressed the importance of youth involvement.

Father Antonio Trujillo, committee chairman, widely announced plans for the 2-week-long project. No fewer than 30 people per day, including teenagers, arrived daily to give their share of toil. The job included removing five inches of old floor, hauling dirt, cutting straw, and mixing mud using a wooden block like a mano. The entire 2300 square feet were plastered on hands and knees. "This is good," Julia says approvingly, "if the kids don't learn how, who'll take care of the church when we're gone?"

The people plan to completely resurface the outside of the church in the near future. During the mid-sixties, in an effort to protect the church, a cement coating instead of plaster was applied. Over the years, the cement has cracked, allowing water to enter but not escape. Upon inspection, Cornerstone Foundation, an organization that helps communities rebuild traditional structures, discovered that the water caused enormous damage to the large rocks at the base of the walls, particularly on the north side.

To undertake this project the people will have to carve away the current coating using special saws, chisels, and hammers. The disintegrated rocks will be replaced and the 30-foot-high-walls will be replastered. Upon surveying the damage, Julia looks up and recalls a time when her relatives hoisted her up with a pulley, and a rope tied around her waist, in order to cover the highest portion of the walls. "Not anymore, I'm too old now," she remarks.

In years past, plastering would occur prior to feast days and neighboring tribal members would offer help. During the work, they were given room and board in village homes and feasted when the work was done. This forthcoming project will be undertaken by the community alone, with no professional help, and this time Julia will be on the ground supervising.

The committee planned a number of cultural events leading up to July 4th when a traditional feast day will take place. Through the years, and due to increased outside influences, such as 30 years of uranium mining, off-reservation employment, and the affects of technology, some cultural activities have not been as strongly exercised as others.

In December 1998, committee member, Ann Ray, organized a day which focused on the almost forgotten practice of making of clay

figurines. It was common at Christmas time to send children below the village to get clay from the San Jose River. The family would sit near the wood stove, while a kerosene lamp cast shadows of working hands or the grandfather beating a steady drum, and singing. The family shaped moist earth into animals, houses, vegetables, or other forms, depending upon the wishes of the individuals. Domesticated animals were often popular, as Lagunas have raised cattle and sheep since the seventeenth century. Shapes of corn and melons also defined many people's wishes for rainfall and successful crops the following year.

The people would take the figures to the church altar on Christmas eve and leave them for four days. Upon their return home, the clay cows were, perhaps, buried in the corral, and the corn was laid deep in the field. The symbol of one's wish for the time and endurance to build a home for a loved one might be buried in a vacant plot of land. This past Christmas the altar was graced by figurines, which had not been present for years. Clay figures in 1998 included symbols for good grades in school, money for college, computers, and wishes for athletic ability, in the forms of basketballs and footballs.

A ceremony to bless the saints with water will also be reintroduced on the evening of July 3rd. When the original saint statues came to Laguna, they were taken to the river and dipped in the rushing waters to obtain the earth's blessings, before they were placed in the church. The saints were also believed to hold power. One story tells of a severe drought in the earlier part of this century, wherein the people prayed for rain to no avail. The spiritual leaders of the time entreated the priest to take the saints back to the river and dip them in the water as the ancestors had done in 1699. The drought passed, and the people's faith continued strong. This year, the people will be encouraged to bring their saints from home, and a blessing will take place near the shrine, which was recently erected in honor of San Jose and the 300th Anniversary.

In times past, the San Jose river was also the location on which Lagunas planted their irrigated fields of corn, beans, and squash. Today an irrigation system runs the length of the pueblo and people can successfully plant and harvest miles from the river. Although this system is in place, with the men and boys cleaning the ditches seasonally, many fields lay dormant. One main reason for this absence of agriculture is the 30-year interruption of the Jackpile Mines near the village of Paguate. With the mine's beginning in 1953, Laguna eventually relied primarily on money, rather than bartering, as they had for centuries.

The 300th Anniversary Committee wished to bring back an interest in the ancient art of farming by planting The Spirit Garden, also near the river. Attention to our role as agriculturists has had positive effects, and a new interest in farming will, hopefully, persist. As a girl, I used to go with my grandfather to his field below the village of Mesita, where we would hoe weeds, pick worms off corn, and sit in the shade of his peach trees eating the sweet fruit on hot, breezeless days. I was especially proud at taking the fruits of our harvest home for my grandmother to cook. In planting the Spirit Garden, this appreciation for the land will have the opportunity to grow strong again.

The love of agriculture, the people's coexistence with the church, and other events crucial to our purpose on this earth are present in those who are gifted with the ability to recall the stories of our ancestors. A project to document an oral history of Laguna has also been set in motion in a principal effort to teach our young people. Before

electricity was available to Laguna households in the late 60s, the absence of television, radio, and video games was filled by the elders telling stories or singing songs. My grandmother was our primary storyteller, once my grandfather died in 1968, and to this day, her knowledge of the past holds our family together.

The public is welcome to visit Laguna and the San Jose Mission on most days. Tours of the Spirit Garden, San Jose Shrine, and the church are conducted daily, and more frequently as the 300th celebration nears. A traditional feast day will be held on July 4th, with mass in the plaza at 8 AM, arts and crafts, and all-day dancing.

Upon approaching the carved doors of the church, a well-preserved image of the Franciscan Seal, with the crossed arms of Jesus and St. Francis will tell you that the structure was built by the Franciscans. When entering the church, the elaborate decoration will tell you that a people's wish to embrace their God in a Christian way, yet maintain their respect and worship of nature is unwavering. Pax et bonum—Peace and all good.

TRIBUTE TO JACK WARNER

• Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. Jack Warner, a pillar of the Tuscaloosa business community and a man of deep passion both in his business and personal pursuits. The former Chairman and CEO of Gulf States Paper Corporation, I would like to recognize him for the work that he and his wife, Elizabeth, have contributed to Tuscaloosa in the form of time, expertise and money to many local causes.

The pragmatic approach that he has brought to his life combines old-fashioned common sense with a flexible philosophy. This philosophy has evolved over time, through two world wars, numerous labor strikes, and tough financial circumstances. Through it all, Jack Warner has remained steadfast in his beliefs and a pioneer from which others might draw inspiration. He has made tough business decisions throughout the years, and through it all kept Gulf States Paper privately owned, when so many other companies have gone public. His gritty determination has led to financial success, which has helped him to pursue his personal interests and also allowed him to give back to the Tuscaloosa community.

Jack Warner truly represents an era when a man presented his best effort to any obstacle in his path. As an officer in the Army's last horse-mounted unit, his cavalry unit was sent to India to pack supplies along the Burma trail during World War II. Once there, his unit was issued mules instead of horses, which would be enough to take the wind out of any proud soldier's sails. Jack Warner persevered however, and his regiment ended up making a significant contribution to the War effort when a traditional cavalry unit would have had little to offer. This story encapsulates the life of Jack Warner, demonstrating persistence through adversity, and a humble focus to get the job done right.

Jack Warner has made a tremendous impact on Tuscaloosa and the sur-

rounding area. In fact, he has recently completed the redecoration of the University of Alabama President's Mansion at his own expense. Perhaps almost as importantly, Jack followed through with the renovation to the last small detail, going so far as to choose the drapery as well as replacing a smaller chandelier with an immense late 18th century Waterford crystal chandelier. Again, this typifies the man which has been so integral to the Tuscaloosa community, not only providing the money for the project, but following through and making sure everything turned out right. His commitment to Tuscaloosa and the State of Alabama is greatly appreciated. •

NATIONAL YOUTH SCIENCE FOUNDATION

• Mrs. HUTCHISON. Mr. President, I rise today to recognize the National Youth Science Foundation and the 99 outstanding high school students who have been chosen to represent their states in the sciences. The National Youth Science Foundation honors and encourages excellence in science education. Since its inception in 1963, the National Youth Science Camp has brought together thousands of outstanding high school students who excel in the sciences. I want to congratulate the two students chosen from my state for this high honor, Melissa Corley from Dallas and Jason Simon from Highland Village. These students are selected from the program through a competitive process in each state that stresses scholastic excellence, scientific curiosity, and leadership in their schools and communities. These students will participate in a four-week summer forum where delegates exchange ideas with leading scientists and other professionals from academic and corporate worlds. Lectures and hands-on research projects are presented by scientists from across the nation who work on some of the most provocative topics in science today—topics such as fractal geometry, the human genome project, global climate change, the history of the universe, the fate of our rain forests, and robotics. Delegates to the Science Camp are challenged to explore new areas in the biological and physical sciences, arts, and music with resident staff members.

This week my constituent Bill Conner, of Nortel Networks, and an alumnus of the National Youth Science program, will speak at a luncheon in the Senate honoring this year's National Youth Science Camp participants. Bill Conner is an excellent role model for the young scientists who will be honored this week.

The National Youth Science Foundation, Nortel Networks and Bill Conner have like-minded visions. America has much to lose if we do not nurture young scientists and engineers who have the skills, vision and enthusiasm to lead us into the twenty-first century. It gives me great pleasure to recognize the National Youth Science

Foundation and thank all those who support America's educational system.●

DESIGNATING MEMORIAL DOOR

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 158, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A concurrent resolution (H. Con. Res. 158) designating the Document Door of the United States Capitol as the "Memorial Door."

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GREGG. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 158) was agreed to.

The preamble was agreed to.

ORDERS FOR THURSDAY, JULY 22, 1999

Mr. GREGG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Thursday, July 22. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator COVERDELL, 10 minutes; Senator COLLINS, 10 minutes; Sen-

ator VOINOVICH, 10 minutes; Senator DURBIN, or his designee, 30 minutes.

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

Mr. GREGG. Mr. President, I further ask unanimous consent that following morning business, the Senate resume consideration of S. 1217, the Commerce-Justice-State appropriations bill.

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

PROGRAM

Mr. GREGG. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. and will be in a period of morning business for 1 hour. Following morning business, the Senate will resume debate on the Commerce-Justice-State appropriations bill. Amendments to the bill will be offered, debated, and voted on throughout the day tomorrow. The majority leader announces that there will be no breaks in action on the bill. Therefore, Senators should be prepared for votes and adjust their schedules accordingly.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GREGG. 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 6:49 p.m., adjourned until Thursday, July 22, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 1999:

DEPARTMENT OF STATE

JEFFREY A. BADER, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

DEPARTMENT OF JUSTICE

JACKIE N. WILLIAMS, OF KANSAS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF KANSAS FOR THE TERM OF FOUR YEARS VICE RANDALL K. RATHBUN, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be Lieutenant commander

SCOTT R. BARRY, 0000
TIMOTHY A. DERNBACH, 0000
ROBERT C. JAGUSCH, 0000
PAUL W. MARQUIS, 0000
STEVEN D. NORTON, 0000
RICHARD D. RADICE, 0000
RICHARD C. RIGGS, 0000
JAMES B. RYAN, 0000
CHARLES L. TAYLOR, 0000

FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LLOYD B. J. CALLIS, 0000
EDMOND C. CAVINESS II, 0000
JUAN L. CHAVEZ, 0000
BERNARD R. DOWNS, 0000
GERALD E. HART, 0000
NORMAN T. HO, 0000
JAMES L. KURIGER, 0000
LAWRENCE L. MUSTO, JR., 0000

To be commander

JERRY R. ANDERSON, 0000
ANNIE B. ANDREWS, 0000
DORA J. T. AZMUS, 0000
JANE A. BARCLIFT, 0000
JANE E. BENTLEY, 0000
DIANE T. BIZZELL, 0000
THOMAS H. BOND, JR., 0000
LAYNE R. BOONE, 0000
JUDITH BROCKMACK, 0000
DIANE C. BROOKS, 0000
DENISE C. CARRAWAY, 0000
REX COBB, 0000
ROBIN L. CSUTI, 0000
SUSAN V. DENEALE, 0000
KAY L. DINOVA, 0000
LISA C. DOMBROSKE, 0000
EVELYN J. DYER, 0000
WILLIAM A. ELAM, 0000
ROBERT J. GAINES, 0000
PAMELA J. GALLUP, 0000
SUZANNE R. GIESEMANN, 0000
ROGER P. GUSEMAN, II, 0000
CAROLINE M. HILLEN, 0000
MILLIE M. KING, 0000
JAMES E. KNAPP, JR., 0000
CAROLYN M. KRESEK, 0000
ELIZABETH O. LAPE, 0000
CAROL L. LARSON, 0000
DESIREE D. LINSON, 0000
GERRIT L. MAYER, 0000
ALICE L. RAND, 0000
THERESA M. REA, 0000
YOLANDA Y. REAGANS, 0000
TERESIA A. ROBINSON, 0000
KATHRYN G. RUSH, 0000
THEODORE V. SMITS, 0000
EDITH A. SPENCER, 0000
SUSAN G. TALLEY, 0000
KATIE P. THURMAN, 0000
ROBBIE G. TURNER, 0000
DONNA S. VAUGHT, 0000
GREGORY VICKERS, 0000
CARL R. WALLSTEDT, 0000
CHRISTINA C. WARD, 0000
JACKLYN D. WEBB, 0000
AILEEN E. WHITAKER, 0000
CHERYL K. WORLEIN, 0000
MICHELLE L. WULFF, 0000