



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 146

WASHINGTON, TUESDAY, OCTOBER 17, 2000

No. 130

## Senate

(Legislative day of Friday, September 22, 2000)

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

### PRAYER

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

Gracious Father, this morning the Senate was jarred awake by the news of the tragic airplane accident that claimed the lives of Missouri Governor Mel Carnahan, his son, Randy, and Governor Carnahan's aide, Chris Sifford.

In this difficult hour we ask You to give Your strength and peace to the Carnahan and Sifford families. Bless the citizens of Missouri. Grant Roger Wilson, who at this hour is serving as Acting Governor of Missouri, Your power and fortitude.

We begin the day conscious of the frailty and brevity of our physical life. Our time here is but a small part of the whole of eternity. May we live and work to Your glory in all that we say and do in this busy day in the life of our Senate. In Your all powerful name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

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

### SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will resume debate on the conference report to accompany the Agriculture appropriations bill. Debate on the conference report will be limited in today's session and a short period on Wednesday morning. Therefore, those Senators with statements are encouraged to come to the floor during today's session, if possible. The vote on the Agriculture appropriations conference report is scheduled to occur at 11:30 a.m. on Wednesday. However, that vote time may be changed to accommodate those Senators who will be attending the memorial service for the sailors who died on the U.S.S. *Cole*. Senators will be notified as soon as possible if that change is made.

I thank my colleagues for their attention.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### LOSS OF GOVERNOR MEL CARNAHAN AND OTHERS

Mr. VOINOVICH. Mr. President, I appreciate the Chaplain of the Senate opening today's session in prayer for Missouri Governor Mel Carnahan and for his son, Randy Carnahan, and for Chris Sifford, all of whom were tragically killed last night in a plane crash in Missouri.

Mel Carnahan and his wife Jean were good friends of mine and my wife Janet. We got to know them through the Governors' Association—a wonderful man, wonderful family man, one of the finest human beings I have ever met. From a personal point of view, my sympathy goes out to Jean, his wife, and to the rest of his family and to the citizens of Missouri. This country lost a great leader.

On behalf of the entire Senate, I express our deepest sympathies to Governor Carnahan's wife Jean and to their sons, Russ, Robin, and Tom, and to their grandchildren, Andrew and Austin. They have lost a father, husband, grandfather, son, a brother, and an uncle. This is a terrible burden to carry, and we wish them God's strength and courage in so doing.

The entire Senate joins me in expressing condolences to the citizens of Missouri who have lost the Governor

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



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they elected to serve them at State government. We also extend our sympathies to the family of Chris Sifford.

All of us involved in statewide public office know the dangers of flying across our States for different events. So when a tragedy such as this occurs, it hits especially hard. When I woke up at 6 o'clock this morning to the public radio saying Mel Carnahan and his son were killed, it reminded me how fragile life is and how so often we take life for granted. It also reminded me that each day we live, we should thank God for it and let the people with whom we come in contact know that we love them.

This is a sad day for our country. As I said, Mel Carnahan was truly a great leader and made a great contribution also to the National Governors' Association.

Many Senators knew Governor Carnahan and will be making remarks today and in the next few days.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I received a phone call early this morning from my personal assistant, Janice Shelton, who indicated to me that Governor Carnahan was dead, having been killed in a tragic plane crash with his son, Randy.

I have watched very closely Governor Carnahan for the last 18 months, as we have watched the most noted Senate race in America this year between two very fine men, Senator ASHCROFT, formerly the Governor of Missouri, and Governor Carnahan. It was a great race to watch because they were so devoted to their different causes. There was distinction between the campaign philosophies. It was a race where the numbers never changed more than a point or two: For 18 months, back and forth, one ahead by a point, the other ahead by a point.

At this time, we realize that those numbers don't mean a great deal, that races in which we are engaged involve good people. Governor Carnahan, what a wonderful man. I got to know him very well, and his wife attended many functions in which I was in attendance. He dedicated his life to public service. The State of Missouri and the country will be less as a result of losing this fine man.

As has been indicated by Governor VOINOVICH, Senator VOINOVICH, our hearts go out to the entire family and the people of Missouri. Also, as Senator VOINOVICH and I were talking before the Senate convened, we have a great amount of sadness for Senator ASHCROFT, who is going through a difficult time now as a result of this, always wondering, having flown around the State himself, as we all have, trying to understand this life that we lead. So not only do I extend my sympathy to the Carnahan family, but also to Governor ASHCROFT, and the fact that in this country we can have people who have strong beliefs, differing beliefs, yet people of great moral certitude who believe very strongly in their causes. That is what makes this country as great as it is.

It is with a great deal of sadness that I came to work today. It is with a great deal of sadness I am with the Dean of the Senate and Senator VOINOVICH who is opening the Senate today. This will have an impact on my life, always, having known him and suddenly his life is snuffed out. I am a better person for having known Governor Carnahan. The people of Missouri are better off as a result of his service. I wish Godspeed to the people of Missouri and the Carnahan family.

Mr. VOINOVICH. Mr. President, I would be remiss if I did not also mention that I was asked by Senator KIT BOND and Senator ASHCROFT to also publicly express their sympathies to the people of Missouri on the death of Mel Carnahan. Both Senator ASHCROFT and Senator BOND served as Governors of the State of Missouri and knew Mel Carnahan quite well. We know there was a campaign going on, and I am sure this is also very heavy on JOHN ASHCROFT.

Mr. DORGAN. Mr. President, I wish to make a comment about the tragic death last evening of Governor Carnahan of Missouri. Governor Carnahan, of course, was also a candidate for the Senate, a Governor of Missouri, Lieutenant Governor, and a distinguished officeholder for many years in the State of Missouri. His tragic death last evening is something that obviously allows all to say to his family, his widow, and the folks who were his friends and relatives, that our thoughts and prayers are with them. It is a difficult time, I know. This is a man who gave so much service to his country and such distinguished service to our country.

My thoughts are with him and his family this morning.

Mr. BAUCUS. Mr. President, I extend my deepest personal sympathies to Mel Carnahan's family. He was tragically killed in a plane crash last night. All Members want to serve our country as well as we possibly can. We go the extra mile to serve our people. We all know the dangers inherent with flying in small aircraft to try to attend political events and try to make meetings on schedules that are very uncertain.

All in the Senate are particularly grieved in this tragedy. We extend our most heartfelt sympathies to the Governor's wife, his family, to his campaign team, and all who were involved. It is difficult to explain how deeply we feel about this.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. VOINOVICH). In my capacity as a Senator from the State of Ohio, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

#### RECESS

The PRESIDING OFFICER. I ask unanimous consent that the Senate

now recess until the hour of 11 a.m., and further that Senator DORGAN be recognized at 11 for up to 30 minutes.

Without objection, it is so ordered.

There being no objection, the Senate, at 10:22 a.m., recessed until 11:03 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ROBERTS).

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

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

Mr. DORGAN. Mr. President, the Senator from Montana, Mr. BAUCUS, wishes to make a presentation on the Agriculture appropriations bill. I intend to make a longer presentation. I ask he be recognized; that following his presentation, I be recognized in the regular order.

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

The distinguished Senator from Montana is recognized.

#### RETIREMENT SECURITY

Mr. BAUCUS. Mr. President, I rise to urge that Congress enact the Retirement Security and Savings Act, which has passed the House and been reported unanimously by the Senate Finance Committee. This is a balanced, bipartisan bill. It will encourage people to set their own money aside for retirement, by reforming the private pension rules and increasing the amount that people can put in an individual retirement account. It also will create two important new savings incentives. One is a tax credit for small businesses that set up pension programs for their employees. The other is a tax credit for low and middle income people who save for their own retirement. If, before adjourning, we can find a way to enact this bill, it will be a significant addition to the record of the 106th Congress. Let me explain why.

The American people have many wonderful qualities. But, these days, unfortunately, thrift is not one of them. During the last 20 years, personal savings rates have consistently declined, from 9 percent of GDP in the 1970s to less than 1 percent now. In fact, the preliminary net personal savings rate for August is the lowest rate since the Commerce Department began keeping records in 1959. So what? Why does this matter?

In the first place, a low savings rate means that less capital is available for new investments. Perhaps that is not a pressing issue right now, with a booming economy. But it should be. Over

the long run, a low cost of capital is essential to our international competitiveness. On top of that, a low savings rate means that people aren't putting their own money away for retirement. That makes them more dependent on Social Security. In fact, 16 percent of today's retirees depend exclusively on Social Security for their retirement income, and two-thirds depend on it as their primary source of retirement income.

We need to protect Social Security. But that is not enough. After all, Social Security only replaces about 40 percent of the income earned during our working years. If retirees continue to rely so heavily on Social Security, there will still be far too many Americans spending their retirement years one step away from poverty. We need to supplement Social Security, by encouraging more Americans to save for their retirement. And we can start by passing the Retirement Security and Savings Act, as reported by the Senate Finance Committee.

As a threshold matter, the bill does two important things. First, it reforms the tax rules for pension plans. It makes pensions more portable. It strengthens pension security and enforcement. It expands coverage for small businesses. It enhances pension fairness for women. And it encourages retirement education. Second, the bill increases the contribution limits for individual retirement accounts. IRAs have proven to be a very popular way for millions of workers to save for retirement, particularly for those who do not have pension plans available through their employers. The IRA limits have not been increased since they were created almost two decades ago. An increase is long overdue. These are positive changes. However, by and large, they reinforce the conventional approach to retirement incentives. That approach can best be described as a "top down" approach. We create incentives for people with higher incomes, hoping that the so-called non-discrimination rules will give the higher paid folks an incentive to encourage more participation by others, such as through employer matching programs. I do not have a problem with this approach, as far as it goes. But it does not do enough to reach out to middle and lower income workers.

That is why I am particularly pleased that the bill goes further, by creating two new savings incentives. One creates a new incentive to encourage small businesses to establish pension plans for their employees. The other creates a new matching program to help workers save their own money for retirement. Let me discuss each in turn.

First, the incentives for small businesses. Unlike larger companies, most small business owners do not offer pension plans. While three out of every four workers at large companies are participating in some form of pension plan, only one out of every three em-

ployees of small businesses have pensions. This leaves over 30 million workers without a pension plan. It is not that small businesses do not want to provide pension plans. They simply cannot afford to. Record-keeping requirements are too complex and expensive. The bill addresses this, by creating two new tax credits.

The first is a tax credit of up to \$500 to help defray the administrative costs of starting a new plan. The second is a tax credit to help employers contribute to a new plan on behalf of their lower paid employees. In effect, it is a match of amounts employers in small firms put into new retirement plans for their employees—up to a limit of 3 percent of the salaries of these workers. Taken together, these new incentives will make it easier for small businesses to reach out to their employees and provide them with a pension. In addition, the bill creates a new tax credit that is aimed primarily at workers who do not have a pension plan available to them, to encourage them to save for themselves.

Only one-third of families with incomes under \$25,000 are saving for retirement either through a pension plan or in an IRA. This compares with 85 percent of families with incomes over \$50,000 who are saving for retirement. We clearly need to provide an incentive for those families who are not saving right now, and the individual savings credit included in the Finance Committee bill will provide that incentive.

Here is how it works. A couple with a joint income of \$20,000 is eligible for a 50 percent tax credit for the amount that they save each year, for savings of up to \$2,000. People with higher incomes get a smaller match, up to a joint income of \$50,000. According to the Joint Tax Committee, almost 10 million families will be eligible for the individual savings credit. This will provide a strong incentive for these families to begin setting aside money for their retirement. That, in a nutshell, is how the credits work. Let me respond to the common criticisms of the proposal.

One is that the tax credit for low and moderate income workers is not refundable and therefore will not benefit lower income families that have no tax liability. All that I can say, in response, is that I am a realist. I agree that the credit should be refundable. But, this year, a refundable credit is not in the cards, because it generates strong opposition from the majority. Another criticism, from a different direction, is that the credit is targeted to a specific income class, and provides taxpayers in that income class with too much of a benefit. I disagree. This is not a novel approach. Many provisions of the tax code are phased out at higher income levels, as a way of targeting benefits and reducing the revenue loss.

Another thing. By targeting lower and moderate income workers, the credit provides balance. The benefits of

the other provisions of the bill go primarily to higher-paid workers. After all, if we increase the amount that can be deferred in a 401(k) plan more from \$10,000 to \$15,000 a year, we are only benefiting folks who can afford to make that much of a contribution. So a credit targeted to low and moderate income workers provides the overall bill with balance.

In conclusion, I urge the leadership, on the tax-writing committees, in the Senate, in the House, and in the administration, to work together to secure passage of this important legislation. We continue to have a rip-roaring national economy. But many people have been left behind, good people, who are working hard to make ends meet. Let us reach out to them. Let us make an effort to give every working person in this country a real stake in the American dream. Maybe some young worker will see this tax credit and start to put away a little money that he or she otherwise would have spent. That money will compound, and so will the virtue of thrift. And that, Mr. President, will be good for all of us.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

#### MEL CARNAHAN

Mr. DASCHLE. Mr. President, it is with a sad heart that I speak this morning. We now all know that we have lost the Governor of the State of Missouri. Gov. Mel Carnahan was killed in a plane crash last night. Like another man from Missouri, Harry Truman, Mel Carnahan was a man of plain speech and enormous political courage. I believe he would have been a great United States Senator, just as he was a great Governor. His death is a loss to the people of Missouri and to all Americans.

Mel Carnahan spent his life in public service. In this time of skepticism and cynicism about politics and politicians, it is worth noting that Mel Carnahan could have done anything with his life and been a success. His intelligence, his drive, his dedication, his hard work, would have landed him at the top of just about anything he chose to pursue. But Mel Carnahan made a choice early in his life that he would enter public service and that he would use his enormous talents to help people, and that is what he did.

In the State legislature, as State treasurer, as Lieutenant Governor, and during his two terms as Governor, he worked to help people, to make government efficient, and to use the tools at his disposal to make a difference to people's lives.

Whether it was improving public schools, expanding health insurance for children, stricter safety standards for nursing homes to protect seniors, or passing some of the toughest anti-crime measures in the nation to make communities safer, he made a difference.

When Governor Carnahan raised taxes in 1993 to improve Missouri schools, it was an act of political courage that he said was part of his job. "It was the right thing to do," he said later. It was the right thing to do. If one principle could sum up Mel Carnahan's entire political career of public service, it would be just that—he saw what needed to be done, and he did the right thing, regardless of political consequences.

He saw what needed to be done, and using that strong inner compass of right and wrong that steered him through his entire life, he made his decisions—not based on polls or focus groups or other political considerations, but on what was the right thing to do.

Last night, we lost a true public servant—the kind whose service on behalf of people brings honor to all of us who have chosen a similar path for our lives. The fact that his son Randy was with him makes the personal tragedy suffered by the Carnahan family all the more crushing. Our thoughts and prayers are with Jean Carnahan, and the Carnahan and Sifford families in this time of sadness.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

#### AGRICULTURE APPROPRIATIONS AND FAMILY FARMERS

Mr. DORGAN. Mr. President, I indicated I wanted to talk today about the appropriations bill conference report that is going to be considered by the Senate. The vote at this point is ordered for tomorrow. It is a vote on the Agriculture appropriations bill conference report.

I am a member of the subcommittee dealing with Agriculture appropriations in the Senate. We have had a lengthy conference with the House of Representatives and have reported out a piece of legislation. While I am critical of the farm bill we have in this country because I believe it does not work, I do not want to start with criticism of anything or anybody. Rather, I want to start with compliments.

I compliment Senator THAD COCHRAN who is the chairman of the Senate Agriculture Appropriations Subcommittee. He does just an excellent job. I appreciate very much the work he does.

I compliment Senator HERB KOHL who is the ranking member on that subcommittee.

I thank Galen Fountain, our minority clerk on the subcommittee, who does a lot of work with us, and good work; Rebecca Davies, Martha Scott-Poindexter, Les Spivey, Hunt Shipman—staff people who have done a great deal of work to put this legislation together.

On my staff, Dale Thorenson and Nicole Kroetsch, Brian Moran, and Stephanie Mohl, who worked on parts of this. Thanks to all those people.

When we bring a piece of legislation to the floor of the Senate after it has gone through conference, it has gone through a long, tortured process. It is not an easy thing to put together. It represents a lot of work and compromise. Thanks to all the people I have mentioned.

I will try to, for a moment, describe why all of this is important to me. There are a lot of things in this legislation dealing with research, agricultural research, food research, Food for Peace—you name it, there is a whole range of programs that deal with very important and serious issues. But I want to focus on one thing, and that is family farming.

I come from a State that is largely an agricultural State. The fact is, our family farmers in this country are in deep trouble. Some people probably couldn't care less. They get their butter from a carton, they get their eggs from a carton, they buy their milk in a bottle, they get their pasta in a package, and they couldn't care less what is happening to family farmers.

Those who think a lot about it understand the importance of farmers who are out there with their families living on the farm, with the yard light that illuminates their place at night. They understand its culture, and understand its contribution to our country. Those who think about it understand the importance of broad-based economic ownership in our country's food production.

I want to read a couple of letters because we are in a situation where commodity prices have collapsed, the grain prices are rock bottom, and our farmers are in desperate trouble. They are losing their livelihood, losing their farms, having to quit. This is a letter I received a couple of days ago from a woman named Lois. I will not read her last name. I do not know if she has indicated she would want me to read this on the floor of the Senate. This is a family farm in North Dakota. Lois and her husband run a family farm. The letter says:

Dear Byron, it's 6 a.m. I woke up [this morning] and feel compelled to write, as I feel farmers here are now at rock bottom.

Right now as we harvest a worthless crop, pay huge prices for our oil products, face winter and bills to pay, we find the [crops sprout damaged and injured] by rain. Harvest brings more stress and fears to all of us. I'm afraid for us. I'm afraid for my neighbors and others like us who can't make a profit thru no fault of our own. We . . . have other jobs, but we can't keep farming. . . . I am taking time off these days [from my work] to drive a grain truck. I'm hauling grain that is below \$1 a bushel. . . . We need a price that is more than cost. It's called profit. I don't have a lot of answers. We've attended many meetings. . . . We can feed the world . . . we should feel pride in that.

But what's wrong? There's something not connecting here.

She, like so many others, is trying to make a living on a family farm, and they are going broke.

A farm family—a man and his wife—wrote to me about a week ago and said:

It is with tears in my eyes that I find myself writing to you today. After I have been assisting in what should be a joyous time, it just couldn't be further from that. So for the first time, I am taking steps to try and find help, for not only ourselves, but all of those who are worse off around us. Somebody has to help us now. . . . My husband and I farm—near a small community in the northwest corner of North Dakota.

We are blessed with some of the greatest soil and we felt very fortunate until now that it has helped to provide us with thousands of bushels of grain, plus cattle. In fact, up until recently, we had thought we were very fortunate. We couldn't have been more wrong, however.

We are facing the worst times our 3rd generation farm has ever seen since its existence began in 1914. As combines are cutting our fields, the last thing I would normally be doing right now is writing a letter, but we have no choice. Something has to be done and people need to know what kind of devastation is [occurring] in our economy.

It was just this morning that we were told that our very rare and beautifully colored, disease free durum wheat is now only worth 80 cents a bushel. Our neighbors were not so "lucky." There is no market for theirs as it was not close to perfect.

Our banks will not collect on their loans, young people like ourselves are going to just pack up and leave. . . . There is just no reason for us to continually be abused. . . .

She raises the questions, as other farmers do, about everyone else making record profits that handle their grain. The grain elevators, railroads, and the grain trade all make record profits.

She says:

We are one of the very few young farmers left in our community and after this harvest there will be many more forced to leave. There just will be no alternative.

Another letter from another family farm in North Dakota. A farmer writes:

So why do I write? Simply to encourage you to continue the battle, to be a voice alerting the nation to the financial, cultural and social devastation that is taking place in rural America. As a seventy two year old lifetime farmer, now retired, I am a witness to farm after farm being discontinued. The immediate community in which I live vastly changed and changing. Good young family farmers are quitting one after the other, some forced out financially, others giving up before complete financial ruin. There is no profit incentive, the gamble is too great, the fight against weather, disease, regulations and prices too heavy a burden to bear.

This farmer writes:

Personally, I have a son now forty five, who has farmed since graduating from the University of North Dakota. His hope is fading. He talks of farming one more year and [then giving up]. He is a fourth generation farmer ready to give up. His son now seven never to continue into the fifth generation [on the family farm].

He says:

My concern is for my family, my community, the nation.

I will not read any more. I have so many letters from farmers. They are out there wondering what is wrong with an economic system which rewards everyone except those who produce the crops.

Some say: The "family farm," that is kind of like the little old diner that

gets left behind when the interstate comes through. It was a great old place once, but it is irrelevant now because the interstate moves people past that diner. They say that is what the family farm is like. They couldn't be more wrong.

I have indicated before, go to Europe, if you wonder what an economy ought to be with respect to rural values. Europe was hungry at one point so it decided never to be hungry again. One part of national security is to make sure you have a network of producers, a network of family farms producing your food. That way you will not have concentration; you will have broad-based economic ownership, and you will provide national security with respect to food. Europe has a healthy agricultural base. Europe has family farmers who are making money and small towns that have life on their main streets. Why? Because Europe has chosen an economic model that says they intend to keep their family farmers on the farm.

Our country ought to do the same, for a whole series of reasons, some economic, some cultural, some social. But family farms contribute more than just grain. They contribute families, yes; they contribute community; they contribute a culture that is very important to this country.

A wonderful author named Critchfield used to write about the nurturing of family values in this country. He said family values have always started, in the two centuries of America, on its family farms, and rolled to its small towns and to its cities. The refreshment and nurturing of family values has always come from the seedbed of family values; and that is our family farms.

If one wonders what kind of cultural devastation occurs or what kind of cultural changes will occur in this country if we lose our family farms, our rural economy, and turn into a country in which corporations farm all of America from coast to coast—one can see that model in a number of other areas. It is not something that advances our country's interests. Rather, it retards our country's interests.

So I do not come here making excuses in support of family farms. I come saying that the support of family farms is essential for the long term well-being of this country.

How do we support family farms? Well, we have a farm bill that is a disaster called Freedom to Farm. We gave farmers so-called freedom to farm, but not freedom to sell. So farmers are prevented from selling into certain markets. The freedom to farm is a presumption that individual family farmers have the economic clout in which to deal with everyone else with whom they have to deal.

Does a family farmer have a chance when complaining about railroad rates? I do not think so. Ask the folks in Montana who filed a complaint against the railroad rates. Ask them if

they got a fair shake when it took 16 years to get the complaint processed down through the ICC.

Who wins when the family farmer is overcharged by a railroad for hauling grain? The railroad wins.

Who wins when the food manufacturers or the grain trade takes a kernel of wheat, moves it somewhere down the line on the railroad and into a plant, puffs it up, puts it on a grocery store, and calls it puffed wheat? Who wins when they take produce from farmers and give them a pittance for it, and then charge a fortune for it on the grocery store shelf? It is the same kernel of wheat, only it has had a puff added to it. The puff is worth more than the wheat. The people selling the puffed wheat are making a fortune, and the family farmers are going broke.

Is that an economic model that has any justice in it at all? The answer is no. So we ought to have a farm program that works. And we do not. Next year we ought to commit ourselves to repealing Freedom to Farm, and re-writing a bill that works for family farmers, that provides a safety net for family farms in the country. This is not rocket science. They do it in Europe. We ought to be able to do it in our country.

Let me describe, just for a moment, what we have in this appropriations bill. We have disaster assistance in this appropriations bill.

I want to show a couple of charts that talk about what happened in North Dakota in the spring of this year after the crops were planted. This chart happens to show a grain field. It does not look like it, but it is a grain field. From the evening of June 12 until the morning of June 14—a day and a half—a stalled thunderstorm system—actually several thunderstorms converging together—dumped as much as 18 inches of rain in the Red River Valley, near Grand Forks, ND.

North Dakota is a state that usually gets 15 to 17 inches of rain a year. We are a semiarid state which averages 15 to 17 inches of rainfall a year. From June 12 through June 14, in some of these areas, we had 18 inches in 36 hours.

A few days later on the evening of June 19, around 7 o'clock in the evening, flash flooding and severe thunderstorms hit the Fargo-Morehead area about 80 miles south of the first set of storms in the Red River Valley. By 11 p.m. that evening, more than 4 inches of rain had fallen, and it looked as if maybe the worst had passed. But thundershower after thundershower pummeled the area after midnight, dropping an additional 2 inches of rain in 90 minutes. So, this area ended up with a total of 6 inches of rain in a very short period. This is a totally flat terrain. It caused massive sheet flooding. Throughout the area around Fargo, seven to 9 inches of rain in total fell in the timespan of 6 hours.

This chart shows what a grain field looked like the day after. Here is an-

other picture of grain fields. As you can see, there is no grain there. This is a lake. In fact, this area used to be Lake Agassiz long before any of us were around. But you can see what this does if you are a family farmer and you have been out in the spring planting grain. We now have a flood.

The floods in North Dakota, the drought in Texas, the drought in Georgia, the drought in Mississippi, and other parts of our country, the disasters in Montana, all persuaded this Agriculture appropriations subcommittee to add more funding for disaster aid. We originally added \$450 million for Crop Loss Assistance due to weather disasters when the bill was in the Senate—an amendment I offered on the floor of the Senate.

When it went to conference, the need was obvious, so we added more. It went to \$1.1 billion for disaster aid because we had had continued disasters in Texas and in the Deep South. In fact, look at Georgia here. The weekend before we lost our late colleague, Senator Coverdell—who was a distinguished Senator and one I deeply admired—the weekend before we tragically lost our colleague, I had spoken to him about what was happening in Georgia. He said that he was going to cosponsor with me a disaster piece that would provide assistance for farmers in that area of the country. We had need—because of the floods—in our area as well.

We have had drought in the Deep South. As shown on this chart, we can see these red areas. We have had flooding in other areas. We have had a pretty difficult time this year in many areas of the country.

So this piece of legislation adds \$1.1 billion for disaster assistance. This help allows farmers who have been struck by natural disasters to be able to claim some help for crops that they were not able to harvest.

In addition to that, we had folks up in this part of North Dakota that harvested a crop—a crop that looked great—but they had a disaster when they delivered that crop to the grain elevator. They took a durum crop from the field—a 45-bushel-to-the-acre crop, which is a pretty good crop—only to discover that when they got it to the grain elevator it was full of disease and sprout damage. They found out that grain they thought was going to be worth a decent price was now valued by the grain trade at only 80 cents a bushel.

The cost of producing this grain is probably \$4 to \$4.50 a bushel. So, they had a field waving in the wind, getting ripe and ready to be harvested. They got the combine out, took the grain off, and then discovered what cost them \$4.50 a bushel to produce was now worth 80 cents. To make matters worse, they also found out that the crop insurance they had taken out to insure their crop does not provide help for them to cover the quality loss.

That is called a quality loss adjustment. Actually a better word for it is a

catastrophe. If you have a product that you have produced, and it turns out to be worth almost nothing, that is a catastrophe.

Here is what has happened to our farmers. You can see, going back to 1996, wheat prices were very high. That is when Congress passed Freedom to Farm. Many of us stood on the floor of the Senate warning, at that point, this isn't going to continue. But Freedom to Farm provided specific payments over a period of time after which there would be a phaseout of the program altogether. You can see what has happened to prices. You can see with prices at rock bottom, having collapsed and stayed down for some while, that the quality loss adjustments mean that farmers are getting pennies for their crop.

This disaster is not a natural disaster, but rather it has resulted in quality loss adjustments by the grain trade that had to be addressed in this bill. For the first time, this legislation will provide \$500 million for quality loss adjustments. I will talk through that for a moment so people understand why this is in the bill and why it was necessary.

These farmers haven't caused the problem. These are good family farmers who have discovered that their crop, especially in our part of the country up in North Dakota, with the worst crop disease in a century, these are farmers who have discovered that they have produced a rather bountiful crop that is worth nothing when they take it to the grain elevator. Without the quality loss assistance, we would have had a wholesale migration from our family farms. We are going to have a lot of migration anyway by family farmers who simply can't make it. But the disaster aid and the quality loss adjustment is going to be a step in the right direction by at least extending a hand to say until we change this farm bill, here is some help.

I pushed very hard on quality loss assistance. I know I might have bruised some feelings here and there, but I just didn't think we had any choice. We can't say to family farmers, when their prices are collapsed, that it doesn't matter. We can't say to family farmers who are out there struggling: When your crop is hit by disease, it doesn't matter; when your crop insurance doesn't pay off, it doesn't matter; if you are hit 6 or 7 years in a row by natural disaster, as has been the case with many counties in North Dakota, it doesn't matter.

We have a responsibility to define the kind of economy we want in this country. The kind of economy I want is an economy that values that which is produced on our family farms. Our farm program needs changing desperately. We have not been able to get that done this year. In the meantime, this piece of legislation, this Agriculture appropriations bill, does provide some fill so that with respect to disaster and quality loss adjustments, we are able to

provide some short-term, interim help to family farmers.

I say to Senator COCHRAN, Senator KOHL, and others who were willing to allow me to press as hard as I did to put this in the bill, I appreciate—and the family farmers in my State will appreciate—the opportunity to continue to try to make that family farm work and to make a living.

I say, again, that we have a responsibility to decide as a Congress whether we want family farms in our future. For those who don't, let's just keep doing what we are doing and that is where we will end up. We will eventually not have any family farmers left in this country. But for those who, like me, believe that a network of family farms is essential to this country, to its culture and its economy, then we better wake up and work together and write a farm bill that works and gives farmers some hope. We better do that, not 2 years from now, not 3 years from now. We better do that now.

We are about ready to adjourn, I suppose, at the end of this week or the end of next week, and we will reconvene as a Congress, the 107th Congress, in January. My hope is one of the first items of business is for us to understand that rural America has not shared in this bountiful prosperity of our country. It is not just that food has no value. You look around the world at night on your television screen, you will discover that there are people who are hungry, there are children who are going to bed with an ache in their belly in every corner of the globe. Food does have value. But the food that is produced in this country, regrettably, has value only for established monopolistic interests, those who have become big enough to flex their economic muscle at the expense of those who produce the food.

Everyone who touches a bushel of grain produced by a family farmer seems to be making record profits. Every enterprise that touches it seems to be doing well. The railroads, the grain trade, the grocery manufacturers, they are all doing well. In fact, they are doing so well, they are marrying each other. Every day you read about another merger. They want to get hitched. They have so much money, they are all rolling in cash. It is the folks out here who took all the risks and plowed the ground and seeded the ground and harvested the crop. They are the ones who can't make a living. There is something disconnected about that kind of economic circumstance.

We can have the kind of economy we choose to have. It is within our ability to define the kind of economy we want for this country. I hope, beginning next year, we will decide that there is a different way, a better way to extend the help for family farmers with a farm program that really works during tough times and a farm program that we would not need during better economic times when grain prices re-

flected the real value of the grain produced by family farms.

We have made some progress in the Agriculture appropriations bill dealing with sanctions. It is not the best, but we have made some progress. Many of us in the Senate, many in the Congress, have believed that it is relatively foolish for our farmers to bear the brunt of national security interests by having sanctions against other countries that say you can't ship food or medicine to certain countries because we are angry with their leaders. That has never made any sense to me.

We can be as angry as we like with the country of Iran or Libya or Cuba or Iraq, but refusing to ship food to those countries doesn't hurt Saddam Hussein or Fidel Castro. All that does is hurt hungry, sick, and poor children. It hurts hungry people, sick people, and poor people in countries to which we are not allowed to ship food and medicine. Talk about shooting yourself in the foot, our public policy has been to say ready, aim, fire, and we shoot ourselves right smack in the foot on the issue of sanctions.

I don't have a quarrel with those who want to strap economic sanctions on the country of Iraq. That is fine with me. But sanctions should not include food. We have tried mightily to get rid of the sanctions with respect to a range of countries with whom we now prevent the shipment of food and medicine. This legislation marginally moves in that direction. It includes some elements of the amendment I put in the appropriations bill as it went through the Senate. But, once again, it is reactionary with respect to Cuba. There is going to be no grain sold to Cuba because of restrictions put in here by a few people who were trying to hijack this debate in the conference. The result is it tightens up on travel restrictions to Cuba, and virtually means there will be no food sold in Cuba. In my judgment, that is very foolish, but we will live to fight another day on that issue. At least part of what is done in this legislation dealing with sanctions on agricultural shipments is a step in the right direction.

There is much more to talk about in this legislation. Let me end by mentioning my thanks to the people who helped put this legislation together. It is not easy to do. On balance, while there are some things I don't agree with—I have not described what those are—I think it is a good piece of legislation and a pretty good appropriations bill. It ought to be a precursor for all of us who support family farmers to understand that year after year, when you have to add a disaster piece and emergency pieces to deal with the failure of a farm program, it is time to rewrite the farm program from the start.

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

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

The legislative clerk proceeded to call the roll.

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

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

#### COMPLETING THE WORK OF THE SENATE

Mr. DASCHLE. Mr. President, I understand we are about to recess for the day. I want to discuss for just a moment, if I may, my observations about the week and the lack of any activity or communication with the Democratic caucus. I am told that the majority leader has indicated to his caucus members that there won't be a vote tomorrow and that the vote will be postponed on the Agriculture appropriations bill until Thursday.

I am surprised by that announcement, first, because I had not been forewarned or informed in any way that this would be the schedule for the week. I also am disappointed because I have indicated to a lot of people that they needed to ensure they would be here tomorrow at 11:30. They have all made plans accordingly. A lot of people have arranged their entire week around the fact that tomorrow at 11:30 there would be a vote. I am told that our Republican colleagues may simply go into a quorum call at some point and force the Senate into a vote on Thursday, which is, of course, their right. We will insist on a vote on adjournment tomorrow. There will be a vote tomorrow.

We think we ought to be here, working, resolving the outstanding differences. The longer we are gone, the less likely it is we will finish our work. It is that simple. How many days do we have to go with absolutely no business on the Senate floor? We could be taking up an array of issues. We could be taking up unfinished business that begs our consideration. Yet we sit day after day holding hands and wondering when, if ever, we will adjourn sine die. This isn't the way to run the Senate.

At the very least, there ought to be a minimum amount of communication between Republicans and Democrats with regard to the schedule. To read an announcement that there will be a vote postponement and not to give forewarning to all of our colleagues who are making travel plans is, again, just another departure from what I consider to be good will and common sense.

We will delay the vote at least until 4 o'clock tomorrow afternoon because of the Cole funeral. We understand there will be Members who need to travel to Virginia for that very important matter. We will delay the vote until at least after 4 o'clock. I want colleagues to know there will be a vote tomorrow and we will force that vote. We will continue to force votes to keep people here to do what they are supposed to do.

I have also just been in consultation with a number of our colleagues from the White House, and they have indicated they will begin insisting on much

shorter continuing resolutions, 2 or 3 days at the maximum. I hope the President will veto anything longer than a 3-day CR. Why? Because it is ridiculous to be taking 7-day CRs, leaving 5 days for campaigning and 2 days for work—if that. We should be working 7 days with a 7-day CR. We should be finishing the Nation's business with the CR. To give every single candidate, whoever it is, the opportunity to campaign while leaving the people's business for whenever they can get around to it and delay it to another occasion when it is more convenient for them to come back is unacceptable, inexcusable, and will not be tolerated.

I put our colleagues on notice that in whatever limited way we can influence the schedule, we intend to do so. That will at least require perhaps a little more consultation but, at the very least, a little more forewarning to all colleagues with regard to the schedule and what it is we are supposed to be doing here.

Mr. REID. Will the Senator yield?

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

Mr. REID. I ask the Democratic leader if he has ever seen in his many years in the Congress, both the House and the Senate, the casual attitude, with so few appropriations bills having been passed? We have less than 3 weeks left until the elections of this cycle, and we are here doing nothing. Has the Senator ever experienced anything such as this?

Mr. DASCHLE. I have seen recesses that are more productive than what we have experienced since we started passing CRs. These recesses, as I like to call them—7 days of continuation of a resolution, and then 2 days, if that, of work, maybe 1 day of work—are mind boggling.

There ought to be some urgency here. We ought to express the same level of urgency that a continuing resolution implies. But I don't see any urgency. I see no sense of determination to try to finish our work. If we take a poll of where our colleagues are today, they are cast out over all 50 States, with very little appreciation of the need to finish our work, to come back and do what we are supposed to do.

(Mr. ROBERTS assumed the Chair.)

Mr. DASCHLE. I know the Presiding Officer is required to move on and is being replaced again by a very distinguished Presiding Officer from Kansas, our colleague, PAT ROBERTS, but I appreciate very much the question posed by the distinguished assistant Democratic leader.

Mr. REID. If I could ask the Senator one more question; that is, I don't know what will happen this weekend, but I can only speak for myself and a number of other Senators with whom I have had the opportunity to speak on the phone and in person today. We should be working this weekend. For us now to not have votes until late Wednesday or maybe even Thursday, and to take Friday, Saturday, Sunday,

and maybe Monday off? I want the leader to know that there are a number of us on this side who feel the urgency is here; we should press forward and work through the weekend.

Mr. DASCHLE. Let me respond to the distinguished Senator from Nevada. First, I would like to see if we could work on Tuesday. I would like to see us work on Wednesday. But as he has noted, given the urgency of completing our work, Saturday and perhaps even Sunday would be a real departure from current practice. But just working on the weekdays of the week would be a startling revelation for some of our colleagues.

I think it is time we get the job done. It is time we recognize how important it is we finish our work. It is time we bring people back. Let's keep people here. Let's require they negotiate. Let's work and get our business done before we have to continue this charade that seems to be a common practice of being in session but doing no work.

I yield the floor and 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. BYRD. I ask unanimous consent that further actions under the quorum call be waived.

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

The Senator is recognized.

#### MARKETING VIOLENCE TO CHILDREN

Mr. BYRD. Mr. President, Americans are rightfully horrified and alarmed at the news reports and stories about so-called "child soldiers" pressed into service in paramilitary armies around the world. In Cambodia, the Sudan, Lebanon, and elsewhere, we gaze into the hard-eyed stares of barefoot ten-year-olds cradling well-worn rifles and machine guns. These children have known nothing but violence. It is hard to imagine how they will ever be able to move beyond such violence, should peace ever be established in their homelands. They do not know how to live under the rule of law, only under the rule of might makes right. They have a very casual attitude about killing other human beings.

We certainly would not want our own children to experience such a life, and we would not want such a generation of casual killers to grow up amongst us. Yet, in the midst of all of our affluence, we are rearing a generation that is appallingly casual about violence, a generation that is appallingly self-centered about getting—or taking—what they want. Too many of our children live lives heavily influenced by a completely unrealistic set of expectations and examples. In the movies, when something bad happens to someone, does he or she turn to the police for help and then retire to the background



while the police deal with the problem? No, of course not. Our hero grabs a gun and gives chase. Bullets fly, explosions and car crashes ensue, and the audience is treated to every gory detail. There is no fading to black anymore to let our imaginations fill in the details. No, our hero leaves a bloody trail of death and destruction in his wake and goes home with the girl—and none of those details are left to our imagination, either.

Now, instead of the aforementioned action-adventure, one could opt instead for some other movie genre but many are worse. Horror movies have taken violence against the innocent to new, ever-more-squeamish lows. The realistic and grisly visuals are, no doubt, a tribute to the talents of makeup and special-effects artists, but, nevertheless, I remain unconvinced that putting these nightmares on the silver screen does anything but tarnish the screen and the imaginations of the viewers. Some of the subject matter in these films is so misogynistic, so filled with contempt for societal order, and so filled with invective and hate, that it should set the alarm bells ringing in peaceable folks and incite them to demand greater responsibility from the entertainment industry.

I have always instinctively, intuitively felt that people who can look with equanimity on this kind of violence, even on screen or on the radio, might themselves be open to such action. In fact, this does seem to be the case in practice. We surround our children with these so-called "role models," and then, for amusement—and I use that term lightly—we let our children play games in which they get to act out this lifestyle.

What are we doing? We send our children the message that real life is dull, and that this is what we do for fun. We allow them to watch so-called movie stars create mayhem without ever facing the consequences. Then we allow our children to listen to music that may also be filled with violent lyrics. Then we let our children amuse themselves by play-acting that they are the killers. We allow them to have hours, sometimes, of simulated target practice—and we pay for the privilege. Should we then be surprised when our children come to believe that violence against others is just one stop along the continuum of acceptable behavior?

Our children may go to school every day. They may have a roof over their heads at night. Perhaps they have nice clothes to wear. They may have parents who love them. They may have, in short, everything, but they have, in too many cases, developed the same hard-eyed stare that those Cambodian child soldiers have. They have developed the same casual attitude about violence and in far too many cases, they act out these violent impulses, with tragic results.

I have long shared the concerns of many parents and grandparents that young people are being exposed to far

too much violence through the media—through the movies, through television, rock music—if you can call it music—and video games. The entertainment industry, however, has generally rebuffed criticism about the content of its programs and products, and about concerns that too much exposure to violence is harmful to our young people. The industry, in fact, has repeatedly claimed to be making efforts to reduce the exposure of young people to violence, including instituting a system of labeling program content so that parents are supposedly better able to evaluate the programs, and video games and what goes for music that their children watch and play.

Now it seems as though the entertainment industry has been caught with its hand in the cookie jar.

Just a few days ago, the Federal Trade Commission—the agency responsible for enforcing consumer protection laws—released a report finding that the entertainment industry aggressively markets violence-ridden materials directly to young people. This report details how companies, on the one hand, stamp "mature audience" ratings on their products that contain violent material, while on the other hand, these same companies peddle these "mature"-rated products to young people.

Let me just read a passage of the FTC report: "Two plans for games developed in 1998 described its target audience as 'Males 17-34 due to M rating. The true target is males 12-34.'" In other words, not 17 to 34, but 12 to 34. There it is—in black and white! Video game marketers acknowledge that they are giving a quick wink to their own standards and then they state their true target. This is especially significant since only the electronic game industry has adopted a rule prohibiting its marketers from targeting advertising for games to children below the age designations indicated by their rating. So the FTC has knocked a huge hole in the industry's pious statements of concern by highlighting its hypocritical marketing practices.

You may recall to memory the story of Hansel and Gretel—a story that is not without its own share of violence. Just as Hansel and Gretel were enchanted by the evil witch's gingerbread house, our children are dazzled by the entertainment industry's lurid images. The industry beckons our children with advertising and once they are in the industry's clutches, the children are fattened up with more violent material. Of course, in the story of Hansel and Gretel, the children realize they are about to be cooked and eaten, and they trick the witch and shove her into the oven. Would we could do that with the entertainment industry. But I am not suggesting that we shove the entertainment industry into the oven—but perhaps we do need to turn up the heat!

The impact of media violence on our children is of great concern. Numerous studies conducted by the nation's top universities in the past three decades

have come to the same conclusion: namely, there is at least some demonstrable link between watching violent acts in movies, television shows, or video games and acting aggressively in life.

As parents, policymakers, and citizens and legislators, we should all be worried about this. The amount of entertainment violence witnessed by American children is alarming.

Film makers, striving to turn profits in the competitive film industry, display more and more explicit violence, and programmers devise increasingly violent computer and video games that have children take on roles in which they are rewarded for the number of enemies they kill. Is it any wonder, then, that children become numb to the horrors they witness daily in their entertainment? Is it a surprise that these same children have a world view that incorporates violence as an acceptable means for settling conflict? Of course not.

If the industry is unwilling to address the concerns of parents by continuing to market inappropriate material to children, and then to broadcast that material at times when children are most likely to be watching, then I think it is incumbent upon Congress to act. We cannot be passive about this issue. We cannot say how awful it is—"How awful"—but then fail to take action. If the entertainment industry will not act responsibly, if the industry will not work with parents to craft commonsense approaches to curbing inappropriate programming, then it will fall to Congress to address the situation. Will it? Reducing the violence placed before America's children in the guise of entertainment is an important task. Images seen in childhood help to shape attitudes for a lifetime.

I know that I am not alone in recognizing the threat to our society created by producing our own generation of child soldiers, of young people indifferent to the suffering they cause by their violent acts. This FTC report merely provides evidence that, like the tobacco companies, the violent entertainment industry is targeting our children to build a nation, not of addicts, but of indifference to excessive violence. We cannot let this continue. But will we?

If the entertainment industry cannot abide by, and will not enforce, voluntary guidelines to regulate media violence, then it is time for the rest of us to insist that those guidelines be enforced.

That might be a good question for tonight's debate. I wonder if all the questions have already been determined. Why not some questions of this nature?

I realize that legislation to address this issue is unlikely to see action in the very few days remaining in this Congress. In fact, I would not like to rush such legislation and risk doing it poorly. Of course, it will not be done and cannot be done in the few days that remain. I would rather finish the



critical appropriations work that still remains. But I do hope that this report will not be lost in Olympic and election hoopla. I intend to revisit this issue next year, and I hope that other Members will join me in a sincere and bipartisan effort to find a way to protect our children and our society.

It is the same old story, Mr. President, the same old story. We talk about it. We wring our hands. We wail and gnash our teeth and moan and groan about the entertainment industry. But we welcome those contributions from the entertainment industry. They are great. They are great. But we are paying for it with the denigration of our children.

When will America awaken? When will the candidates be asked piercing questions about their stands on matters such as this? I would like to hear their answers. Tonight, in that town-hall meeting, would be a good place for those, wouldn't it?

What are you going to do, Mr. Candidate, about the entertainment industry? How much money have you already accepted? Are you going to accept money from the entertainment industry? If you do, then how can you turn around and do something in the interests of our children? A good question.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). The distinguished Senator from Pennsylvania is recognized.

#### A CONSTITUTIONAL CRISIS IN THE APPROPRIATIONS PROCESS

Mr. SPECTER. Mr. President, I have sought recognition to comment on the pending legislation, which will fund three major Departments in the United States: The Department of Labor, the Department of Health and Human Services, and the Department of Education.

I chair the subcommittee in the Senate Appropriations Committee which has the responsibility for this legislation. I am very concerned about what is happening to our constitutional process. I think it not an overstatement to say that we have a constitutional crisis in what is happening with the appropriations process in the relationship between the Congress and the President of the United States.

Since the Government was closed in late 1995 and early 1996, there has been created a very significant imbalance between the Congress and the President with what is realistically viewed as practically a dictatorial system of the President saying what is acceptable and the Congress being held hostage, in effect, concerned about being blamed for shutting down the Government. That is not the way the Constitution was written.

The Congress is supposed to present the bills to the President. If the President vetoes, then there are negotiations and discussions as to what will happen. But the status of events today

is that the President calls the tune and the Congress simply complies.

There is also a significant deviation because, contrary to constitutional provision, the President and the President's men and women participate in the legislative process. The Constitution says that each House shall pass a bill; there will be a conference committee; they will agree; and each House will then vote on the conference report; and, if approved, the bill is submitted to the President.

The constitutional process does not call for the executive branch to participate in deciding what will be in the bills. But for many years now, representatives from the Office of Management and Budget, OMB, sit in on the conferences, are a party to the process, and seek to determine in advance what will be acceptable to the executive branch, contrary to the constitutional setup where Congress is supposed to pass the bills and submit them to the President.

We have had a very difficult time in the last 3 years with what has happened with the appropriations bill covering Labor, Health and Human Services, and Education. I spoke at some length about this problem on October 14, 1998, as we worked for the appropriations bill which turned out to be an omnibus bill. I was so concerned about the process that I voted against that bill. That was a tough vote to make since there were so many items on financing education which were very important and with which I agreed, and on financing Health and Human Services, again, which were important and with which I agreed, and on financing the Department of Labor, again, which were important and with which I agreed; but I felt so strongly that I voted against the bill and spoke at some length, as the CONGRESSIONAL RECORD will reflect on page S12536, on October 14th of 1998.

Then on November 9, 1999, I again expressed my concerns about what the appropriations process comprehended as set forth in some detail on S14340 of the CONGRESSIONAL RECORD.

This year, again, I am very concerned about where we are headed. The President submitted requests for these Departments for \$106.2 billion. The Senate bill has provided the total amount which the President requested, but we have established some different priorities. That, under the Constitution, is the congressional prerogative. The Constitution calls for the Congress to control the purse strings and to establish the priorities. Of course, the President has to approve. But here again, the Constitution does not make the President the dominant player in this process; the Congress is supposed to traditionally control the purse strings.

Working collaboratively with my distinguished colleague from Iowa, Senator TOM HARKIN, we produced a bipartisan bill. I learned a long time ago that if you want to get something done in Washington, you have to be willing

to cross party lines. Senator HARKIN and I have done that. When the Democrats controlled the Senate, he chaired and I was ranking member; and with Republican control, I have the privilege, honor, to chair, and he is the ranking member. We have taken a very strong stand on appropriations for the National Institutes of Health, which I believe are the crown jewel of the Federal Government, maybe the only jewel of the Federal Government. This year we have increased funding for NIH by \$2.7 billion, which is \$1.7 billion more than the President's priority. Last year we appropriated \$2.3 billion on an increase which, with an across-the-board cut, was reduced to \$2.2 billion. The year before, it was a billion, and the year before that, almost a billion. So that we have added some—it is \$2.7 billion this year, 2.2 last year, 2.0 the year before, a billion the year before that, and almost a billion the year before that. So that we have added \$8 billion. I think it adds up to \$8 billion; when you deal with all these zeros, sometimes they are not too easy to add up in your head.

The Senate approved that, and the House approved that. We think with the enormous progress made on Alzheimer's and Parkinson's and cancer and heart disease, and so many others, that is where the priorities should be. We also put in \$1 billion more on special education than the President had in his budget, a matter of some concern to many in the Senate. With the leadership of the distinguished Senator from New Hampshire, who is now presiding, we put extra funding there because we think that is where the priorities ought to be. Then the President made a request for \$2.7 billion for school construction and new teachers. There is a lot of controversy in the Republican-controlled Senate about whether these are appropriate Federal functions, but we ended up, in a carefully crafted bill, giving the President his priorities, with an addendum that if the local school district decided they did not need the money for construction, that the local school districts could allocate it to local needs. And if the local school districts decided they did not need the money for teachers, they would give it to local needs.

The President has resisted this. This is a very fundamental difference in governmental philosophy, a Washington, DC, bureaucratic straitjacket versus local control—according to the President, the first call for his own programs on construction of schools and on more teachers.

We worked very hard this year and the Senate returned a bill which was passed on June 30, which tied a record going back to June 30, 1976, when the fiscal year 1977 appropriations bill was passed. Then we completed the conference with the House, where we had it all set on July 27, which I think may have established a new record. I am not sure about that. And we did not add the final signature to the conference report

because we didn't want to be in a position where the bill was sent to the President in August and held up there, but we finished all of our work.

Regrettably, this bill has not been presented to the President because of the efforts on negotiations with the White House to try to get a bill which the President could sign. I repeat, I think it is a mistake, constitutionally and procedurally, to do that. We ought to send the President the bill.

There have been, candidly, concerns within the Republican leadership where we have had bicameral meetings between the House and the Senate, the leadership, on precisely what should be done. It is my urging to my colleagues in the Senate and the House that we should stand by our bill of \$106.2 billion, which is as much as the President asked for, and we should stand by our priorities, which give \$600 million more to education. There is no higher priority in America than education. And we should stand by our priority of according \$1.7 billion more to the National Institutes of Health. We should stand by our approach of giving the President what he asked for on teachers and school construction, subject to local determination if the local boards decide they do not want it for those purposes. But we ought not to buy our way out of town and to knuckle to the President and cave to the President. We ought to assert our legislative institutional standing.

This bill could have been presented to the White House in early September. This Senator has pressed consistently in leadership meetings to present the bill to the President. It is my hope we will do that.

I am not unaware of the fact that this is October 17 and that the Presidential election will be held 3 weeks from today. But I think we are dealing with values and principles here, constitutional principles which are paramount, and we ought to assert our legislative prerogatives and submit the bill to the President. There might be an opportunity for a national debate on this subject. Certainly it is worth an effort.

There is no doubt that the President has the so-called bully pulpit, but there is a lot of concern in America on what the funding is going to be for the Departments involved here, not only the Department of Labor but certainly the Department of Education and certainly the Department of Health and Human Services. We ought to lay down a marker. We ought to lay down the gauntlet, and we ought to ask America to join in a debate to see where America's priorities lie.

My own instinct is that we have the high ground here and we have the better case. So I hope the Congress will submit this bill to the President, will engage in that debate, and will assert our constitutional prerogatives to legislate. I think we have a good chance to have this bill finally enacted into law, or if it is vetoed, with some na-

tional debate, something very close to it.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### UNANIMOUS CONSENT AGREEMENT—H.R. 4461

Mr. COCHRAN. Mr. President, I am pleased to announce to the Senate that agreement has been reached and I am able at the request of the majority leader to make an announcement on the scheduling of votes and other business before the Senate.

I ask unanimous consent the vote on the Agriculture appropriations conference report now occur at 5:30 on Wednesday, October 18, and further, the allotted debate times prior to the vote now occur beginning at 3:30 on Wednesday.

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

#### MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

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

#### THE TREAD ACT

Mr. FITZGERALD. Mr. President, I rise today to clarify the history and intent of section 14 of the Transportation Recall Enhancement, Accountability, and Documentation Act, which passed the Senate on Wednesday. This section of the legislation is based on the Child Passenger Protection Act of 2000, which I introduced on February 10, 2000 with my colleague from Arkansas, BLANCHE LINCOLN, and my colleague from Pennsylvania, RICK SANTORUM.

The purpose of the Child Passenger Protection Act of 2000 is to enhance children's safety in motor vehicles. It calls for the adoption of improved child restraint safety performance standards and testing requirements, and it requires the Secretary of Transportation to provide parents with better consumer information about child restraints.

Child deaths in motor vehicle crashes in the United States have declined some since 1975, but significant work remains to be done in the area of child passenger safety. Motor vehicle crashes are the single leading cause of death and serious injury for young children in the United States.

Each year, up to 600 children under the age of five die in car crashes, and

up to 70,000 are injured as occupants in motor vehicle crashes. Motor vehicle crashes cause about one of every three injury deaths among children 12 and younger in this country.

A child restraint that is installed and used correctly can prevent many injuries and deaths. The failure of some consumers to use age- and weight-appropriate child restraints has been well documented. Many consumers who purchase and use child restraints have little guidance or information with which to distinguish among the broad array of models, sizes, shapes and features of child restraints that are being sold in retail stores.

A child restraint that is well designed can prevent still more child injuries and deaths. The former top safety official at the National Highway Transportation Safety Administration (NHTSA), Dr. Ricardo Martinez, stated, in a letter dated September 14, 1999 to all manufacturers of child restraints sold in the United States: "[m]any restraints have been engineered to barely comply with some of the most safety-critical requirements of the [Federal] standard." NHTSA also has questioned the efforts of some child restraint manufacturers to have child restraint defects characterized as "inconsequential" to avoid recall campaigns, and the agency recently suggested that child restraints be assigned safety ratings.

NHTSA is the agency within the United States Department of Transportation that monitors the safety of child restraints. NHTSA's primary method for verifying that a child restraint is designed to meet Federal safety standards is its compliance testing program. In compliance tests, Federal regulators subject the child restraint to a sled test that simulates a frontal collision with a stationary object.

The sled test used by NHTSA to verify a child restraint's performance does not consider how that restraint will perform in rear-impact, rollover, or side-impact crashes; and the sleds used in government compliance tests bear limited resemblance to the interiors of today's passenger vehicles. These sleds feature flat bench seats with lap belts that were common in automobiles of the mid-1970s, but which do not apply to many of the passenger vehicles that are on our roads these days.

Child restraints are too often marketed for children who are heavier than the anthropomorphic test dummies used by NHTSA in these sled tests. One private group's testing has shown that child restraints tested with a child at the highest weight recommended by the manufacturer have failed. NHTSA should allow child restraints to be marketed for children at specific weights only if the restraint has been tested at those weights.

The current Federal standard for child restraints, known as Federal Motor Vehicle Safety Standard 213, is overdue to be upgraded to better reflect new developments in technology.

While the current safety standard for child restraints specifies that child restraints be tested at an impact of 30 mph, tests are regularly conducted at speeds as low as 27.6 mph. The Government does not crash test any child restraints in actual motor vehicles; and it has not required that child restraint manufacturers simplify and standardize instructions for installing and using child restraints.

Finally, although head injuries from motor vehicle collisions frequently are the cause of serious injuries or fatalities, many makes and models of child restraints do not offer side-impact padding or other protection from head injuries in side-impact crashes. The Child Passenger Protection Act requires the Secretary of the U.S. Department of Transportation (DOT) to initiate a rulemaking that would address these and other deficiencies in our current child restraint system.

Under this legislation, DOT will also begin a comprehensive program to provide information to consumers for use in making informed decisions in the purchase of child restraints. The Secretary must issue a notice of proposed rulemaking to establish such a program within 12 months of the bill's enactment, and it must issue a final rule within 24 months of the bill's enactment.

The Subcommittee on Consumer Affairs, Foreign Commerce and Tourism held a field meeting on June 19, 2000 in St. Louis, MO, to discuss the Child Passenger Protection Act. My colleague from Missouri, Senator JOHN ASHCROFT, chaired this field meeting, at which the subcommittee heard testimony from NHTSA, highway safety advocates, and a pediatric surgeon concerning the current state of child passenger safety and additional ways to improve safety. S. 2070 passed the full Committee on Commerce, with a substitute amendment, by voice vote on September 20, 2000.

This committee amendment to S. 2070, which has been incorporated into section 14 of the TREAD Act, also requires a study, within 12 months of the bill's enactment, of automobile booster seat use and effectiveness. In addition, this committee amendment requires DOT to develop a 5-year strategic plan to reduce deaths and injuries caused by the failure to use an appropriate booster seat for children between the ages of 4 and 8 years. The bill thus focuses more attention on an issue that automobile safety advocates have dubbed the "forgotten child problem." This problem exists for children, usually between the ages of four and eight years, who have outgrown their infant child restraints but who do not fit properly in adult seat belts.

I want to close by extending my thanks to all who have so strongly supported this legislation, including the American College of Emergency Physicians, Advocates for Highway and Auto Safety, the Easter Seals KARS program, State Farm Insurance,

SafetyBeltSafe U.S.A., the National SAFE KIDS Campaign, the co-authors of the book *Baby Bargains*, Consumers Union, and the American Automobile Association. I congratulate my colleague from Illinois, Congressman JOHN SHIMKUS, who introduced companion legislation in the House of Representatives, for his fine work on getting this legislation included in the TREAD Act and through the House of Representatives on Tuesday. I am pleased that this important piece of legislation passed the Senate unanimously last week.

#### VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 17, 1999:

Ariosto Bautista, 20, Rochester, NY;  
Tavaris Covington, 20, Charlotte, NC;  
Jilad Edwards, 16, Detroit, MI;  
Jason Jones, 16, Baltimore, MD;  
Edward Mason, 76, Dallas, TX;  
Luis Hernandez, 30, Oakland, CA;  
Hiram J. Rumlin, 25, Rochester, NY;  
Herbert Sanford, 21, Detroit, MI;  
John Williams, 36, Baltimore, MD;  
Ladrandria Williams, 18, Detroit, MI;

and

Unidentified Male, 82, Portland, OR.

Following are the names of some of the people who were killed by gunfire one year ago Friday, Saturday, Sunday and Monday.

October 13, 1999:

Adnan Ahmed Ali, 21, Memphis, TN;  
Richard Baker, 27, Philadelphia, PA;  
Ivan Cook, Sr., 68, Knoxville, TN;  
Granville Deshields, 23, Philadelphia, PA;

PA;

Kevin Hooker, 20, Atlanta, GA;  
Robert Liggins, 35, Dallas, TX;  
Christopher Scott, 25, Baltimore, MD;

Theresa Scott, 38, Detroit, MI;  
Zzeene Stukes, 23, Baltimore, MD;  
Davey Taylor, 22, Detroit, MI;  
Unidentified Male, Long Beach, CA;  
Unidentified Male, Portland, OR; and  
Unidentified Male, Washington, DC.

October 14, 1999:

Andre Chamberlin, 23, Washington, DC;

Nathen Davis, 23, Washington, DC;  
Luis Fernandez, 38, Miami-Dade County, FL;

Ronnell Johnson, 22, Baltimore, MD;  
Shaun Lynch, 20, Houston, TX;  
Jennifer Monte, 23, Philadelphia, PA;

David Naysmith, 29, Detroit, MI;  
Eliezer Nieves, 30, Miami-Dade County, FL; and

Unidentified Male, 19, Portland, OR.

October 15, 1999:

Justin Alban, 23, Baltimore, MD;  
Albert Carballo, 48, Miami-Dade County, FL;

Carl Creary, 48, Miami-Dade County, FL;

Devadiipa Creary, Miami-Dade County, FL;

Sylvester Exum, 45, Memphis, TN;  
Juan Godin, 42, Houston, TX;  
Brian Harrington, 3, Detroit, MI;  
Wanda Harrington, 47, Detroit, MI;  
Guillermo Marquez, 32, Houston, TX;  
Anton Parker, 19, Washington, DC;  
Mario Pujol, 53, Miami-Dade County, FL;

Magdeil Rivera, 25, Bridgeport, CT;  
Luis Velez, 20, Bridgeport, CT  
Clifton Walker, 31, Philadelphia, PA;  
Unidentified Male, 16, Chicago, IL;  
Unidentified Male, 96, Long Beach, CA; and

Unidentified Male, 17, Norfolk, VA.

October 16, 1999:

Hector Aviles, 21, Philadelphia, PA;  
Norris Bradley, 19, Washington, DC;  
Elenora Fisher, 35, New Orleans, LA;  
Anthony Harth, 25, Kansas City, MO;  
Pretlow Howell, 22, Chicago, IL;  
Bruce Kelly, 35, Akron, OH;  
Jose Martinez, 22, Houston, TX;  
Jose Ramos, 24, Philadelphia, PA;  
David Stopka, 25, Chicago, IL;  
Carey Thompkins, 28, Cincinnati, OH;  
George Zafereo, 52, Victoria, TX; and  
Unidentified Male, 82, Portland, OR.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

#### CASSIE'S LAW

Mr. CRAPO. Mr. President, I rise today to congratulate the Senate on its unanimous passage of the Violence Against Women Act. In particular, I would like to commend the members of the conference committee for including language that establishes a legal definition of dating violence.

In domestic violence situations, victims are victims regardless of their age or legal relationship to the abuser. The seriousness of this issue was brought home by a tragic case in Idaho. In December 1999, a 17-year-old Soda Springs, Idaho, girl, Cassie Dehl, was killed in an accident involving her abusive boyfriend. Prior to her death, the numerous attempts by her mother to obtain legal protection for her daughter failed because Idaho's domestic violence laws did not apply to teenage dating relationships. Earlier this year, Idaho Governor Dirk Kempthorne and the Idaho State Legislature enacted legislation, named in Cassie's memory, which extended Idaho domestic violence laws to dating relationships. I am pleased that Federal law will now also protect teenagers involved in abusive dating relationships.

While the reauthorization of VAWA is an important step in protecting all victims of domestic violence, our work is not yet done. Under VAWA, dating violence has been included in four of the five major domestic violence grant programs. However, one major grant program was left behind. I am committed to working with my colleagues in the next Congress to expand dating violence to all domestic violence programs under VAWA.

I ask unanimous consent that the vote total be printed in the RECORD.

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

U.S. SENATE ROLL CALL VOTE  
(106th Congress, 2d Session)

Vote Number: 269.

Vote Date: October 11, 2000.

Title: H.R. 3244 Conference Report.

Req. for Majority: 1/2.

Bill Number: H.R. 3244.

Result: Conference Report Agreed to.

VOTE SUMMARY

Yea: 95.

Nay: 0.

Present: 0.

No Vote: 5.

ADDITIONAL STATEMENTS

IN RECOGNITION OF AMBASSADOR  
DAVID B. HERMELIN

• Mr. LEVIN. Mr. President, I rise today to acknowledge the achievements of an accomplished businessman, distinguished public servant and committed philanthropist from my home state of Michigan, Ambassador David B. Hermelin. On October 22 of this year, the ORT Hermelin College of Engineering will be dedicated in Netanya, Israel. This dedication is a fitting tribute for a man, who along with his wife Doreen, has committed himself to his family, nation and charitable endeavors throughout the world.

Through hard work and an unwavering commitment to the public good, David's work has made an indelible mark upon countless individuals. His keen intellect, business acumen and heart for others has led him to pursue a wide array of business and charitable efforts in the United States and abroad.

David has been deeply involved with the World ORT, having served as the President of American ORT. Founded in response to a famine in Russia in the late 1860s, ORT is a private, non-profit organization that addresses the educational and technical training needs of workers, providing them with the training and self-sufficiency needed to build a meaningful existence. To achieve this goal, ORT builds schools and develops a curriculum that provides students with vital technical skills. ORT has facilities in nearly 60 nations. This year, over 200,000 students are enrolled in ORT programs.

The mission of American ORT is to raise funding necessary to support the

efforts of World ORT and administer domestic ORT programs. During David's tenure as President of this organization, American ORT increased its involvement in the mission of World ORT, and strengthened its ties with the larger Jewish community. These strengthened ties were evidenced by the fact that the 1999 General Assembly of the United Jewish Communities of North America was the second consecutive General Assembly sponsored by ORT.

American ORT administers two post-secondary training institutes and one college in the United States. These three institutions serve 5,000 individuals annually, many from the former Soviet Union and Newly Independent States (NIS), by providing them with technical training, English language assistance and career development skills.

David has been involved in many other charitable endeavors as an administrator, contributor and fundraiser. He has served on the Board of Directors for many community and national organizations including the Meyer L. Prentis Comprehensive Cancer Center.

As a businessman, David has worked as a real estate developer, venture capitalist and manager of many interests. Currently, he is the co-owner of two of the largest entertainment facilities in the state of Michigan—the Palace of Auburn Hills, home of the NBA's Detroit Pistons, and the Pine Knob Entertainment Centers. In addition, he sits on the board of several companies including Arbor Drugs Inc., Arena Associates, Village Green Management Company and First America Bank Corporation—Detroit.

In December 1997, President Clinton recognized David's commitment to public service, and appointed him to serve as the U.S. Ambassador to Norway. So extraordinary was his service in this capacity that the Norwegian people awarded him the Royal Norwegian Order of Merit, which is equivalent to being knighted.

David Hermelin has been a community leader for over forty years. As a fellow native of Detroit, Michigan, I have known David for over half of a century. I am pleased to call him an inspiration, a peer and a friend. I am sure that my Senate colleagues will join me in offering my congratulations to David Hermelin for the dedication of the ORT Hermelin College of Engineering, and in wishing him well in the years ahead.●

TRIBUTE TO JOHN ROUSH

• Mr. MCCONNELL. Mr. President, I rise today to honor my good friend, the twentieth President of Centre College in Danville, Kentucky, John Roush.

I want to offer my heartfelt congratulations to John Roush, the students and faculty at Centre College, and the City of Danville, Kentucky for their successful bid to host the only

vice presidential debate of the 2000 election. Under the leadership of John Roush, the college and the community worked together to make the debate at Centre College a reality.

By all accounts, the debate in Danville was a success. Even though Centre College is the smallest higher-education institution to have ever hosted a presidential or vice presidential debate, they exceeded expectations and pulled-off a top-rate event. The town and college coordinated events throughout the day of the debate to build anticipation and provide opportunities for those who did not have tickets to participate in the occasion. An outdoor concert, open to the public, was held on Centre's campus and featured Maysville native and celebrity Nick Clooney, gospel singer Larnelle Harris, and the Owensboro Symphony Orchestra. Then, attendees were treated to a live, big-screen viewing of the vice presidential debate.

President John Roush's fingerprints were all over the events of the day; his creativity and ingenuity a benefit to everyone who participated. Whether you watched the debate from the screen on Centre's lawn, the seats of Centre's Norton Center for Fine Arts or on television in your home, the professionalism with which John led the extensive preparations for the debate were apparent.

Just talk to anyone at Centre College, in Danville, or in all of Kentucky for that matter—they will tell you that in the two years John has served as president at Centre, he has rallied students, faculty, and city residents with his passion for excellence. He has been described by his peers and co-workers as having an "infectious enthusiasm" and being "full of integrity." He has been characterized as "energetic" and "impressive." I know from my own personal experience with and observation of John that all of these descriptions are true. I am proud to call him a fellow Kentuckian and friend.

At this point, Mr. President, I would like to read into the RECORD an excerpt from an October 7, 2000, editorial by Washington Post writer David Von Drehle that ran in the Louisville Courier-Journal, which perfectly sums up the atmosphere in Danville, KY, on the day of the debate.

Centre College hosted the debate. This unlikely setting—far from the nearest airport, in a place without many four-lane roads, in fact—turned out to be one of the best ever. The whole day was a happy pageant of Norman Rockwell meets Alexis de Tocqueville.

Tired and jaded political junkies stepped from their cars and buses into an afternoon that was either the very end of summer or the very beginning of fall. Clear sky, warm sun, fresh breeze. Though the trees all appeared to be green, a few golden leaves began to drift toward the grass of the college common as evening approached.

On the common, bands played marches and choirs sang gospel hymns. Hours before the debate began, the gently sloping ground filled with grandparents on lawn chairs and moms and dads on blankets and children who twirled and ran and tumbled and plucked

leaves from their hair. There were young men in shorts and their sweethearts in sun dresses enjoying the day and preparing to watch the clash on giant screens.

Speakers read passages from great documents of American history—the Declaration of Independence, the Gettysburg Address—and an orchestra played the national anthem and “My Old Kentucky Home.” Kids waved flags.

There are no words I can add to more accurately describe the picture-perfect day John Roush orchestrated at Centre College on October 5, 2000.

On behalf of myself and my colleagues in the United States Senate, I applaud you, John Roush, for what you have accomplished at Centre College and thank you for your commitment to higher education.●

#### INTELLIGENT CITY OF THE YEAR

● Mr. CLELAND. Mr. President, I rise today to congratulate and acknowledge LaGrange, Georgia, which was recently named the “Intelligent City of the Year for 2000” by the World Teleport Association. LaGrange is only the second city to win this award which can be awarded to any city worldwide.

LaGrange is deserving of this award, which is in recognition of its “Internet For Everyone” program to provide Internet access to every home in the city with cable access at no additional cost to the resident. In the 1990’s, LaGrange officials deployed a fiber optic network because they recognized this infrastructure need to ensure their community is adequately prepared for the coming information age, and they saw the advantages of such an investment. This foundation led to the development of a two-way hybrid fiber coaxial cable network that supports cable modems and Internet access for the 21st Century. All the customer needs is a television, and the Internet is accessed through a set top box and wireless keyboard.

This investment in the workforce of tomorrow is one of a kind, and anyone who can access the world wide web will now be a recipient of the knowledge and information of the citizens of LaGrange. I have pledged to work with them to encourage the further development of the Internet for the benefit of users worldwide. In fact, last month, I was in LaGrange to celebrate the wiring of the city’s government housing community. At this event, I was pleased with the amount of knowledge the children already have about the web, its uses, and the potential it brings. They are our future, and they are the people who will benefit the most from LaGrange’s farsightedness.

As Congress looks for ways to bridge the digital divide, I would like to make an example of LaGrange, Georgia, the Intelligent City of the Year for 2000. There are many options available for communities around the country. Once we are connected we will truly be able to learn more from one another about ourselves, our communities, our country, and our world.

Again, I congratulate the city of LaGrange, Georgia and Mayor Jeff Lukken, and I hope that the children and families of LaGrange will take full advantage of this great opportunity.●

#### SALUTE TO CRAIG GLAZER

● Mr. VOINOVICH. Mr. President, one of Ohio’s illustrious public servants, Commissioner Craig Glazer, is retiring as a member of the Public Utilities Commission of Ohio after serving successfully under three Ohio governors. I extend to him my sincere congratulations and best wishes.

Craig is a man with a love for Ohio. After graduating from Vanderbilt University Law School, he went directly to work for Ohio businesses as an advocate for industry at the law firm of Hahn Loeser & Parks. He worked extensively for utility and consumer interests helping them to expand their operations throughout Ohio.

I personally had the opportunity to witness Craig’s leadership while I was Mayor of Cleveland. Between 1979 and 1985, Craig represented the people of Cleveland before the Public Utilities Commission of Ohio (PUCO) as the utility rate counsel.

During my time as Mayor, I worked with Craig on legislation that was ultimately passed in the Ohio Legislature as Senate Bill 378. Upon passage it reformed the structure of PUCO to ensure its accountability to its many constituencies. During this time, he additionally served as house counsel to the city of Cleveland’s utility system and served over 300,000 customers through their water, sewer and electric utilities.

He presently serves on the Board of Directors of the national Association of Regulatory Utility Commissioners, serves as vice-chair of its International Relations Committee and is a member of their electricity committee. He also chairs the National Council on Competition in the Electric Industry, an interagency policy group, and is President of Board of Directors of the Ohio Energy Project. He is chair of the Ameritech region Regulatory Coordinating Committee and serves as a member of the North American Electricity Reliability Council’s Generation Adequacy Committee and Electric Power research Institute’s Advisory Council.

It is clear from his leadership and many efforts that Craig Glazer consistently works hard for the people of Ohio.

I have immense respect for Craig. He is and always has been a true professional. And although I am sorry to see him retire, I am confident that the citizens of Ohio have not heard the last from him.●

#### CELEBRATING THE SUCCESS OF WEST VIRGINIA HEALTH RIGHT, INC.

● Mr. ROCKEFELLER. Mr. President, I rise today to celebrate the success of

one of West Virginia’s most successful non-profit health organizations. It gives me great honor to come to the floor today to be able to share with you the remarkable story of West Virginia Health Right, Inc.

West Virginia Health Right was the brainchild of a group of dedicated volunteers who recognized a desperate need to provide free, quality health care to the homeless, the working poor, the un- and underinsured, de-institutionalized mental health patients, and countless others. Their vision was realized when they opened a small, mission-driven health clinic in Charleston, West Virginia in 1982. From these modest beginnings, West Virginia Health Right, Inc. grew tremendously fast. They soon found that the need in the community was far greater than they had expected and moved from their original location in a soup kitchen in Kanawha County, to a homeless shelter, and finally settled into the third floor of the Charleston Area Medical Center. In 1989, West Virginia Health Right moved to their own clinic building supported by funds from the community. In 1999, West Virginia Health Right again appealed to the community for support and found an overwhelming reception to their needs. They are now housed in a state of the art clinic in Charleston.

Modeling the success of the Charleston clinic, other free clinics began to sprout up in communities throughout the state at the rate of about one every two years. Today, Health Right has eight separate sites across West Virginia, including Charleston, Wheeling, Morgantown, Clarksburg, Huntington, Parkersburg, Bluefield, and Logan, which serve our State’s poor and uninsured. Just recently, Health Right announced the opening of a new clinic in Beckley, West Virginia for which I am proud to serve as a board member. They will also be opening new locations in Summersville and Weirton. Remarkably, each of these facilities operates with just a small staff of employees, and relies entirely on the volunteer services of dedicated physicians and nurse practitioners from the area.

West Virginia Health Right, Inc. is a living example that just a few people can make a difference. Eighteen years ago, four doctors and a dozen volunteers set out with a vision to provide health care to those who needed it most. Today, Health Right is a network of more than 500 physicians and 15,000 volunteers serving 45,000 West Virginians each year. With the uninsured in this nation still at staggering levels, it gives me great pleasure to recognize the invaluable work of West Virginia Health Right, Inc., a group that rather than simply talking about a problem, is actually working to fill a vital need in our state.

Congratulations, West Virginia Health Right, for your success. And thank you for your tireless contributions to the state of West Virginia.●

# TRIBUTE TO DR. SAM ROBINSON

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to my friend Dr. Sam Robinson on the occasion of his retirement as president of the Lincoln Foundation in Louisville, Kentucky.

Sam has been a tireless advocate for the Lincoln Foundation in his 26 years as president, making a difference in the lives of countless young Kentuckians. Sam has worked toward a worthy mission at the Foundation: to help underprivileged children get an education so that they can have a better chance at succeeding in professional life. I applaud your commitment to this cause, Sam, and offer sincere thanks for the good work you have done.

One of the projects Sam has been most passionate about during his time at the Lincoln Foundation is the Whitney M. Young Scholars Program. Sam's ingenuity got the ball rolling for this project, which is a four-year college scholarship program. Since the program's inception, Whitney M. Young scholarships have enabled hundreds of bright young people to attend college who could not have otherwise afforded the expense of an education.

Sam's legacy of service extends far beyond the Lincoln Foundation. His philanthropic and civic actions have resulted in his being honored with the Humanitarian Award from the Louisville Chapter of the National Conference of Christians and Jews, and being named "Man of the Year" by Sigma Pi Phi fraternity. Sam also has served on the boards of Bellarmine University, PNC Bank and the Kentucky State Board of Elementary and Secondary Education.

Dr. Sam Robinson's service to the Lincoln Foundation and the thousands of young people he has helped over the years will long be remembered and admired. His genuine compassion for underprivileged students will encourage and inspire Kentuckians for generations to come. Today, I say to Sam: best wishes for many more years of service, and know that your efforts to better the lives of others in Louisville and throughout Kentucky are recognized and appreciated. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others.●

# TRIBUTE TO ABE SCHRADER

• Mr. LAUTENBERG. Mr. President, I want to call attention to the life of a man who so perfectly portrays the success and opportunity this country can provide if one puts in the effort.

Abe Schrader will celebrate his 100th birthday on October 15, 2000 with multitudes of friends and family. I am privileged to be included as one of those admirers and friends who will join with him that night.

Abe's life story is an example of how a belief in self and hard work can lead to success. He started his life in Amer-

ica at the age of 20 when he immigrated here from Poland. He arrived penniless but with a determination to succeed in his new homeland. Succeed he did as we can see from the story recently printed in the New York Times. Mr. President, I ask that the full text of that article be included in the RECORD.

I know Abe Schrader well and spend time with him on occasions. He is alert, bright and engaging. He manages his investments personally and has done a superb job with them.

I wish all America could meet this congenial, intelligent, caring individual. He is an inspiration for me and I believe could provide spirit and encouragement to all who face aging as to what can be with the right kind of effort and determination.

The article follows:

[From the New York Times, Sept. 28, 2000]

PUBLIC LIVES; AT 99, MAN OF FASHION FINDS  
LIFE A GOOD FIT

(By Susan Sachs)

Clothes make the man, goes the old saw. You would not get an argument from Abe Schrader.

The garment business—in his case, manufacturing women's coats and better dresses for more than half a century—made him one of the kings of Seventh Avenue. Even now, gliding gracefully toward his 100th birthday next month, Mr. Schrader still appreciates the value of a well-cut suit of clothes.

Sitting yesterday in his apartment overlooking Central Park, reminiscing about the rag trade before it became the more high-hat fashion business, he was impeccably turned out in a blue cashmere jacket, gray slacks, crisp baby-blue shirt and gleaming black shoes. A red silk handkerchief that matched the shade of his tie peeked from his breast pocket.

"All my clothes are made to order," Mr. Schrader said, as he flipped open his jacket to show his Italian tailor's label. "Even when I made \$10 a week, I saved up my money all year and bought a custom suit."

This might sound strange coming from a man whose manufacturing company, the Abe Schrader Corporation, once dominated the city's ready-to-wear industry. But Mr. Schrader, a smallish man who once could burn up the dance floor at nightclubs like El Morocco, never found a good fit off the rack.

"I have a lust for life," he said, his Polish accent making the words especially rakish. "And especially on a dance floor, you've got to look good."

Last week, the city celebrated clothes with Fashion Week, an extravaganza of designer fashion shows meant to highlight New York as a fashion center. Mr. Schrader, who persuaded City Hall 35 years ago to name a stretch of Seventh Avenue "Fashion Avenue," followed it from afar.

"Some good, some bad," he said, diplomatically, on the spring 2001 styles on display.

Mr. Schrader retired from the clothing business 12 years ago, after watching it change from top to bottom.

When he started out, in the early 1920's, the industry was big enough to absorb waves of immigrants—Germans and Irish, followed by Eastern European Jews, then Italians. Seventh Avenue was the center of factories where garments were cut and sewn.

Now most factories have moved offshore in pursuit of cheap foreign labor. And many of the original independent apparel makers of Seventh Avenue were long ago gobbled up by conglomerates.

Mr. Schrader was one of the immigrants who built the business. He arrived in the United States at the age of 20 from Poland. His mother hoped he would continue his religious studies and become a rabbi. But Mr. Schrader had his father's business instincts. He started out as a contractor, hiring people to sew garments for a middleman who got the orders from a retailer.

Within a few years, the ambitious Mr. Schrader began his own manufacturing business, complete with a stable of designers, and dealt directly with retail stores. One of his first contracts was with the government for uniforms for the Women's Auxiliary Army Corps.

"I was," he recalled with a deadpan look, "an instant success."

Mr. Schrader's life might appear to mirror the archetypal turn-of-the-century immigrant tale. Think, for example, of the immigrant protagonist in the classic 1917 novel "The Rise of David Levinsky," torn between his rabbinical studies and the lucrative garment business.

But Mr. Schrader shrugged off the comparison. Although he can still toss of a Talmudic reference when pressed, he said godliness was not found in ritual or retreat from the world, but in doing good deeds. Besides, he explained: "Competition is a godsend. If you didn't have it, you'd pay double for your clothes."

For years, Mr. Schrader was also a fixture in the city's high society nightclubs, where he put his love of ballroom dancing on display.

That is how Pauline Trigere, the fashion designer whose coats were produced by the Schrader company for several years, first met Mr. Schrader. "It was on the dance floor at El Morocco," she said.

Ms. Trigere, who has been in the business almost as long as Mr. Schrader, gave him the supreme compliment from a designer: "When I made a collection, it was shown the way I made it. He never did something that hurt the garment."

Mr. Schrader retired in 1988, four years after he sold his business to Interco Inc. With time on his hands, he started, for the first time, to feel his age. "The first year I went from one museum to the other, one library to the other," he said. "Finally my son said to me, 'Here, Dad, take my car and chauffeur. Tell me, where would you like to go?' And I said, 'Wall Street.'"

Now, snappily dressed and eager as any 24-year-old dot-com millionaire, he goes each day at 1 p.m. to his own private office in the brokerage firm of Bishop, Rosen, where he trades stocks for his own account.

It is his joy, like dancing the waltz, although he admitted that "at 100, I'd be lying to tell you my feet are as good as they used to be."

He stays at his office until about 4:30 p.m., relishing that everyone calls him Abe, like a pal, instead of the stuffier Mr. Schrader.

"They treat me royally over there," Mr. Schrader said happily, settling into his car for the daily ride downtown. "It keeps me young."●

# TRIBUTE TO ROBERT L. MCCURLEY, JR.

• Mr. SHELBY. Mr. President, I rise today to recognize Mr. Robert L. McCurley Jr., of Tuscaloosa, AL for his dedicated work on behalf of the Kiwanis International Foundation. Mr. McCurley retired on September 30, 2000 after two terms as the president of Kiwanis International's charitable arm. I commend him for his commitment to helping the less fortunate throughout the world.



Bob McCurley's duties as Kiwanis International Foundation president have taken him around the world in his efforts to improve the lives of the underprivileged. Under his leadership, the foundation has provided grants to meet the needs of children from Bulgaria and Haiti to India and Cambodia. In particular, the Kiwanis International Foundation has raised millions of dollars to combat iodine deficiency disorders, the leading preventable cause of mental retardation in the world today.

Mr. McCurley earned degrees in both engineering and law from the University of Alabama. He is director of the Alabama Law Institute and an adjunct professor at the Alabama School of Law. He has also served as a municipal judge and has authored 12 books on law and government.

Mr. McCurley has been a member of Kiwanis in Gadsden and Tuscaloosa for more than 30 years. He led the Kiwanis organization in Alabama in 1983-1984, served as Trustee and then Vice President of Kiwanis International from 1987-1992, and since 1994 has served the Kiwanis International Foundation as a Trustee, Treasurer, and President. In addition to Kiwanis, he has served his community as a volunteer in leadership positions with the March of Dimes, Boys Club, Focus on Senior Citizens, and Association for Retarded Children.

Robert L. McCurley Jr.'s charitable work has made a difference in countless lives in Alabama and throughout the world. UNICEF estimates that Kiwanis support of iodine deficiency disorder programs is saving more than 8 million children each year from mental and physical disabilities. I would like to congratulate Mr. McCurley on a stellar term as President of the Kiwanis International Foundation, and wish him and his family the best in the future.●

#### TRIBUTE TO LAWRENCE AND KIM BUTTERFIELD

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Lawrence and Kim Butterfield for their commitment to higher education, and their generosity to the many students who will be able to attend Spalding University because of their gift.

Spalding University has 2.5 million reasons to be grateful to Lawrence and Kim Butterfield of Louisville, Kentucky. Their recent \$2.5 million contribution to Spalding University will allow the school to expand their current overseas travel and study programs, and provide additional student scholarships. The Butterfield's kindness and generosity will ensure that countless students from all backgrounds will receive a quality education and the opportunity to succeed in whatever field of study they choose. Their contribution also will enable students to have the incredible experience of traveling and studying abroad. Students who could not otherwise have af-

forded this opportunity will now be able to participate because of Lawrence and Kim.

Spalding University will benefit from the many students who will be able to attend classes because of the Butterfield's gift of scholarship funds. The gift of an education is truly the gift that keeps on giving. When Lawrence and Kim provide a scholarship for a student at Spalding, they give the student a quality education and lifelong career opportunities. But the gift goes further than the individual recipient—it also is a gift to the University and to the Louisville community.

On behalf of myself and my colleagues in the United States Senate, I offer sincere thanks to the Butterfield's for their gift to the students and faculty at Spalding University, to the Louisville community, and to the education of today's youth.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and 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 U.S. RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1999—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 133

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 17, 2000, during the recess of the Senate, received the following message from the President of the United States, together with accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

*To the Congress of the United States:*

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal year 1999, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(l) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, October 17, 2000.

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 13, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 4516. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed by the President pro tempore (Mr. THURMOND) on October 13, 2000.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 1155: A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes (Rept. No. 106-504).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. DODD):

S. 3208. A bill to amend the Federal Food, Drug, and Cosmetic Act to enhance consumer protection in the purchase of prescription drugs from interstate Internet sellers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, Mr. SARBANES, Mr. SCHUMER, Mr. BIDEN, Mr. MOYNIHAN, Mr. ROTH, and Mr. L. CHAFEE)):

S. 3209. A bill to direct the Secretary of the Interior to carry out a resource study of the approximately 600-mile route through the States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the Revolutionary War; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS:

S. 3210. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process for consumers and employees; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 3211. A bill to authorize the Secretary of Education to provide grants to develop technologies to eliminate functional barriers to full independence for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCONNELL:

S. Res. 377. A resolution authorizing the taking of photographs in the Chamber of the United States Senate; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. DODD):



S. 3208. A bill to amend the Federal Food, Drug, and Cosmetic Act to enhance consumer protection in the purchase of prescription drugs from interstate Internet sellers; to the Committee on Health, Education, Labor, and Pensions.

INTERNET PRESCRIPTION DRUG CONSUMER PROTECTION ACT OF 2000

• Mr. JEFFORDS. Mr. President, I am here today to join with my colleagues in the Senate and House in a bipartisan effort to address the relatively new development of Internet pharmacies. The ever-increasing cost of prescription drugs has led a growing number of Americans to turn to Internet pharmacies to try to find savings. Our goal with the Internet Prescription Drug Consumer Protection Act is to allow American consumers to place the same confidence and trust in Internet pharmacies as they do in traditional brick-and-mortar pharmacies. The bill we are introducing today is a starting point in addressing this issue. If there is not enough time to pass this bill in the remaining days of the session, then I hope to return to this issue early in the next Congress and finish what we have started.

We are well aware that the explosion of Internet commerce has put all manner of goods and services literally at our fingertips. In this respect, health care products and prescription drugs are no different from books, compact disks, or the many other products sold online. But there is a potential for very serious dangers when purchasing prescription drugs online. On March 21 of this year, I chaired a hearing of the Health, Education, Labor, and Pensions Committee to examine this issue.

In the search for lower-priced prescription drugs, American consumers can, unwittingly, order prescription drugs from rogue web sites that appear to be American-based companies, but are actually overseas sites offering low-priced prescription drugs that are unapproved, counterfeit, contaminated, expired, mislabeled, manufactured in unapproved facilities, or not stored or handled in a proper manner.

I believe legitimate Internet pharmacies that operate legally and ethically can offer valuable services to many Americans and have an important role in E-commerce. But there must be an appropriate regulatory system that protects American consumers from illegal and unethical behavior which can endanger lives, and which combats any rogue Internet operators.

Our legislation contains several provisions to protect consumers. But the most important is clearly the one that allows states to obtain nationwide injunctive relief against unlawful Internet sellers, as requested by the National Association of Attorneys General. Currently, in their efforts to combat illegal actions by a few Internet pharmacies, several states' Attorneys General have filed suit against the same companies and the same doctors. To simply prevent those bad actors

from doing business in their state, each Attorney General has to file an action in his or her state court. This duplication of effort drains resources that could be utilized against other offenders. Since the states' primary goal is to prevent rogue sites from harming citizens, nationwide injunctive relief would allow each state to help protect all the citizens of this nation. This power would be directly analogous to the national injunctive relief contained in the federal telemarketing statute.

A number of witnesses at our hearing testified that the most prominent danger presented to consumers is the rogue pharmacies operating in countries other than the United States. In this case, the federal government is clearly the most appropriate entity to deal with international rogue pharmacists, and this legislation provides remedies. Our bill also provides for better coordination between federal and state authorities.

Mr. President, this legislation represents a great deal of work by Senator KENNEDY and myself. Representatives BLILEY, KLINK, and UPTON have worked on this issue as well, and I understand that they are introducing companion legislation in the House. I am pleased that we have been able to work in a bipartisan and bicameral fashion on such a complicated issue. Any time Congress attempts to respond to emerging technologies, similar challenges are faced.

I recognize that we are introducing this bill late in the session and that several members have expressed concern with certain aspects of our proposal. I want to assure my colleagues that this legislation is a starting point. This will provide my colleagues with the opportunity to make comments and suggestions on the different policy areas. We have written this bill with bipartisan cooperation, and I look forward to continuing in that spirit as we work to ensure the safety of Internet pharmacies.●

• Mr. KENNEDY. Mr. President, the Internet is transforming all aspects of our society, including health care. Web-based businesses, such as Internet pharmacies, can offer convenience and an opportunity for privacy for large numbers of consumers buying online. The Internet also creates opportunities, however, for scam artists and unprincipled suppliers to market contaminated, expired, ineffective, or counterfeit medications to unsuspecting patients. Today, these bad actors can easily prey on patients who turn to the Internet for easy access or low-priced medications.

Clearly, effective oversight is needed to protect consumers using the Internet and root out illegal operators without interfering with legitimate Internet commerce. Americans are entitled to the same protections on the Internet that they enjoy in other commercial settings.

So far, existing Federal and State laws have had only limited success in protecting consumers from unlawful

Internet sellers of prescription medications.

Today, some physicians issue prescriptions for patients they have never seen, let alone seriously examined. Patients can purchase prescription drugs on the Internet without adequate safeguards that the drugs are appropriate and of high quality. Because web sites can be easily created and designed, patients may think they have purchased their medications from a U.S.-licensed pharmacy when, in fact, they have not. The prescription drugs they receive may be sold out of someone's garage or from a country with few, if any, standards for manufacturing, storing or shipping these products.

Several states and Federal agencies have taken enforcement actions against unlawful Internet sellers, but with limited results. While the number of legitimate Internet pharmacies remains small, the number of illegal sellers continues to grow. We must do more to protect patients when they buy prescription drugs online. Patients should have the same protections when purchasing their medications over the Internet as when buying from a "bricks-and-mortar" pharmacy.

At a hearing on Internet pharmacies by the Senate Health, Education, Labor and Pensions Committee in March, state and Federal regulators asked the Committee for additional enforcement tools to combat illegal sales of prescription drugs over the Internet. The National Association of Attorneys General called for Federal legislation to require Internet entities that sell prescription medications to disclose information about their businesses, and to give the states the authority to stop illegal sales nationwide, rather than only within their own borders. At a hearing by the House Commerce Committee in May, the Department of Justice asked for authority to freeze domestic assets of illegal foreign web sites.

The Internet Prescription Drug Consumer Protection Act of 2000, which Senators JEFFORDS, DODD, and I are introducing today, gives these needed tools to federal and state law enforcement officials to protect the public from those who sell prescription drugs illegally on the Internet. A companion bill is being introduced by Congressmen BLILEY, KLINK, and UPTON in the House, and I commend Congressman KLINK in particular for his leadership and guidance on this issue.

Today's consumer protection laws were enacted before the development of the Internet. This legislation will fill the gaps in current law that permit these illegal sellers to evade prosecution. The bill is supported by the National Association of Attorneys General, the American Pharmaceutical Association, the American Society of Health-System Pharmacists, drugstore.com, and the National Consumers League.

Our legislation recognizes that states need additional enforcement tools to

take effective action against unlawful domestic Internet sellers, and Federal agencies need additional enforcement tools to take effective action against illegal foreign sellers.

First, the Act requires Internet sellers of prescription drugs to disclose on their web sites and to the appropriate state licensing board their street address, telephone number, and states where they are licensed to sell their products. Consumers have a right to know with whom they are dealing on the Internet, just as they do when they walk into their local pharmacy.

Second, the bill authorizes a state to go to federal court to obtain a nationwide injunction against an unlawful Internet seller. Currently, a state can stop an illegal web site operator from selling drugs to citizens in its state, but the illegal operator is free to sell in the other 49 states. For many illegal sellers, the risk of a state injunction is merely a cost of doing business. Under this legislation, illegal sellers will be out of business altogether.

The Federal Government has little authority to bring criminals in other countries to justice. However, it can freeze the U.S. assets of foreign sellers if given the proper authority. This legislation gives the Department of Justice the ability to stop illegal foreign operators from collecting payments from U.S. customers. If they can't turn a profit, they'll stop selling.

As electronic commerce evolves, cooperative multinational efforts will be needed to assure adequate protections for consumers. Our proposal lays the foundation to achieve this goal. It requires the Secretary of Health and Human Services to make recommendations to Congress for coordinating activities of the federal government with those of other countries to curb illegal Internet sales from abroad.

Consumers also have an important role to play. Informed purchasers are well prepared to avoid illegal web sites. This legislation requires the Secretary of Health and Human Services to educate the public about the potential dangers of buying medications online and about effective public and private sector consumer protections.

This legislation is an important step toward making medications online a safe purchase for consumers. I look forward to working with my colleagues to expedite its passage.

I ask that a summary of the bill and letters of support for it be printed in the RECORD.

The materials follow.

#### INTERNET PRESCRIPTION DRUG CONSUMER PROTECTION ACT OF 2000: SUMMARY

Use of the Internet to buy prescription medications is growing rapidly, and many consumers can benefit from the convenience and potential privacy of this new option. Unfortunately, illegitimate sellers threaten patient safety in this quickly evolving environment. Many of these operations are fly-by-night or foreign businesses that easily evade prosecution. Consumers who buy prescription drugs from such web sites can be harmed from inappropriately prescribed

medications, dangerous drug interactions, and contaminated drugs. Consumers may also be defrauded by paying money but never receiving the medications they ordered or receiving ineffective or counterfeit drugs. Because today's laws were enacted before the development of the Internet, there are gaps in current law that leave consumers vulnerable to unscrupulous business practices. This bill addresses these deficiencies by providing federal and state law enforcement authorities with the tools they need to adequately protect the public when buying medications online.

#### DISCLOSURE REQUIREMENT

Requires interstate Internet sellers of prescription drugs to disclose on their web sites and to the appropriate state licensing board the street address of their place of business, telephone number, and states where they are licensed to sell prescription medications.

#### FEDERAL CAUSE OF ACTION FOR STATES

Authorizes states to go into federal court to obtain a nationwide injunction against an unlawful interstate Internet seller.

#### FREEZING FOREIGN ASSETS

Grants the Department of Justice the authority to stop illegal foreign operators from collecting payments from U.S. customers. The bill also requires the Secretary of Health and Human Services to provide recommendations to Congress for coordinating activities of the federal government with those of other countries to curb illegal Internet sales from abroad.

#### PUBLIC EDUCATION

Requires the Secretary of Health and Human Services to educate the public about the dangers of buying medications online and about effective public and private sector consumer protections.

#### NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

*Washington, DC, October 16, 2000.*

Hon. JIM M. JEFFORDS,

*U.S. Senate, Washington, DC.*

Hon. THOMAS J. BLILEY, Jr.,

*House of Representatives, Washington, DC.*

Hon. EDWARD M. KENNEDY,

*U.S. Senate, Washington, DC.*

Hon. RON KLINK,

*House of Representatives, Washington, DC.*

Re The Internet Prescription Drug Consumer Protection Act of 2000

DEAR SENATOR JEFFORDS, SENATOR KENNEDY, REPRESENTATIVE BLILEY AND REPRESENTATIVE KLINK: As the chair of the Online Pharmacy Working Group for the National Association of Attorneys General, I wish to express the support of my colleagues for legislation you are introducing to address the proliferation of illegal prescription drug sales over the Internet and for your commitment to this issue as the chairs and ranking members of the Senate Health, Education, Labor, and Pensions Committee, the House Commerce Committee and its Subcommittee on Oversight and Investigations, respectively.

As you know, the states have traditionally regulated the practice of prescribing and dispensing medications through state law and licensure requirements. This statutory and regulatory structure ensures the existence of a valid physician-patient or prescriber-patient relationship, the accuracy of prescriptions, and the quality of pharmaceuticals.

The Internet has changed many traditional business practices—including providing new opportunities for consumers to purchase medications from online pharmacies. While the Internet can provide a legitimate, convenient, and effective means for pharmacies to transact business with consumers if operated in full compliance with state laws, it also provides an opportunity for businesses

that are not operating in compliance with state laws to reach consumers. Many of these prescribe and sell drugs without a valid examination by a physician, without a review of a patient's medical records for adverse reactions, without valid prescriptions, without compliance with state laws and licensure requirements, without parental consent, etc. These illegal sites can jeopardize the health and safety of consumers.

The state Attorneys General believe that online pharmacies should not be treated differently than traditional "brick and mortar" pharmacies when it comes to compliance with state laws: if a pharmacy wants to transact business in a certain state, then it should submit to the laws of that state. If the law is broken, the offender should be prosecuted. To date, my state of Kansas and several other states have taken enforcement actions against illegal Internet sites prescribing and/or dispensing prescription drugs to consumers in violation of state law.

These cases are not easy ones for the state to bring. Because of the low start-up costs and anonymity associated with the Internet, it is often difficult for the states to locate those responsible for operating an illegal online pharmacy and those who prescribe and dispense the drugs to consumers, hindering effective investigation and prosecution. Likewise the current lack of nationwide injunctive relief requires each state to separately sue a site to obtain an injunction to protect its consumers, wasting valuable resources.

The bi-partisan and bi-cameral legislation you have introduced will increase the effectiveness of the states' ability to protect consumers. The Internet Prescription Drug Consumer Protection Act of 2000 clearly provides the states with the authority to obtain nationwide injunctive relief, providing an opportunity for a state to obtain an injunction effective in every state, while preserving the ability of other states to seek restitution for their own consumers and penalties and fees in their own state courts. It also addresses the need to ensure we can locate the companies selling prescription drugs by incorporating disclosure and notification requirements that will require companies to maintain accurate, accessible information about their principals and location.

Thank you, again, for your leadership on this issue.

Sincerely

CARLA J. STOVALL,  
*Attorney General of Kansas.*

#### AMERICAN PHARMACEUTICAL ASSOCIATION

*Washington, DC, October 10, 2000.*

Hon. EDWARD M. KENNEDY,

*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: The American Pharmaceutical Association (APhA), the national professional society of pharmacists, is pleased to support the Internet Prescription Drug Consumer Protection Act of 2000. This proposal is commendable for building on existing State regulation of pharmacy practice and prescription dispensing by other providers, rather than creating a redundant Federal regulation system.

This bill is important to pharmacists as it provides our patients better protection against fraudulent Internet sellers. This bill also complements APhA's work to help consumers know what to look for in an Internet pharmacy. I have enclosed a sample of the information APhA has disseminated broadly to assist consumers in choosing an Internet pharmacy. We look forward to working with the Secretary of Health and Human Services and the Food and Drug Administration to

educate the public about the dangers of purchasing prescription drugs from unlawful Internet sources.

APhA especially supports the provision authorizing injunctions against alienation of property as a preliminary step to address the significant problem of international prescription drug sellers—sellers not bound to the important requirements regulating domestic pharmacies and pharmacists. We strongly support efforts to coordinate Federal agency activity addressing interstate Internet sellers operating from foreign countries. The Association and its members look forward to working with you to refine this approach in certain areas, such as the 75-mile exemption, and to help this proposal become law.

The American Pharmaceutical Association is the first established and largest professional association of pharmacists in the United States. APhA's more than 50,000 members include practicing pharmacists (including pharmacists in legitimate Internet pharmacy practices), pharmaceutical scientists, pharmacy students, and others interested in advancing the profession. The Association is a leader in providing professional information and education for pharmacists and an advocate for improved health through the provision of comprehensive pharmaceutical care.

Please contact Susan C. Winckler, RPh., APhA's Group Director of Policy and Advocacy or Lisa M. Geiger, APhA's Director of State and Federal Policy, should you or your staff require any assistance from APhA. Thank you for your leadership in addressing this important issue.

Sincerely,

JOHN A. GANS,  
*PharmD, Executive Vice President.*

AMERICAN SOCIETY OF HEALTH-SYSTEM PHARMACISTS,

*Bethesda, MD, October 6, 2000.*

Hon. EDWARD M. KENNEDY,  
*Senate Russell Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: On behalf of the American Society of Health-System Pharmacists (ASHP), the 30,000-member national professional association that represents pharmacists who practice in hospitals, health maintenance organizations, long-term care facilities, home care, and other components of health care systems, I am writing to support continued efforts to improve patient safety. Your legislation, the "Internet Prescription Consumer Protection Act of 2000," provides a significant step towards ensuring that medications obtained via the Internet met the same quality and assurance standards as those products obtained through more traditional means.

ASHP recognizes that the majority of pharmacies selling prescription drugs over the Internet are legitimate entities that offer important health benefits to the patient, including greater accessibility, convenience and access to information. However, legislation is needed to ensure that rogue sites do not exploit and endanger consumers. Current state and federal regulation of Internet pharmacies, as well as voluntary industry initiatives, are not sufficient to ensure patient safety.

The Internet Prescription Drug Consumer Protection Act meets ASHP's policy position on regulating online pharmacy. The bill mandates the disclosure of important provider information, works to ensure that a legitimate patient-prescription relationship exists, and enhances state and federal enforcement authority. These important safety measures will foster greater confidence in the quality of the pharmaceutical products reaching the American public.

Again, we applaud the introduction of your legislation and hope the Congress will come together in a bipartisan manner to address this important patient safety issue in the remaining days of the 106th Congress. We also look forward to working with you further to address the foreign source aspect of the public health problem. Please feel free to have your staff contact Kathleen M. Cantwell, ASHP's Assistant Director and Counsel for Federal Legislative Affairs (301-657-3000 ext. 1326) if we can be of assistance.

Sincerely,

HENRI R. MANASSE, Jr.,  
Ph.D., Sc.D.,  
*Executive Vice President and Chief Executive Officer.*

DRUGSTORE.COM,  
*Bellevue, WA, October 12, 2000.*

Hon. PATTY MURRAY,  
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

Re: Internet Prescription Drug Consumer Protection Act of 2000

DEAR SENATOR MURRAY: We understand that legislation will be introduced in the Senate to impose certain requirements on interstate Internet sellers which sell prescription drugs to consumers, and to facilitate legal action against those sellers making illegal sales of prescription drugs over the Internet. We have reviewed a copy of the legislation provided by Senate staff last week. It is our opinion that the legislation does not impose undue burdens on legitimate Internet pharmacies, such as drugstore.com, and that it represents a step forward in providing consumers with information enabling them to distinguish between legitimate pharmacies and rogue operators. The legislation also authorizes additional law enforcement tools to facilitate the prosecution of those rogues.

We were pleased to see the legislation's acknowledgement that "legitimate Internet sellers of prescription drugs can offer substantial benefits to consumers. These potential benefits include convenience, privacy, valuable information, lower prices, and personalized services." drugstore.com is proud to be the leading online drugstore. We believe that our success in attracting more than 1.2 million customers is the direct result of our commitment to provide safe, secure, legitimate and innovative pharmacy services. We are using the Internet to help our customers make clear, informed decisions about their health and well-being.

As this legislation was being developed, we were concerned that it would impose unreasonable burdens on legitimate online pharmacies, such as drugstore.com, that are already complying with all existing state and federal laws. However, we believe that the Web site disclosure requirements contained in the bill are reasonably circumscribed to avoid such burdens. Such requirements mandate that an interstate Internet seller disclose to consumers such fundamental information as its address and the states in which it is licensed. drugstore.com already discloses that and more on its Web site, and, therefore, does not find such requirements objectionable. We hope that the regulations promulgated by the Department of Health and Human Services under the authority of Sec. 3(a)(6) will acknowledge the apparent intent of the bill not to impose unreasonable burdens on legitimate Internet pharmacies. In that regard, drugstore.com enthusiastically supports the National Association of Boards of Pharmacy's VIPPS (Verified Internet Pharmacy Practices Sites) certification program. That's because we believe the VIPPS certification helps consumers distinguish between legitimate Internet phar-

macies and illegitimate rogue sites. We, therefore, recommend VIPPS as a model for the purpose of promulgating regulations to implement the disclosure requirements of this bill.

We leave to law enforcement authorities the question as to whether the additional enforcement powers authorized by the bill provide sufficient effective mechanisms to investigate and prosecute questionable Internet sites. We take note of the fact that other proposals would have imposed monetary penalties against Internet operators who knowingly dispense a prescription drug without a valid description—a provision missing from this bill. Consistent with drugstore.com's position that rogue sites should be held accountable for their noncompliance with the law, we would have preferred that such penalties be retained as a disincentive to those inclined to violate the law. However, we hope that the enforcement powers included in the bill will be used effectively against illegal operators.

One of the greatest dangers posed to Internet consumers and to legitimate Internet pharmacies across the country is the problem of rogue operators domiciled overseas. Again, we reiterate that the Federal government must exert a much greater effort to address this problem, including working with foreign governments and increasing import surveillance, to deny these rogue sites a safe harbor in the United States.

Finally, we support and encourage consumer education initiatives regarding the dangers and pitfalls of buying from rogue sites, and are pleased to see that the bill mandates such public education. Recently, we participated with the Food and Drug Administration in the CybeRxSmart coalition that is designed to educate and increase consumer awareness on how to purchase prescription drugs safely and legitimately via the Internet. Given the importance of Internet commerce, both to consumers and the economy, we would have preferred that the bill made mandatory the involvement of private sector Internet health care providers in the development of consumer education programs in order to draw on their extensive expertise and enhance the support of such activities.

In summary, we believe that, if sufficient resources are made available to back up the will of Congress as stated in this bill, the Internet Prescription Drug Consumer Protection Act of 2000 can increase consumer awareness of those unsafe Internet sites and enforce federal and state laws against interstate Internet sellers which mislead, and jeopardize the health and safety of, consumers.

We appreciate your attention to this important issue.

Sincerely,

PETER M. NEUPERT,  
*CEO and President.*

NATIONAL CONSUMERS LEAGUE,  
*Washington, DC, October 10, 2000.*

Hon. EDWARD KENNEDY,  
*Russell Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: The National Consumers League, America's oldest non-profit consumer advocacy organization, is pleased to support the Internet Prescription Drug Consumer Protection Act of 2000. With the increasing use of the Internet to purchase prescription drugs, consumers need adequate protection and information when purchasing medications online. Unfortunately, there are numerous websites that are willing to sell consumers prescription medications without a valid prescription from a licensed provider. These sellers threaten consumer and patient safety and stigmatize the

universe of Internet pharmacies, many of which comply with state and federal regulations governing the prescribing and dispensing of medications.

This legislation will provide valuable protections for consumers by addressing the deficiencies that currently exist for state and federal law enforcement agencies to take action against illegitimate sellers. By requiring all Internet pharmacy websites to be licensed in any state that they sell or ship prescription drugs, consumers will have the confidence that their health and safety are being protected and the purchases they make will be legitimate.

Further, we commend the requirement of a consumer education component in this legislation. Without adequate public education consumers would still remain vulnerable to unscrupulous Internet sites despite the enhanced enforcement tools provided in the legislation.

The National Consumers League supports this important piece of legislation and commends you and the other Members of Congress for helping to improve patient safety and enhance consumer protections online. We look forward to working with you on this bill.

Sincerely,

LINDA F. GOLODNER,  
*President.*•

Mr. DODD. Mr. President, I rise today to join Senators KENNEDY and JEFFORDS in introducing the "Internet Prescription Drug Consumer Protection Act of 2000," legislation that offers much-needed safeguards for consumers who purchase prescription drugs over the Internet. This legislation will, for the first time, require online sellers of pharmaceuticals to comply with the same basic standards as traditional brick-and-mortar pharmacies and will create additional enforcement tools so that states and federal agencies can take effective action against online pharmacies that endanger the public safety.

As with most of the recent advances in technology over the past decade, the ability to shop over the Internet has brought with it new benefits, as well as new worries. While many of us applaud the advantages that e-commerce has provided, when it comes to the purchase of products with a direct and immediate impact on health and safety—such as prescription drugs—we must seriously consider the risks that come with convenience.

While some online pharmacies have adopted all the safeguards of traditional pharmacies, such as hiring licensed pharmacists and requiring valid prescriptions before dispensing drugs, increasingly, unscrupulous companies have used the anonymity of cyberspace to hide from federal and state safety regulations, placing the health of their customers at serious risk. These unethical companies can easily take advantage of the fact that, as consumers, we may leave our common sense behind when we turn on our computers. Too often, we assume that simply because a business has a website, it must be legitimate.

Consequently, we've received hundreds of reports of Internet pharmacies selling powerful prescription drugs to

consumers simply on the basis of answers to a health questionnaire—without the patient ever setting foot in a doctor's office. This practice, which has been condemned as unethical by the American Medical Association, places patients at serious risk for misdiagnoses and dangerous drug interactions. Perhaps even more frightening is that some Internet sellers are dispensing contaminated or counterfeit drugs to their unsuspecting customers. And, unfortunately, the ease with which websites can be created and removed and the difficulty regulators have in determining the identity of the corporations behind the websites create obstacles to states and federal agencies trying to shut down unlawful sellers.

This legislation would require online sellers of prescription drugs to dispense medications only with valid prescriptions, to notify state boards of pharmacy in each state in which they operate of the establishment of their service, and to provide full disclosure of the address and telephone number of the business's headquarters on their website. Under this bill, Internet sellers who do not adhere to these basic standards will risk serious legal sanctions, including permanent prohibition from conducting further business and the freezing of assets.

While we should ensure that legitimate pharmacies can continue to serve their customers on the information superhighway, we need to act immediately to derail those who would use the Internet in unsafe or illicit ways. The legislation we introduce today will give state and federal agencies the appropriate authority to protect American consumers from unscrupulous Internet sellers. I urge all of my colleagues to join us as cosponsors of this important legislation.

By Mr. DASCHLE (for Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, Mr. SARBANES, Mr. SCHUMER, Mr. BIDEN, Mr. MOYNIHAN, Mr. ROTH, and Mr. L. CHAFEE)):

S. 3209. A bill to direct the Secretary of the Interior to carry out a resource study of the approximately 600-mile route through the States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the Revolutionary War; to the Committee on Energy and Natural Resources.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HERITAGE ACT OF 2000

• Mr. LIEBERMAN. Mr. President, 219 years ago this month, a small army camped at the gates of a small port in Virginia. And turned the world upside down. This collection of often poorly fed, poorly paid, and poorly armed men made a sacrifice from which we all ben-

efit today. In October 1781, a few thousand American and French soldiers laid siege to Yorktown, forced the surrender of Cornwallis and his British regulars, and won American independence.

Although we often remember the victory at Yorktown, too often we lose sight of the heroic efforts that made it possible. Too often we forget that this victory was the culmination of a miraculous campaign—when two nations, two armies, and two great men put aside their differences and worked together for a common purpose.

It is my opinion that no single monument or battlefield would do justice to the scope of this event. That is why I, along with my colleagues, Senators DODD, KERRY, BIDEN, ROTH, SCHUMER, MOYNIHAN, SARBANES, and CHAFEE, am privileged to call for a national commemoration of the events leading to our victory at Yorktown and the end of the American Revolution. We have been strongly supported in this effort by the work of dedicated volunteers across the country—members of the Sons of the American Revolution in all of our states. I would especially like to acknowledge the help of Albert McJoynt and Win Carroll, for their work with my staff on this important project.

The Washington-Rochambeau Revolutionary Road is 600 miles of history, winding from Providence, Rhode Island to Yorktown, Virginia. In the opinion of my colleagues and I, it is well worthy of designation as a National Historic Trail. Let us document the events in the cities and towns all along the road to Yorktown and the birth of this great nation of ours. Let us celebrate the unprecedented Franco-American alliance and the superhuman efforts of Generals George Washington and Jean Baptiste Donatien de Vimeur, Comte de Rochambeau to preserve that alliance in the face of seemingly unsurmountable odds. Let us create a National Historic Trail along whose course we can pause and remember these men and women, their travels, and sacrifices—from the journey's beginning when Rochambeau led the French army out of Newport and Providence, Rhode Island, into New York where he joined Washington's troops, and through a cross section of colonial America to its culmination at the gates of Yorktown.

The story of the alliance and the march is like many in our history—full of heroic characters, brave deeds, and political intrigue. Hollywood should take note: it would make for a blockbuster—and uplifting—adventure. The story unfolds through seven states and countless towns and stars the men and women of the march who left their mark wherever they went.

Each of the towns on the trail makes its own unique contribution to the tale of the journey. Hartford and Wethersfield, in my own state of Connecticut—where the two generals met and through a translator planned their

strategy. In Phillipsburg, New York, the French and American armies first joined together and faced off against the British in New York City. Here, Washington and Rochambeau planned their high risk strategy—abandoning established positions in the north and racing hundreds of miles south to surprise and trap an unsuspecting British army. In Chatham, New Jersey, the French made a show of storing supplies and building bread ovens in order to disguise their march towards Cornwallis in Virginia, to confuse the British. They moved on through Princeton and Trenton, New Jersey—sites of previous colonial victories against great odds.

But the march itself is only part of the story. The unprecedented alliance between France and America was cemented during this journey. Elite troops from one of the great European powers stood with the ragtag but spirited Continental Army to face and defeat the British Empire. Men who shared no common language and had in many cases been enemies in previous wars, shared clothing and food and cultures in order to achieve their goal. And as a proud member of the Armed Services Committee I am pleased to say this was a successful Joint and Coalition operation.

The trail goes through Philadelphia, Pennsylvania—then capital of the colonies. Here Washington and Rochambeau stopped their men outside town, had them clean off the dirt of the trail and marched them through town with drums beating and flags unfurled before the Continental Congress and the people of Philadelphia. The grandeur of their new European ally helped restore the spirit of America during this very uncertain time.

A few days later in Chester, Pennsylvania, Washington, the normally reserved commander-in-chief, literally danced on the dock when he learned the French fleet had arrived in the Chesapeake and trapped the British at Yorktown. For the first time, it seemed that victory for the colonies was possible. The armies marched on to Wilmington, Delaware and Elkton, Maryland, where American troops were finally paid for some of their efforts, using money borrowed by the bankrupt Continental Army from General Rochambeau.

There are two central characters to this drama, without whom the march, siege, and victory would have never happened—Rochambeau and Washington. French ministers hand-selected the celebrated and experienced Rochambeau for the unique “*Expédition Particulière*” because of his patience and professionalism. Lieutenant General Rochambeau had a distinguished military career. More importantly, he understood the need for America to play the leading role in the war. With dignity and respect, he subordinated himself and his men to Washington and his patchwork forces. While avoiding intrigue and scandal, he overlooked

improprieties and affronts, and provided needed counsel, supplies, and money to Washington and his men. He is undoubtedly one of the key forces helping Washington to victory at Yorktown, and has rightly been called “America’s Neglected Founding Father.”

Our nation’s capital region also played its part in this story. Troops camped in Baltimore near the site of today’s Camden Yards. Some crossed the Potomac near Georgetown, while others camped in Alexandria, Virginia. Along the way, General Washington made a triumphal return to Mount Vernon, and hosted a celebration for his French allies. All along the route, towns were touched and thrilled by the passage of the army and events swirling around them. Within this national commemoration, we should let each tell its own story in its own way.

The force that held it all together throughout the march and on to victory was General Washington. This was not a new role for him. Before the war, Washington was one of the wealthiest men in the colonies and one of its few military heroes. Only he, with his public standing and incredible resolve, could have held together the fledgling Continental Army, the divided loyalties of the American people, a meddling Congress, disloyal generals, and an international alliance, for the six years leading up to the Yorktown Campaign. He overcame his own distrust and doubt and invited his old enemies, the French—who had held him prisoner in an earlier war—to field a European army in the colonies while he was working with all his energy to evict another one. Over the years, he had used his own money and credit to pay and feed his men. And he carefully balanced the need to combine his new nation’s independence with delicate European sensibilities to forge a winning alliance. In these months in 1781, he took a grand risk and won the war. Although the march is not his most famous hour, in many ways it is his finest.

The armies marched on through Williamsburg, Virginia until they reached positions outside Yorktown in late September. Washington and Rochambeau and their troops went on to win this battle and the war. The rest is history. We should work today to ensure that this history, in all its rich detail, is not forgotten. We have the support of many state and local and private and public historic preservation groups in our efforts to establish this trail. We should use their momentum and enthusiasm to make it a reality. This bill begins that process, by directing the Secretary of the Interior to perform a resource study on the establishment of this trail, in coordination with their activities and other Congressionally mandated programs. In a time when it seems we have few heroes, let us take the time to better remember the heroes of our past. Those who sacrificed so much for our freedom today deserve no less.●

Mr. SESSIONS:

S. 3210. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process for consumers and employees; to the Committee on the Judiciary.

THE CONSUMER AND EMPLOYEE ARBITRATION  
BILL OF RIGHTS

Mr. SESSIONS. Mr. President, I rise to sent to the desk a bill entitled, “The Consumer and Employee Arbitration Bill of Rights.” This bill begins the multi-year legislative process necessary to improve the Federal Arbitration Act so that it will be a cost-effective means of resolving disputes. This bill of rights will provide procedural protections to consumers and employees to ensure that their claims will be resolved under due process of law, in a speedy and cost effective manner.

Congress enacted the Federal Arbitration Act in 1925. It has served us as well for three-quarters of a century. Under the Act, if the parties agree to a contract affecting interstate commerce that contains a clause requiring arbitration, the clause will be enforceable in court. In short, the Federal Arbitration Act allows parties to a contract to agree not to take their disputes to court, but to resolve any dispute arising from that contract before a neutral decision-maker, generally selected by a non-profit arbitration organization. The parties can generally present evidence and be represented by counsel. And the decision-makers will apply the relevant state law in resolving the dispute. Arbitration is generally quicker and less expensive than going to court.

In recent years, there have been some cases where the arbitration process has not worked well, but thousands of disputes have been fairly and effectively settled by arbitrators. Such a system is even more important because of skyrocketing legal costs where attorneys require large contingent fees. Accordingly, I have opposed piecemeal legislative changes to the act. Instead, I believe the time has come for a comprehensive review of how arbitration works and what we can do to enhance its effectiveness.

The approach of reforming arbitration, rather than abandoning the arbitration process provides several benefits. Arbitration is one of the best means of dispute resolution and one that most consumers and employees can afford. Consumers and employees generally cannot afford a team of lawyers to represent them. And their claims are often not big enough so that a lawyer would take the case on a 25 percent or even a 50 percent contingent fee. Thus, the consumer or employee is faced with having to pay a lawyer’s hourly rate for his claim. If he can afford to pay the hourly rate, he must decide whether it makes financial sense to pay a lawyer several thousand dollars to litigate a claim in court for a broken television that cost \$700 new. If this is what consumers and employees are left with, many will have no choice but to drop their claim. This is not right. It is not fair.

This is where arbitration can give the consumer or employee a cost effective forum to assert their claim. Thus, before we make exceptions to the Federal Arbitration Act for some of the most well to do corporations in our society, I think it is our duty to consider how we can improve the system for those less financially able.

A letter I recently received from the National Arbitration Forum contained some interesting comments about the importance of arbitration: the ABA has calculated that 100 million Americans are locked out of court by high legal costs, and that most lawyers will not begin a lawsuit worth less than \$20,000, while arbitration serves as an accessible forum for dispute resolution; consumer class actions increasingly generate little more than coupons for consumers, while contractual arbitration gives a consumer the ability to get his or her case before a neutral party at a reasonable price and in a reasonable amount of time; a recent Roper Study indicates that 59 percent of Americans would choose arbitration over a lawsuit to resolve a claim for money.

Thus, the benefits for customers and employees are readily apparent. Can we improve this system? Yes, but we must take a balanced approach.

Further, arbitration promotes the freedom of parties to make contracts. I was recently contacted by Professor Stephen Ware of the Cumberland School of Law, who reminded us that the promotion of contractual freedom regarding arbitration has long been a primary goal of the Federal Arbitration Act. In any contract, the parties agree to all the terms and clauses included in the contract document. This includes the arbitration clause. This is basic contract law, and the basic principle upon which the Federal Arbitration Act has been supported for 75 years.

But this is not always the case. In certain situations, consumers or employees are not treated fairly. That is what the Consumer and Employee Arbitration Bill of Rights is designed to correct.

The bill will maintain the cost benefits of binding arbitration, but would grant several specific "due process" rights to consumers and employees. The bill is based on the consumer and employee due process protocols of the American Arbitration Association and have broad support. The bill provides the following rights:

No. 1, notice—Under the bill an arbitration clause, to be enforceable, would have to have a heading in large, bold print, would have to state whether arbitration is binding or optional, identify a source that the consumer or employee could contact for more information, and state that a consumer could opt out to small claims court.

This will ensure that consumers who receive credit card notices in the mail will not miss an arbitration clause because it is printed in fine print. Further, it will give consumers and em-

ployees a means to obtain more information on how to resolve any disputes. Finally, the clause would explain that if a consumer's claims could otherwise be brought in small claims court, he is free to do so. Small claims court, unlike regular trial court, provides another inexpensive and quick means of dispute resolution.

No. 2, independent selection of arbitrators—The bill will grant consumers and employees the right to have potential arbitrators disclose relevant information concerning their business ties and employment. All parties to the arbitration will have an equal voice in selecting a neutral arbitrator. This ensures that the large company who sold a consumer a product will not select the arbitrator itself, because the consumer or the employee with a grievance will have the right to nominate potential arbitrators too. As a result, the final arbitrator selected will have to have the explicit approval of both parties to the dispute. This means the arbitrator will be a neutral party with no allegiance to either the seller or the consumer.

No. 3, choice of law—The bill grants consumers and employees the right to have the arbitrator governed by the substantive law that would apply under conflicts of laws principles applicable in the forum in which the consumer resided at the time the contract was entered into. This means that the substantive contract law that would apply in a court where the consumer or employee resides at the time of making the contract will apply in the arbitration. Thus, in a dispute arising from the purchase of a product by an Alabama consumer from an Illinois company, a court would have to determine whether Alabama or Illinois law applied by looking to the language of the contract and to the place the contract was entered into. The bill ensures that an arbitrator will use the same conflict of laws principles that a court would in determining whether Alabama or Illinois law will govern the arbitration proceedings.

No. 4, representation—The bill grants consumers and employees the right to be represented by counsel at his own expense. Thus, if the claim involves complicated legal issues, the consumer or employee is free to have his lawyer represent him in the arbitration. Such representation should be substantially less expensive than a trial in court because of the more abbreviated and expeditious process of arbitration.

No. 5, hearing—The bill grants consumers and employees the right to a fair hearing in a forum that is reasonably convenient to the consumer or employee. This would prevent a large company from requiring a consumer or employee to travel across the country to arbitrate his claim and to expend more in travel costs than his claim may be worth.

No. 6, evidence—The bill grants consumers and employees the right to conduct discovery and to present evidence.

This ensures that the arbitrator will have all the facts before him prior to making a decision.

No. 7, cross examination—The bill grants consumers and employees the right to cross-examine witnesses presented by the other party at the hearing. This allows a party to test the statements of the other party's witnesses and be sure that the evidence before the arbitrator is correct.

No. 8, record—The bill grants consumers and employees the right to hire a stenographer or tape record the hearing to produce a record. This right is key to proving later that the arbitration proceeding was fair.

No. 9, timely resolution—The bill grants consumers and employees the right to have an arbitration proceeding to be completed promptly so that they do not have to wait for a year or more to have their claim resolved. Under the bill a defendant must file an answer within 30 days of the filing of the complaint. The arbitrator has 90 days after the answer to hold a hearing. The arbitrator must render a final decision within 30 days after the hearing. Extensions are available in extraordinary circumstances.

No. 10, written decision—The bill grants consumers and employees the right to a written decision by the arbitrator explaining the resolution of the case and his reasons therefor. If the consumer or employee takes a claim to arbitration, he deserves to have an explanation of why he won or lost.

No. 11, expenses—The bill grants consumers and employees the right to have an arbitrator provide for reimbursement of arbitration fees in the interests of justice and the reduction, deferral, or waiver of arbitration fees in cases of extreme hardship. It does little good to take a claim to arbitration if the consumer or employee cannot even afford the arbitration fee. This provision ensures that the arbitrator can waive or reduce the fee or make the company reimburse the consumer or employee for a fee if the interests of justice so require.

No. 12, small claims opt out—The bill grants consumers and employees the right to opt out of arbitration into small claims court if that court has jurisdiction over the claim and the claim does not exceed \$50,000.

The bill also provides an effective mechanism for consumers and employees to enforce these rights. At any time, if a consumer or employee believes that the other party violated his rights, he may ask and the arbitrator may award a penalty up to the amount of the claim plus attorneys fees. For example, if the company fails to provide discovery to the employee, the employee can make a motion for fees. The amount of fee award is limited, as it is in court, to the amount of cost incurred by the employee in trying to obtain the information from the company. This principle is taken from Federal Rule of Civil Procedure 37.

After the decision, if the losing party believes that the rights granted to him



by the Act have been violated, he may file a petition with the Federal district court. If the court finds by clear and convincing evidence that his rights were violated, it may order a new arbitrator appointed. Thus, if a consumer or employee has an arbitrator that is unfair and this causes him to lose the case, the consumer or employee can obtain another arbitrator.

Mr. President, this bill is the first step to creating a constructive dialog on arbitration reform. This bill of rights will ensure that those who can least afford to go to court can go to a less expensive arbitrator and be treated fairly. It will ensure that every arbitration carried out under the Federal Arbitration Act is completed fairly, promptly, and economically. I look forward to working with my colleagues in the Senate to ensure that consumers and employees who agree in a contract to arbitrate their claims will be afforded due process of law.

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. 3210

*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 "Consumer and Employee Arbitration Bill of Rights".

#### SEC. 2. ELECTION OF ARBITRATION.

(a) CONSUMER AND EMPLOYMENT CONTRACTS.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

##### "§ 17. Consumer and employment contracts

"(a) DEFINITIONS.—In this section—

"(1) the term 'consumer contract' means any written, standardized form contract between the parties to a consumer transaction;

"(2) the term 'consumer transaction' means the sale or rental of goods, services, or real property, including an extension of credit or the provision of any other financial product or service, to an individual in a transaction entered into primarily for personal, family, or household purposes; and

"(3) the term 'employment contract'—

"(A) means a uniform, employer promulgated plan that covers all employees in a company, facility, or work grade, and that may cover legally protected rights or statutory rights; and

"(B) does not include any individually negotiated executive employment agreements.

"(b) FAIR DISCLOSURE.—In order to be binding on the parties to a consumer contract or an employment contract, an arbitration clause in such contract shall—

"(1) have a printed heading in bold, capital letters entitled 'ARBITRATION CLAUSE', which heading shall be printed in letters not smaller than ½ inch in height;

"(2) explicitly state whether participation within the arbitration program is mandatory or optional;

"(3) identify a source that a consumer can contact for additional information on costs and fees and on all forms and procedures necessary for effective participation in the arbitration program; and

"(4) provide notice that all parties retain the right to resolve a dispute in a small claims court, if such dispute falls within the

jurisdiction of that court and the claim is for less than \$50,000 in total damages.

"(c) PROCEDURAL RIGHTS.—If a consumer contract or employment contract provides for the use of arbitration to resolve a dispute arising out of or relating to the contract, each party to the contract shall be afforded the following rights, in addition to any rights provided by the contract:

"(1) COMPETENCE AND NEUTRALITY OF ARBITRATOR AND ADMINISTRATIVE PROCESS.—

"(A) IN GENERAL.—Each party to the dispute (referred to in this section as a 'party') shall be entitled to a competent, neutral arbitrator and an independent, neutral administration of the dispute.

"(B) ARBITRATOR.—Each party shall have an equal voice in the selection of the arbitrator, who—

"(i) shall comply with the Code of Ethics for Arbitrators in Commercial Disputes of the American Arbitration Association and the State bar association of which the arbitrator is a member;

"(ii) shall have no personal or financial interest in the results of the proceedings in which the arbitrator is appointed and shall have no relation to the underlying dispute or to the parties or their counsel that may create an appearance of bias; and

"(iii) prior to accepting appointment, shall disclose all information that might be relevant to neutrality, including service as an arbitrator or mediator in any past or pending case involving any of the parties or their representatives, or that may prevent a prompt hearing.

"(C) ADMINISTRATION.—The arbitration shall be administered by an independent, neutral alternative dispute resolution organization to ensure fairness and neutrality and prevent ex parte communication between parties and the arbitrator.

"(2) APPLICABLE LAW.—In resolving a dispute, the arbitrator—

"(A) shall be governed by the same substantive law that would apply under conflict of laws principles applicable in a court of the forum in which the consumer or employee resided at the time the contract was entered into; and

"(B) shall be empowered to grant whatever relief would be available in court under law or equity.

"(3) REPRESENTATION.—Each party shall have the right to be represented by an attorney, or other representative as permitted by State law, at the expense of that party.

"(4) HEARING.—

"(A) IN GENERAL.—Each party shall be entitled to a fair arbitration hearing (referred to in this section as a 'hearing') with adequate notice and an opportunity to be heard.

"(B) ELECTRONIC OR TELEPHONIC MEANS.—Subject to subparagraph (C), in order to reduce cost, the arbitrator may hold a hearing by electronic or telephonic means or by a submission of documents.

"(C) FACE-TO-FACE MEETING.—Each party shall have the right to require a face-to-face hearing, which hearing shall be held at a location that is reasonably convenient for the party who is the consumer or employee, unless in the interest of fairness the arbitrator determines otherwise, in which case the arbitrator shall use the process described in section 1391 of title 28 to determine the venue for the hearing.

"(5) EVIDENCE.—With respect to any hearing—

"(A) each party shall have the right to present evidence at the hearing and, for this purpose, each party shall grant access to all information reasonably relevant to the dispute to the other parties, subject to any applicable privilege or other limitation on discovery under applicable State law;

"(B) consistent with the expedited nature of arbitration, relevant and necessary pre-hearing depositions shall be available to each party at the direction of the arbitrator; and

"(C) the arbitrator shall—

"(i) make reasonable efforts to maintain the privacy of the hearing to the extent permitted by applicable State law; and

"(ii) consider appropriate claims of privilege and confidentiality in addressing evidentiary issues.

"(6) CROSS EXAMINATION.—Each party shall have the right to cross examine witnesses presented by the other parties at a hearing.

"(7) RECORD OF PROCEEDING.—Any party seeking a stenographic record of a hearing shall make arrangements directly with a stenographer and shall notify the other parties of these arrangements not less than 3 days in advance of the hearing. The requesting party or parties shall pay the costs of obtaining the record. If the transcript is agreed by the parties, or determined by the arbitrator to be the official record of the proceeding, it shall be provided to the arbitrator and made available to the other parties for inspection, at a date, time, and place determined by the arbitrator.

"(8) TIMELY RESOLUTION.—Upon submission of a complaint by the claimant, the respondent shall have 30 days to file an answer. Thereafter, the arbitrator shall direct each party to file documents and to provide evidence in a timely manner so that the hearing may be held not later than 90 days after the filing of the answer. In extraordinary circumstances, the arbitrator may grant a limited extension of these time limits to a party, or the parties may agree to an extension. The arbitrator shall file a decision with each party not later than 30 days after the hearing.

"(9) WRITTEN DECISION.—The arbitrator shall provide each party with a written explanation of the factual and legal basis for the decision. This written decision shall describe the application of an identified contract term, statute, or legal precedent. The decision of the arbitrator shall be final and binding, subject only to the review provisions in subsection (d).

"(10) EXPENSES.—The arbitrator or independent arbitration administration organization, as applicable, shall have the authority to—

"(A) provide for reimbursement of arbitration fees to the claimant, in whole or in part, as part of the remedy in accordance with applicable law or in the interests of justice; and

"(B) waive, defer, or reduce any fee or charge due from the claimant in the event of extreme hardship.

"(11) SMALL CLAIMS OPT OUT.—Each party shall have the right to opt out of binding arbitration and into the small claims court for the forum, if such court has jurisdiction over the claim. For purposes of this paragraph, no court with jurisdiction to hear claims in excess of \$50,000 shall be considered to be a small claims court.

"(d) DENIAL OF RIGHTS.—

"(1) DENIAL OF RIGHTS BY PARTY MISCONDUCT.—

"(A) IN GENERAL.—At any time during an arbitration involving a consumer contract or employment contract, any party may file a motion with the arbitrator asserting that the other party has deprived the movant of 1 or more rights granted by this section and seeking relief.

"(B) AWARD BY ARBITRATOR.—If the arbitrator determines that the movant has been deprived of a right granted by this section by the other party, the arbitrator shall award the movant a monetary amount, which shall not exceed the reasonable expenses incurred



by the movant in filing the motion, including attorneys' fees, unless the arbitrator finds that—

“(i) the motion was filed without the movant's first making a good faith effort to obtain discovery or the realization of another right granted by this section;

“(ii) the opposing party's nondisclosure, failure to respond, response, or objection was substantially justified; or

“(iii) the circumstances otherwise make an award of expenses unjust.

“(2) DENIAL OF RIGHTS BY ARBITRATOR.—A losing party in an arbitration may file a petition in the district court of the United States in the forum in which the consumer or employee resided at the time the contract was entered into to assert that the arbitrator violated 1 or more of the rights granted to the party by this section and to seek relief. In order to grant the petition, the court must find clear and convincing evidence that 1 or more actions or omissions of the arbitrator resulted in a deprivation of a right of the petitioner under this section that was not harmless. If such a finding is made, the court shall order a rehearing before a new arbitrator selected in the same manner as the original arbitrator as the exclusive judicial remedy provided by this section.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

“17. Consumer and employment contracts.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any consumer contract or employment contract entered into after the date that is 6 months after the date of enactment of this Act.

### SEC. 3. LIMITATION ON CLAIMS.

Except as otherwise expressly provided in this Act, nothing in this Act may be construed to be the basis for any claim in law or equity.

Mr. HARKIN:

S. 3211. A bill to authorize the Secretary of Education to provide grants to develop technologies to eliminate functional barriers to full independence for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### THE TECHNOLOGY FOR ALL AMERICANS ACT

• Mr. HARKIN. Mr. President, I rise to introduce the Technology for All Americans Act. This Act will maximize our country's potential by helping to close the Digital Divide for people with disabilities. In doing so, it will increase their independence and self-sufficiency and further strengthen our economy and society by enabling the greatest possible number of us to contribute our abilities.

As we celebrate the Americans with Disabilities Act's 10th Anniversary, we are entering a new millennium; one that will be defined by technology. But technology can be a double-edged sword for people with disabilities, who continue to fight for the freedom to live independently.

If the Internet and other technologies are accessible, they will offer people with disabilities unprecedented opportunities for independence and self-sufficiency. But if they are not accessible, they simply will create new barriers to full participation of people

with disabilities in our society and our economy.

Although new technologies have improved the lives of many Americans with disabilities, there remains a significant “Digital Divide” between Americans with and without disabilities. Although people with disabilities are nearly twice as likely as people without disabilities to say that the Internet has improved their lives significantly, they are barely one-quarter as likely to use the Internet and less than half as likely to have access to a computer at home.

The Technology for All Americans Act will begin to bridge this gap. The Act provides incentives for public and private researchers to use universal design and accessibility principles in new technologies, and to develop technologies to eliminate functional barriers to full independence for people with disabilities. It will increase public access to technology by providing grants to States to make public libraries, including those in elementary and secondary schools, technology accessible. It will increase the development and use of accessible technology by providing grants to colleges and universities to establish model curricula incorporating the design and use of accessible technology into academic and professional programs. And it will help children with disabilities maximize their potential in school and after graduation by ensuring their access to technology. In a nutshell, this Act will help ensure that people with disabilities have an equal opportunity to participate in society.

But, this act is not just for people with disabilities. It is, as its name says, for all Americans. When people with disabilities succeed in school, join the workforce, and participate in day-to-day life, we all benefit from their abilities.

History also demonstrates that research on accessible technology benefits everyone. How many people know that the typewriter was invented for an Italian countess who was blind? In 1990, the Television Decoder Circuitry Act, which I introduced, required closed captioning for most television sets so that people who are deaf could watch TV. But today millions of people who are not deaf use closed captioning at home, at work, at gyms, and at sports bars, to name a few. And, millions of people use voice-activated technology at work or in car phones and cell phones. That technology also was intended primarily for people with disabilities.

This trend will accelerate as the Technology Revolution moves forward. The technologies that make things accessible for people with disabilities have applications for all of us.

More and more each day, every American's ability to participate in society is determined by how well they are able to use technology. This Act will help us take the greatest advantage of technology for the benefit of

the greatest number of Americans. This must be one of our priorities as we move into the new millennium.

So I ask my colleagues, people with disabilities, educators, technology experts, and others who are interested to share their ideas with me about this bill and about the issue of making technology accessible to every American, so that next Congress we can ensure that every American has access to the tools that will shape our future.●

### ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Missouri (Mr. BOND) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2293

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2412

At the request of Mr. HOLLINGS, his name was added as a cosponsor of S. 2412, a bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

S. 2440

At the request of Mr. HOLLINGS, his name was added as a cosponsor of S. 2440, a bill to amend title 49, United States Code, to improve airport security.

S. 2675

At the request of Ms. SNOWE, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2675, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. HATCH), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. LEAHY) were added

as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 3016

At the request of Mr. ROTH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3016, to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3060

At the request of Mr. WELLSTONE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3152

At the request of Mr. ROTH, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3183

At the request of Ms. LANDRIEU, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Iowa (Mr. HARKIN), the Senator from Florida (Mr. GRAHAM), the Senator from Virginia (Mr. ROBB), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 3187

At the request of Mr. ROTH, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 3187, a bill to require the Secretary of Health and Human Services

to apply aggregate upper payment limits to non-State publicly owned or operated facilities under the medicaid program.

S. 3189

At the request of Ms. SNOWE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3189, a bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes.

S. RES. 373

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 373, a resolution recognizing the 225th birthday of the United States Navy.

At the request of Mr. LOTT, his name was added as a cosponsor of S. Res. 373, supra

#### SENATE RESOLUTION 377—AUTHORIZING THE TAKING OF PHOTOGRAPHS IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 377

*Resolved*, That (a) paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting photographs as provided in subsection (b).

(b) The photographs shall be—

(1) taken during the period that the Senate of the 106th Congress stands in recess or adjournment and prior to the convening of the 107th Congress;

(2) taken for the purpose of allowing the Senate Commission on Art to carry out its responsibilities to preserve works of art and historical objects within the Senate Chamber and to document those works and objects; and

(3) subject to the approval of the Committee on Rules and Administration.

SEC. 2. The Sergeant at Arms of the Senate shall make the necessary arrangements to carry out this resolution.

#### AMENDMENTS SUBMITTED

#### NATIONAL MARINE SANCTUARIES AMENDMENTS ACT OF 2000

#### SNOWE (AND KERRY) AMENDMENT NO. 4322

Mr. COCHRAN (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill (S. 1482) to amend the National Marine Sanctuaries Act, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Marine Sanctuaries Amendments Act of 2000".

#### SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

#### SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.

(a) CLERICAL AMENDMENT.—The heading for section 301 (16 U.S.C. 1431) is amended to read as follows:

#### "SEC. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM."

(b) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) in paragraph (2) by striking "research, educational, or esthetic" and inserting "scientific, educational, cultural, archeological, or esthetic";

(2) in paragraph (3) by adding "and" after the semicolon; and

(3) by striking paragraphs (4), (5), and (6) and inserting the following:

"(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities as national marine sanctuary managed as the National Marine Sanctuary System will—

"(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

"(B) enhance public awareness, understanding, and appreciation of the marine environment; and

"(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas."

(c) PURPOSE AND POLICIES.—Section 301(b) (16 U.S.C. 1431(b)) is amended—

(1) by striking "significance;" in paragraph (1) and inserting "significance and to manage these areas as the National Marine Sanctuary System;"

(2) by striking paragraphs (3), (4), and (9);

(3) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

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

"(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

"(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;

"(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;"

(5) in paragraph (8), as redesignated, by striking "areas;" and inserting "areas, including the application of innovative management techniques; and"; and

(6) in paragraph (9), as redesignated, by striking ";" and inserting a period.

(d) ESTABLISHMENT OF SYSTEM.—Section 301 is amended by adding at the end the following:

"(c) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary

System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.”.

#### SEC. 4. CHANGES IN DEFINITIONS.

(a) DAMAGES.—Paragraph (6) of section 302 (16 U.S.C. 1432) is amended—

(1) by striking “and” after the semicolon at the end of subparagraph (B); and

(2) by adding after subparagraph (C) the following:

“(D) the cost of curation and conservation of archeological, historical, and cultural sanctuary resources; and

“(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;”.

(b) RESPONSE COSTS.—Paragraph (7) of such section is amended by inserting “, including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 312” after “injury” the second place it appears.

(c) SANCTUARY RESOURCE.—Paragraph (8) of such section is amended by striking “research, educational,” and inserting “educational, cultural, archeological, scientific,”.

(d) SYSTEM.—Such section is further amended—

(1) by striking “and” after the semicolon at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting “; and”; and

(3) by adding at the end the following:

“(10) ‘System’ means the National Marine Sanctuary System established by section 301.”.

#### SEC. 5. CHANGES RELATING TO SANCTUARY DESIGNATION STANDARDS.

(a) STANDARDS.—Section 303(a)(1) (16 U.S.C. 1433(a)(1)) is amended to read as follows:

“(1) determines that—

“(A) the designation will fulfill the purposes and policies of this title;

“(B) the area is of special national significance due to—

“(i) its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities;

“(ii) the communities of living marine resources it harbors; or

“(iii) its resources or human-use values;

“(C) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

“(D) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (C); and

“(E) the area is of a size and nature that will permit comprehensive and coordinated conservation and management; and”.

(b) FACTORS; REPEAL OF REPORT REQUIREMENT.—Section 303(b) (16 U.S.C. 1433(b)) is amended—

(1) in paragraph (1) by striking “and” at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

“(J) the area’s scientific value and value for monitoring the resources and natural processes that occur there;

“(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

“(L) the value of the area as an addition to the System.”; and

(2) by striking paragraph (3).

#### SEC. 6. CHANGES IN PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.

(a) SUBMISSION OF NOTICE OF PROPOSED DESIGNATION TO CONGRESS.—Section

304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

“(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located.”.

(b) SANCTUARY DESIGNATION.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

“(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

“(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) A resource assessment that documents—

“(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

“(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

“(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.

Public disclosure by the Secretary of such information shall be consistent with national security regulations.

“(C) A draft management plan for the proposed national marine sanctuary that includes the following:

“(i) The terms of the proposed designation.

“(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

“(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

“(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

“(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

“(vi) The proposed regulations referred to in paragraph (1)(A).

“(D) Maps depicting the boundaries of the proposed sanctuary.

“(E) The basis for the findings made under section 303(a) with respect to the area.

“(F) An assessment of the considerations under section 303(b)(1).”.

(c) WITHDRAWAL OF DESIGNATION.—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting “or System” after “sanctuary” the second place it appears.

(d) FEDERAL AGENCY ACTIONS AFFECTING SANCTUARY RESOURCES.—Section 304(d) (16 U.S.C. 1434(d)) is amended by adding at the end the following:

“(4) FAILURE TO FOLLOW ALTERNATIVE.—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction of, loss of, or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.”.

(e) EVALUATION OF PROGRESS IN IMPLEMENTING MANAGEMENT STRATEGIES.—Section 304(e) (16 U.S.C. 1434(e)) is amended—

(1) by striking “management techniques,” and inserting “management techniques and strategies;”;

(2) by adding at the end the following: “This review shall include a prioritization of management objectives.”.

(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

“(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—

“(1) FINDING REQUIRED.—The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that—

“(A) the addition of a new sanctuary will not have a negative impact on the System; and

“(B) sufficient resources were available in the fiscal year in which the finding is made to—

“(i) effectively implement sanctuary management plans for each sanctuary in the System; and

“(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

“(2) DEADLINE.—If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of paragraph (2) have been met by all existing sanctuaries.

“(3) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to any sanctuary designation documents for—

“(A) a Thunder Bay National Marine Sanctuary; or

“(B) a Northwestern Hawaiian Islands National Marine Sanctuary.”.

(g) NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE.—

(1) PRESIDENTIAL DESIGNATION.—The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) SECRETARIAL ACTION.—Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

(A) take action to initiate the designation of the reserve as a National Marine Sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the

membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a National Marine Sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act; and

(3) PUBLIC COMMENT.—Notwithstanding any other provision of law no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) COORDINATION.—The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) REVIEW.—If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(6) REPORT.—No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding \$4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (5) to be reflected in the Budget of the United States Government.

#### SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

Section 306 (16 U.S.C. 1436) is amended—

(1) in the matter preceding paragraph (1) by inserting “for any person” after “unlawful”;

(2) in paragraph (2) by inserting “offer for sale, purchase, import, export,” after “sell,”; and

(3) by amending paragraph (3) to read as follows:

“(3) interfere with the enforcement of this title by—

“(A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person’s control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

“(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

“(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or”.

#### SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

(a) POWERS OF AUTHORIZED OFFICERS TO ARREST.—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking “and” after the semicolon at the end of paragraph (4), by striking

the period at the end of paragraph (5) and inserting “; and”, and by adding at the end the following:

“(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 306(3).”.

(b) CRIMINAL OFFENSES.—Section 307 (16 U.S.C. 1437) is amended by redesignating subsections (c) through (j) in order as subsections (d) through (k), and by inserting after subsection (b) the following:

“(c) CRIMINAL OFFENSES.—

“(1) OFFENSES.—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

“(2) PUNISHMENT.—Any person that is guilty of an offense under this subsection—

“(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

“(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.”.

(c) SUBPOENAS OF ELECTRONIC FILES.—Subsection (g) of section 307 (16 U.S.C. 1437), as redesignated by this section, is amended by inserting “electronic files,” after “books.”.

(d) NATIONWIDE SERVICE OF PROCESS.—Section 307 (16 U.S.C. 1437) is amended by adding at the end the following:

“(1) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.”.

#### SEC. 9. ADDITIONAL REGULATIONS AUTHORITY.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

“SEC. 308. REGULATIONS.

“The Secretary may issue such regulations as may be necessary to carry out this title.”.

#### SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

“SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

“(a) IN GENERAL.—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

“(b) RESEARCH AND MONITORING.—

“(1) IN GENERAL.—The Secretary may—

“(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

“(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

“(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archeological, and historical resources of national marine sanctuaries.

“(2) AVAILABILITY OF RESULTS.—The results of research and monitoring conducted, supported, or permitted by the Secretary under this subsection shall be made available to the public.

“(c) EDUCATION.—

“(1) IN GENERAL.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and

appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

“(2) EDUCATIONAL ACTIVITIES.—Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

“(d) INTERPRETIVE FACILITIES.—

“(1) IN GENERAL.—The Secretary may develop interpretive facilities near any national marine sanctuary.

“(2) FACILITY REQUIREMENT.—Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

“(e) CONSULTATION AND COORDINATION.—In conducting, supporting, and coordinating research, monitoring, evaluation, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal, interstate, or regional agencies, States or local governments.”.

#### SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), and by inserting after subsection (a) the following:

“(b) PUBLIC NOTICE REQUIRED.—The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).”;

(2) by striking “insurance” in paragraph (4) of subsection (c), as redesignated, and inserting “insurance, or post an equivalent bond.”;

(3) by striking “resource and a reasonable return to the United States Government.” in paragraph (2)(C) of subsection (d), as redesignated, and inserting “resource.”;

(4) in subsection (d)(3)(B), as redesignated, by striking “designating and”; and

(5) in subsection (d), as redesignated, by inserting after paragraph (3) the following:

“(4) WAIVER OR REDUCTION OF FEES.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the access to or use of sanctuary resources.”.

#### SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

(a) AGREEMENTS AND GRANTS.—Section 311(a) (16 U.S.C. 1442(a)) is amended to read as follows:

“(a) AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.”.

(b) USE OF RESOURCES FROM OTHER GOVERNMENT AGENCIES.—Section 311 (16 U.S.C. 1442) is amended by adding at the end the following:

“(e) USE OF RESOURCES OF OTHER GOVERNMENT AGENCIES.—The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this title.

“(f) AUTHORITY TO OBTAIN GRANTS.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.”

### SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) VENUE FOR CIVIL ACTIONS.—Section 312(c) (16 U.S.C. 1443(c)) is amended—

(1) by inserting “(1)” before the first sentence;

(2) in paragraph (1) (as so designated) in the first sentence by striking “in the United States district court for the appropriate district”; and

(3) by adding at the end the following:

“(2) An action under this subsection may be brought in the United States district court for any district in which—

“(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

“(B) the vessel is located, in the case of an action against a vessel; or

“(C) the destruction of, loss of, or injury to a sanctuary resource occurred.”

(b) USE OF RECOVERED AMOUNTS.—Section 312(d) (16 U.S.C. 1443(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) RESPONSE COSTS.—Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

“(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

“(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

“(2) OTHER AMOUNTS.—All other amounts recovered shall be used, in order of priority—

“(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archeological, historical, and cultural sanctuary resources;

“(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

“(C) to restore degraded sanctuary resources of other national marine sanctuaries.”

(c) STATUTE OF LIMITATIONS.—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

“(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.”

### SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended to read as follows:

#### “SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Secretary—

“(1) to carry out this title—

“(A) \$32,000,000 for fiscal year 2001;

“(B) \$34,000,000 for fiscal year 2002;

“(C) \$36,000,000 for fiscal year 2003;

“(D) \$38,000,000 for fiscal year 2004;

“(E) \$40,000,000 for fiscal year 2005; and

“(2) for construction projects at national marine sanctuaries, \$6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.”

### SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

### SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. 1445a) is amended by striking “provide assistance” in subsection (a) and inserting “advise and make recommendations”.

### SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. 1445b) is amended—

(1) in subsection (a)(1), by inserting “or the System” after “sanctuaries”; and

(2) in subsection (a)(4) by striking “use of any symbol published under paragraph (1)” and inserting “manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol,”;

(3) by amending subsection (e)(3) to read as follows:

“(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or”;

(4) by adding at the end the following:

“(f) COLLABORATIONS.—The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

“(g) AUTHORIZATION FOR NON-PROFIT PARTNER ORGANIZATION TO SOLICIT SPONSORS.—

“(1) IN GENERAL.—The Secretary may enter into an agreement with a non-profit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

“(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

“(3) PARTNER ORGANIZATION DEFINED.—In this subsection, the term ‘partner organization’ means an organization that—

“(A) draws its membership from individuals, private organizations, corporation, academic institutions, or State and local governments; and

“(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.”

### SEC. 18. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

The National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) is amended by inserting after section 317 the following:

#### “SEC. 318. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

“(a) ESTABLISHMENT.—The Secretary shall establish and administer through the Na-

tional Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in oceanography, marine biology or maritime archeology, to be known as Dr. Nancy Foster Scholarships.

“(b) PURPOSES.—The purposes of the Dr. Nancy Foster Scholarship Program are—

“(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups; and

“(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

“(c) AWARD.—Each Dr. Nancy Foster Scholarship—

“(1) shall be used to support graduate studies in oceanography, marine biology, or maritime archeology at a graduate level institution of higher education; and

“(2) shall be awarded in accordance with guidelines issued by the Secretary.

“(d) DISTRIBUTION OF FUNDS.—The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

“(e) FUNDING.—Of the amount available each fiscal year to carry out this title, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

“(f) SCHOLARSHIP REPAYMENT REQUIREMENT.—The Secretary shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

“(g) MARITIME ARCHEOLOGY DEFINED.—In this section the term ‘maritime archeology’ includes the curation, preservation, and display of maritime artifacts.”

### SEC. 19. CLERICAL AMENDMENTS.

(a) CORRECTION OF REFERENCES TO FORMER COMMITTEE.—The following provisions are amended by striking “Merchant Marine and Fisheries” and inserting “Resources”:

(1) Section 303(b)(2)(A) (16 U.S.C. 1433(b)(2)(A)).

(2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—(1) Section 302(2) is amended to read as follows:

“(2) ‘Magnuson-Stevens Act’ means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);”

(2) Section 302(9) is amended by striking “Magnuson Fishery Conservation and Management Act” and inserting “Magnuson-Stevens Act”.

(3) Section 303(b)(2)(D) is amended by striking “Magnuson Act” and inserting “Magnuson-Stevens Act”.

(4) Section 304(a)(5) is amended by striking “Magnuson Act” and inserting “Magnuson-Stevens Act”.

(5) Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking “Magnuson Fishery Conservation and Management Act” and inserting “Magnuson-Stevens Act”.

(c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C. 1443(a)(1)) is amended by striking “UNITED STATES” and inserting “UNITED STATES”.

### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, and in consultation with the chairman

of the Senate Committee on Armed Services, pursuant to Public Law 106-65, announces the appointment of the following individuals to serve as members of the Commission of the National Military Museum: John G. Campbell, of Virginia, and Henriette V. Warfield, of Virginia.

#### VETERANS' ORAL HISTORY PROJECT ACT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5212 which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 5212) to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes.

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

Mr. COCHRAN. Mr. President, I ask unanimous consent the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5212) was read the third time and passed.

#### AUTHORIZING PHOTOGRAPHS IN THE SENATE CHAMBER

Mr. COCHRAN. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 377, submitted earlier by Senator MCCONNELL.

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

The legislative clerk read as follows:

A resolution (S. Res. 377) authorizing the taking of photographs in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 377) was agreed to, as follows:

S. RES. 377

*Resolved*, That (a) paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting photographs as provided in subsection (b).

(b) The photographs shall be—

(1) taken during the period that the Senate of the 106th Congress stands in recess or adjournment and prior to the convening of the 107th Congress;

(2) taken for the purpose of allowing the Senate Commission on Art to carry out its responsibilities to preserve works of art and

historical objects within the Senate Chamber and to document those works and objects; and

(3) subject to the approval of the Committee on Rules and Administration.

SEC. 2. The Sergeant at Arms of the Senate shall make the necessary arrangements to carry out this resolution.

#### PROVIDING FOR CORRECTIONS IN THE ENROLLMENT OF H.R. 5164

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 428, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 428) providing for corrections in the enrollment of the bill (H.R. 5164) amending title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 428) was agreed to.

#### BEAR PROTECTION ACT OF 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 933, S. 1109.

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

The legislative clerk read as follows:

A bill (S. 1109) to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

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

Mr. COCHRAN. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1109) was read the third time and passed, as follows:

S. 1109

*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 "Bear Protection Act of 1999".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) all 8 extant species of bear—Asian black bear, brown bear, polar bear, American black bear, spectacled bear, giant panda, sun bear,

and sloth bear—are listed on Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249) (referred to in this section as "CITES");

(2) Article XIV of CITES provides that Parties to CITES may adopt stricter domestic measures regarding the conditions for trade, taking, possession, or transport of species on Appendix I or II, and the Parties to CITES adopted a resolution (Conf. 10.8) urging Parties to take immediate action to demonstrably reduce the illegal trade in bear parts and derivatives;

(3) the Asian bear populations have declined significantly in recent years, as a result of habitat loss and poaching due to a strong demand for bear viscera used in traditional medicines and cosmetics;

(4) Federal and State undercover operations have revealed that American bears have been poached for their viscera;

(5) while most American black bear populations are generally stable or increasing, commercial trade could stimulate poaching and threaten certain populations if the demand for bear viscera increases; and

(6) prohibitions against the importation into the United States and exportation from the United States, as well as prohibitions against the interstate trade, of bear viscera and products containing, or labeled or advertised as containing, bear viscera will assist in ensuring that the United States does not contribute to the decline of any bear population as a result of the commercial trade in bear viscera.

#### SEC. 3. PURPOSES.

The purpose of this Act is to ensure the long-term viability of the world's 8 bear species by—

(1) prohibiting international trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera;

(2) encouraging bilateral and multilateral efforts to eliminate such trade; and

(3) ensuring that adequate Federal legislation exists with respect to domestic trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) BEAR VISCERA.—The term "bear viscera" means the body fluids or internal organs, including the gallbladder and its contents but not including blood or brains, of a species of bear.

(2) IMPORT.—The term "import" means to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(3) PERSON.—The term "person" means—

(A) an individual, corporation, partnership, trust, association, or other private entity;

(B) an officer, employee, agent, department, or instrumentality of—

(i) the Federal Government;

(ii) any State, municipality, or political subdivision of a State; or

(iii) any foreign government;

(C) a State, municipality, or political subdivision of a State; and

(D) any other entity subject to the jurisdiction of the United States.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.



(6) TRANSPORT.—The term “transport” means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

#### SEC. 5. PROHIBITED ACTS.

(a) IN GENERAL.—Except as provided in subsection (b), a person shall not—

(1) import into, or export from, the United States bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera; or

(2) sell or barter, offer to sell or barter, purchase, possess, transport, deliver, or receive, in interstate or foreign commerce, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera.

(b) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT PURPOSES.—A person described in subparagraph (B) or (C) of section 4(3) may import into, or export from, the United States, or transport between States, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera if the importation, exportation, or transportation—

(1) is solely for wildlife law enforcement purposes; and

(2) is authorized by a valid permit issued under Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249), in any case in which such a permit is required under the Convention.

#### SEC. 6. PENALTIES AND ENFORCEMENT.

(a) CRIMINAL PENALTIES.—A person that knowingly violates section 5 shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) AMOUNT.—A person that knowingly violates section 5 may be assessed a civil penalty by the Secretary of not more than \$25,000 for each violation.

(2) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this subsection shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any bear viscera, or any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section (including any regulation issued under this section) shall be seized and forfeited to the United States.

(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are necessary to carry out this section.

(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

#### SEC. 7. DISCUSSIONS CONCERNING TRADE PRACTICES.

The Secretary and the Secretary of State shall discuss issues involving trade in bear viscera with the appropriate representatives of countries trading with the United States that are determined by the Secretary and the United States Trade Representative to be the leading importers, exporters, or con-

sumers of bear viscera, and attempt to establish coordinated efforts with the countries to protect bears.

#### SEC. 8. REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with appropriate State agencies, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report detailing the progress of efforts to end the illegal trade in bear viscera.

### NATIONAL MARINE SANCTUARIES AMENDMENTS ACT OF 2000

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 702, S. 1482.

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

The legislative clerk read as follows:

A bill (S. 1482) to amend the National Marine Sanctuaries Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(Omit the parts in boldface brackets and insert the parts printed in italic:)

S. 1482

*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 “National Marine Sanctuaries Amendments Act of [1999”] 2000”.

#### SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

#### SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES.

(a) AMENDMENT OF FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) by striking “research, educational, or aesthetic” in paragraph (2) and inserting “scientific, educational, cultural, archaeological, or aesthetic”;

(2) by inserting “ecosystem” after “comprehensive” in paragraph (3);

(3) by striking “wise use” in paragraph (5) and inserting “sustainable use”; and

[(4) by striking “and” after the semicolon in paragraph (5);

[(5)] (4) by striking “protection of these” in paragraph (6) and inserting “protecting the biodiversity, habitats, and qualities of such”; and

[(6)] (5) by inserting “and the values and ecological services they provide” in paragraph (6) after “living resources”.

(b) AMENDMENT OF PURPOSES AND POLICIES.—Section 301(b) (16 U.S.C. 1431(b)) is amended—

(1) by striking “significance;” in paragraph (1) and inserting “significance and to manage these areas as the National Marine Sanctuary System;”;

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

“(3) to maintain natural biodiversity and biological communities, and to protect, and

where appropriate, [restore.] restore and enhance natural habitats, populations, and ecological processes;”;

(3) by striking “understanding, appreciation, and wise use of the marine environment;” in paragraph (4) and inserting “understanding, and appreciation of the natural, historical, cultural, and archaeological resources of national marine sanctuaries;”;

(4) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), and inserting after paragraph (4) the following:

“(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;”;

(5) by striking “areas;” in paragraph (8), as redesignated, and inserting “areas, including the application of innovative management techniques; and”;

(6) by striking “marine resources; and” in paragraph (9), as redesignated, and inserting “marine and coastal resources.”; and

(7) by striking paragraph (10), as redesignated.

#### SEC. 4. CHANGES IN DEFINITIONS.

Section 302 (16 U.S.C. 1432) is amended—

(1) by striking “304(a)(1)(C)(v)” in paragraph (1) and inserting “304(a)(2)(A)”;

(2) by striking “Magnuson” in paragraph (2) and inserting “Magnuson-Stevens”;

(3) by striking “and” after the semicolon in subparagraph (B) of paragraph (6);

(4) by striking “resources;” in subparagraph (C) of paragraph (6) and inserting “resources; and”;

(5) by inserting after paragraph (6)(C) the following:

“(D) the cost of curation and conservation of archaeological, historical, and cultural sanctuary resources;”;

(6) by striking “injury;” in paragraph (7) and inserting “injury, including enforcement activities related to any incident;”

(7) by striking “educational, or ” in paragraph (8) and inserting “educational, cultural, archaeological.”;

(8) by striking “and” after the semicolon in paragraph (8);

(9) by striking “Magnuson Fishery Conservation and Management Act.” in paragraph (9) and inserting “Magnuson-Stevens Act.”; and

(10) by adding at the end thereof the following:

“(10) ‘system’ means the National Marine Sanctuary System established by section 303; and

“(11) ‘person’ has the meaning given that term by section 1 of title 1, United States Code, but includes a department, agency, and instrumentality of the government of the United States, a State, or a foreign Nation.”.

#### SEC. 5. CHANGES IN SANCTUARY DESIGNATION STANDARDS.

Section 303 (16 U.S.C. 1433) is amended—

(1) by striking the section caption and inserting the following:

“SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.”;

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

“(a) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.”;

(3) by striking paragraph (3) of subsection (b), and redesignating paragraphs (1) and (2) as paragraphs (2) and (3);

(4) by striking so much of subsection (b) as precedes paragraph (2), as redesignated, and inserting the following:

“(b) SANCTUARY DESIGNATION STANDARDS.—

“(1) IN GENERAL.—Before designating an area of the marine environment as a national marine sanctuary, the Secretary shall find that—



“(A) the area is of special national significance due to its—

- “(i) biodiversity;
- “(ii) ecological importance;
- “(iii) archaeological, cultural, or historical importance; or
- “(iv) human-use values;

“(B) existing State and Federal authorities should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

“(C) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (B); and

“(D) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.”;

(5) by striking “subsection (a)” in paragraph (2), as redesignated, and inserting “paragraph (1)”;

(6) by redesignating subparagraphs (E) through (I) of paragraph (2), as redesignated, as paragraphs (F) through (J), and inserting after paragraph (D) the following:

“(E) the area’s scientific value and value for monitoring as a special area of the marine environment;”;

(7) by redesignating subparagraphs (H), (I), and (J), as redesignated, as subparagraphs (I), (J), and (K) and by inserting after subparagraph (G), as redesignated, the following:

“(H) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses;”;

(8) by striking “vital habitats, and resources which generate tourism;” in subparagraph (I), as redesignated, and inserting “and vital habitats;”;

(9) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), and inserting after subparagraph (I) the following:

“(J) the value of the area as an addition to the System;” and

(10) by striking “Merchant Marine and Fisheries” in subparagraph (A) of paragraph (3), as redesignated, and inserting “Resources”;

(11) by inserting after “Administrator” in subparagraph (B) of paragraph (3), as redesignated the following: “of the Environmental Protection Agency;” and

(12) by adding at the end of subsection (b) the following:

“(4) REQUIRED FINDINGS.—

“(A) NEW DESIGNATIONS.—Before beginning the designation process for any sanctuary that is not a designated sanctuary before January 1, 2000, the Secretary shall make, and submit to the Congress, a finding that each designated sanctuary has—

“(i) an operational level of facilities, equipment, and employees;

“(ii) a list of priorities it considers most urgent and a strategy to address those priorities;

“(iii) a plan and schedule to complete site characterization studies to inventory existing sanctuary resources, including cultural resources; and

“(iv) a plan for enforcement of the Act within its boundaries, including partnerships with adjacent States or other authorities.

“(B) EXCEPTION.—Subparagraph (A) does not apply to any draft management plan, draft environmental impact statement, or proposed regulation for a Thunder Bay National Marine Sanctuary.”;

“(A) NEW DESIGNATIONS.—The Secretary shall not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary unless the Secretary has published in the Federal Register and submitted to Congress a finding that the addition of a new sanctuary will not have a

negative impact on the National Marine Sanctuary System and each designated sanctuary has—

“(i) an operational level of facilities, equipment, and employees;

“(ii) a plan for enforcement of the Act within its boundaries, including partnerships with adjacent States or other authorities;

“(iii) sufficient resources available in the fiscal year in which the finding is made to implement the sanctuary management plan effectively;

“(iv) completed site characterizations studies, inventories of known sanctuary resources, and management plan review; and

“(v) a list of priorities and a strategy to address such priorities.

“(B) FAILURE TO COMPLETE CERTAIN REQUIREMENTS.—If the requirements of subparagraph (A)(iv) have not been completed at the time of designation of a sanctuary, then the Secretary shall submit a plan and schedule for the completion of these activities for the sanctuary, based on the assumption that the amounts appropriated for the sanctuaries will be maintained at the same level for each fiscal year for the next 10 years.

“(C) EXCEPTION.—Subparagraph (A) does not apply to any draft management plan, draft environmental impact statement, or proposed regulation for the Thunder Bay National Marine Sanctuary.

“(D) DEADLINE.—If a finding under subparagraph (A) has not been published by February 1, 2004, the Secretary shall submit to Congress by September 30, 2004, a finding stating whether the requirements in subparagraph (A) have been met.

“(E) SUNSET.—The requirements of this paragraph shall be in effect until September 30, 2004.”.

#### SEC. 6. CHANGES IN PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

(a) CHANGES IN NOTICE REQUIREMENTS.—Section 304(a) (16 U.S.C. 1434(a)) is amended—

(1) by striking paragraph (1)(C) and inserting the following:

“(C) on the same day the notice required by subparagraph (A) is submitted to the Office of the Federal Register, the Secretary shall submit a copy of the notice and the draft sanctuary designation documents prepared under paragraph (2) to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”;

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), and inserting the following after paragraph (1):

“(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare sanctuary designation documents on the proposal that include the following:

“(A) A draft environmental impact statement under paragraph (3).

“(B) A management plan document, which the Secretary shall make available to the public, containing—

“(i) the terms of the proposed designation;

“(ii) proposed mechanisms to coordinate existing regulatory and management authorities within the area;

“(iii) the proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources, including innovative approaches such as marine zoning, interpretation and education, research, monitoring and assessment, resource protection, restoration, and enforcement (including surveillance activities for the area);

“(iv) an evaluation of the advantages of cooperative State and Federal management if all or part of a proposed marine sanctuary is within the territorial limits of a State, or is superjacent to the subsoil and seabed within the seaward boundary of a State (as established under the Submerged Lands Act (43 U.S.C. 1301 et seq.);

“(v) an estimate of the annual cost to the Federal government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education; and

“(vi) the regulations proposed under paragraph (1)(A).

“(C) Maps depicting the boundaries of the proposed sanctuary.

“(D) A statement of the basis for the findings made under section 303(b)(2).

“(E) An assessment of the considerations under section 303(b)(1).

“(F) A resource assessment that includes—

“(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

“(ii) a discussion, prepared after consultation with the Secretary of the Interior, of any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

“(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.”.

(b) OTHER NOTICE-RELATED CHANGES.—Section 304(a) (16 U.S.C. 1434(a)) is further amended—

(1) by striking “as provided by” in subparagraph (A) of paragraph (3), as redesignated, and inserting “under”;

(2) by inserting “cultural, archaeological,” after “educational,” in paragraph (4), (5) as redesignated;

(3) by striking “only by the same procedures by which the original designation is made.” in paragraph (1)(4), (5) as redesignated, and inserting “by following the applicable procedures of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and chapter 5 of title 5, United States Code.”;

(4) by inserting “this Act and” after “objectives of” in the second sentence of paragraph (6), as redesignated; and

(5) by striking “Merchant Marine and Fisheries Resources” in paragraph (7), as redesignated, and inserting “Resources”.

(c) OTHER CHANGES.—Section 304 (16 U.S.C. 1434) is amended—

(1) by striking “(a)(6)” in subsection (b)(1) and inserting “(a)(7)”;

[(1)] (2) by inserting “or the national system” in subsection (b)(2) after “sanctuary” each place it appears;

[(2)] (3) by striking “management techniques,” in subsection (e) and inserting “management techniques and strategies;” and

[(3)] (4) by striking “title.” in subsection (e) and inserting “title. This review shall include a prioritization of management objectives.”

#### SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

Section 306 (16 U.S.C. 1436) is amended—

(1) by striking “sell,” in paragraph (2) and inserting “offer for sale, sell, purchase, import, export;” and

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

“(3) interfere with the enforcement of this title by—

“(A) refusing to permit any authorized officer to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person’s control for the purpose of conducting a search or inspection in connection with the enforcement of this title;

“(B) assaulting, resisting, opposing, impeding, intimidating, or interfering with any authorized officer in the conduct of any search or inspection under this title;

“(C) submitting false information to the Secretary or any officer authorized by the Secretary in connection with any search or inspection under this title; or

“(D) assaulting, resisting, opposing, impeding, intimidating, harassing, bribing, or interfering with any person authorized by the Secretary to implement the provisions of this title; or”.

#### SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

Section 307 (16 U.S.C. 1437) is amended—

(1) by redesignating paragraphs (1) through (5) of subsection (b) as paragraphs (2) through (6), and inserting before paragraph (2) the following:

“(1) arrest any person, if there is reasonable cause to believe that the person has committed an act prohibited by section 306(3);”;

(2) by redesignating subsections (c) through (j) as subsections (d) through (k), and inserting after subsection (b) the following:

“(c) CRIMINAL OFFENSES.—

“(1) IN GENERAL.—Violation of section 306(3) is punishable by a fine under title 18, United States Code, imprisonment for not more than 6 months, or both.

“(2) AGGRAVATED VIOLATIONS.—If a person in the course of violating section 306(3)—

“(A) uses a dangerous weapon,

“(B) causes bodily injury to any person authorized to enforce this title or to implement its provisions, or

“(C) causes such a person to fear imminent bodily injury,

then the violation is punishable by a fine under title 18, United States Code, imprisonment for not more than 10 years, or both.”;

(3) by redesignating subsections (e) through (k), as redesignated, as subsections (f) through (l), respectively, and by inserting after subsection (d), as redesignated, the following:

“(e) JUDICIAL CIVIL PENALTIES.—The Secretary may bring an action to access and collect any civil penalty for which a person is liable under paragraph (d)(1) in the United States district court for the district in which the person from whom the penalty is sought resides, in which such person's principal place of business is located, or where the incident giving rise to civil penalties under this section occurred.”;

(4) by inserting “electronic files,” after “books,” in subsection (h), as redesignated; and

(5) by redesignating subsections (i) through (l), as designated, as subsections (j) through (m), and by inserting after subsection (h), as redesignated, the following:

“(i) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this chapter, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.”.

#### SEC. 9. ADDITIONAL REGULATIONS AUTHORITY ADDED.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

##### “SEC. 308. REGULATIONS AND SEVERABILITY.

“(a) REGULATIONS.—The Secretary may issue such regulations as may be necessary to carry out this title.

“(b) SEVERABILITY.—If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of this title and of the application of that provision to other persons and circumstances shall not be affected.”.

#### SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

##### “SEC. 309. RESEARCH, MONITORING, AND EDUCATION PROGRAMS AND INTERPRETIVE FACILITIES.

“(a) IN GENERAL.—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs necessary and reasonable to carry out the purposes and policies of this title.

“(b) RESEARCH AND MONITORING.—The Secretary may support, promote, and coordinate appropriate research on, and long-term monitoring of, the resources and human uses of marine sanctuaries, as is consistent with the purposes and policies of this title. In carrying out this subsection the Secretary may consult with Federal agencies, States, local governments, regional agencies, interstate agencies, or other persons, and coordinate with the National Estuarine Research Reserve System.

“(c) EDUCATION AND INTERPRETIVE FACILITIES.—The Secretary may establish facilities or displays—

“(1) to promote national marine sanctuaries and the purposes and policies of this title; and

“(2) either solely or in partnership with other persons, under an agreement under section 311.”.

#### SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through [(e)] (f) as subsections (c) through [(f)] (g), and by inserting after subsection (a) the following:

“(b) PUBLIC NOTICE REQUIRED.—The Secretary shall provide appropriate public notice before identifying any activity subject to a special use permit under subsection (a).”;

(2) by striking “insurance” in paragraph (4) of subsection (c), as redesignated, and inserting “insurance, or post an equivalent bond.”;

(3) by striking “resource and a reasonable return to the United States Government.” in paragraph (2)(C) of subsection (d), as redesignated, and inserting “resource.”;

(4) by redesignating paragraph (3) of subsection (d), as redesignated, as paragraph (4), and by inserting after paragraph (2) thereof the following:

“(3) WAIVER OR REDUCTION OF FEES.—The Secretary may waive or reduce fees under this subsection, or accept in-kind contributions in lieu of fees under this subsection, for activities that do not derive profit from the access to and use of sanctuary resources or that the Secretary considers to be beneficial to the system.”; and

(5) by striking “designating and” in paragraph (4)(B) of subsection (d), as redesignated.

#### SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

Section 311 (16 U.S.C. 1442) is amended—

(1) by adding at the end of subsection (a) the following: “Notwithstanding any other provision of law to the contrary, the Secretary may apply for, accept, and use grants from Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.”; and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), and inserting after subsection (a) the following:

“(b) USE OF STATE AND FEDERAL AGENCY RESOURCES.—The Secretary may, whenever appropriate, use by agreement the personnel, services, or facilities of departments, agencies, and instrumentalities of the govern-

ment of the United States or of any State or political subdivision thereof on a reimbursable or non-reimbursable basis to assist in carrying out the purposes and policies of this title.”.

#### SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) LIABILITY.—Section 312 (16 U.S.C. 1443(a)) is amended—

(1) by striking “used to destroy, cause the loss of, or injure” in subsection (a)(2) and inserting “that destroys, causes the loss of, or injures”;

(2) by inserting “or vessel” after “person” in subsection (a)(4);

(3) by inserting “(as defined in section 302(1))” after “damages” in subsection (b)(2);

(4) by striking “vessel who” in subsection (c) and inserting “vessel that”;

(5) by striking “person may” in subsection (c) and inserting “person or vessel may”;

(6) by inserting “by the Secretary” after “used” in subsection (d); and

(7) by adding at the end of subsection (d) the following:

“(4) STATUTE OF LIMITATIONS.—An action for response costs and damages under subsection (c) may not be brought more than 2 years after the date of completion of the relevant damage assessment and restoration plan prepared by the Secretary.”.

#### SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

“(1) \$30,000,000 for fiscal year 2000;

“(2) \$32,000,000 for fiscal year 2001;

“(3) \$34,000,000 for fiscal year 2002;

“(4) \$36,000,000 for fiscal year 2003; [and]

“(5) \$38,000,000 for fiscal year [2004.”.] 2004; and

“(6) \$40,000,000 for fiscal year 2005.”.

#### SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

#### SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. [1446]) 1445a) is amended by striking “provide assistance” in subsection (a) and inserting “advise and make recommendations”.

#### SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. [1447]) 1445b) is amended—

(1) by striking “use” in subsection (a)(4) and inserting “manufacture, reproduction, or other use”;

(2) by striking “sanctuaries;” in subsection (a)(4) and inserting “sanctuaries or by persons that enter [cooperative agreements] collaborative efforts with the Secretary under subsection (f);”;

(3) by striking “symbols” in subsection (a)(6) and inserting “symbols, including sale of items bearing the symbols;”;

(4) by redesignating subsections (c), (d), and (e) as (d), (e), and (f), respectively, and by inserting after subsection (b) the following:

“(c) COLLABORATIONS.—The Secretary may authorize the use of the symbol described in subsection (a) by any person with which the Secretary is engaged in a collaborative effort to carry out the purposes and policies of this title.”;

[(4) striking] (5) by striking “Secretary; and” in paragraph (3) of subsection (f), as redesignated, and inserting “Secretary, or without prior authorization under subsection (a)(4); or”; and

[(5)] (6) by adding at the end thereof the following:

[(“f)] (“g) AUTHORIZATION FOR NON-PROFIT ORGANIZATION TO SOLICIT SPONSORS.—

“(1) IN GENERAL.—The Secretary may enter into an agreement with a non-profit organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit organization to solicit persons to be official sponsors of the national marine sanctuary program or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

“(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.”

Mr. COCHRAN. I ask consent the committee amendments be agreed to.

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

The committee amendments were agreed to.

#### AMENDMENT NO. 4322

Mr. COCHRAN. Senators SNOWE and KERRY have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Ms. SNOWE, for herself and Mr. KERRY, proposes an amendment numbered 4322.

Mr. COCHRAN. I ask unanimous consent the amendment be agreed to.

The amendment (No. 4322) was agreed to, as follows:

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

• Mr. MCCAIN. Mr. President, I rise in support of S. 1482, the National Marine Sanctuaries Amendments Act of 2000. The National Marine Sanctuary System recognizes the ecological and cultural importance of our nation's marine resources. By setting aside these areas for protection above and beyond what is already encompassed in other state and federal programs, we are ensuring that the public will benefit from them well into the future.

The existing 13 sanctuaries provide more than just protection for the marine resources they encompass. They also provide recreational and educational opportunities that might not otherwise exist. For example, in the USS Monitor Sanctuary, a sunken Civil War vessel lies off the coast of North Carolina and preserves a piece of our collective history. And, in the 5,300 square miles of the Monterey Bay Sanctuary, the program protects important kelp forests and one of the deepest underwater canyons on the west coast. This emphasis on complementary uses and management is the strength of the sanctuary program.

There is much we can do to build upon the successes the sanctuaries

have already achieved. By prioritizing our actions over the next few years on making the existing sanctuaries fully operational with education and research programs, a full complement of staff, active public outreach programs, and enforcement we will strengthen the system and help it to reach its full potential. At the same time, we are increasing the funding to the system to ensure that these goals can be reached. Authorization levels begin at \$32 million for fiscal year 2001 with levels increasing by \$2 million a year until fiscal year 2005. Additionally, \$6 million per year is authorized for construction projects at the sanctuaries.

This bill also includes a new initiative to help secure the future of marine resource conservation through the creation of the Dr. Nancy Foster Scholarship Program. These graduate scholarships will be funded by setting aside 1 percent of the National Marine Sanctuary Program's annual appropriated funds in memory of Dr. Nancy Foster, a 23-year NOAA employee who was serving as the Assistant Administrator for Ocean Services and Coastal Zone Management at the time of her death in June.

I would like to thank Senator SNOWE, the sponsor of the legislation, and Senators KERRY, INOUE, and HOLLINGS for their bipartisan support of and hard work on this bill. I would also like to express my gratitude and that of the Commerce Committee to the staff who worked on this bill, including Sloan Rappoport, Stephanie Bailenson, Brooke Sikora, Rick Kenin and Margaret Spring. In particular I would like to thank Emily Lindow, a Sea Grant fellow, whose background and experience in coastal management issues helped produce a strong and balanced marine sanctuaries bill.

Mr. President, again I urge the Senate to pass S. 1482, the National Marine Sanctuaries Amendments Act of 2000.

Mr. HOLLINGS. Mr. President, I rise to make a few remarks on S. 1482, the National Marine Sanctuaries Amendments Act of 2000, legislation to reauthorize the National Marine Sanctuaries Act.

To begin, I want to thank Senator SNOWE, our chairman on the Oceans and Fisheries Subcommittee on the Commerce Committee, for putting this legislation on the committee agenda this Congress and working diligently for its passage. In addition, passage of this bill would not have been possible without the tireless efforts of the ranking member of the subcommittee, Mr. KERRY. I would also like to thank them for their support and inclusion of the Dr. Nancy Foster Scholarship Program in this bill. We were all deeply saddened by Dr. Foster's passing this year, at the height of her career as the head of the National Ocean Service. I know I speak for all of my colleagues when I say we are only too pleased to have this opportunity to recognize Dr. Foster's efforts to protect, understand, and make the public care about our marine

environment. Dr. Foster was particularly proud of NOAA's Sanctuaries Program and I know she would have appreciated creating this opportunity to encourage more women and minorities to become involved in the study of the marine environment and conservation of our underwater treasures.

When Congress enacted the National Marine Sanctuaries Act in 1972 we recognized that while the Nation had already provided our "special areas" on land with protections, we had no mechanism to protect those areas of the marine environment with unique qualities that are of special national, and even international, significance. Congress acted on the need for certain marine areas to be protected from human threats and recognized that management of undersea areas posed different challenges than land-based preserves, requiring different expertise and approaches. In fact, at the time, the unique character of the marine environment was the predominant reason for bringing together the Stratton Commission and the subsequent creation of the National Oceanic and Atmospheric Administration (NOAA) at the Commission's recommendation. Before the creation of NOAA in 1970, the late Senator from Washington state, Warren Magnuson, noted that twenty-eight different departments and agencies dealt with the field of oceanography. Senator Magnuson concluded, in part because of the lack of coordination that we "know more about the back side of the Moon than we know of three-quarters of the Earth's surface." The creation of NOAA was the way to go about changing this fact. Since then, Congress has consistently endorsed the creation of NOAA 30 years ago as the premier federal agency to manage, study, and protect the marine environment in a coordinated and comprehensive manner.

In much the same way, Congress created the sanctuaries system to "provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment." It was the clear intent of Congress that a tool was needed to create and protect marine sanctuaries. If the Congress believed that existing laws could have done the job, we would not have created the Sanctuary program. In fact, in 1971 we recognized there was a need to create a marine sanctuaries program because "a mechanism for protecting certain important areas of the coastal zone from intrusive activities by man . . . is not met by any legislation now on the books."

Furthermore, the Senate Commerce Committee found that "the establishment of marine sanctuaries is appropriate where it is desirable to set aside areas of the seabed and the waters above for scientific study, to preserve, unique, rare, or characteristic features of the oceans, coastal, and other waters, and their total ecosystems." As I have said before, it is as clear now as it was then that NOAA is the appropriate

agency to study and preserve marine ecosystems; the line offices of NOAA have expertise in all of the major areas that impact marine sanctuaries and the ecosystems on which they depend.

Today, nothing has occurred that would change the intent of Congress when they created the sanctuaries program in 1972—certain areas of the marine environment need special protection and recognition. While that protection has not been as comprehensive as many would like, I know that the program is growing in both energy and focus thanks to a concerted effort from all those who care about our coastal environment. This year marks a great turning point for the program, as a result of the improvements in this legislation, the current five-year review process, the increased financial commitment by both the Congress and the administration, and the flood of public support for ocean conservation. In fact, the exploration and publicity generated by NOAA's Sustainable Seas program, in conjunction with the National Geographic Society, will help bring a fuller understanding and focus to each of our sanctuaries.

Now, one of the hallmarks of the Sanctuaries Act is the process that Congress established to ensure significant "up-front" involvement of all constituent groups affected by the designation of a sanctuary. Although to some this may seem unduly cumbersome, I believe that the history has shown that this inclusive, open-door process has worked and that the "behind-closed doors, top-down" approach creates nothing but havoc and leads to ineffective solutions that lack public support. However, I am heartened by the fact that President Clinton appears to agree with the process Congress created with the sanctuaries program. In Executive Order 13158 on Marine Protected Areas, signed on May 26, 2000, President Clinton states, "In carrying out the requirements of . . . of this order, [agencies] shall consult with those States that contain portions of the marine environment, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, tribes, Regional Fishery Management Councils, and other entities, as appropriate, to promote coordination of Federal, State, territorial, and tribal actions to establish and manage MPAs."

I would urge the administration to continue meeting the commitment to involve the public, the states, and tribes as much as possible up front, particularly with respect to efforts currently underway within the administration to identify and protect the corals and other living marine resources of the Northwestern Hawaiian Islands. Use the authorities and direction contained in the Sanctuaries Act; it is flexible, works well with our nearshore analogs, the National Estuarine Research Reserves, and other coastal reserves and parks, and has the added

benefit of a well-known process that has worked to ensure lasting public support for protecting the marine environment. In this regard, I commend the cooperative efforts of NOAA, and other federal and state agencies, and all the constituent groups in putting together the Tortugas Ecological Reserve under able leadership of the Florida Keys National Marine Sanctuary.

NOAA was established 30 years ago to research, protect, and manage our nations oceans and atmosphere. That statement may seem fairly obvious, but there are some who may have lost sight of where we've come from and where we are going. So I thought I would re-state congressional intent for the record: Congress clearly intended that NOAA be the lead agency in development of a comprehensive and coordinated ocean and coastal management system, including marine protected areas, under the National Marine Sanctuaries Act and many of the other statutes it implements such as the Coastal Zone Management Act and the Magnuson-Stevens Fishery Conservation and Management Act.

In closing, I would like again state my support for the National Marine Sanctuaries Amendments Act and to urge its adoption by the Senate. This bill takes an important step to further the wise stewardship of our marine resources and the protection of areas of significant ecological, aesthetic, historical and recreational value. It will improve our 13 existing sanctuaries, provide a rational framework for the designation of any future marine sanctuaries, and offers a sound mechanism for a coordinating a national system of marine protected areas.

• Ms. SNOWE. Mr. President, I rise in support of S. 1482, the National Marine Sanctuaries Amendments Act of 2000. This bill represents a major breakthrough for the protection of our coastal and marine resources by reauthorizing the marine sanctuary program. It is highly appropriate that we are considering this bill because just last week, on October 7, 2000, we designated our 13th national marine sanctuary in Thunder Bay. This is the first sanctuary in the system to be designated in the Great Lakes and serves as a perfect example of the type of federal and state partnerships that have contributed to the success of our other sanctuaries.

One hundred years after the first national park was created, the United States made a similar commitment to preserving its valuable marine resources by establishing the National Marine Sanctuary Program in 1972. Since then, 13 areas covering a wide range of marine habitats have been designated as national marine sanctuaries in the Atlantic, Pacific, Great Lakes and Gulf of Mexico. Today, the sanctuaries program protects over 18,000 square miles of our seas. Not only do the sanctuaries help protect unique ecosystems, but they also serve as models for multiple use management in the marine environment. Addi-

tionally, the sanctuaries can also function as platforms for better ocean stewardship, allowing opportunities for research, education, and outreach activities.

One of the most serious impediments to achieving the original goals of the program is the lack of funding. This bill authorizes funds at a level that we hope will allow full implementation of the sanctuary program. The bill authorizes \$32 million in fiscal year 2001, with levels increasing by \$2 million a year until fiscal year 2005. It also authorizes \$6 million a year in fiscal years 2001 through 2005 for construction projects at the sanctuaries.

Additionally, we have set the priority for the next few years on making the existing sanctuaries fully operational before expanding the sanctuary system. These marine sanctuaries have tremendous potential for protecting our marine resources and increasing the public's awareness of the marine environment. However, lack of funding has prevented the sanctuary program from reaching its full potential. By increasing authorization levels and focusing our attention on the existing sanctuaries we can drastically increase the public benefits from these sanctuaries.

There are two exceptions to this limitation. The first is to allow for the completion of the Thunder Bay National Marine Sanctuary designation. The second is to allow for the development of a sanctuary in the Northwestern Hawaiian Islands. These unpopulated islands provide a refuge for marine resources without the typical coastal development pressures. They are also home to the majority of the United States' coral reefs. The people of Hawaii have strong ties to these islands and, in recent years, have been working on a variety of conservation strategies to better manage these valuable resources. One of the options being discussed is a national marine sanctuary. Members of the Subcommittee on Oceans and Fisheries want to ensure that this remains an option. The full complement of marine conservation and management programs administered by the Department of Commerce will provide for meaningful and lasting protections of these resources.

This bill also creates the Dr. Nancy Foster Scholarship Program to recognize outstanding scholarship, particularly by women and minorities, in the fields of oceanography, marine biology, or maritime archeology. The scholarships will be used to support the graduate studies and research of its recipients. It is being established in honor of Dr. Nancy Foster, a 23-year NOAA employee who was serving as the Assistant Administrator for Ocean Services and Coastal Zone Management at the time of her death in June. The scholarship will be funded by setting aside 1 percent of the National Marine Sanctuary Program's annual appropriated funds. I can think of no better tribute

to Dr. Foster's long commitment to marine resource conservation and management then helping the next generation of scientists and managers launch their careers.

I would like to thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to thank Senator INOUE for his support, particularly for his contributions to the Northwestern Hawaiian Islands Coral Reef Reserve provision. In addition, I would like to thank Senator MCCAIN, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking member of the Committee, for their bipartisan support of this measure. We have before us an opportunity to significantly improve our nation's ability to conserve and manage our marine resources and I urge the Senate to pass S. 1482, as amended.●

#### MARINE SANCTUARY PROGRAM

● Mr. INOUE. Mr. President, I take this opportunity to thank Senators SNOWE, KERRY and HOLLINGS for their dedicated efforts in support of this important measure and engage in a discussion of certain provisions of S. 1482, the National Marine Sanctuaries Amendments Act of 2000.

Since its creation in 1972, the National Marine Sanctuary Program has successfully protected our nation's unique marine resources through a deliberative process that has allowed affected citizens to help shape the future of the protected resources. The Hawaiian Islands Humpback Whale National Marine Sanctuary is an excellent example of how divergent interests came together to develop a plan for the protection of the unique marine resources of this area.

We now have a new opportunity to enhance the protection of another unique Hawaiian resource—the coral reef ecosystem surrounding the Northwestern Hawaiian Island (NWHI). In May of this year, President Clinton expressed his desire to provide strong and lasting protection for the coral reef ecosystem of the NWHI, and directed the Secretaries of the Interior and Commerce, in cooperation with the State of Hawaii and in consultation with the Western Pacific Regional Fishery Management Council (WESPAC), to develop recommendations for “a new, coordinated management regime to increase protection for the coral reef ecosystem” of the NWHI.

I agree with the President that there should be strong and lasting protection for the coral reef ecosystem of the NWHI. I also believe that it is critical to ensure meaningful public input on the nature of actions to be taken and to foster public support for these lasting protections.

Prior to the President's announcement, the Commerce Department already had a solid head start in efforts to identify and evaluate actions to protect the resources of the NWHI in developing the first ever ecosystem level

fishery management plan. This Coral Reef Ecosystem Fisheries Management Plan, which identifies a series of actions such as “no-take” closures for coral and monk seal protection, was subject to extensive public comment and is now undergoing departmental internal review.

To complement this ongoing effort, the sanctuary program is well equipped to achieve the President's goals while ensuring meaningful public participation. Accordingly, S. 1482 would trigger an immediate process for designating a sanctuary in the NWHI. In the interim, to accommodate President Clinton's desire to implement protections without delay, S. 1482 would authorize the President, after consulting with the Governor of the State of Hawaii, to designate any coral reef ecosystem area in the NWHI as a coral reef reserve, and establish a Coral Reef Reserve Advisory Council to work with the Secretary of Commerce in developing a long-range and lasting plan to protect the living marine resources of the NWHI. The Coral Reef Reserve area would ultimately become part of any sanctuary established in the NWHI.

The Dry Tortugas Ecological Reserve and Natural Resource area off the Florida Keys is in many ways similar to what is being proposed for the Northwestern Hawaiian Islands. However, the Dry Tortugas process benefited from an extensive public process which ensured community concerns were heard and addressed. As a result of this process, there is now widespread support for this ecological reserve.

I am concerned about the administration's interest in immediately establishing, without any public input, areas around the NWHI within which all activities are permanently prohibited except for Native Hawaiian access and subsistence. This could mean that all other activities, including commercial and recreational access and possibly certain defense activities, would be prohibited within these areas forever. Whatever protections the administration feels are necessary should be subject to review during the course of the sanctuary designation process. Even the Administration's U.S. Coral Reef Task Force contemplated a deliberative process when it recommended the goal of achieving at least 20 percent protection by the year 2010.

Mr. HOLLINGS. I agree with my colleague from the great State of Hawaii. The National Sanctuary Program is an ideal tool for coordinated and comprehensive management of the coral reef ecosystem of the NWHI. I further agree that any closure areas imposed by the President prior to the completion of the sanctuary designation process should be subject to public comment and review before it becomes permanently carved in stone. Does the Senator envision that the Reserve area would be subject to the same 5-year program review that the Sanctuary process provides? In addition to Congressional oversight, such periodic and

rigorous review will help ensure the Sanctuary and Reserve are meeting the expectations set by the people of Hawaii, the Sanctuary Advisory Council, the Secretary of Commerce, and the President.

Mr. INOUE. Yes, in addition to the evaluation process provided for in the designation, the legislation ensures that such a 5-year review would take place. While we know enough about the area to understand the need to protect it, we will know far more about it in 5 years. In conjunction with the development of a Sanctuary the National Oceanic and Atmospheric Administration is already mapping and assessing the coral ecosystem of this area, and evaluating the status of its living marine resources. It will be important to use this information to evaluate whether the management of the area under the National Marine Sanctuaries Act, in conjunction with other marine conservation laws, is adequate.

Ms. SNOWE. I fully concur with my colleagues that robust public participation, oversight and review is necessary to ensure long-term meaningful protection of our living marine resources whether in Hawaii or in my home state of Maine. While I agree that it is appropriate to take action to protect our precious coral resources, I, to, am greatly concerned about the administration's plans to impose immediate and permanent prohibitions in marine areas without providing a meaningful opportunity for public comment on the proposal. Both the National Marine Sanctuaries Act and the Magnuson-Stevens Fishery Conservation and Management Act provide models for such a process. As my esteemed colleague from Hawaii pointed out, WESPAC has gone through an elaborate public process in developing the Coral Reef Ecosystem Fishery Management Plan which identified several potential closed areas. Does the Senator believe the development of this plan provided sufficient public review to support immediate closures under the Magnuson-Stevens Act or other marine conservation status implemented by the Secretary?

Mr. INOUE. Yes I do, and I would support such closures, as well as taking aggressive action to address the terrible problem of marine debris in the NWHI, which is harming both the corals and our endangered monk seals. Furthermore, I believe it may be appropriate to identify further precautionary actions that our scientists tell us may be necessary to prevent future harm to these resources. However, no action should be taken on these proposals until they can be evaluated publicly by the people of Hawaii.

Mr. HOLLINGS. I believe that is a sound plan and I look forward to working with you as we ensure that the NWHI and other important marine areas are accorded strong and lasting protections developed through the consensus process. Thank you.

Mr. INOUE. I thank Senators SNOWE and HOLLINGS.●

Mr. COCHRAN. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1482), as amended, was engrossed for a third reading, read the third time, and passed, as follows:

S. 1482

*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 "National Marine Sanctuaries Amendments Act of 2000".

#### SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

#### SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.

(a) CLERICAL AMENDMENT.—The heading for section 301 (16 U.S.C. 1431) is amended to read as follows:

**"SEC. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM."**

(b) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) in paragraph (2) by striking "research, educational, or esthetic" and inserting "scientific, educational, cultural, archeological, or esthetic";

(2) in paragraph (3) by adding "and" after the semicolon; and

(3) by striking paragraphs (4), (5), and (6) and inserting the following:

"(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities as national marine sanctuaries managed as the National Marine Sanctuary System will—

"(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

"(B) enhance public awareness, understanding, and appreciation of the marine environment; and

"(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas."

(c) PURPOSES AND POLICIES.—Section 301(b) (16 U.S.C. 1431(b)) is amended—

(1) by striking "significance;" in paragraph (1) and inserting "significance and to manage these areas as the National Marine Sanctuary System;";

(2) by striking paragraphs (3), (4), and (9);

(3) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

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

"(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

"(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeo-

logical resources of the National Marine Sanctuary System;

"(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;";

(5) in paragraph (8), as redesignated, by striking "areas;" and inserting "areas, including the application of innovative management techniques; and"; and

(6) in paragraph (9), as redesignated, by striking "; and" and inserting a period.

(d) ESTABLISHMENT OF SYSTEM.—Section 301 is amended by adding at the end the following:

"(c) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title."

#### SEC. 4. CHANGES IN DEFINITIONS.

(a) DAMAGES.—Paragraph (6) of section 302 (16 U.S.C. 1432) is amended—

(1) by striking "and" after the semicolon at the end of subparagraph (B); and

(2) by adding after subparagraph (C) the following:

"(D) the cost of curation and conservation of archeological, historical, and cultural sanctuary resources; and

"(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;";

(b) RESPONSE COSTS.—Paragraph (7) of such section is amended by inserting "including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 312" after "injury" the second place it appears.

(c) SANCTUARY RESOURCE.—Paragraph (8) of such section is amended by striking "research, educational," and inserting "educational, cultural, archeological, scientific,".

(d) SYSTEM.—Such section is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following:

"(10) 'System' means the National Marine Sanctuary System established by section 301."

#### SEC. 5. CHANGES RELATING TO SANCTUARY DESIGNATION STANDARDS.

(a) STANDARDS.—Section 303(a)(1) (16 U.S.C. 1433(a)(1)) is amended to read as follows:

"(1) determines that—

"(A) the designation will fulfill the purposes and policies of this title;

"(B) the area is of special national significance due to—

"(i) its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities;

"(ii) the communities of living marine resources it harbors; or

"(iii) its resource or human-use values;

"(C) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

"(D) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (C); and

"(E) the area is of a size and nature that will permit comprehensive and coordinated conservation and management; and"

(b) FACTORS; REPEAL OF REPORT REQUIREMENT.—Section 303(b) (16 U.S.C. 1433(b)) is amended—

(1) in paragraph (1) by striking "and" at the end of subparagraph (H), by striking the

period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

"(J) the area's scientific value and value for monitoring the resources and natural processes that occur there;

"(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

"(L) the value of the area as an addition to the System."; and

(2) by striking paragraph (3).

#### SEC. 6. CHANGES IN PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.

(a) SUBMISSION OF NOTICE OF PROPOSED DESIGNATION TO CONGRESS.—Section 304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

"(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located."

(b) SANCTUARY DESIGNATION.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

"(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

"(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) A resource assessment that documents—

"(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

"(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

"(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.

Public disclosure by the Secretary of such information shall be consistent with national security regulations.

"(C) A draft management plan for the proposed national marine sanctuary that includes the following:

"(i) The terms of the proposed designation.

"(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

"(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

"(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is



within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

“(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

“(vi) The proposed regulations referred to in paragraph (1)(A).

“(D) Maps depicting the boundaries of the proposed sanctuary.

“(E) The basis for the findings made under section 303(a) with respect to the area.

“(F) An assessment of the considerations under section 303(b)(1).”

(c) **WITHDRAWAL OF DESIGNATION.**—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting “or System” after “sanctuary” the second place it appears.

(d) **FEDERAL AGENCY ACTIONS AFFECTING SANCTUARY RESOURCES.**—Section 304(d) (16 U.S.C. 1434(d)) is amended by adding at the end the following:

“(4) **FAILURE TO FOLLOW ALTERNATIVE.**—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction of, loss of, or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.”

(e) **EVALUATION OF PROGRESS IN IMPLEMENTING MANAGEMENT STRATEGIES.**—Section 304(e) (16 U.S.C. 1434(e)) is amended—

(1) by striking “management techniques,” and inserting “management techniques and strategies,”; and

(2) by adding at the end the following: “This review shall include a prioritization of management objectives.”

(f) **LIMITATION ON DESIGNATION OF NEW SANCTUARIES.**—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

“(f) **LIMITATION ON DESIGNATION OF NEW SANCTUARIES.**—

“(1) **FINDING REQUIRED.**—The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that—

“(A) the addition of a new sanctuary will not have a negative impact on the System; and

“(B) sufficient resources were available in the fiscal year in which the finding is made to—

“(i) effectively implement sanctuary management plans for each sanctuary in the System; and

“(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

“(2) **DEADLINE.**—If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of paragraph (2) have been met by all existing sanctuaries.

“(3) **LIMITATION ON APPLICATION.**—Paragraph (1) does not apply to any sanctuary designation documents for—

“(A) a Thunder Bay National Marine Sanctuary; or

“(B) a Northwestern Hawaiian Islands National Marine Sanctuary.”

(g) **NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE.**—

(1) **PRESIDENTIAL DESIGNATION.**—The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) **SECRETARIAL ACTION.**—Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

(A) take action to initiate the designation of the reserve as a National Marine Sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a National Marine Sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act.

(3) **PUBLIC COMMENT.**—Notwithstanding any other provision of law, no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) **COORDINATION.**—The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) **REVIEW.**—If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(6) **REPORT.**—No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding \$4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (6) to be reflected in the Budget of the United States Government.

## SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

Section 306 (16 U.S.C. 1436) is amended—

(1) in the matter preceding paragraph (1) by inserting “for any person” after “unlawful”;

(2) in paragraph (2) by inserting “offer for sale, purchase, import, export,” after “sell,”; and

(3) by amending paragraph (3) to read as follows:

“(3) interfere with the enforcement of this title by—

“(A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

“(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

“(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or”.

## SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

(a) **POWERS OF AUTHORIZED OFFICERS TO ARREST.**—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking “and” after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “; and”, and by adding at the end the following:

“(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 306(3).”

(b) **CRIMINAL OFFENSES.**—Section 307 (16 U.S.C. 1437) is amended by redesignating subsections (c) through (j) in order as subsections (d) through (k), and by inserting after subsection (b) the following:

“(c) **CRIMINAL OFFENSES.**—

“(1) **OFFENSES.**—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

“(2) **PUNISHMENT.**—Any person that is guilty of an offense under this subsection—

“(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

“(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.”

(c) **SUBPOENAS OF ELECTRONIC FILES.**—Subsection (g) of section 307 (16 U.S.C. 1437), as redesignated by this section, is amended by inserting “electronic files,” after “books.”

(d) **NATIONWIDE SERVICE OF PROCESS.**—Section 307 (16 U.S.C. 1437) is amended by adding at the end the following:

“(1) **NATIONWIDE SERVICE OF PROCESS.**—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.”

## SEC. 9. ADDITIONAL REGULATIONS AUTHORITY.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

### “SEC. 308. REGULATIONS.

“The Secretary may issue such regulations as may be necessary to carry out this title.”

## SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

### “SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

“(a) **IN GENERAL.**—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

“(b) **RESEARCH AND MONITORING.**—

“(1) **IN GENERAL.**—The Secretary may—

“(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;



“(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

“(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archeological, and historical resources of national marine sanctuaries.

“(2) AVAILABILITY OF RESULTS.—The results of research and monitoring conducted, supported, or permitted by the Secretary under this subsection shall be made available to the public.

“(c) EDUCATION.—

“(1) IN GENERAL.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

“(2) EDUCATIONAL ACTIVITIES.—Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

“(d) INTERPRETIVE FACILITIES.—

“(1) IN GENERAL.—The Secretary may develop interpretive facilities near any national marine sanctuary.

“(2) FACILITY REQUIREMENT.—Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

“(e) CONSULTATION AND COORDINATION.—In conducting, supporting, and coordinating research, monitoring, evaluation, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal, interstate, or regional agencies, States or local governments.”

#### SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), and by inserting after subsection (a) the following:

“(b) PUBLIC NOTICE REQUIRED.—The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).”;

(2) by striking “insurance” in paragraph (4) of subsection (c), as redesignated, and inserting “insurance, or post an equivalent bond.”;

(3) by striking “resource and a reasonable return to the United States Government.” in paragraph (2)(C) of subsection (d), as redesignated, and inserting “resource.”;

(4) in subsection (d)(3)(B), as redesignated, by striking “designating and”;

(5) in subsection (d), as redesignated, by inserting after paragraph (3) the following:

“(4) WAIVER OR REDUCTION OF FEES.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the access to or use of sanctuary resources.”

#### SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

(a) AGREEMENTS AND GRANTS.—Section 311(a) (16 U.S.C. 1442(a)) is amended to read as follows:

“(a) AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agree-

ments, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.”

(b) USE OF RESOURCES FROM OTHER GOVERNMENT AGENCIES.—Section 311 (16 U.S.C. 1442) is amended by adding at the end the following:

“(e) USE OF RESOURCES OF OTHER GOVERNMENT AGENCIES.—The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this title.

“(f) AUTHORITY TO OBTAIN GRANTS.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.”

#### SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) VENUE FOR CIVIL ACTIONS.—Section 312(c) (16 U.S.C. 1443(c)) is amended—

(1) by inserting “(1)” before the first sentence;

(2) in paragraph (1) (as so designated) in the first sentence by striking “in the United States district court for the appropriate district”; and

(3) by adding at the end the following:

“(2) An action under this subsection may be brought in the United States district court for any district in which—

“(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

“(B) the vessel is located, in the case of an action against a vessel; or

“(C) the destruction of, loss of, or injury to a sanctuary resource occurred.”

(b) USE OF RECOVERED AMOUNTS.—Section 312(d) (16 U.S.C. 1443(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) RESPONSE COSTS.—Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

“(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

“(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

“(2) OTHER AMOUNTS.—All other amounts recovered shall be used, in order of priority—

“(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archeological, historical, and cultural sanctuary resources;

“(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

“(C) to restore degraded sanctuary resources of other national marine sanctuaries.”

(c) STATUTE OF LIMITATIONS.—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

“(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage

assessment and restoration plan for the sanctuary resources to which the action relates.”

#### SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended to read as follows:

##### “SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Secretary—

“(1) to carry out this title—

“(A) \$32,000,000 for fiscal year 2001;

“(B) \$34,000,000 for fiscal year 2002;

“(C) \$36,000,000 for fiscal year 2003;

“(D) \$38,000,000 for fiscal year 2004;

“(E) \$40,000,000 for fiscal year 2005; and

“(2) for construction projects at national marine sanctuaries, \$6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.”

#### SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

#### SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. 1445a) is amended by striking “provide assistance” in subsection (a) and inserting “advise and make recommendations”.

#### SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. 1445b) is amended—

(1) in subsection (a)(1), by inserting “or the System” after “sanctuaries”;

(2) in subsection (a)(4) by striking “use of any symbol published under paragraph (1)” and inserting “manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol.”;

(3) by amending subsection (e)(3) to read as follows:

“(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or”;

(4) by adding at the end the following:

“(f) COLLABORATIONS.—The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

“(g) AUTHORIZATION FOR NON-PROFIT PARTNER ORGANIZATION TO SOLICIT SPONSORS.—

“(1) IN GENERAL.—The Secretary may enter into an agreement with a non-profit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

“(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

“(3) PARTNER ORGANIZATION DEFINED.—In this subsection, the term ‘partner organization’ means an organization that—

“(A) draws its membership from individuals, private organizations, corporation, academic institutions, or State and local governments; and

“(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.”.

#### SEC. 18. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

The National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) is amended by inserting after section 317 the following:

#### “SEC. 318. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

“(a) ESTABLISHMENT.—The Secretary shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in oceanography, marine biology or maritime archeology, to be known as Dr. Nancy Foster Scholarships.

“(b) PURPOSES.—The purposes of the Dr. Nancy Foster Scholarship Program are—

“(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups; and

“(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

“(c) AWARD.—Each Dr. Nancy Foster Scholarship—

“(1) shall be used to support graduate studies in oceanography, marine biology, or maritime archeology at a graduate level institution of higher education; and

“(2) shall be awarded in accordance with guidelines issued by the Secretary.

“(d) DISTRIBUTION OF FUNDS.—The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

“(e) FUNDING.—Of the amount available each fiscal year to carry out this title, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

“(f) SCHOLARSHIP REPAYMENT REQUIREMENT.—The Secretary shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

“(g) MARITIME ARCHEOLOGY DEFINED.—In this section the term ‘maritime archeology’ includes the curation, preservation, and display of maritime artifacts.”.

#### SEC. 19. CLERICAL AMENDMENTS.

(a) CORRECTION OF REFERENCES TO FORMER COMMITTEE.—The following provisions are amended by striking “Merchant Marine and Fisheries” and inserting “Resources”:

(1) Section 303(b)(2)(A) (16 U.S.C. 1433(b)(2)(A)).

(2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—(1) Section 302(2) is amended to read as follows:

“(2) ‘Magnuson-Stevens Act’ means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);”.

(2) Section 302(9) is amended by striking “Magnuson Fishery Conservation and Management Act” and inserting “Magnuson-Stevens Act”.

(3) Section 303(b)(2)(D) is amended by striking “Magnuson Act” and inserting “Magnuson-Stevens Act”.

(4) Section 304(a)(5) is amended by striking “Magnuson Act” and inserting “Magnuson-Stevens Act”.

(5) Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking “Magnuson Fishery Conservation and Management Act” and inserting “Magnuson-Stevens Act”.

(c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C. 1443(a)(1)) is amended by striking “UNITED STATES” and inserting “UNITED STATES”.

#### CARBON CYCLE AND AGRICULTURAL BEST PRACTICES RESEARCH ACT

Mr. COCHRAN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 797, S. 1066.

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

The legislative clerk read as follows:

A bill (S. 1066) to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment; as follows:

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

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Carbon Cycle and Agricultural Best Practices Research Act”.*

#### SEC. 2. FINDINGS.

*Congress finds that—*

(1) *agricultural producers in the United States—*

(A) *have, in good faith, participated in mandatory and voluntary conservation programs, the successes of which are unseen by the general public, to preserve natural resources; and*

(B) *have a personal stake in ensuring that the air, water, and soil of the United States are productive since agricultural productivity directly affects—*

(i) *the economic success of agricultural producers; and*

(ii) *the production of food and fiber for developing and developed nations;*

(2) *in addition to providing food and fiber, agriculture serves an environmental role by providing benefits to air, soil, and water through agricultural best practices;*

(3) *agricultural best practices include the more efficient use of agriculture inputs and equipment;*

(4)(A) *agricultural best practices accentuate the carbon cycle by increasing the conversion of carbon dioxide from the air into plants that produce grain and forage;*

(B) *at the end of the growing season, plant material decomposes, adding carbon to soil;*

(C) *carbon can persist in soil for hundreds and even thousands of years; and*

(D) *through conservation practices, the additional carbon in soil results in multiple environmental benefits, erosion reduction, moisture retention, water quality improvements, and increased crop yields;*

(5) *according to the Climate Monitoring and Diagnostics Laboratory of the National Oceanic and Atmospheric Administration, North American soils, crops, rangelands, and forests absorbed an equivalent quantity of carbon dioxide emitted from fossil fuel combustion as part of the natural carbon cycle from 1988 through 1992;*

(6) *the estimated quantity of carbon stored in world soils is more than twice the carbon in living vegetation or in the atmosphere;*

(7) *agricultural best practices can increase the quantity of carbon stored in farm soils, crops, and rangeland;*

(8) *by increasing use of voluntary agricultural best practices, it is possible to offset carbon dioxide emissions, thereby benefiting the environment, without implementing a United Nations-sponsored climate change protocol or treaty;*

(9) *Federal research is needed to identify—*

(A) *the agricultural best practices that supplement the natural carbon cycle; and*

(B) *Federal conservation programs that can be altered to increase the environmental benefits provided by the natural carbon cycle; and*

(10) *increasing soil organic carbon is widely recognized as a means of increasing agricultural production and meeting the growing domestic and international food consumption needs with a positive environmental benefit.*

#### SEC. 3. AGRICULTURAL BEST PRACTICES.

Title XIV of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by adding at the end the following:

#### “Subtitle N—Carbon Cycle and Agricultural Best Practices

#### “SEC. 1490. DEFINITIONS.

“In this subtitle:

“(1) AGRICULTURAL BEST PRACTICE.—The term ‘agricultural best practice’ means a voluntary practice used by 1 or more agricultural producers to manage a farm or ranch that has a beneficial or minimal impact on the environment, including—

“(A) crop residue management;

“(B) soil erosion management;

“(C) nutrient management;

“(D) remote sensing;

“(E) precision agriculture;

“(F) integrated pest management;

“(G) animal waste management;

“(H) cover crop management;

“(I) water quality and utilization management;

“(J) grazing and range management;

“(K) wetland management;

“(L) buffer strip use; and

“(M) tree planting.

“(2) CONSERVATION PROGRAM.—The term ‘conservation program’ means a program established under—

“(A) subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.);

“(B) section 401 or 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201, 2202);

“(C) section 3 or 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003, 1006a); or

“(D) any other provision of law that authorizes the Secretary to make payments or provide other assistance to agricultural producers to promote conservation.

#### “SEC. 1491. CARBON CYCLE AND AGRICULTURAL BEST PRACTICES RESEARCH.

“(a) IN GENERAL.—The Department of Agriculture shall be the lead agency with respect to any agricultural soil carbon research conducted by the Federal Government.

“(b) RESEARCH SERVICES.—

“(1) AGRICULTURAL RESEARCH SERVICE.—The Secretary, acting through the Agricultural Research Service, shall collaborate with other Federal agencies to develop data and conduct research addressing soil carbon balance and storage, making special efforts to—

“(A) determine the effects of management and conservation on soil organic carbon storage in cropland and grazing land;

“(B) evaluate the long-term impact of tillage and residue management systems on the accumulation of organic carbon;

“(C) study the transfer of organic carbon to soil; and

“(D) study carbon storage of commodities.

“(2) NATURAL RESOURCES CONSERVATION SERVICE.—

“(A) RESEARCH MISSIONS.—The research missions of the Secretary, acting through the Natural Resources Conservation Service, include—

“(i) the development of a soil carbon database to—

“(I) provide online access to information about soil carbon potential in a format that facilitates the use of the database in making land management decisions; and

“(II) allow additional and more refined data to be linked to similar databases containing information on forests and rangeland;

“(ii) the conversion to an electronic format and linkage to the national soil database described in clause (i) of county-level soil surveys and State-level soil maps;

“(iii) updating of State-level soil maps;

“(iv) the linkage, for information purposes only, of soil information to other soil and land use databases; and

“(v) the completion of evaluations, such as field validation and calibration, of modeling, remote sensing, and statistical inventory approaches to carbon stock assessments related to land management practices and agronomic systems at the field, regional, and national levels.

“(B) UNIT OF INFORMATION.—The Secretary, acting through the Natural Resources Conservation Service, shall disseminate a national basic unit of information for an assessment of the carbon storage potential of soils in the United States.

“(3) ECONOMIC RESEARCH SERVICE REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Economic Research Service, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that analyzes the impact of the financial health of the farm economy of the United States under the Kyoto Protocol and other international agreements under the Framework Convention on Climate Change—

“(A) with and without market mechanisms (including whether the mechanisms are permits for emissions and whether the permits are issued by allocation, auction, or otherwise);

“(B) with and without the participation of developing countries;

“(C) with and without carbon sinks; and

“(D) with respect to the imposition of traditional command and control measures.

“(4) COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—

“(A) IN GENERAL.—The Cooperative State Research, Education, and Extension Service shall, through land-grant colleges and universities, develop a comprehensive national carbon cycle and agricultural best practices research agenda.

“(B) RESEARCH MISSIONS.—The research missions of the Secretary, acting through the Cooperative State Research, Education, and Extension Service, include the provision, through land-grant colleges and universities, of research opportunities to improve the scientific basis for using land management practices to increase soil carbon sequestration needed for producers, including research concerning innovative methods of using biotechnology and nanotechnology.

“(C) ACTIVITIES.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall—

“(i) identify, develop, and evaluate agricultural best practices using partnerships comprised of Federal, State, or private entities and the Department of Agriculture, including the Agricultural Research Service;

“(ii) develop necessary computer models to predict and assess the carbon cycle, as well as other priorities requested by the Secretary and the heads of other Federal agencies;

“(iii) estimate and develop mechanisms to measure changes in carbon levels resulting from voluntary Federal conservation programs, private and Federal forests, and other land uses;

“(iv) develop outreach programs, in coordination with cooperative extension services, to share information on carbon cycles and agricultural best practices that is useful to agricultural producers; and

“(v) research new technologies that may increase carbon cycle effectiveness, such as biotechnology and nanotechnology.

“(c) CONSORTIA.—

“(1) IN GENERAL.—The Secretary may designate not more than 2 carbon cycle and agricultural best practices research consortia to carry out this section.

“(2) SELECTION.—The consortia designated by the Secretary shall be selected in a competitive manner by the Cooperative State Research, Education, and Extension Service.

“(3) CONSORTIA PARTICIPANTS.—The participants in the consortia may include—

“(A) land-grant colleges and universities;

“(B) State geological surveys;

“(C) research centers of the National Aeronautics and Space Administration;

“(D) other Federal agencies;

“(E) representatives of agricultural businesses and organizations; and

“(F) representatives of the private sector.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2001 through 2005.

“(d) PROMOTION OF AGRICULTURAL BEST PRACTICES.—The Secretary shall promote voluntary agricultural best practices that take into account soil organic matter dynamics, carbon cycle, ecology, and soil organisms that will lead to the more effective use of soil resources to—

“(1) enhance the carbon cycle;

“(2) improve soil quality;

“(3) increase the use of renewable resources; and

“(4) overcome unfavorable physical soil properties.

“(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report that describes programs that are or will be conducted by the Secretary, through land-grant colleges and universities, to provide to agricultural producers the results of research conducted on agricultural best practices, including the results of—

“(1) research;

“(2) future research plans;

“(3) consultations with appropriate scientific organizations;

“(4) proposed extension outreach activities; and

“(5) findings of scientific peer review under section 103(d)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(d)(1)).

#### “SEC. 1492. CARBON CYCLE REMOTE SENSING TECHNOLOGY.

“(a) IN GENERAL.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall develop a carbon cycle remote sensing technology program—

“(1) to provide, on a near-continual basis, a real-time and comprehensive view of vegetation conditions; and

“(2) to assess and model agricultural carbon sequestration.

“(b) USE OF CENTERS.—The Administrator of the National Aeronautics and Space Administration shall use regional earth science application centers to conduct research under this section.

“(c) RESEARCHED AREAS.—The areas that shall be the subjects of research conducted under this section include—

“(1) the mapping of carbon-sequestering land use and land cover;

“(2) the monitoring of changes in land cover and management;

“(3) new systems for the remote sensing of soil carbon; and

“(4) regional-scale carbon sequestration estimation.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry

out this section \$5,000,000 for each of fiscal years 2001 through 2005.

#### “SEC. 1493. RESEARCH INCENTIVE PAYMENTS.

“(a) IN GENERAL.—In addition to payments that are made by the Secretary to producers under conservation programs, the Secretary may, subject to appropriations authorized in subsection (c), offer research incentive payments to producers that are participating in the conservation programs to compensate the producers for allowing researchers to scientifically analyze, and collect information with respect to, agricultural best practices that are carried out by the producers as part of conservation projects and activities that are funded, in whole or in part, by the Federal Government.

“(b) CONFIDENTIALITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any information submitted to the Secretary under subsection (a) shall be confidential and may be disclosed only if required under court order.

“(2) RELEASE OF INFORMATION IN AGGREGATE FORM.—The Secretary may release or make public information described in paragraph (1) in an aggregate or summary form that does not directly disclose the identity, business transactions, or trade secrets of any person that submits the information.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2001 through 2005.

#### “SEC. 1494. ASSISTANCE FOR AGRICULTURAL BEST PRACTICES AND NATURAL RESOURCE MANAGEMENT PLANS UNDER CONSERVATION PROGRAMS.

“(a) IN GENERAL.—In addition to assistance that is provided by the Secretary to producers under conservation programs, the Secretary, on request of the producers, shall provide, subject to appropriations authorized in subsection (c), education through extension activities and technical assistance to producers that are participating in the conservation programs to assist the producers in planning, designing, and installing agricultural best practices and natural resource management plans established under the conservation programs.

“(b) INFORMATION TO DEVELOPING NATIONS.—The Secretary shall disseminate to developing nations information on agricultural best practices and natural resource management plans that—

“(1) provide crucial agricultural benefits for soil and water quality; and

“(2) increase production.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2001 through 2005.

#### “SEC. 1495. TRACE GAS NETWORK SYSTEM.

“(a) ESTABLISHMENT.—The Secretary, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration, may establish a nationwide trace gas network system to research the flux of carbon between soil, air, and water.

“(b) PURPOSE OF SYSTEM.—The trace gas network system shall focus on locating appropriate research equipment on or near agricultural best practices that are—

“(1) undertaken voluntarily;

“(2) undertaken through a conservation program of the Department of Agriculture;

“(3) implemented as part of a program or activity of the Department of Agriculture; or

“(4) identified by the Administrator of the National Oceanic and Atmospheric Administration.

“(c) MEMORANDUM OF UNDERSTANDING.—The Secretary may enter into a memorandum of understanding with the Administrator of the National Oceanic and Atmospheric Administration to ensure that research goals of programs established by the Federal Government relating to trace gas research are met through the trace gas network system.

“(d) *AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000.*”.

Mr. COCHRAN. I ask unanimous consent the committee substitute be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

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

The bill (S. 1066), as amended, was engrossed for a third reading, read the third time, and passed.

#### REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2296, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2296) to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

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

Mr. COCHRAN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2296) was read the third time and passed.

#### ORDERS FOR WEDNESDAY, OCTOBER 18, 2000

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m. on

Wednesday, October 18. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the conference report to accompany H.R. 4461, the Agriculture appropriations bill, as under the previous order.

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

#### PROGRAM

Mr. COCHRAN. Mr. President, for the information of all Senators, the majority leader has asked that it be announced that the Senate will resume consideration of the conference report to accompany the Agriculture appropriations bill at 10 a.m. tomorrow. The vote has been changed to occur at 5:30 p.m. on Wednesday, with the final 2 hours of debate to take place on Wednesday 2 hours prior to the vote. Senators on both sides of the aisle have requested the vote be changed for various reasons, the most important being the request by the congressional delegation that will be attending the memorial service for the U.S. sailors killed aboard the U.S.S. *Cole*. That memorial service is to be held at 11 a.m. in Norfolk, VA, thereby making the previously scheduled vote not feasible.

As for the remainder of the week, it is hoped that the Senate can complete most, if not all, business necessary for sine die adjournment. Senators should expect votes throughout each day and into the evenings at the end of the week.

#### ORDER FOR RECORD TO REMAIN OPEN

Mr. COCHRAN. Mr. President, I ask unanimous consent that Senators have until 3 p.m. today to submit statements for the RECORD.

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

#### RECESS UNTIL 10 A.M. TOMORROW

Mr. COCHRAN. Mr. President, if there is no further business to come be-

fore the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 1:49 p.m., recessed until Wednesday, October 18, 2000, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate October 17, 2000:

##### BROADCASTING BOARD OF GOVERNORS

TOM C. KOROLOGOS, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2001. (REAPPOINTMENT)

ROBERT M. LEDBETTER, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2003, VICE BETTE BAO LORD, TERM EXPIRED.

##### NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004, VICE SARAH MCCracken FOX.

##### NATIONAL COUNCIL ON DISABILITY

EDWARD CORREIA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2002, VICE MICHAEL B. UNHJEM, TERM EXPIRED.

##### DEPARTMENT OF ENERGY

MARK J. MAZUR, OF MARYLAND, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION, DEPARTMENT OF ENERGY, VICE JAY E. HAKES, RESIGNED.

##### DEPARTMENT OF JUSTICE

JAMES LYNWOOD YOUNGER, JR., OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JOHN WILLIAM MARSHALL, RESIGNED.

##### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### To be colonel

JOSEPH C. CARTER, 0000  
RAYMOND M. MURPHY, 0000

#### WITHDRAWAL

Executive message transmitted by the President to the Senate on October 17, 2000, withdrawing from further Senate consideration the following nomination:

##### DEPARTMENT OF JUSTICE

SARAH MCCracken FOX, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004, TO WHICH POSITION SHE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM NOVEMBER 19, 1999, TO JANUARY 24, 2000, WHICH WAS SENT TO THE SENATE ON MARCH 2, 2000.