United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, FRIDAY, OCTOBER 9, 1998 *No. 141*

Senate

(Legislative day of Friday, October 2, 1998)

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:

Eternal God, sovereign of history, who gives beginnings and ends to the phases of our work, on whom our mortal efforts depend, soon this hallowed Chamber will be silent for a time. The 105th Congress will be completed. Historians will write the human judgments of what has been accomplished, but You will have the final word about what has been achieved. It is Your affirmation that we seek. Senators in both parties have prayed to know and do Your will. Often there has been sharp disagreement on what is best for our Nation. Thank You for those times when debate led to deeper truth and compromise to the blending of aspects for a greater solution. We need that today. We remember those moving moments when we sensed Your presence, received supernatural power, and pressed on in spite of tiredness and tension. We need that today. Help us to forgive and forget any memories of strained relationships or debilitating differences. Preserve the friendships that reach across party lines. We need that today.

Father, help us to finish well. Give us strength to complete the work of this Congress with expeditious excellence. Renew the weary, reinforce the fatigued, rejuvenate the anxious. When it is all said and done, there is one last word we long to hear. It is Your divine accolade, ''Well done, good and faithful servant.'' Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Thank you, Mr. President, and good morning to you.

SCHEDULE

Mr. LOTT. Mr. President, this morning there will be 15 minutes remaining for debate on the religious freedom bill. At 9:45, under a previous order, the Senate will proceed to vote on the passage of the religious freedom bill. I commend Senator ARLEN SPECTER and Senator NICKLES and Senators on both sides of the aisle who have worked on this. I am sure Senator LIEBERMAN was involved, and others. I think this is a really fine accomplishment in the waning hours of this session of Congress.

Following that vote, the Senate may consider any available appropriations conference reports—we have at least one that I believe could be taken up, that is the Treasury-Postal Service bill—and any other legislative or executive items cleared for action. It is anticipated that we will move at some point today to the nomination of Mr. Paez from California, to be a judge for the Ninth Circuit. There is opposition, significant opposition to that nomination, so there will have to be some debate and I am sure a vote.

The Senate will also consider a continuing resolution or an omnibus appropriations bill, should they become available or when they become available. Members should expect, then, rollcall votes throughout today's session and into the evening. I thank my colleagues for their attention.

I might just note, last night a lot of good work was done in the wrapup, including approval of the intelligence authorization conference report and the water resources bill. This is a very significant bill that is important to every State in the Nation. It had been tied up with various and sundry problems, but with a lot of hard work and a lot of cooperation, that bill was cleared. We hope, now, the House will take expeditious action and we can complete action on the water resources bill before we go out for the year. Also, we did the human resources reauthorization and the vocational education bill. When you couple higher education and vocational education, plus the Coverdell A+ bill that Congress passed, there has been a significant achievement this year in education. Even though the President vetoed the ability for people to save for their children's education, higher education and vocational education are two areas where we have completed our action and will be signed into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

A PRODUCTIVE BIRTHDAY FOR THE MAJORITY LEADER

Mr. NICKLES. Mr. President, the majority leader announced several things we accomplished yesterday. It was a pretty productive day. Today I hope will be even a more productive day. Because it is one of the last days of our legislative session, but also because it is the majority leader's birthday, we want it to be a very productive day.

FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1998

Mr. NICKLES. Mr. President, I think the regular order is we are back on the International Religious Freedom Act?

The PRESIDING OFFICER (Mr. ALLARD). If the Senator will suspend, the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2431) to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. There are 15 minutes equally divided. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I spoke at length on this bill last night. I mentioned that we have had a lot of cooperation and effort on behalf of a lot of Senators to help make this bill a reality and hopefully to soon become law. Principal among those is Senator LIEBERMAN from Connecticut, who is not just a principal cosponsor, but a tireless worker on behalf of individuals throughout the world who have been suffering from religious persecution or who desire religious freedom. Senator LIEBERMAN has been working on their behalf. I am privileged to work with him on this bill and I yield him such time as he desires on this bill.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Oklahoma for his kind words and for his extraordinary leadership on this measure.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, we are heading rapidly to the end of this second half of the 105th Congress. There will be time for reviews and evaluations. Some will say what did we accomplish in this second part of this 105th Congress? I hope when we are asked that, one of the answers we will be able to give is that we adopted the International Religious Freedom Act, a historic piece of legislation, genuinely bipartisan, representing and expressing the core beliefs and values of the American people and putting those beliefs and values at the center of our foreign policy.

It is, in fact, a measure that has the potential to affect the freedom, the lives, the fates of tens of millions of people around the world today who are denied the basic right of freedom of religion that brought so many of our ancestors to the United States.

This kind of measure does not reach the edge of passage without a lot of strong support. I thank particularly the Senator from Oklahoma, Mr. NICKLES, and his outstanding staff—especially Steve Moffitt of that staff—for the hundreds of hours that they spent working on this legislation and the spirit of common purpose that guided them as we went on.

I thank also my friend and colleague from Delaware, Senator BIDEN, and his staff, particularly Brian McKeon, who contributed immeasurably to, not only the purpose, but to the way in which this legislation is crafted; to Senator FEINSTEIN and her staff, particularly Dan Shapiro, for their very constructive contributions; and Senator COATS as well, about whom I have a little more to say in a few moments. And I want to recognize Cecile Shea who is on my staff for the literally hundreds of hours she worked to help craft this bill.

This effort began with some Pied Pipers outside the Congress who educated us to the fact that these religious freedoms that we hold so dear in the United States are not real for many people, millions of people around the world. Surprisingly to many of us, they are particularly not real for people of the Christian faith around the world, who are subjected to discrimination, and in many cases persecution.

One of the people who started this effort was Michael Horowitz of the Hudson Institute, and he deserves to be mentioned here and thanked for educating and opening our eyes to the persecution that exists. Senator SPECTER and Congressman WOLF introduced the initial bill. They were the pioneers here and blended together with the effort that Senator NICKLES and I initiated here in the Senate. I thank them for their support.

As we come to the conclusion, I want to thank the administration representatives, led by Under Secretary Stuart Eizenstat, who worked with us to craft the language that could finally be approved by National Security Advisor Sandy Berger and the President. The administration endorsement guarantees that when passed this legislation will become law.

The list of groups that endorsed the act is extraordinary, a true expression of all of God's children:

The Episcopal Church, the Catholic Conference, the United Methodist Church Women's Division, the Evangelical Lutherans, the American Jewish Committee, the Christian Coalition, the National Association of Evangelicals—the list goes on and on and on—the B'nai B'rith, the Anti-Defamation League, the Catholic conference of Major Superiors of Men's Institutes, the Jewish Council for Public Affairs, the National Conference of Soviet Jewry, the Union of American Hebrew Congregations, the Union of Orthodox Jewish Congregations of America, the American Coptic Association, Advocates International, the Religious Liberty Commission of the Southern Baptist Convention, Union of American Hebrew Congregations, the International Fellowship of Jews and Christians, the Traditional Values Coalition, the Justice Fellowship and the Church of the Disciples.

What brought all of these groups together? What brought them together is, in many ways, what brought the founders of our country to these shores and what led them to declare their independence ultimately from England. And that was faith, shared faith in God and a belief that no government has the right to tell people how to worship and certainly does not have the right to discriminate against them or persecute them for the way in which they choose to express their faith in God.

The founders of this country declared in the Declaration of Independence that: ''We hold these truths to be self-evident, that all men are created equal'' and that they have certain endowments, not from the founders of the country, not from a group of politicians. The endowments come from their Creator, and the endowment is the right to life, liberty and the pursuit of happiness. Then in the very first amendment to the Bill of Rights, they established the freedom of religion that has been so dear to our country, so central to our country and such a magnet for our fathers and grandfathers and great grandfathers who came here driven by a desire to have that freedom.

On this day, I think of my grandmother who came here from Central Europe. My grandmother was probably one of the greatest American patriots I ever knew, for a simple reason: She said to me in her old age how much she loved the country. She said, ''It may not seem that profound to you, it may not seem that complicated, but the fact I can walk to synagogue on Saturday morning and not only is no one harassing me or bothering me, not only do I live free of fear, not only do I have no hesitation about what I will find in the synagogue, nobody bothering the building or any of us worshipping there, but my neighbors who are not Jewish, as they see me, say ''Good morning, Mrs. Manger, good Sabbath to you.'''

This to her expressed the essence of what it meant to be American and free and the gratitude that she felt. In some measure, I suppose many of us are supporting this legislation and trying to express that gratitude by extending as best we can that freedom and respect to people around the world.

Some say, ''OK, it is good for the United States. What gives you the right to tell other countries how they should treat their citizens?'' What we are saying here is that we have the right to express our values; we have the right to put our values at the center of our foreign policy. Countries can do what they will, but we have no obligation to deal with countries on a normal basis, to give them aid and comfort if they are violating a central animating principle of American life, which is freedom of religion.

Who else, if not a nation whose forebears and citizens, beginning with the Puritans and continuing to this day, suffered under persecutors in foreign lands before coming to this country? Who else will speak for those around the world who are denied those basic liberties?

Mr. President, this legislation, finely crafted, worked on for more than a year, expresses, in sensible terms, those values to which I have spoken. It clearly states America's unwavering commitment to religious freedom around the world. It requires that every succeeding American administration report once a year on the state of religious freedom in every country in the world—put it on the record—and

also report on the steps the administration has taken to encourage—and that is the way this proposal will best work—and raise the status of religious freedom in every country around the world to a level of visibility and report on it. We have given the administrations—this and all future administrations—a menu of choices to respond to, some modest and, in most extreme cases of persecution, some severe.

In nations where violations are particularly egregious, where torture, execution and inhumane punishment routinely are used to limit the free expression of religion, today the President may choose from a list of economic incentives to pressure the offending government to reform. The menu of sanctions in this bill is narrowly focused. It is designed to mitigate the offending behavior without causing economic hardship to our own country. The President has a waiver authority on the sanctions and is also required to seek, first, multilateral cooperation in this sanctions bill.

But this is much more than a sanctions bill. It is a reminder to the executive branch of the American Government, both now and in the future, that as it encourages human rights around the world, it must consider freedom of religion.

This bill requires training in religious freedom issues for foreign service and immigration officials. It establishes an independent commission to monitor religious persecution around the world and to make recommendations to the administration on how to encourage greater religious freedom.

Mr. President, right now somewhere in the world a man or woman languishes in prison, some on death row, because he or she did nothing more than choose faith in God over personal expediency. They probably wonder if anyone cares about what has happened to them. In too many places in this world today, a group, a village, perhaps a province, will suffer economic hardship, lack of access to medical care, systematic harassment and intimidation because its citizens refuse to turn their backs on the most fundamental definition of who they are. They wonder, I suppose, whether anyone cares or has noticed. And this bill, the International Religious Freedom Act, says to them that we notice, we care and the Government of the strongest nation in the world will speak up for them to protect their right to worship their God in the way in which they choose.

Mr. President, just a final word about our retiring colleague from Indiana, Senator DAN COATS. As fine a person of faith as I have ever known in my life, as trustworthy a man as I have ever had the privilege to work with, worked very hard on this piece of legislation because the principles embodied in this legislation spring from the inner core of this man of surpassing and illuminating Christian faith.

In some measure, I think this is one of the great testaments, one of the great monuments that he will leave as he leaves the Senate. With this act, we send a message that our Nation, founded under God, with freedom of conscience on religion as its cornerstone is prepared to do what it can to extend those values reasonably, sensibly to people throughout the world.

Mr. DODD. Mr. President, I rise to support H.R. 2431—the International Religious Persecution Act of 1998—as amended by the substitute offered by Senator NICKLES and others. I believe that the changes that this amendment makes to the underlying bill vastly improve the effectiveness of this legislation in promoting religious freedom around the world and in better responding to actions that would deny people such freedom, regardless of where they reside.

Mr. President, we in the United States are very fortunate. Our Founding Fathers recognized the importance of religious freedom as a bedrock issue. That they did so is not surprising. It was borne out of their personal experiences having been forced to flee their countries because of religious intolerance and outright persecution. For that reason, religious freedom was given a prominent place by the drafters of the Constitution—in the Bill of Rights as the first amendment to the Constitution.

We as Americans are not the only ones who cherish and hold dear our religious freedom. This important and unalienable right is also a part of the universal collection of rights that people around the globe hold sacred. It is recognized in both the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights.

Despite the seeming universality of the right to religious freedom, people throughout the planet are every day being denied the right to practice their religion—Christian and Jew, Moslem and Buddhist, Hindu and Baha'i. At its most extreme, unthinkable acts have been perpetrated against an entire people in the process of denying them the right to practice their faith, I am speaking of the annihilation of more than 6 million Jews by Adolf Hitler while the world looked on.

Even today, religious intolerance remains rooted in too many societies throughout the planet—in Iran, in Sudan, in Burma, in the People's Republic of China, in Russia—and this is by no means an exhaustive list.

H.R. 2431, as amended, seeks to establish a policy and procedures for the United States government to follow in defending religious freedom internationally. It provides for the imposition of targeted sanctions against governments which practice religious persecution. However, it also gives the President and the Secretary of State some measure of flexibility in carrying out the policy.

I am also pleased to note that it excludes the denial of food and medicine as a sanctions option under this legislation. I have never believed that to deny innocent men, women and children access to the very basic necessities of life places the United States as a government on a particularly high moral ground at the very time we are trying to elicit a higher standard of moral behavior by other governments. The bill also includes waiver authority that will enable the President to react with flexibility to changing events in furtherance of U.S. national interests. Finally, the bill includes a sunset provision that would lift any sanctions imposed pursuant to this act after two years, unless specifically reauthorized by the Congress.

I believe that President Clinton is committed to promoting international religious freedom. In no way should the passage of this legislation be interpreted as a criticism of the administration's efforts to champion the cause of international religious freedom. Rather, my support for this legislation should be viewed as an effort to complement the Administration's efforts. Passage of the pending legislation will signal to the world that the Congress stands fully behind all efforts to promote religious freedom along with other fundamental human rights as a core component in the United States foreign policy agenda.

I commend Senator NICKLES and my colleague from Connecticut Senator LIEBERMAN for all their work on this legislation. Thanks to their efforts to perfect and refine its provisions, this legislation will be far more effective in furthering U.S. efforts to promote respect for religious freedom throughout the world.

Mr. President, I am pleased to join with them and many others in this Chamber in voting for final passage of this bill at the appropriate time.

Mr. ASHCROFT. Mr. President, the International Religious Freedom Act of 1998 represents a vitally important piece of legislation to raise awareness of and combat religious persecution overseas. Some would downplay the problem of religious persecution abroad, but preserving religious freedom at home and promoting it in other countries is central to the purpose and objectives of the United States.

In our own history as a nation and in the histories of countries around the world, religious freedom has been at the center of movements for broader civil liberty. Efforts to restrict religious freedom strike at the heart of liberty itself. Thus, the United States has a duty to stand for religious liberty abroad as we continue to preserve it at home.

If the Administration had been more aggressive in confronting religious persecution, such legislation might not be necessary. In fact, at a White House meeting to discuss one of the major bills on religious persecution, President Clinton told religious leaders that legislation which actually required him to confront persecution abroad would put ''enormous pressure on whoever is in the executive branch to fudge

an evaluation of the facts of what is going on.''

That is a troubling statement by the President of the United States, which not only calls us to question this Administration's commitment to fight religious persecution, but the reliability of other presidential certifications on issues such as Chinese missile and nuclear proliferation. Such statements by Administration officials make it clear why legislation to address religious persecution is needed.

Religious persecution is a tragic fact of life in many countries, from Latin America to Asia to Africa. Religious persecution in Sudan and China has been of particular concern to me. As Chairman of the Africa Subcommittee, I held a hearing on religious persecution in Sudan in September of last year.

Religious persecution has become enmeshed in a brutal Sudanese civil war that has taken more than 1.5 million civilians since 1983, with over 4 million more being displaced by the fighting. An estimated 430,000 refugees have fled Sudan to seek safety in neighboring countries.

Human rights organizations working in Sudan have testified before Congress that the government uses ''aerial bombardment and burning of villages, arbitrary arrests, torture, chattel slavery—especially child slavery—hostage taking, summary execution, inciting deadly tribal conflict, the abduction and brainwashing of children, the arrest of Christian pastors and lay church workers, and the imprisonment of moderate Muslim religious leaders'' to suppress dissent and form a radical Islamic state. Such barbarous atrocities, along with Sudan's support for international terrorism, has led me to introduce legislation to cut off financial transactions with the Sudanese government.

The viciousness of religious persecution in Sudan should not callous us to the very real and brutal oppression taking place in other countries. As Nina Shea notes in The Lion's Den, China has more Christians in prison because of religious activities than any other nation. The State Department's first comprehensive review of persecution against Christians, issued in July 1997 and entitled ''U.S. Policy in Support of Religious Freedom,'' says, ''The Government of China has sought to restrict all actual religious practice to government-subsidized religious organizations and registered places of worship.''

China's efforts to restrict religious freedom are driven by oppressive policies which seek to make all religion subservient to the state's secular objectives. In the book China: State Control of Religion, Human Rights Watch states that ''the Chinese government believes that religion breeds disloyalty, separatism, and subversion.'' The book goes on to note: ''Chinese authorities are keenly aware of the role that the church played in Eastern Europe during the disintegration of the Soviet empire.''

Rather than embrace and encourage the free expression of faith, the Chinese government is engaged in a massive, ongoing, and brutal effort to repress non-sanctioned religious activity. Ministers or lay people who seek to practice their faith free from bureaucratic interference and oppression are subjected to imprisonment, torture, and worse. The Far Eastern Economic Review noted that 15,000 religious sites were destroyed by government police in the first five months of 1996 alone. Paul Marshall and Nina Shea note that ''China's underground Christians are the target of what they themselves describe as the most brutal repression since the early 1980s when China was just emerging from the terror of the Cultural Revolution.''

And yet, in spite of such repression by the Chinese Communist government, this Administration declined even to sponsor a resolution at the U.N. Commission on Human Rights condemning China's human rights record. Apparently, some type of back door deal was made with the Chinese government in which a few prisoners would be released and we would turn our head and close our ears to the thousands that remain in Chinese prisons and labor camps.

I am aware of mounting concern in the U.S. business community on the damage done to U.S. competitiveness due to unilateral sanctions. I want U.S. companies to compete and succeed in the international marketplace. The Nickles legislation, however, is a carefully crafted bill which offers the President an array of options to promote religious liberty abroad and will target any resulting sanctions on those countries most deserving of reproach for religious persecution. This legislation is a necessary first step to address the problem of religious persecution.

Mr. President, I submit that it is time for the Senate of the United States to take a stand on this issue of religious persecution, and passage of the Nickles legislation offers just such an opportunity. It is also time for the Executive Branch to take a stand on this issue. Rather than look at how we might ''fudge'' legislative requirements to avoid confronting oppression abroad, let us have the courage of our convictions. Mr. President, I yield the floor.

Mr. BREAUX. Mr. President, I rise today to express my enthusiastic support for the International Religious Freedom Act of 1998, which was passed by the Senate earlier today. This legislation condemns religious persecution and promotes what is indisputably a fundamental human right—the right to freedom or religion.

I am proud to have co-sponsored this legislation, which I might add was passed by the Senate without opposition. That is due in no small part to the efforts of Senators NICKLES and LIEBERMAN. I want to commend them and their staffs for all the hard work they've done to craft a bill that is meaningful and effective without being excessively rigid or inflexible.

Mr. President, it has amazed me to see how Americans' awareness of religious persecution abroad has grown just in this decade. It is, no doubt, a result of the incredible resources and vast amounts of information that ordinary Americans now have at their fingertips. As more and more people gain access to the Internet, the velocity of information continues to increase. Americans have learned about religious persecution by foreign governments around the globe and they expect our government to take serious action to curb this behavior.

Their can be no doubt that we have a responsibility to advocate and encourage freedom of religion in foreign lands. We, as a nation, have always held it to be the most sacrosanct of human rights. Indeed, it is not just enshrined in our Bill of Rights, it is a thread that is woven into the very fabric of our national identity.

The International Religious Freedom Act channels U.S. assistance to governments that are not gross violators of human rights, in particular the right to religious freedom. It provides for sanctions or other comparable action against countries that persecute citizens on religious grounds. The bill establishes a Commission on International Religious Persecution to publish yearly recommendations to the White House and the Congress on how to promote religious freedom abroad. It also establishes an Ambassador-at-Large of Religious Freedom within the State Department and a Special Advisor on International Religious Freedom within the National Security Council. As a result, it requires the Administration to produce a yearly ''Annual Report on Religious Freedom Around the World.''

Mr. President, these are reasonable provisions that I believe will help focus our efforts to stand up for religious freedom abroad while at the same time allowing the executive branch a degree of needed flexibility to deal with different facts and circumstances in different instances of persecution. It is an important bill, and I am hopeful that the Congress can send it to the President for signature before adjournment.

Mr. HATCH. Mr. President, it is fitting that, as we conclude the 105th Congress, we can add to our long list of accomplishments the passage of the International Religious Freedom Act of 1998.

This bill has been in the works throughout this Congress and is a fine example of the legislative results we can achieve through long, thoughtful study and debate. I would like to compliment the numerous members and their staffs who have worked on this bill since its inception. Senator SPECTER introduced the first version of this bill last year. Senator LUGAR and Senator LIEBERMAN worked diligently to develop that initial draft. And Senator NICKLES took the final drafts and brought the bill to the version we will vote on today.

Numerous compromises were made, but the lasting product of this body rarely passes without such compromising, and again I wish to compliment all the senators who so assiduously developed the bill I expect will pass overwhelmingly this morning.

There is a conceptual problem whenever we seek to apply serious diplomatic and economic sanctions to worldwide problems. On the one hand, you risk over 70 cases of unintended consequences. I use that number because recent estimates are that at least 70 nations violate, abuse or proscribe outright religious freedom. One legislative solution mandating tangible and serious sanctions applied to over 70 cases can have a myriad of consequences we don't intend.

On the other hand, a mere resolution of disapproval of such behavior appears weak, and can give the signal that the Congress is strong on denunciation, but weak on action.

Mr. President, one of my favorite quotes on geopolitics comes from the British historian Paul Johnson, who wrote in his magisterial history of the blood-soaked 20th century, Modern Times, that ''it is of the essence of geopolitics to be able to distinguish between different degrees of evil.''

Of course, evil is evil. But, it takes sophisticated legislating to address it in a geopolitically sound way, and I believe that this current bill has succeeded in doing that.

By the detailed and considered list of incremental actions directed of the President, and by the selective waiver authorities, we have, in the International Religious Freedom Act of 1998, a piece of legislation that is both substantive and flexible. It conscientiously fulfills the Congress's intent to act against one of the most hideous violations of human rights, persecution based on faith.

We could not ignore the moral imperative to act, Mr. President. It would be impossible now to list all of the egregious abuses of this fundamental right that are occurring today, and I fear that to select a few examples risks suggesting other, unmentioned, abuses are less objectionable.

Nor would it be accurate to suggest that abuses of religion occur merely in totalitarian or authoritarian regimes. The renowned human rights organization Freedom House recently reported that the number of democracies in the world has grown over the past ten years from 66 democracies to 117. This is a remarkable accomplishment and bodes well for global political trends.

But we should not believe this trend is irreversible, nor should we assume that all of the new democracies are well-established in their institutions. While democratic development is required to further the protection of individual rights, including the right to conscience and faith, certain democratic regimes around the world still constrain complete freedom of religion.

There is a relation, however, between the degree of abuse of the right to individual faith and authoritarian regimes, because it mostly is in authoritarian regimes do you the horrific abuses—torture, imprisonment, execution and disappearance—that are most disturbing to Americans. That is why all of us gathered today to support this bill must redouble our efforts to maintain a strong commitment to the development and expansion of democracy as a pillar of American foreign policy.

Mr. President, I take my own Mormon faith seriously; and, because of my faith, I am acutely aware of the historical suffering of an intolerant society. Perhaps that is what makes me more attuned to the sufferings of the faithful—of all the great religions—around the world. Perhaps it is because I am a conservative, who simply believes in a life based on faith, family and country, with faith underpinning the values of family and country.

But it is probably because I am an American, a proud citizen of a country where we have so developed a rule of law that enshrines the individual right to belief that we are the envy of freedom-seeking people around the world and the enemies of those regimes too insecure, too primitive, and, in some cases, too barbaric to countenance this most fundamental freedom.

Mr. President, I have traveled a great deal in this world, and I have met many leaders. I have met communists who believed, and believers who countenanced oppression of other faiths. The varieties of personal faith and its expressions are countless, but the fundamental political right to personal conscience is indivisible, and universally desired.

This bill before demonstrates that the United States Congress, and all its members with all their faiths, believe that the pursuit of this political right must be a conscious, vocal, activist, and determined part of our foreign policy. I urge my colleagues to support this bill.

Mr. HUTCHINSON. Mr. President, as an original cosponsor, I rise in strong support of the International Religious Freedom Act and hope for the persecuted everywhere. I commend my colleagues on both sides of the aisle in the Senate and House for their dedicated efforts in crafting this legislation.

Mr. President, the desire for religious freedom is not uniquely American. But as Americans we are in a unique position to advocate it. As a superpower, we have the resources. As a nation of free people, we have the responsibility. Religious freedom is at the core of our country and enshrined in our Constitution. Our nation's founders fled from religious persecution in search of a land where they could freely exercise their ideal of religious freedom They stood recognizing that the suppression of their faith was tryanny over their hearts and minds. They knew that without the freedom to gather, to worship, to speak about their God, there would be no freedom. So they laid a cornerstone for our democracy, establishing freedom in law. And from that day, the protection of religious freedom has become part of our legacy, part of our identify as a nation. We must exercise this identify or one day realize that we have lost it. For the fruits of democracy, hoarded in the hands of the few, become bitter and rotten.

Mr. President this legislation takes concrete steps to promote the basic right to religious freedom. It establishes three entities to cooperatively guarantee that combating religious persecution is a priority in U.S. foreign policy. Within the State Department, an Ambassador-at-Large for Religious Liberty will serve as a high level diplomat, raising issues of religious persecution in bilateral meetings and heading up the Office of International Religious Freedom at the State Department. A Special Advisor on Religious Persecution at the National Security Council will monitor incidents of persecution and act as an advisor and resource for the executive branch. The Commission on International Religious Liberty, a ten member, bipartisan commission, will investigate religious persecution and provide an outside voice for policy recommendations to both Congress and the White House. Under this legislation, the U.S. government collects information on religious persecution, through the compilation of an Annual Report on Religious Persecution, and responds to these violations through a broad range of options, ranging from diplomatic protest to economic sanctions. The apparatus under this legislation is not simply reactive, however. It also provides for active promotion of religious freedom through international broadcasts, Fulbright exchanges, and training for Foreign Service Officers and refugee and asylum personnel on these issues. While the apparatus may seem extensive, it only reflects the magntitude of the problem. I believe that is the least that we can do to lay a concrete foundation for religious freedom.

Religious persecution around the world may go unnoticed in the hectic run of our daily lives, but for millions of people it is a horrifying, incessant reality. They live in fear of arrest, imprisonment, torture, and death for simply exercising their faith. In Pakistan, fear reigns under the constitution, which stipulates the death penalty for blaspheny against Mohammed. Ayoob Masih, a Christian, was beaten by a mob for reading his Bible, arrested, imprisoned, fined, and sentenced to death by hanging for blasphemy. Local police have failed to control angry mobs destroying the homes and churches of Christians in Pakistan. Ahmadis, Hindus, Zakris, and other minority religious groups have also been targets of lynching. In Egypt, Coptic Christians are routinely denied permits to build or repair churches. In Cairo's Tora district, security forces forcibly closed the doors of the Church of St. Bishoi,

waxing its windows and preventing any further entry and any freedom to worship there. An eighteen year old girl in Laos was thrown into prison by government forces for teaching Bible classes to neighborhood children. In Iran, a man was shot in the street for not being in the mosque during prayer time. Bahai's have also been subject to a rash of executions. In Sudan, where civil war has ravaged the land and claimed over a million lives, Christians and Animists are subject to abduction, imprisonment, torture, enslavement, forced conversion to Islam, and execution. Christian children are abducted, forced into reeducation camps, given Arab names, and raised as Muslims. A Muslim sheik who Christianity was arrested, charged with apostasy, and faced with execution unless he returned to Islam within two months. Only government-certified clergymen are allowed to talk about religion in Uzbekistan. Private religious instruction is also formally banned under pains of stiff fines and labor camp sentences.

This type of insidious government control is also present in China, where Article 36 of the Chinese Constitution guarantees religious freedom, but religious repression is carefully meted out through an apparatus of government registration, intense scrutiny, unrelenting intimidation, and brutal punishment. Only five religions are permitted and control is exercised over these official churches in matters such as personnel selection, sermon themes, congregation size, and dissemination of religious materials. Unofficial, or illegal, religious gatherings are forcibly broken up, its participants arrested, victims of extortion, torture, and even fatal beatings. Zheng Muzheng, who was active in sharing his faith, was beaten to death in a jail in Hunan Province. His grieving widow has been repeatedly interrogated and held without arrest. Members of unofficial churches fortunate enough not to be imprisoned live under the glare of government surveillance. They are arbitrarily and repeatedly detained without formal charges, threatened with loss of property and employment, subject to heavy fines—all for believing in and worshiping an authority higher than the Communist Party. Under their reign of terror, Tibetan Buddhist monasteries and temples cannot be constructed and are often destroyed. Monks and nuns are restricted in numbers and tortured. Palden Gyatso, a Tibetan Buddhist monk, testified before the House International Relations Committee about the routine use by the Chinese government of electric shock guns, serrated and hooked knives, handcuffs and thumbcuffs on those who would dare to exercise their constitutionally guaranteed freedom of religion.

The grim and disturbing reality is that religious persecution is not limited to a particular region or a particular faith. It beats on the backs of Christians, Jews, Buddhists, Hindus, Muslims, Baha'is. It scourages over half the world's population in over seventy countries.

Mr. President, this legislation takes comprehensive action against this alarming trend of oppression. Through its reporting provisions, it sheds light on the dark practices of persecution—a radiant ray of hope for those languishing in prisons. By requiring the President to use those means deemed necessary to not allow these atrocious acts to persist, this legislation cracks the heavy yoke of persecution. In its active promotion of religious freedom, it sweeps open the gates of suppressed faith, preparing the way for the liberty.

Mr. President, I am aware that detractors of this legislation claim that it establishes a false hierarchy of human rights abuses. But I suspect that for those same critics, treating all human rights abuses on an equal basis means voting against all human rights provisions on an equal basis. Others claim that it binds the hands of the President, propelling him on a course of self-defeating foreign policy, forcing him to ultimately ''fudge'' sanctions. This well-crafted legislation has taken this concern into consideration, incorporating the views of its sponsors, the Administration, and the business community. It focuses on specific and particularly egregious instances of religious persecution. While it requires the President to act, it also presents the President with a wide berth of options and requires a review of the potential impact on American security and economic interests and its intended efficacy.

Still others claim that we should not be moralizing or imposing our values on other countries. Those suffering in prison for practicing their faith would certainly disagree. Freedom of religion is a universal right and aspiration, recognized and articulated in a number of international instruments including the Universal Declaration of Human Rights, which states that ''Everyone has the right to freedom of thought, conscience, and religion . . . to manifest his religion or belief in teaching, practice, worship, and observance.'' The International Covenant on Civil and Political Rights recognizes that ''Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.'' By advocating this freedom, we are not imposing our values on others but reaffirming a universal right.

We must not cower under the covers of complacency. We must not be complicit actors, carried away in a current of oppression. We must not, for fear of taking a false step on the path of justice, refuse to walk at all. We must be the voice of those muted by their oppressors, crying out for a land of the free. We must, in the words of Ronald Reagan, ''. . . be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings.''

Mr. FEINGOLD. Mr. President, I offer my comments on the NICKLES substitute amendment to H.R. 2431, the International Religious Freedom Act of 1998.

Mr. President, I commend the Senator from Oklahoma [Mr. NICKLES] for all the hard work that he and others have devoted to this important piece of legislation. These Senators, and our House colleagues, have recognized the importance of promoting religious freedom abroad, and have tried to craft legislation that both emphasizes our serious concerns about this issue, and provides authority to the President to react to governments which abuse these fundamental rights.

In particular, I appreciate their efforts to make improvements to the original bill, most of which I support.

Mr. President, the issue of religious freedom is especially important for our country. Freedom of religion is one of the bedrock principles of American democracy. Our founders, who came to America in part to flee religious intolerance, championed freedom of religion as a universal right, and made it an integral part of the Constitution through the Bill of Rights.

Throughout our history, immigrants from every corner of the globe have arrived on our shores seeking a community where they could practice their religion openly and without fear of persecution. Today, we value the separation of church and state as one of our guiding principles.

But we are all well aware that such liberties are not fully enjoyed everywhere, and there are millions of people who daily face persecution or intolerance because of their religious beliefs. Worse yet, the exploitation of religious and ethnic differences for political ends has become all too common in the post-Cold War era.

These trends have been around for centuries, but have been getting more serious press attention in the last several years. They mirror the myriad other abuses that are conducted, or at least tolerated, by non-democratic regimes around the world. Examples of restrictions on basic freedoms—of expression, of association, of the press—abound, and those who dare violate such restrictions face imprisonment, repression or even death. As we consider this legislation today, it is likely that somewhere, a political prisoner is being beaten by the police or armed forces, or by some paramilitary group whose members might include police officers or soldiers. It is likely that somewhere a union organizer is being detained or harassed by authorities, that a woman is being raped by government thugs, that a newspaper is being

shut down, or that a prisoner has ''disappeared.''

The question for us today is this: what is the appropriate U.S. policy response to such acts of oppression by other nations on the basis of religious beliefs? We should also ask: what is the appropriate response to oppression of any kind?

I firmly believe that the defense of human rights around the world relates directly to our ''national interests'' and therefore justifies leadership from the United States, a nation founded on respect for individual rights and liberties.

We are bound by our country's founding principles to promote and defend certain ideas: that we are all created equal, that we are born with certain inalienable rights, that government is legitimate only with the consent of the people, and that government should exist to promote the general welfare and to secure the blessings of liberty for all. Our other national interests—security and economic opportunity—have the best chance for advancement in a climate of freedom and respect for individual rights, and are undermined where that climate does not thrive.

I have never shied away from the use of every economic, diplomatic, or rhetorical tool to advance our human rights agenda. It is through the vigorous use of these tools that the United States can exercise the type of leadership such fundamental violations of justice demand. To a certain extent, this is the approach implicit in the bill we are considering today, which provides a menu of presidential actions to respond to violations of religious freedom.

But, with deference to my colleague from Oklahoma and the work he has done on this bill and although I support the bill, I have some outstanding concerns regarding this legislation. I believe that if we had been able to fully consider this bill in the Committee on Foreign Relations, we would have been able to work out some of these issues.

I strongly support the basic premise of the bill, that the United States should defend religious liberty, but I am concerned that it might appear to subordinate other fundamental rights to the right to religious freedom. As we defend the freedom of religion, should we not just as vigorously defend the rule of law, basic human rights and the exercise of political rights? We would be pleased if, tomorrow, Sudan's ruling National Islamic Front suddenly lifted its Shar'ia law and allowed Christians to worship freely. But would we then tolerate the forced conscription of children, the lack of press freedom and the manipulation of humanitarian assistance that also takes place in the Sudan?

I also have some concerns about a few specific provisions.

First, this bill creates a new commission, the ''Commission on International Religious Freedom.'' Although I am open to arguments on this subject, I am not convinced a new commission is needed. We already have in operation the Advisory Committee on Religious Freedom. This body, which is broadly representative of various religious communities, has been in operation since early 1997 and has already produced several useful reports about the state of religious freedom around the world. Its work has helped focus administration attention on the issue of religious persecution and the conditions of religious minorities.

Second, Section 205 of the bill authorizes $6 million over two years to carry out the work of this new Commission. The protection of religious freedom is vital work that must be done, but I believe this is an enormous amount of money to be devoting to a commission of any sort, and I have seen no explanation of why $6 million is required. The Advisory Committee was able to conduct its work with existing resources from the Department of State. I understand that the Committee's work greatly strained the resources of the Department's Bureau for Democracy, Human Rights and Labor, but I also understand that, even if staff salaries are included, the Committee could have been run with a budget of less than $500,000. Also, the new Commission proposed by the legislation would be comprised of nine commissioners, rather than the 20 on the existing Advisory Committee, so it might be expected to require less resources.

In addition, I am concerned that because of the narrow language of Section 205, the authorized funds might be used only for the specific activities of the Commission, and not for the many additional requirements of the bill which would then have to borne by the already stretched resources of the Bureau of Democracy, Human Rights and Labor.

Mr. President, I hope there will be further clarification of the intended uses of these funds, and—if the Congress does appropriate such high levels of funding—I hope it will be used to further the goals of the whole bill, and not simply Title II.

Third, another provision that raises some concerns is Section 107, which provides equal access to the premises of diplomatic missions to any U.S. citizen seeking to conduct religious activities. It is in the best American tradition to provide a haven for Americans of faith who find themselves in a country that is not hospitable to their religion, but I wonder if some might argue that this provision would expand what the Supreme Court has determined constitutes a ''public forum'' with respect to equal access for religion. In practice, it is possible that it might then be deemed by some court to be an unconstitutional endorsement of a particular religion. That is not what we intend, so I hope the provision allows for discretion on the part of the chiefs of mission to appropriately respond to requests from the American community.

My fourth concern relates to the provisions in Section 108—not what is in those provisions, but rather, what has been left out. Section 108 requires the Secretary of State to prepare and maintain issue briefs on religious freedom on a country-by-country basis. These will be similar to the annual country reports on human rights, which have proven to be an excellent source of information on conditions in individual countries. However, the briefs are also required to include lists of ''persons believed to be imprisoned, detained, or placed under house arrest for their religious faith.'' In cases where the production and publicizing of prisoner lists is useful, perhaps we should devote similar attention to individuals detained in the pursuit of other internationally recognized human rights. The Secretary should consider exercising her authority to broaden the list to include all prisoners of conscience, as appropriate. In addition, there may be cases where the production or publication of such a list might actually be harmful to the individuals in question, or indeed to our intelligence resources. I believe on this point the administration is given considerable discretion.

Fifth, in an earlier draft of this legislation, included in the description of what might constitute a violation of religious freedom was ''arbitrary prohibitions or restrictions on the grounds of religion on holding public office, or pursuing educational or professional opportunities.'' For unknown reasons, this language unfortunately was deleted from all subsequent drafts of this bill, including the current version. However, the bill's definitional language is merely suggestive, indicating areas the administration can take into consideration when making a determination about a given country. I will assume that the administration will also consider restrictive prohibitions on education and employment, among other factors, when making such determinations. Any kind of religious discrimination is unacceptable.

Finally, Section 103 provides for the establishment of a religious freedom Internet web site which would contain major international documents relating to religious freedom, among other items. This is a fantastic way to disseminate information about this issue to individuals around the world who can use it to help promote their causes in their own countries. Already we have seen the importance of the Internet in promoting civil society. The Internet is the modern version of the underground literature of the Cold War, only it does not require printing presses which can be taken away, and it is more readily available to its audience. I hope, however, that the Secretary of State will take the opportunity to also include in the web site other important documents related more generally to human rights. In that way, we can be sure to pursue the protection of all human rights through the most modern technology possible.

Also, Mr. President, just to make the record clear, I do not support the provisions of Section 406 which allow an exception to the sanctions in this bill for defense contractors.

Again, I commend the sponsors of this legislation and everyone who has worked so hard to produce a consensus package.

Mr. D'AMATO. Mr. President, as a co-sponsor of the International Religious Freedom Act, I rise today to commend my colleagues for their efforts to bring this bill to the Senate. This legislation takes concrete steps to insure continued U.S. leadership and diplomatic focus on issues of religious liberty around the world. Few things are more precious to the American people than freedom of religion, and I strongly support our efforts to bring this freedom to those who are persecuted for their faiths around the world.

The vast majority of those who suffer abridgement of their right to religious liberty do not suffer torture, rape, or murder. Instead, they face harassment, discrimination, and onerous bureaucratic obstacles to registering their religious organizations. The Act covers all violations of religious liberty, not just the most egregious acts of persecution and I commend the drafters of this legislation for its broad coverage.

As Chairman of the Commission on Security and Cooperation in Europe, I am very concerned over rising religious intolerance and even oppression in the OSCE region. As Eastern European countries begin to loosen their grip on their economies, they must also learn to relinquish government control over legitimate private action by their citizenry that is protected by international commitments. I have written repeatedly strong letters to heads of state or government in support of religious liberty and to hold them to their international human rights commitments.

The Commission has had two hearings and several public briefings on this issue in the OSCE region. We have heard testimony that, contrary to our expectations when the Communist governments of the former Warsaw Pact states fell, a variety of official measures have been taken restricting, or in some cases denying, freedom of thought, conscience, religion or belief. One of the core values of the United States is freedom of religion. The various documents of the Helsinki Process and the Universal Declaration on Human Rights have adopted this fundamental freedom and established it as an international norm all nations are expected to meet. I strongly believe that adoption of this legislation will help the United States advocate religious liberty around the world, and address some of the specific problems our hearings and briefings have documented.

This year in Uzbekistan, for instance, a new law was passed which, among other restrictions, requires 100 Uzbek citizens to sign a religious community's application for registration, criminalizes any unregistered religious activity, and penalizes religious free speech. In 1997, similarly restrictive laws were passed in Russia and Macedonia and a number of OSCE participating states are reportedly considering legislation imposing significant restrictions on religious liberty, particularly for minority religious groups.

In Western Europe, the trends toward increased religious intolerance has been more insidious. In the last few years, governments in Western Europe, particularly France, Germany, Belgium, and Austria, have targeted numerous groups that they label ''dangerous'' and have published official government propaganda against them, placed them under surveillance by security agencies, and revoked tax exempt status based on the determination that groups are not a positive influence on society. Furthermore, these Western European actions embolden the more intolerant sectors of Eastern European society to further restrict religious liberty for minority or ill-favored groups.

By requiring the President to take action against all countries engaged in violations of religious liberty, the Act insures that less egregious cases of religious liberty violations will not be ignored. By enumerating the specific policy responses required ranging from a private demarche to sanctions, the Act reflects the need for flexibility in diplomacy. Finally, by instituting a separate commission, the Act facilitates accurate and independent reporting on religious liberty violations around the world.

Mr. President, I am proud to be a co-sponsor of this important legislation and I urge my colleagues to support the International Religious Freedom Act.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed for 2 minutes on this legislation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I support the International Religious Freedom Act presented by the Assistant Majority Leader, the Senator from Oklahoma and the Senator from Connecticut.

We have discussed this legislation at some length over the last couple of weeks, and my colleagues have been very gracious in trying to accommodate some of my concerns with the bill.

Although it is not a perfect bill, it is a compromise that I support.

The persecution of individuals for their faith, like persecution for political beliefs or ethnicity, is abhorrent to all Americans. Unfortunately, too many nations around the world fail to protect the basic human rights of their citizens. The reasons for this are often complex and varied—but they are never justified.

What justification can there be, for example, for the jailing by the Chinese government of thousands of dissidents—not to mention a few Catholic leaders who choose to remain loyal to the Vatican, rather than bow to the dictates of the so-called ''official'' church in Beijing?

What justification can there be for a law in Russia which appears to discriminate between ''established'' religious organizations and those whose roots in Russia are not long-standing?

As a nation founded on the premise that ''all men are created equal. . .endowed by their Creator with certain unalienable rights'', Americans have long been committed to promoting and protecting human rights. Existing law, in place since the 1970s, prohibits U.S. assistance to nations which engage in a ''consistent pattern of gross violations'' of human rights—including the right to religious freedom. Since the 1970s, we have also had an Assistant Secretary of State specifically devoted to the task of advancing human rights.

In recent years, the Clinton Administration has taken important steps to promote religious freedom. In 1996, Secretary of State Christopher established an Advisory Committee on Religious Persecution Abroad, a 20-member panel which is broadly representative of many religious faiths, and has provided practical guidance to the Secretary and the State Department about this important subject.

More recently, Secretary of State Albright has appointed a Senior Adviser to take the lead on religious freedom in the State Department.

This legislation is designed to further elevate religious freedom on our foreign policy agenda. It does so by creating a new Office on International Religious Freedom at the Department of State, to be headed by an Ambassador-at-Large.

Under this legislation, the State Department will produce a new annual report on religious freedom, which will assess the state of religious freedom around the world. This report, which will expand on the information available in the annual human rights report already produced by the State Department, should prove an invaluable resource to Americans concerned about religious freedom.

Additionally, a new Commission will be established, for a period of four years, which will serve in an advisory capacity, producing a report of its own on an annual basis which will include recommendations for U.S. policy.

The bill also contains new provisions of law requiring that the President impose sanctions against the most severe violators of the right to religious freedom.

I must confess to some skepticism that new sanctions legislation is necessary, for two reasons. First, as I stated, current law already prohibits U.S. assistance to countries which engage in serious human rights violations.

Second, in recent months I have reconsidered my own view on sanctions policy—and have come to the conclusion that, even though Congress is well within its constitutional power to apply sanctions, it is not always wise, as a matter of sound foreign policy, for Congress to do so.

But I am willing to go along with this sanctions law because it includes many aspects that I believe must be present in any sanctions law that Congress enacts. Indeed, the sanctions provision in this bill offers considerable flexibility to the President.

First, the bill provides the President with a ''menu'' of options—seven different types of sanctions from which the President must choose just one sanction. If the President doesn't like the choices on the menu, he is free to take ''commensurate action''—that is, action commensurate to the items on the menu of options.

Second, the bill provides a broad waiver authority.

The President may waive the application of the sanction if the foreign government has ceased the violations; if using the waiver would ''further the purposes'' of the Act; or if important national interests of the United States justified the exercise of the waiver.

Third, the bill provides that any sanctions sunset two years after they are imposed unless they are specifically reauthorized.

The President may also terminate the sanctions if the foreign government has ''ceased or taken substantial and verifiable steps to cease'' the violations that gave rise to the sanctions.

Fourth, there is an exemption from the sanctions for the provision of food, medicine, medical equipment or supplies, as well as other humanitarian assistance.

In sum, although I am not eager to enact a new sanctions law, I believe we are setting an important precedent with this bill in terms of what should be contained in any sanctions law.

We must make every effort to ensure that the steps we take under this law will help those who are suffering from persecution—and not increase the dangers they face. During the hearings in the Foreign Relations Committee on this legislation, several witnesses representing religious communities that operate overseas expressed this concern.

I know the sponsors of this bill share this concern—and so I hope that both Congress and the Executive Branch will be attentive to it in the coming years.

This bill takes several steps which I hope will lead to the advancement of religious freedom—one of the fundamental human rights—around the world.

We must be certain that in implementing this law, it is not to the detriment of other fundamental human rights that are recognized internationally.

As the columnist Stephen Rosenfeld has written, religious freedom deserves a seat at the human rights table, but it should not overturn the table.

Mr. President, I see my friend from Pennsylvania on the floor, Senator SPECTER. I compliment him—he is the one who got me into this, quite frankly—and my colleagues from Oklahoma and from Connecticut. I can claim no credit for starting this initiative. I can only claim that I have attempted to play a role here to make sure that the desire we all have to extend religious freedom around the world becomes a reality. I have tried to make sure that our sanctions meet a realistic test of promoting an actual change in the behavior of other nations. It was toward that end that I worked on a small part of this bill. I attempted to rationalize the sanctions legislation on this issue with what we are attempting to do on all the other sanctions legislation we have around here.

The thing we have all learned is, unilateral sanctions on any subject seldom ever work. Sometimes, and promoting religious freedom is one of those times, we may have to act even if it is not efficacious, just to state our principled commitment to religious freedom. I recommend my colleagues take a look at this legislation though because I think we have produced a sound sanctions bill.

For that, I have to thank the authors, Senator SPECTER and Senator NICKLES and Senator LIEBERMAN, for accommodating some of the changes I suggested in the functional way in which these sanctions would be employed.

I thank them for their consideration. They were very gracious to me and very patient with me. And I am very satisfied with the way the bill has turned out—not only the principle but the efficacy of the legislation.

I thank my colleague for the extra time, and I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague from Delaware for his statement but also for his leadership. I have already complimented Senator LIEBERMAN for his leadership and his partnership in making this happen. But also I mentioned last night Senator SPECTER worked tirelessly on this; Senator COATS did as well. Senator FEINSTEIN came in and negotiated with us and I think made some important changes.

I also just quickly would like to thank a couple of staff people. Cecile Shea of Senator LIEBERMAN's staff worked tirelessly on this legislation; John Hanford of Senator LUGAR's staff and Steve Moffitt of my staff have put in maybe more hours on this piece of legislation than most any I have seen. Others who helped were Laura Bryant and Willie Imboden.

Also, I thank Senator HELMS for his support and leadership, as well as Congressman WOLF for leading the effort in the House of Representatives. They have assured us that they will pass this legislation as soon as they receive it.

So I thank my colleagues and I yield the floor. And I yield the remainder of my time.

The PRESIDING OFFICER. The question is on final passage.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—98

Abraham	Faircloth	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Ford	McConnell
Baucus	Frist	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hutchinson	Roth
Campbell	Hutchison	Santorum
Chafee	Inhofe	Sarbanes
Cleland	Inouye	Sessions
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Enzi	Lott	

NOT VOTING—2

Glenn	Hollings

The bill (H.R. 2431), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

The title was amended so as to read:

An act to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted in foreign countries on account of religion; to authorize United States actions in response to violations of religious freedom in foreign countries; to establish an Ambassador at Large for International Religious Freedom within the Department of State, a Commission on International Religious Freedom, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

PATIENT PROTECTION ACT OF 1998—MOTION TO PROCEED

Mr. DASCHLE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 505, H.R. 4250, the House-passed health care reform bill.

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

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

Mr. LOTT. Mr. President, I move to table the pending motion to proceed and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. MCCONNELL) is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

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

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—50

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

NAYS—47

Akaka	Durbin	Levin
Baucus	Faircloth	Lieberman
Biden	Feingold	Mikulski
Bingaman	Feinstein	Moseley-Braun
Bond	Ford	Moynihan
Boxer	Graham	Murray
Breaux	Harkin	Reed
Bryan	Inouye	Reid
Bumpers	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Specter
D'Amato	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Dorgan	Leahy	

NOT VOTING—3

Glenn	Hollings	McConnell

The motion to lay on the table the motion to proceed was agreed to.

Mr. REID. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UTAH SCHOOLS AND LAND EXCHANGE ACT OF 1998

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 574, H.R. 3830.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3830) to provide for the exchange of certain lands within the State of Utah.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. LOTT. Mr. President, I yield to Senator HATCH for 2 minutes, and then to Senator BENNETT for 2 minutes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise to express my support for this legislation to exchange school trust lands located in Utah to the federal government. This timely piece of legislation has the full support of the Utah delegation, the Governor of Utah, and the Clinton administration, as well as the PTA and local educators from across our state. It is, in some small measure, the result of the unfortunate situation created several years ago when President Clinton created the Grand Staircase Escalante Monument that withdrew hundreds of thousands of additional Utah school trust lands from benefitting Utah s school children. This bill represents the largest land exchange in the history of Utah.

I commend the President for being willing to do this, the Secretary of the Interior for being willing to do this, and others on the floor, including my colleague, Senator BENNETT, the chairman of the Energy Committee, Senator MURKOWSKI, and the distinguished Senator from Arkansas, Senator BUMPERS. Without their leadership and support, this legislation would not have been possible. I want to express that appreciation. This is a momentous day for the State of Utah that will leave a lasting legacy for our school children.

This bill passed the House of Representatives in July and was approved by the Senate Committee on Energy and Natural Resources last month. I am pleased the full Senate will consider it today and send it to the President.

I and all the citizens of Utah have looked forward anxiously to this day, which has been a long time coming.

When Utah became a state in 1896, Congress designated a portion of each township in the state to be set aside as School Trust Land which would be used to generate revenue for Utah's schools. The patchwork layout of these school trust lands across the state has historically created management difficulties between federal and state governments. As new national parks, forests, and monuments are designated, the school lands are often enveloped within them. This has the effect of closing off development of these lands and, therefore, any revenue they might produce for the school land trust fund.

As of 1995, over 200,000 acres of school trust land, called inholdings, were isolated this way. As I mentioned, President Clinton doubled this amount with his designation of the Grand Staircase-Escalante Monument in 1996.

At the time of the creation of the Grand Staircase-Escalante Monument, President Clinton gave numerous assurances that Utah's school children would not be hurt by this designation. H.R. 3830 represents the partial fulfillment of these promises.

The Utah Schools and Lands Exchange Act is the culmination of long and careful deliberations between Governor Leavitt and Secretary of the Interior Bruce Babbitt. As a result of this thorough and delicate planning, the act enjoys broad support from environmentalists, private landowners, educators, legislators, and the Administration.

The bill exchanges approximately 350,000 acres of school trust lands located in Utah monuments, recreation areas, national parks, and forests to the Federal Government. To provide equitable compensation for these lands, Utah will receive cash, lands, mineral rights, coal deposits, and other Federal properties. I assure my colleagues that this is a fair and equitable exchange of assets.

The land received by the Federal Government, totaling 376,739 acres of

land and 65,853 acres of mineral rights, includes school trust areas that are similar in nature to the surrounding blocks of federal lands. By transferring these areas to the federal government, the land will fall under federal protection and management.

Consolidation of these lands will be beneficial because land ownership will be harmonized, precious natural resources will be preserved and protected, and the American public will gain access to previously isolated areas.

A number of priceless natural landmarks will come under the protection of the federal government as a result of this bill. These include: Eye of the Whale Arch, located in Arches National Park; ancient Native American ruins and the Jacob Hamblin Arch of Glen Canyon National Recreation Area; several hundred-foot red rock cliffs located within the Grand Staircase Escalante Monument; and the high mountain alpine area in the Wasatch-Cache National Forest known as Franklin Basin. Other natural wonders safeguarded through the exchange include: ancient Native American rock art panels in Dinosaur National Monument and unique geologic formations of the Waterpocket Fold within Capitol Reef National Park.

Mr. President, H.R. 3830 addresses many land management problems which have plagued Utah for decades. Specifically, this measure helps solve a problem suffered by all states, such as Utah, having large tracts of federally owned or controlled land —that is, the starvation and lack of funding for our school systems which traditionally depend on property taxes for funding.

The trust land system, developed by Congress in the 19th century during the period of westward expansion, was an attempt to offset the losses from the Federal Government's desire to protect certain lands. We are pleased that, after 2 years, the Clinton administration has delivered on this commitment.

I especially want to commend Utah Governor Mike Leavitt for undertaking the task of painstaking identification of lands for exchange and for conducting these negotiations with the Interior Department. His determination and dedication to initiating this process cannot be understated.

I also want to recognize the efforts of Utah's educators, parents, and school board members, who kept this issue on the front burner. Their dedication to resolving this serious funding helped drive these negotiations and ensure that nothing got bogged down. In short, land is land; but we needed to keep our eye on the ball, and that is our children.

Again, I want to thank my friend and colleague, Senator BENNETT, for his efforts on this bill. I know he shares my feeling of joy that this bill is finally coming to fruition. It means a great deal to improving education in our State, and I appreciate my colleagues' support.

I yield to my colleague.

The PRESIDING OFFICER. The junior Senator from Utah.

Mr. BENNETT. Mr. President, thank you.

This is a delightful day. As I think about the issue of swapping land, school trust lands in Utah for other Federal lands, I realize that this is an issue that my father worked on in this Chamber over 40 years ago. Governor Matheson, to keep it bipartisan, the Democratic Governor of Utah, tried an initiative on this same issue while he was the Governor some 20 years ago. To see it finally come to fruition now brings me a great sense of satisfaction.

I thank my senior colleague for his support and leadership on this issue, I thank the members of the Energy Committee for their work, and I particularly thank my friend from Arkansas, the senior Senator, Mr. BUMPERS, for his support as we have gone through this. He and I became acquainted when I first came to the Senate and went on that committee. We worked on a number of issues together, and I am delighted that this is one that comes together in a bipartisan fashion.

So this is a time of rejoicing, nostalgia, and great pleasure on my part.

Mr. BUMPERS addressed the Chair.

Mr. LOTT. Mr. President, I believe I still have the time. If the Senator from Arkansas would like a couple of minutes, I would be glad to yield to him for a comment.

Mr. BUMPERS. Mr. President, there are few Senators in the U.S. Senate for whom I have ever held a higher esteem than my good friend BOB BENNETT. Therefore, several months ago, when I put a hold on this Utah land exchange, which was divinely desired by the Governor and the Interior Department, which is a rare instance—would that all land exchanges had this kind of support—I went to Senator BENNETT and I told him privately—and he will agree to this—I told him privately, ''BOB, if push comes to shove''—I am not going to go into the details of why I put a hold on it. We all do these things around here occasionally. I never liked it, but sometimes we have to do things to protect ourselves.

I told Senator BENNETT privately, ''At the right time, I will take my hold off this bill.'' I said, ''I want you to know I would never allow something this popular and well received to go down and''——

The PRESIDING OFFICER. Will the Senator suspend?

The Chamber will come to order. The Senate will come to order.

The Senator from Arkansas.

Mr. BUMPERS. I must say, his determination—his fierce determination—to get this bill passed was reflected in the fact that he asked me every day for 6 months when I was going to take my hold off. This morning, I was very happy to tell him that my reason for putting the hold on in the first place had been resolved. One of the happiest days of my life was the day I could take that hold off to accommodate the Senator and Senator HATCH. I know he has been actively involved in this also.

I just wanted to say that, Mr. President. I thank the leader very much for yielding the time.

Mr. LOTT. Has the clerk reported the title?

The PRESIDING OFFICER. The clerk has reported.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed and that the motion to reconsider be laid upon the table without intervening action.

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

The bill (H.R. 3830) was considered read the third time and passed.

THE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following bills, en bloc: Calendar No. 368, H.R. 1021; Calendar No. 447, S. 1752; Calendar No. 526, S. 2087; Calendar No. 639, S. 2500; Calendar No. 701, S. 2402; Calendar No. 702, S. 2413; and Calendar No. 703, S. 2458.

I ask unanimous consent that any committee amendments be agreed to; that the bills, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; that any title amendments be agreed to; and that any statements relating to the bills appear at the appropriate place in the RECORD, with the above occurring en bloc. I should note that this has been cleared with the Democratic side.

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

MILES LAND EXCHANGE ACT OF 1998

The bill (H.R. 1021) to provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado, was considered, ordered to a third reading, read the third time, and passed.

CONVEYING CERTAIN ADMINISTRATIVE SITES FOR THE NATIONAL FORESTS IN THE STATE OF ARIZONA

The Senate proceeded to consider the bill (S. 1752) to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. DEFINITIONS.

In this Act, the term ''Secretary'' means the Secretary of Agriculture.

SEC. 2. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—Subject to subsection (c), the Secretary, under such terms and conditions as the Secretary may prescribe, may sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled ''Camp Verde Administrative Site'', dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled ''Cave Creek Administrative Site'', dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled ''Fredonia Duplex Dwelling, Fredonia Ranger Dwelling'', dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled ''Groom Creek Administrative Site'', dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled ''Payson Administrative Site'', dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled ''Sedona Administrative Site'', dated April 12, 1997.

(b) EXCHANGE ACQUISITIONS.—The Secretary may acquire land and existing or future administrative improvements in exchange for a conveyance of an administrative site under subsection (a).

(c) APPLICABLE AUTHORITIES.—A sale or exchange of an administrative site shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for National Forest System purposes.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of an administrative site in an exchange under subsection (a).

(e) SOLICITATIONS OF OFFERS.—In carrying out this Act, the Secretary may—

(1) use solicitations of offers for sale or exchange on such terms and conditions as the Secretary may prescribe; and

(2) reject any offer if the Secretary determines that the offer is not adequate or not in the public interest.

SEC. 3. DISPOSITION OF FUNDS.

The proceeds of a sale or exchange under section 2 shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'') and shall be available for expenditure, until expended, for—

(1) the acquisition of land and interests in land for administrative sites; and

(2) the acquisition, construction, or improvement of offices and new or other administrative buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest.

SEC. 4. REVOCATIONS.

(a) PUBLIC LAND ORDERS.—Notwithstanding any other provision of law, to facilitate the sale or exchange of the administrative sites, public land orders withdrawing the administrative sites from all forms of appropriation under the public land laws are revoked for any portion of the administrative sites conveyed by the Secretary.

(b) EFFECTIVE DATE.—The effective date of a revocation made by this section shall be the date of the patent or deed conveying the administrative site.

The committee amendment was agreed to.

The bill (S. 1752), as amended, was considered read the third time and passed.

WELLTON-MOHAWK TRANSFER ACT

The Senate proceeded to consider the bill (S. 2087) to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE

This Act may be referred to as the ''Wellton-Mohawk Transfer Act''.

SEC. 2. TRANSFER

The Secretary of the Interior (''Secretary'') is authorized to carry out the terms of the Memorandum of Agreement No. 8–AA–34–WAO14 (''Agreement'') dated July 10, 1998 between the Secretary and the Wellton-Mohawk Irrigation and Drainage District (''District'') providing for the transfer of works, facilities, and lands to the District, including conveyance of Acquired Lands, Public Lands, and Withdrawn Lands, as defined in the Agreement.

SEC. 3. WATER AND POWER CONTRACTS

Notwithstanding the transfer, the Secretary and the Secretary of Energy shall provide for and deliver Colorado River water and Parker-Davis Project Priority Use Power to the District in accordance with the terms of existing contracts with the District, including any amendments or supplements thereto or extensions thereof and as provided under section 2 of the Agreement.

SEC. 4. SAVINGS

Nothing in this Act shall affect any obligations under the Colorado River Basin Salinity Control Act (Public Law 93–320, 43 U.S.C. 1571).

SEC. 5. REPORT

If transfer of works, facilities, and lands pursuant to the Agreement has not occurred by July 1, 2000, the Secretary shall report on the status of the transfer as provided in section 5 of the Agreement.

SEC. 6. AUTHORIZATION

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The committee amendment was agreed to.

The bill (S. 2087), as amended, was considered read the third time and passed.

PROTECTING THE SANCTITY OF CONTRACTS AND LEASES ENTERED INTO BY SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS

The Senate proceeded to consider the bill (S. 2500) to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 2500

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

SECTION 1. PROTECTION OF SANCTITY OF CONTRACTS AND LEASES OF SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS.

(a) IN GENERAL.—Subject to subsection (b), the United States shall recognize as not infringing upon any ownership rights of the United States to coalbed methane any—

(1) contract or lease covering any land that was conveyed by the United States under the Act entitled ''An Act for the protection of surface rights of entrymen'', approved March 3, 1909 (30 U.S.C. 81), or the Act entitled ''An Act to provide for agricultural entries on coal lands'', approved June 22, 1910 (30 U.S.C. 83 et seq.), that was—

(A) entered into by a person who has title to said land derived under said Acts, and

(B) that conveys rights to explore for, extract, and sell coalbed methane from said land; or

(2) coalbed methane production from the lands described in subsection (a)(1) by a person who has title to said land and who, on or before the date of enactment of this Act, has filed an application with the State oil and gas regulating agency for a permit to drill an oil and gas well to a completion target located in a coal formation.

(b) APPLICATION.—Subsection (a)—

(1) shall apply only to a valid contract or lease described in subsection (a) that is in effect on the date of enactment of this Act;

(2) shall not otherwise change the terms or conditions of, or affect the rights or obligations of any person under such a contract or lease;

(3) shall apply only to land with respect to which the United States is the owner of coal reserved to the United States in a patent issued under the Act of March 3, 1909 (30 U.S.C. 81), or the Act of June 22, 1910 (30 U.S.C. 83 et seq.), the position of the United States as the owner of the coal not having passed to a third party by deed, patent or other conveyance by the United States;

(4) shall not apply to any interest in coal or land conveyed, restored, or transferred by the United States to a federally recognized Indian tribe, including any conveyance, restoration, or transfer made pursuant to the Indian Reorganization Act, June 18, 1934 (c. 576, 48 Stat. 984, as amended); the Act of June 28, 1938 (c. 776, 52 Stat. 1209 as implemented by the order of September 14, 1938, 3 Fed. Reg. 1425); and including the area described in §3 of Public Law 98–290; or any executive order;

(5) shall not be construed to constitute a waiver of any rights of the United States with respect to coalbed methane production that is not subject to subsection (a); and

(6) shall not limit the right of any person who entered into a contract or lease before the date of enactment of this Act, or enters into a contract or lease *on or* after the date of enactment of this Act, for coal owned by the United States, to mine and remove the coal and to release coalbed methane without liability to any person referred to in subsection (a)(1)(A) or (a)(2).

The committee amendment was agreed to.

The bill (S. 2500), as amended, was considered read the third time and passed.

CONVEYING CERTAIN LANDS TO SAN JUAN COLLEGE

The Senate proceeded to consider the bill (S. 2402) to direct the Secretary of Agriculture to convey certain lands in San Juan County, New Mexico, to San Juan College, which had been reported from the Committee on Energy and

Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretaries of Agriculture and Interior (herein ''the Secretaries'') shall convey to San Juan College, in Farmington, New Mexico, subject to the terms and conditions under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) consisting of approximately ten acres known as the ''Old Jicarilla Site'' located in San Juan County, New Mexico (T29N; R5W; portions of Sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretaries and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS AND CONDITIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b) above, shall be revoked simultaneous with the conveyance of the property under subsection (a).

Mr. DOMENICI. Mr. President, I am very pleased at the Senate's passage of S. 2402, the Old Jicarilla Administrative Site Conveyance Act of 1998. This legislation allows for transfer by the Secretaries of Agriculture and Interior real property and improvements at an abandoned and surplus administrative site of the Carson National Forest to San Juan College. The site is known as the old Jicarilla Ranger District Station, near the village of Gobernador, New Mexico. The Jicarilla Station will continue to be used for public purposes, including educational and recreational purposes of the college.

The Forest Service determined that these ten acres are of no further use to them, since the Jicarilla District Ranger moved into a new administrative facility in the town of Bloomfield, New Mexico. The facility has had no occupants for several years, and the Forest Service recently testified that the improvements on the site are surplus, and endorsed passage of this bill to provide long-term benefits for the people of San Juan County and the students and faculty of San Juan College.

Clearly, this legislation deserves prompt approval in the House and signature by the President because it is noncontroversial and the land can readily be put to good use for San Juan College and the area residents. We also need to put this property in the hands of the college so it can protect the area from further deterioration and fire.

Over one third of the land in New Mexico is owned by the federal government, and therefore finding appropriate sites for community and educational purposes can be difficult. S. 2402 is a win-win bill in providing facilities and lands to San Juan College and removing unwanted and unused land and facilities from federal ownership. I urge prompt passage in the House of Representatives.

The committee amendment was agreed to.

The bill (S. 2402), as amended, was considered read the third time and passed.

The title was amended so as to read: ''A bill to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.''.

APACHE-SITGREAVES NATIONAL FOREST

The Senate proceeded to consider the bill (S. 2413) to provide for the development of a management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona reflecting the current use of the tract as a public park, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

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

S. 2413

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

[SECTION 1. MANAGEMENT OF WOODLAND LAKE PARK TRACT, APACHE–SITGREAVES NATIONAL FOREST, ARIZONA, FOR RECREATIONAL PURPOSES.

[(a) MANAGEMENT PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture, acting through the supervisor of Apache–Sitgreaves National Forest in the State of Arizona, shall prepare a management plan for the Woodland Lake Park tract that is designed to ensure that the tract is managed by the Forest Service for recreational purposes consistent with the use of the tract as a public park by the town of Pinetop-Lakeside, Arizona. The forest supervisor shall prepare the management plan in consultation with the town of Pinetop-Lakeside.

[(b) PROHIBITION ON CONVEYANCE.—The Secretary]

SECTION 1. WOODLAND LAKE PARK TRACT, APACHE-SITGREAVES NATIONAL FOREST, ARIZONA.

(a) PROHIBITION OF CONVEYANCE.—The Secretary

of Agriculture may not convey any right, title, or interest of the United States in and to the Woodland Lake Park tract unless the conveyance of the tract—

(1) is made to the town of Pinetop-Lakeside; or

(2) is specifically authorized by a law enacted after the date of the enactment of this Act.

[(c) DEFINITION.—The terms] *(b) DEFINITION.—In this section, the terms* ''Woodland Lake Park tract'' and ''tract'' mean the parcel of land in Apache–Sitgreaves National Forest in the State of Arizona that consists of approximately 583 acres and is known as the Woodland Lake Park tract.

The committee amendment was agreed to.

The bill (S. 2413), as amended, was considered read the third time and passed, as follows:

S. 2413

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

SECTION 1. WOODLAND LAKE PARK TRACT, APACHE-SITGREAVES NATIONAL FOREST, ARIZONA.

(a) PROHIBITION OF CONVEYANCE.—The Secretary of Agriculture may not convey any right, title, or interest of the United States in and to the Woodland Lake Park tract unless the conveyance of the tract—

(1) is made to the town of Pinetop-Lakeside; or

(2) is specifically authorized by a law enacted after the date of the enactment of this Act.

(b) DEFINITION.—In this section, the terms ''Woodland Lake Park tract'' and ''tract'' mean the parcel of land in Apache–Sitgreaves National Forest in the State of Arizona that consists of approximately 583 acres and is known as the Woodland Lake Park tract.

The title was amended so as to read: ''A bill to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.''.

MORRISTOWN NATIONAL HISTORICAL PARK

The bill (S. 2458) to amend the Act entitled ''An Act to provide for the creation of the Morristown National historical Park in the State of New Jersey, and for other purposes'' to authorize the acquisition of property known as the ''Warren Property,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2458

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

SECTION 1. ACQUISITION OF WARREN PROPERTY FOR MORRISTOWN NATIONAL HISTORICAL PARK.

The Act entitled ''An Act to provide for the creation of the Morristown National Historical Park in the State of New Jersey, and for other purposes'', approved March 2, 1933 (16 U.S.C. 409 et seq.), is amended by adding at the end the following:

''SEC. 8. ACQUISITION OF WARREN PROPERTY FOR MORRISTOWN NATIONAL HISTORICAL PARK.

''(a) IN GENERAL.—In addition to any other land or interest authorized to be acquired for inclusion in the Morristown National Historical Park, and notwithstanding the first proviso of the first section of this Act, the Secretary of the Interior may acquire by purchase, donation, or other means not to exceed 15 acres of land and interests in land comprising the property known as the 'Warren Property' or 'Mount Kemble'.

''(b) AUTHORIZED EXPENDITURE.—The Secretary may expend such sums as are necessary for the acquisition.

''(c) ADMINISTRATION.—Any land or interest acquired under this section shall be included

in and administered as part of the Morristown National Historical Park.''.

Mr. TORRICELLI. I thank the majority leader and minority leader for bringing this legislation forward. Although time has been short, to some of us this is very important. Mr. President, this is a simple effort to conserve 15 acres of land in Morristown, NJ. It is for most Americans a sacred piece of real estate. It is where George Washington spent the winter of 1779. There are few more hallowed grounds in American history.

While previous Congresses have saved much of this real estate, this particular acreage is under threat of development. This is a simple authorization. The U.S. Government can either enter into a contract to purchase or receive it as a gift, this final threatened acreage. I am very grateful for this support and bringing this forward today.

Finally, Mr. President, I want to mention, while Senator GORTON is on the floor, that in separate legislation in the Interior bill he has authorized a study of all remaining threatened lands from the Revolutionary War, that we no longer have to do this on a piecemeal basis.

I thank again the majority leader, Mr. President.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following bills: Calendar No. 622, S. 2133; Calendar No. 637, S. 2401; Calendar No. 704, S. 2513. I further ask unanimous consent that amendment No. 3800 to S. 2133, amendment No. 3801 to S. 2401, and amendment No. 3802 to S. 2513 be considered as agreed to, en bloc, to the respective bills. I finally ask unanimous consent that any committee amendments be considered agreed to, the bills, as amended be read a third time, passed, and the motions to reconsider be laid upon the table, and that any statements relating to these measures appear at the appropriate place in the RECORD.

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

ROUTE 66 NATIONAL HISTORIC HIGHWAY

The Senate proceeded to consider the bill (S. 2133) to designate former United States Route 66 as ''America's Main Street'' and authorize the Secretary of the Interior to provide assistance, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. DEFINITIONS.

In this Act:

(1) ROUTE 66.—The term ''Route 66'' means—

(A) portions of the highway formerly designated as United States Route 66 that remain in existence as of the date of enactment of this Act; and

(B) public and private land in the vicinity of the highway.

(2) CULTURAL RESOURCE PROGRAMS.—The term ''Cultural Resource Programs'' means the programs established and administered by the National Park Service for the benefit of and in support of cultural resources related to Route 66, either directly or indirectly.

(3) PRESERVATION OF ROUTE 66.—The term ''preservation of Route 66'' means the preservation or restoration of portions of the highway, businesses and sites of interest and other contributing resources along the highway commemorating Route 66 during its period of outstanding historic significance (principally between 1933 and 1970), as defined by the July 1995 National Park Service ''Special Resource Study of Route 66''.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term ''State'' means a State in which a portion of Route 66 is located.

SEC. 2. DESIGNATION.

Route 66 is designated as ''Route 66 National Historic Highway''.

SEC. 3. MANAGEMENT.

(a) IN GENERAL.—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of Route 66.

(b) DESIGNATION OF OFFICIALS.—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian Tribes, State Historic Preservation Offices, and entities in the States to preserve Route 66 by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian Tribes, State Historic Preservation Offices, and private persons and entities interested in the preservation of Route 66; and

(3) assist the States in determining the appropriate form of establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) collaborate with the Secretary of Transportation to—

(A) address transportation factors that may conflict with preservation efforts in such a way as to ensure ongoing preservation, interpretation and management of Route 66 National Historic Highway; and

(B) take advantage, to the maximum extent possible, of existing programs, such as the Scenic Byways program under section 162 of title 23, United States Code.

(2) enter into cooperative agreements, including, but not limited to study, planning, preservation, rehabilitation and restoration;

(3) accept donations;

(4) provide cost-share grants and information;

(5) provide technical assistance in historic preservation; and

(6) conduct research.

(e) ROAD SIGNS.—The Secretary may sponsor a road sign program on Route 66 to be implemented on a cost-sharing basis with State and local organizations.

(f) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of Route 66 in a manner that is compatible with the idiosyncratic nature of the highway.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall management plan for Route 66, but shall cooperate with the States and local public and private persons and entities, State Historic Preservation Offices, nonprofit Route 66 preservation entities, and Indian Tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of Route 66.

SEC. 4. RESOURCE TREATMENT.

(a) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program of technical assistance in the preservation of Route 66.

(2) GUIDELINES FOR PRESERVATION NEEDS.—

(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs.

(B) BASIS.—The guidelines under subparagraph (A) may be based on national register standards, modified as appropriate to meet the needs of Route 66 so as to allow for the preservation of Route 66.

(b) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of Route 66.

(2) DESIGN.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

(c) GRANTS.—The Secretary shall—

(1) make cost-share grants for preservation of Route 66 available for resources that meet the guidelines under subsection (a); and

(2) provide information about existing cost-share opportunities.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.

AMENDMENT NO. 3800

(Purpose: To improve the bill)

On page 6, strike lines 12 through 18 and insert the following:

(1) ROUTE 66 CORRIDOR.—The term ''Route 66 corridor'' means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

On page 6, lines 22 and 23, strike ''cultural resources related to Route 66'' and insert ''preservation of the Route 66 corridor''.

On page 7, strike lines 1 through 9 and insert the following:

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term ''preservation of the Route 66 corridor'' means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the study prepared by the National Park Service and entitled ''Special Resource Study of Route 66'', dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

On page 7, line 15, strike ''Route 66'' and insert ''the Route 66 corridor''.

On page 7, strike lines 16 through 18.

On page 7, line 19, strike ''**SEC. 3.**'' and insert ''**SEC. 2.**''.

On page 7, lines 23 and 24, strike ''preservation of Route 66'' and insert ''preservation of the Route 66 corridor''.

On page 8, line 9, strike ''to preserve Route 66'' and insert ''for the preservation of the Route 66 corridor''.

On page 8, line 15, strike ''historic'' and insert ''Historic''.

On page 8, line 16, strike ''preservation of Route 66;'' and insert ''preservation of the Route 66 corridor;''.

On page 9, strike lines 1 through 11.

On page 9, line 12, strike ''(2)'' and insert ''(1)''.

On page 9, line 15, strike ''(3)'' and insert ''(2)''.

On page 9, line 16, strike ''(4)'' and insert ''(3)''.

On page 9, line 17, strike ''(5)'' and insert ''(4)''.

On page 9, line 19, strike ''(6)'' and insert ''(5)''.

On page 9, strike lines 20 through 22.

On page 9, line 23, strike ''(f)'' and insert ''(e)''.

On page 9, line 25, strike ''preservation of Route 66'' and insert ''preservation of the Route 66 corridor''.

On page 10, line 2, strike ''highway'' and insert ''Route 66 corridor''.

On page 10, line 5, strike ''Route 66'' and insert ''the Route 66 corridor''.

On page 10, line 11, strike ''Route 66'' and insert ''the Route 66 corridor''.

On page 10, line 12, strike ''**SEC. 4.**'' and insert ''**SEC. 3.**''.

On page 10, line 16, strike ''Route 66'' and insert ''the Route 66 corridor''.

On page 11, strike lines 1 and 2 and insert the following:

needs for preservation of the Route 66 corridor.

On page 11, line 7, strike ''histories of Route 66'' and insert ''histories of events that occurred along the Route 66 corridor''.

On page 11, line 14, strike ''Route 66'' and insert ''the Route 66 corridor''.

On page 11, line 18, strike ''**SEC. 5.**'' and insert ''**SEC. 4.**''.

Amend the title so as to read: ''A bill to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.''.

Mr. DOMENICI. Mr. President, today the United States Senate has taken a historic step in preserving one of America's treasures—Route 66. S. 2133, the Route 66 Corridor Preservation Act of 1998, will preserve the unique cultural resources along the famous Route 66 corridor and authorize the Interior Secretary to provide assistance through the Park Service. Congresswoman HEATHER WILSON of Albuquerque, New Mexico, introduced a companion bill (HR. 4513) in the House of Representatives. I am hoping that body will promptly act on this bill with the changes proposed by the distinguished Environment and Public Works Committee Chairman CHAFEE.

I introduced the ''Route 66 Study Act of 1990,'' which directed the National Park Service to determine the best ways to preserve, commemorate and interpret Route 66. As a result of that study, I introduced S. 2133 this June authorizing the National Park Service to join with federal, state and private efforts to preserve aspects of the historic Route 66 corridor, the nation's most important thoroughfare for east-west migration in the 20th century.

The Administration testified in favor of this legislation, with some modifications. We've made some good changes to the bill, and Senator CHAFEE's amendment furthers progress for success of this Park Service program. This legislation authorizes a funding level over 10 years and stresses that we want the federal government to support grassroots efforts to preserve aspects of this historic highway.

New Mexico added to the aura of Route 66, giving new generations of Americans their first experience of our colorful culture and heritage. Designated in 1926, the 2,200-mile Route 66 stretched from Chicago to Santa Monica, California. It rolled through eight American states, and in New Mexico, it went through the communities of Tucumcari, Santa Rosa, Albuquerque, Grants, and Gallup. Route 66 allowed generations of vacationers to travel to previously remote areas and experience the natural beauty and cultures of the Southwest and Far West. S. 2133 will facilitate greater coordination in federal, state and private efforts to preserve structures and other cultural resources of the historic Route 66 corridor, the 20th century route equivalent to the Santa Fe Trail.

This bill authorizes the National Park Service to support state, local and private efforts to preserve the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and make grants. The Park Service will also act as a clearing house for communication among federal, state, local, private and American Indian entities interested in the preservation of the Route 66 corridor.

As we draw to the close of this century, there is more interest in trying to save Route 66. I sincerely hope that this legislation is quickly passed on the House floor. The time is now to provide tangible means of assistance to preserve this special highway.

The amendment (No. 3800) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 2133), as amended, was considered read the third time and passed, as follows:

S. 2133

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

SECTION 1. DEFINITIONS.

In this Act:

(1) ROUTE 66 CORRIDOR.—The term ''Route 66 corridor'' means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

(2) CULTURAL RESOURCE PROGRAMS.—The term ''Cultural Resource Programs'' means the programs established and administered by the National Park Service for the benefit of and in support of preservation of the Route 66 corridor, either directly or indirectly.

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term ''preservation of the Route 66 corridor'' means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the study prepared by the National Park Service and entitled ''Special Resource Study of Route 66'', dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term ''State'' means a State in which a portion of the Route 66 corridor is located.

SEC. 2. MANAGEMENT.

(a) IN GENERAL.—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of the Route 66 corridor.

(b) DESIGNATION OF OFFICIALS.—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and entities in the States for the preservation of the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and private persons and entities interested in the preservation of the Route 66 corridor; and

(3) assist the States in determining the appropriate form of and establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements, including, but not limited to study, planning, preservation, rehabilitation and restoration;

(2) accept donations;

(3) provide cost-share grants and information;

(4) provide technical assistance in historic preservation; and

(5) conduct research.

(e) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of the Route 66 corridor in a manner that is compatible with the idiosyncratic nature of the Route 66 corridor.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall management plan for the Route 66 corridor, but shall cooperate with the States and local

public and private persons and entities, State Historic Preservation Offices, nonprofit Route 66 preservation entities, and Indian tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of the Route 66 corridor.

SEC. 3. RESOURCE TREATMENT.

(a) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program of technical assistance in the preservation of the Route 66 corridor.

(2) GUIDELINES FOR PRESERVATION NEEDS.—

(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs.

(B) BASIS.—The guidelines under subparagraph (A) may be based on national register standards, modified as appropriate to meet the needs for preservation of the Route 66 corridor.

(b) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of events that occurred along the Route 66 corridor.

(2) DESIGN.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

(c) GRANTS.—The Secretary shall—

(1) make cost-share grants for preservation of the Route 66 corridor available for resources that meet the guidelines under subsection (a); and

(2) provide information about existing cost-share opportunities.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.

VALLEY FORCE NATIONAL HISTORIC SITE

The Senate proceeded to consider the bill (S. 2401) to authorize the addition of the Paoli Battlefield in Malvern, Pennsylvania, to Valley Forge National Historic Park, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date on which funds are made available for the purpose, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the Paoli Battlefield Site and the Brandywine Battlefield Site in Pennsylvania.

(b) CONTENTS.—The study under subsection (a) shall—

(1) identify the full range of resources and historic themes associated with the battlefields and their relationship to the American Revolutionary War and the Valley Forge National Historical Park; and

(2) identify alternatives for National Park Service involvement at the sites and include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

AMENDMENT NO. 3801

(Purpose: To amend in the nature of a substitute, Calendar Number 637, S. 2401)

Strike all after the enacting clause and insert the following:

SECTION 1. ADDITION OF THE PAOLI BATTLEFIELD SITE TO THE VALLEY FORGE NATIONAL HISTORICAL PARK.

Section 2(a) of Public Law 94–337 (16 U.S.C. 410aa–1(a)) is amended in the first sentence by striking ''which shall'' and inserting ''and the area known as the 'Paoli Battlefield', located in the borough of Malvern, Pennsylvania, described as the ''Proposed Addition to Paoli Battlefield'' on the map numbered 71572 and dated 2–17–98, (referred to in this Act as the 'Paoli Battlefield'), which map shall''.

SEC. 2. COOPERATIVE MANAGEMENT OF PAOLI BATTLEFIELD.

Section 3 of Public Law (16 U.S.C. 410aa–2), is amended by adding at the end the following: ''The Secretary may enter into a cooperative agreement with the borough of Malvern, Pennsylvania for the management by the borough of the Paoli Battlefield.''.

SEC. 3. ACQUISITION OF LAND FOR PAOLI BATTLEFIELD.

Section 4(a) of Public Law 94–337 (16 U.S.C. 410aa–3) is amended by striking ''not more than $13,895,000 for the acquisition of lands and interests in lands'' and inserting ''not more than—

''(1) $13,895,000 for the acquisition of land and interests in land; and

''(2) if non-Federal funds in the amount of not less than $1,000,000 are available for the acquisition and donation to the National Park Service of land and interests in land within the Paoli Battlefield, $2,500,000 for the acquisition of land interests in land within the Paoli Battlefield''.

The amendment (No. 3801) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 2401), as amended, was considered read the third time and passed.

OREGON PUBLIC LAND TRANSFER AND PROTECTION ACT OF 1998

The Senate proceeded to consider the bill (S. 2513) to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon.

AMENDMENT NO. 3802

(Purpose: To direct the Secretary of the Interior to sell certain land at fair market value to Deschutes County, Oregon and make technical corrections)

On page 2, before line 3, insert the following:

TITLE III—CONVEYANCE TO DESCHUTES COUNTY, OREGON

Sec. 301. Conveyance to Deschutes County, Oregon.

On page 2, strike lines 11 through 13 and insert the following:

depicted on the map entitled ''BLM/Rogue River NF Administrative Jurisdiction Transfer, North Half'' and dated April 28, 1998, and the map entitled ''BLM/Rogue River NF Administrative Jurisdiction Transfer, South Half'' and dated April 28, 1998, consisting of approximately

On page 3, strike lines 13 through 16 and insert the following:

(1) LAND TRANSFER.—The Federal land depicted on the maps described in subsection (a)(1), consisting of approximately 1,632

On page 4, strike lines 9 through 11 and insert the following:

Federal land depicted on the maps described in subsection (a)(1), consisting of

On page 5, strike lines 9 through 11 and insert the following:

maps described in subsection (a)(1), consisting of approximately 960 acres within

On page 6, strike lines 15 and 16 and insert the following:

on the map entitled ''BLM/Rogue River NF Boundary Adjustment, North Half'' and dated April 28, 1998, and the map entitled ''BLM/Rogue River NF Boundary Adjustment, South Half'' and dated April 28, 1998.

On page 10, after line 3, add the following:

TITLE III—CONVEYANCE TO DESCHUTES COUNTY, OREGON

SEC. 301. CONVEYANCE TO DESCHUTES COUNTY, OREGON.

(a) PURPOSES.—The purposes of this section are to authorize the Secretary of the Interior to sell at fair market value to Deschutes County, Oregon, certain land to be used to protect the public's interest in clean water in the aquifer that provides drinking water for residents and to promote the public interest in the efficient delivery of social services and public amenities in southern Deschutes County, Oregon, by—

(1) providing land for private residential development to compensate for development prohibitions on private land currently zoned for residential development the development of which would cause increased pollution of ground and surface water;

(2) providing for the streamlined and low-cost acquisition of land by nonprofit and governmental social service entities that offer needed community services to residents of the area;

(3) allowing the County to provide land for community amenities and services such as open space, parks, roads, and other public spaces and uses to area residents at little or no cost to the public; and

(4) otherwise assist in the implementation of the Deschutes County Regional Problem Solving Project.

(b) SALE OF LAND.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the ''Secretary'') may make available for sale at fair market value to Deschutes County, Oregon, the land in Deschutes County, Oregon (referred to in this section as the ''County''), comprising approximately 544 acres and lying in Township 22, S., Range 10 E. Willamette Meridian, described as follows:

(A) Sec. 1:

(i) Government Lot 3, the portion west of Highway 97;

(ii) Government Lot 4;

(iii) SENW, the portion west of Highway 97; SWNW, the portion west of Highway 97, NWSW, the portion west of Highway 97; SWSW, the portion west of Highway 97;

(B) Sec. 2:

(i) Government Lot 1;

(ii) SENE, SESW, the portion east of Huntington Road; NESE; NWSE; SWSE; SESE, the portion west of Highway 97;

(C) Sec. 11:

(i) Government Lot 10;

(ii) NENE, the portion west of Highway 97; NWNE; SWNE, the portion west of Highway 97; NENW, the portion east of Huntington

Road; SWNW, the portion east of Huntington Road; SENW.

(2) SUITABILITY FOR SALE.—The Secretary shall convey the land under paragraph (1) only if the Secretary determines that the land is suitable for sale through the land use planning process.

(c) SPECIAL ACCOUNT.—The amount paid by the County for the conveyance of land under subsection (b)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) may be used by the Secretary for the purchase of environmentally sensitive land east of Range Nine East in the State of Oregon that is consistent with the goals and objectives of the land use planning process of the Bureau of Land Management.

Mr. WYDEN. Mr. President, I am joined by my Oregon colleague, Senator SMITH, in offering an amendment to S. 2513. My amendment will provide the critical final step to enable Deschutes County, Oregon, in the completion of more than three years of intense work that they have done to find an effective way to protect their groundwater and wetlands from inappropriate residential development.

Deschutes County has completed several years collaborative work to resolve a number of extraordinarily difficult land use problems in that county. In particular, the County faces the prospect of development of more than 13,000 subdivided lots in the vicinity of the Deschutes River in the southern half of the county. More than half of these lots have not yet been developed, and the county now knows that if it does not prevent the further development of these lands, they are going to have major, intractable pollution of the groundwater and of the Deschutes River.

The Oregon Department of Environmental Quality tells us that at present rates of growth, this area faces serious ground water quality problems over the next decade. Further, these lands constitute the most important wildlife and wetlands habitat in the area.

After several years of working with federal and state agencies and local citizens, under the authority of Oregon's Regional Problem Solving initiative, the County has come up with a plan to use incentives to shift development from these sensitive lands, over on to Bureau of Land Management lands that are not nearly so sensitive. Under this plan, the County will sell parcels of this land to prospective residential developers. However, before a developer may acquire a tract, the developer must have purchased ''development rights'' to lands in environmentally sensitive areas. Once these rights are acquired, the land will be rezoned so as to prevent any future development in the undesirable area.

In fact, the BLM lands have already been logged. The BLM lands are easily served by a wastewater collection system and have other features that make the location far more appropriate for development. Local BLM officials have been deeply involved in this effort and tell us that if it fails, the damage to the natural environment of the area will be substantial, and far more expensive to deal with later.

I particularly want to thank Senator SMITH, Senator BUMPERS, and Chairman MURKOWSKI for working with me at this late date to work out this provision. I want to express my deep appreciation to Governor John Kitzhaber, whose Regional Problem Solving initiative paved the way for this effort. And finally, I want to thank the staff at the Bureau of Land Management here in Washington, in Portland, and at the Prineville District for approaching this matter from the distinct perspective of the greater benefit to the environment that this legislation will achieve.

I also note the very active participation of Deschutes County Commissioner Linda Swearingen, Assistant County Attorney Bruce White, and Community Development Director George Read. They have provided critical help to get this measure approved, and certainly it is their vision for the future of Deschutes County that has gotten us where we are today.

The amendment (No. 3802) was agreed to.

The bill (S. 2513), as amended, was considered read the third time and passed, as follows:

S. 2513

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Oregon Public Land Transfer and Protection Act of 1998''.

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

TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS

SEC. 101. LAND TRANSFERS INVOLVING ROGUE RIVER NATIONAL FOREST AND OTHER PUBLIC LAND IN OREGON.

(a) TRANSFER FROM PUBLIC DOMAIN TO NATIONAL FOREST.—

(1) LAND TRANSFER.—The public domain land depicted on the map entitled ''BLM/Rogue River NF Administrative Jurisdiction Transfer, North Half'' and dated April 28, 1998, and the map entitled ''BLM/Rogue River NF Administrative Jurisdiction Transfer, South Half'' and dated April 28, 1998, consisting of approximately 2,058 acres within the external boundaries of Rogue River National Forest in the State of Oregon, is added to and made a part of Rogue River National Forest.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in paragraph (1) is transferred from the Secretary of the Interior to the Secretary of Agriculture.

(3) MANAGEMENT.—Subject to valid existing rights, the Secretary of Agriculture shall manage the land described in paragraph (1) as part of Rogue River National Forest in accordance with the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (36 Stat. 961, chapter 186), and other laws (including regulations) applicable to the National Forest System.

(b) TRANSFER FROM NATIONAL FOREST TO PUBLIC DOMAIN.—

(1) LAND TRANSFER.—The Federal land depicted on the maps described in subsection (a)(1), consisting of approximately 1,632 acres within the external boundaries of Rogue River National Forest, is transferred to unreserved public domain status, and the status of the land as part of Rogue River National Forest and the National Forest System is revoked.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in paragraph (1) is transferred from the Secretary of Agriculture to the Secretary of the Interior.

(3) MANAGEMENT.—Subject to valid existing rights, the Secretary of the Interior shall administer such land under the laws (including regulations) applicable to unreserved public domain land.

(c) RESTORATION OF STATUS OF CERTAIN NATIONAL FOREST LAND AS REVESTED RAILROAD GRANT LAND.—

(1) RESTORATION OF EARLIER STATUS.—The Federal land depicted on the maps described in subsection (a)(1), consisting of approximately 4,298 acres within the external boundaries of Rogue River National Forest, is restored to the status of revested Oregon and California Railroad grant land, and the status of the land as part of Rogue River National Forest and the National Forest System is revoked.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in paragraph (1) is transferred from the Secretary of Agriculture to the Secretary of the Interior.

(3) MANAGEMENT.—Subject to valid existing rights, the Secretary of the Interior shall administer the land described in paragraph (1) under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), and other laws (including regulations) applicable to revested Oregon and California Railroad grant land under the administrative jurisdiction of the Secretary of the Interior.

(d) ADDITION OF CERTAIN REVESTED RAILROAD GRANT LAND TO NATIONAL FOREST.—

(1) LAND TRANSFER.—The revested Oregon and California Railroad grant land depicted on the maps described in subsection (a)(1), consisting of approximately 960 acres within the external boundaries of Rogue River National Forest, is added to and made a part of Rogue River National Forest.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in paragraph (1) is transferred from the Secretary of the Interior to the Secretary of Agriculture.

(3) MANAGEMENT.—Subject to valid existing rights, the Secretary of Agriculture shall manage the land described in paragraph (1) as part of Rogue River National Forest in accordance with the Act of March 1, 1911 (36 Stat. 961, chapter 186), and other laws (including regulations) applicable to the National Forest System.

(4) DISTRIBUTION OF RECEIPTS.—Notwithstanding the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 and section 13 of the Act of March 1, 1911 (16 U.S.C. 500), revenues derived from the

land described in paragraph (1) shall be distributed in accordance with the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(e) BOUNDARY ADJUSTMENT.—The boundaries of Rogue River National Forest are adjusted to encompass the land transferred to the administrative jurisdiction of the Secretary of Agriculture under this section and to exclude private property interests adjacent to the exterior boundaries of Rogue River National Forest, as depicted on the map entitled ''BLM/Rogue River NF Boundary Adjustment, North Half'' and dated April 28, 1998, and the map entitled ''BLM/Rogue River NF Boundary Adjustment, South Half'' and dated April 28, 1998.

(f) MAPS.—Not later than 60 days after the date of enactment of this Act, the maps described in this section shall be available for public inspection in the office of the Chief of the Forest Service.

(g) MISCELLANEOUS REQUIREMENTS.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall—

(1) revise the public land records relating to the land transferred under this section to reflect the administrative, boundary, and other changes made by this section; and

(2) publish in the Federal Register appropriate notice to the public of the changes in administrative jurisdiction made by this section with regard to the land.

TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND

SEC. 201. DEFINITIONS.

In this title:

(1) O & C LAND.—The term ''O & C land'' means the land (commonly known as ''Oregon and California Railroad grant land'') that—

(A) revested in the United States under the Act of June 9, 1916 (39 Stat. 218, chapter 137); and

(B) is managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) CBWR LAND.—The term ''CBWR land'' means the land (commonly known as ''Coos Bay Wagon Road grant land'') that—

(A) was reconveyed to the United States under the Act of February 26, 1919 (40 Stat. 1179, chapter 47); and

(B) is managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(3) PUBLIC DOMAIN LAND.—

(A) IN GENERAL.—The term ''public domain land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(B) EXCLUSIONS.—The term ''public domain land'' does not include O & C land or CBWR land.

(4) GEOGRAPHIC AREA.—The term ''geographic area'' means the area in the State of Oregon within the boundaries of the Medford District, Roseburg District, Eugene District, Salem District, Coos Bay District, and Klamath Resource Area of the Lakeview District of the Bureau of Land Management, as the districts and the resource area were constituted on January 1, 1998.

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

SEC. 202. NO NET LOSS OF O & C LAND, CBWR LAND, OR PUBLIC DOMAIN LAND.

In carrying out sales, purchases, and exchanges of land in the geographic area, the Secretary shall ensure that on expiration of the 10-year period beginning on the date of enactment of this Act and on expiration of each 10-year period thereafter, the number of acres of O & C land and CBWR land in the geographic area, and the number of acres of O & C land, CBWR land, and public domain land in the geographic area that are available for timber harvesting, are not less than the number of acres of such land on the date of enactment of this Act.

SEC. 203. RELATIONSHIP TO UMPQUA LAND EXCHANGE AUTHORITY.

Notwithstanding any other provision of this title, this title shall not apply to an exchange of land authorized under section 1028 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4231), or any implementing legislation or administrative rule, if the land exchange is consistent with the memorandum of understanding between the Umpqua Land Exchange Project and the Association of Oregon and California Land Grant Counties dated February 19, 1998.

TITLE III—CONVEYANCE TO DESCHUTES COUNTY, OREGON

SEC. 301. CONVEYANCE TO DESCHUTES COUNTY, OREGON.

(a) PURPOSES.—The purposes of this section are to authorize the Secretary of the Interior to sell at fair market value to Deschutes County, Oregon, certain land to be used to protect the public's interest in clean water in the aquifer that provides drinking water for residents and to promote the public interest in the efficient delivery of social services and public amenities in southern Deschutes County, Oregon, by—

(1) providing land for private residential development to compensate for development prohibitions on private land currently zoned for residential development the development of which would cause increased pollution of ground and surface water;

(2) providing for the streamlined and low-cost acquisition of land by nonprofit and governmental social service entities that offer needed community services to residents of the area;

(3) allowing the County to provide land for community amenities and services such as open space, parks, roads, and other public spaces and uses to area residents at little or no cost to the public; and

(4) otherwise assist in the implementation of the Deschutes County Regional Problem Solving Project.

(b) SALE OF LAND.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the ''Secretary'') may make available for sale at fair market value to Deschutes County, Oregon, the land in Deschutes County, Oregon (referred to in this section as the ''County''), comprising approximately 544 acres and lying in Township 22, S., Range 10 E. Willamette Meridian, described as follows:

(A) Sec. 1:

(i) Government Lot 3, the portion west of Highway 97;

(ii) Government Lot 4;

(iii) SENW, the portion west of Highway 97; SWNW, the portion west of Highway 97, NWSW, the portion west of Highway 97; SWSW, the portion west of Highway 97;

(B) Sec. 2:

(i) Government Lot 1;

(ii) SENE, SESW, the portion east of Huntington Road; NESE; NWSE; SWSE; SESE, the portion west of Highway 97;

(C) Sec. 11:

(i) Government Lot 10;

(ii) NENE, the portion west of Highway 97; NWNE; SWNE, the portion west of Highway 97; NENW, the portion east of Huntington Road; SWNW, the portion east of Huntington Road; SENW.

(2) SUITABILITY FOR SALE.—The Secretary shall convey the land under paragraph (1) only if the Secretary determines that the land is suitable for sale through the land use planning process.

(c) SPECIAL ACCOUNT.—The amount paid by the County for the conveyance of land under subsection (b)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) may be used by the Secretary for the purchase of environmentally sensitive land east of Range Nine East in the State of Oregon that is consistent with the goals and objectives of the land use planning process of the Bureau of Land Management.

VITIATION OF PASSAGE OF S. 2131

Mr. LOTT. I ask unanimous consent that passage of S. 2131 be vitiated.

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

WATER RESOURCES DEVELOPMENT ACT OF 1998

Mr. LOTT. Mr. President, I further ask unanimous consent that the Senate now proceed to the consideration of S. 2131, and ask that the substitute amendment, which is at the desk, be agreed to, the bill be read a third time and passed, with the motion to reconsider laid upon the table.

I note that this legislation passed last evening, and this is a housekeeping matter to allow this matter to be received by the House quickly.

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

AMENDMENT NO. 3803

(The text of the amendment is printed in today's RECORD under ''Amendments submitted.'')

Mr. LAUTENBERG. Mr. President, I am pleased to join in support of the Water Resources Development Act of 1998, one of the most important public works measures before the Senate. This important measure was approved this summer by the Committee on Environment and Public Works, on which I serve.

This legislation includes authorizations for numerous water resources projects important to my state. Three shoreline protection projects which will protect property, wildlife habitat, and contribute to New Jersey's coastal economy are authorized to proceed to construction.

Mr. President, I am pleased that this Committee has addressed a serious policy disagreement with the Administration over funding for shore protection projects. For the past five years, the Administration has requested no funding for new shore protection studies and has underfunded the construction work of ongoing projects. This year, the Administration proposed modifying the cost-share for shore protection projects to require the states and localities to finance the majority—65 percent, of the costs of periodic renourishment. This activity is the most expensive portion of the project, since these projects generally receive 3–5 year renourishments over their 50-year period.

I disagreed with this approach because I believed that it was unfair to

those communities that had planned for these projects and expected a true partnership with the federal government. During the consideration of this bill in Committee, I offered an amendment to allow us to phase in a more reasonable cost-sharing formula for shore protection projects. Those projects which have a feasibility study completed by the end of 1998 or which are authorized to proceed to construction in this bill, will continue to be covered by the 65/35 cost-share formula through the life of the projects, just as all flood control projects are cost-shared. Those projects authorized subsequently will continue to receive the 65/35 cost-share formula for the initial construction. However, states will be required to provide 50 percent—just five percent more of the costs—for periodic renourishment. While I was disappointed that we could not maintain the current cost share for all projects, I believe that the committee's proposal is fairer to the communities and states that have planned for these projects. We have authorized many shore protection projects that have only moved forward because of the efforts of Congress. I sincerely hope that our action today moves the Administration forward to begin planning and budgeting for these projects.

The bill also provides necessary authorization adjustments for projects critical to the movement of cargo through the Port of New York and New Jersey as proposed by Senator MOYNIHAN and I. The port annually handles 1.4 million containers and 30 billion gallons of petroleum products and is the gateway to a thriving economy for New Jersey, New York, and the entire country. By the year 2010, experts predict that 90 percent of all liner freight will be shipped in containers. The bill's amendments are important to addressing the increasing cost of dredged material disposal in light of the moratorium on ocean disposal.

In addition, the bill authorizes flood control studies important to numerous communities in my state. The bill provides for a study of flood control measures in the Repaupo Creek. This waterway contains a deteriorating 76-year old floodgate, which, if breached, threatens the communities of Greenwich, East Greenwich, Harrison, and Logan, Mantua, and Woolwich. Another important study of the Delaware River streams and watersheds in Camden and Gloucester Counties is authorized in the bill. The bill also includes a study of navigational needs along the Fortescue Inlet of the Delaware Bay.

Mr. President, the State of New Jersey, local governments and regional authorities have been carefully planning and budgeting for the critical projects that this bill authorizes. Any further delays could have an adverse impact on the economies of regions that are affected by these projects. I urge my colleagues to support this legislation.

I want to thank the Chairman, Senator CHAFEE, the Ranking Member, Senator BAUCUS, and the Subcommittee Chairman, Senator WARNER, and their staff members for their hard work on this bill. The members of the committee staff, including Dan Delich, Ann Loomis, and Jo-Ellen Darcy were extremely helpful and professional, putting in many long hours to produce a bill that benefits communities across the country.

Mr. MACK. Mr. President, I rise today in support of the Water Resources Development Act of 1998 (WRDA 98). WRDA 98 recognizes the importance of Florida's natural resources—through the authorization of projects and studies related to the Everglades, flood control, shore protection and water supply.

The investment Congress has made in the Everglades is significant. The authorization of the extension of the Everglades' Critical Restoration Projects is important because there are many stakeholders involved. The Senate, through WRDA 98, sends a clear message that this investment is important.

WRDA 98 recognizes the leadership Florida provides in the development of water resources by authorizing Aquifer Storage & Recovery projects in South Florida, as well as a deep water storage project in the Caloosahatchee River basin. These projects provide the important and necessary next steps to continue the progress made in the restoration of the Everglades.

Finally, a critical Alternative Water Source provision provides the necessary framework for developing a sustainable water supply as Florida continues to experience unprecedented growth. In total, WRDA 98 provides for the authorization of 23 projects in Florida to meet important shore protection, flood control and water supply needs in the State.

The amendment (No. 3803) was agreed to.

The bill (S. 2131), as amended, was considered read the third time and passed, as follows:

S. 2131

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 1998''.

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

TITLE I—WATER RESOURCES DEVELOPMENT

SEC. 101. DEFINITION.

In this title, the term ''Secretary'' means the Secretary of the Army.

SEC. 102. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) RIO SALADO (SALT RIVER), ARIZONA.—The project for environmental restoration, Rio Salado (Salt River), Arizona: Report of the Chief of Engineers, dated August 20, 1998, at a total cost of $85,900,000, with an estimated Federal cost of $54,980,000 and an estimated non-Federal cost of $30,920,000.

(2) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction described as the Folsom Stepped Release Plan in the United States Army Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $464,600,000, with an estimated Federal cost of $302,000,000 and an estimated non-Federal cost of $162,600,000.

(B) IMPLEMENTATION.—

(i) IN GENERAL.—Implementation of the measures by the Secretary pursuant to subparagraph (A) shall be undertaken after completion of the levee stabilization and strengthening and flood warning features authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662).

(ii) FOLSOM DAM AND RESERVOIR.—The Secretary may undertake measures at the Folsom Dam and Reservoir authorized under subparagraph (A) only after reviewing the design of such measures to determine if modifications are necessary to account for changed hydrologic conditions and any other changed conditions in the project area, including operational and construction impacts that have occurred since completion of the report referred to in subparagraph (A). The Secretary shall conduct the review and develop the modifications to the Folsom Dam and Reservoir with the full participation of the Secretary of the Interior.

(iii) REMAINING DOWNSTREAM ELEMENTS.—

(I) IN GENERAL.—Implementation of the remaining downstream elements authorized pursuant to subparagraph (A) may be undertaken only after the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed the elements to determine if modifications are necessary to address changes in the hydrologic conditions, any other changed conditions in the project area that have occurred since completion of the report referred to in subparagraph (A) and any design modifications for the Folsom Dam and Reservoir made by the Secretary in implementing the measures referred to in clause (ii), and has issued a report on the review.

(II) PRINCIPLES AND GUIDELINES.—The review shall be prepared in accordance with the economic and environmental principles and guidelines for water and related land resources implementation studies, and no construction may be initiated unless the Secretary determines that the remaining downstream elements are technically sound, environmentally acceptable, and economically justified.

(3) LLAGAS CREEK, CALIFORNIA.—The project for completion of the remaining reaches of the Natural Resources Conservation Service flood control project at Llagas Creek, California, undertaken pursuant to section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), substantially in accordance with the requirements of local cooperation as specified in section 4 of that Act (16 U.S.C. 1004) at a total cost of $34,300,000, with an estimated Federal cost of $16,600,000 and an estimated non-Federal share of $17,700,000.

(4) UPPER GUADALUPE RIVER, CALIFORNIA.—The Secretary may construct the locally preferred plan for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 18, 1998, at a total cost of $132,836,000, with an estimated Federal cost of $42,869,000 and an estimated non-Federal cost of $89,967,000.

(5) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—

(A) IN GENERAL.—The shore protection project for hurricane and storm damage reduction, Delaware Bay Coastline: Delaware and New Jersey-Broadkill Beach, Delaware, Report of the Chief of Engineers dated August 17, 1998, at a total cost of $8,871,000, with an estimated Federal cost of $5,593,000 and an estimated non-Federal cost of $3,278,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $651,000, with an estimated annual Federal cost of $410,000 and an estimated annual non-Federal cost of $241,000.

(6) HILLSBORO AND OKEECHOBEE AQUIFER STORAGE AND RECOVERY PROJECT, FLORIDA.—The project for aquifer storage and recovery described in the United States Army Corps of Engineers Central and Southern Florida Water Supply Study, Florida, dated April 1989, and in House Document 369, dated July 30, 1968, at a total cost of $27,000,000, with an estimated Federal cost of $13,500,000 and an estimated non-Federal cost of $13,500,000.

(7) INDIAN RIVER COUNTY, FLORIDA.—Notwithstanding section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)), the project for shoreline protection, Indian River County, Florida, authorized by section 501(a) of that Act (100 Stat. 4134), shall remain authorized for construction through December 31, 2002.

(8) LIDO KEY BEACH, SARASOTA, FLORIDA.—

(A) IN GENERAL.—The project for shore protection at Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819) and deauthorized by operation of section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary at a total cost of $5,200,000, with an estimated Federal cost of $3,380,000 and an estimated non-Federal cost of $1,820,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $602,000, with an estimated annual Federal cost of $391,000 and an estimated annual non-Federal cost of $211,000.

(9) AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.—The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed: Report of the Chief of Engineers, dated December 23, 1996, at a total cost of $110,045,000, with an estimated Federal cost of $71,343,000 and an estimated non-Federal cost of $38,702,000.

(10) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—The project for navigation, Baltimore Harbor Anchorages and Channels, Maryland and Virginia: Report of the Chief of Engineers, dated June 8, 1998, at a total cost of $27,692,000, with an estimated Federal cost of $18,510,000 and an estimated non-Federal cost of $9,182,000.

(11) RED LAKE RIVER AT CROOKSTON, MINNESOTA.—The project for flood damage reduction, Red Lake River at Crookston, Minnesota: Report of the Chief of Engineers, dated April 20, 1998, at a total cost of $8,720,000, with an estimated Federal cost of $5,567,000 and an estimated non-Federal cost of $3,153,000.

(12) PARK RIVER, NORTH DAKOTA.—

(A) IN GENERAL.—Subject to the condition stated in subparagraph (B), the project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized under section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), at a total cost of $27,300,000, with an estimated Federal cost of $17,745,000 and an estimated non-Federal cost of $9,555,000.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions recommended in a final report of the Chief of Engineers as approved by the Secretary, if the report of the Chief is completed not later than December 31, 1998.

(1) NOME HARBOR IMPROVEMENTS, ALASKA.—The project for navigation, Nome Harbor Improvements, Alaska, at a total cost of $24,280,000, with an estimated first Federal cost of $19,162,000 and an estimated first non-Federal cost of $5,118,000.

(2) SAND POINT HARBOR, ALASKA.—The project for navigation, Sand Point Harbor, Alaska, at a total cost of $11,463,000, with an estimated Federal cost of $6,718,000 and an estimated first non-Federal cost of $4,745,000.

(3) SEWARD HARBOR, ALASKA.—The project for navigation, Seward Harbor, Alaska, at a total cost of $11,930,000, with an estimated first Federal cost of $3,816,000 and an estimated first non-Federal cost of $8,114,000.

(4) HAMILTON AIRFIELD WETLAND RESTORATION, CALIFORNIA.—The project for environmental restoration at Hamilton Airfield, California, at a total cost of $55,100,000, with an estimated Federal cost of $41,300,000 and an estimated non-Federal cost of $13,800,000.

(5) OAKLAND, CALIFORNIA.—

(A) IN GENERAL.—The project for navigation and environmental restoration, Oakland, California, at a total cost of $214,900,000, with an estimated Federal cost

of $128,600,000 and an estimated non-Federal cost of $86,300,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $38,200,000.

(6) SOUTH SACRAMENTO COUNTY STREAMS, CALIFORNIA.—The project for flood damage reduction, environmental restoration, and recreation, South Sacramento County Streams, California at a total cost of $65,410,000, with an estimated Federal cost of $39,104,000 and an estimated non-Federal cost of $26,306,000.

(7) YUBA RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Yuba River Basin, California, at a total cost of $25,850,000, with an estimated Federal cost of $16,775,000 and an estimated non-Federal cost of $9,075,000.

(8) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-PORT MAHON, DELAWARE.—

(A) IN GENERAL.—The shore protection project for ecosystem restoration, Delaware Bay Coastline: Delaware and New Jersey-Port Mahon, Delaware, at a total cost of $7,563,000, with an estimated Federal cost of $4,916,000 and an estimated non-Federal cost of $2,647,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $238,000, with an estimated annual Federal cost of $155,000 and an estimated annual non-Federal cost of $83,000.

(9) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—

(A) IN GENERAL.—The shore protection project for navigation mitigation and hurricane and storm damage reduction, Delaware Bay Coastline: Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware, at a total cost of $3,326,000, with an estimated Federal cost of $2,569,000 and an estimated non-Federal cost of $757,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $207,000, with an estimated annual Federal cost of $159,000 and an estimated annual non-Federal cost of $48,000.

(10) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—

(A) IN GENERAL.—The shore protection project for hurricane storm damage reduction, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware, at a total cost of $22,094,000, with an estimated Federal cost of $14,361,000 and an estimated non-Federal cost of $7,733,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,573,000, with an estimated annual Federal cost of $1,022,000 and an estimated annual non-Federal cost of $551,000.

(11) JACKSONVILLE HARBOR, FLORIDA.—The project for navigation, Jacksonville Harbor, Florida, at a total cost of $27,758,000, with an estimated Federal cost of $9,632,000 and an estimated non-Federal cost of $18,126,000.

(12) LITTLE TALBOT ISLAND, DUVAL COUNTY, FLORIDA.—The shore protection project for hurricane and storm damage prevention, Little Talbot Island, Duval County, Florida, at a total cost of $5,802,000, with an estimated Federal cost of $3,771,000 and an estimated non-Federal cost of $2,031,000.

(13) PONCE DE LEON INLET, VOLUSIA COUNTY, FLORIDA.—The project for navigation and recreation, Ponce de Leon Inlet, Volusia County, Florida, at a total cost of $5,533,000, with an estimated Federal cost of $3,408,000 and an estimated non-Federal cost of $2,125,000.

(14) TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.—The project for navigation, Tampa Harbor-Big Bend Channel, Florida, at a total cost of $11,348,000, with an estimated Federal cost of $5,747,000 and an estimated non-Federal cost of $5,601,000.

(15) BRUNSWICK HARBOR DEEPENING, GEORGIA.—The project for navigation, Brunswick Harbor deepening, Georgia, at a total cost of $49,433,000, with an estimated Federal cost of $32,083,000 and an estimated non-Federal cost of $17,350,000.

(16) SAVANNAH HARBOR EXPANSION, GEORGIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may carry out the project for navigation, Savannah Harbor expansion, Georgia, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, with such modifications as the Secretary deems appropriate, at a total cost of $223,887,000 (of which amount a portion is authorized for implementation of the mitigation plan), with an estimated Federal cost of $141,482,000 and an estimated non-Federal cost of $82,405,000, if the final report of the Chief of Engineers is completed by December 31, 1998.

(B) CONDITIONS.—The project authorized by subparagraph (A) may be carried out only after—

(i) the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed and approved an Environmental Impact Statement that includes—

(I) an analysis of the impacts of project depth alternatives ranging from 42 feet through 48 feet; and

(II) a selected plan for navigation and associated mitigation plan as required by section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283); and

(ii) the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, with the Secretary, have approved the selected plan and have determined that the mitigation plan adequately addresses the potential environmental impacts of the project.

(C) MITIGATION REQUIREMENTS.—The mitigation plan shall be implemented in advance of or concurrently with construction of the project.

(17) GRAND FORKS, NORTH DAKOTA, AND EAST GRAND FORKS, MINNESOTA.—The project for flood damage reduction and recreation, Grand Forks, North Dakota, and East Grand Forks, Minnesota, at a total cost of $307,750,000, with an estimated Federal cost of $154,360,000 and an estimated non-Federal cost of $153,390,000.

(18) BAYOU CASSOTTE EXTENSION, PASCAGOULA HARBOR, PASCAGOULA, MISSISSIPPI.—The project for navigation, Bayou Cassotte extension, Pascagoula Harbor, Pascagoula, Mississippi, at a total cost of $5,700,000, with an estimated Federal cost of $3,705,000 and an estimated non-Federal cost of $1,995,000.

(19) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, at a total cost of $43,288,000 with an estimated Federal cost of $28,840,000 and an estimated non-Federal cost of $17,448,000.

(20) LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.—

(A) IN GENERAL.—The shore protection project for navigation mitigation, ecosystem restoration, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, at a total cost of $14,885,000, with an estimated Federal cost of $11,390,000 and an estimated non-Federal cost of $3,495,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $4,565,000, with an estimated annual Federal cost of $3,674,000 and an estimated annual non-Federal cost of $891,000.

(21) NEW JERSEY SHORE PROTECTION, BRIGANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE ISLAND, NEW JERSEY.—

(A) IN GENERAL.—The shore protection project for hurricane and storm damage reduction, New Jersey Shore protection, Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, at a total cost of $4,861,000, with an estimated Federal cost of $3,160,000 and an estimated non-Federal cost of $1,701,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $454,000, with an estimated annual Federal cost of $295,000 and an estimated annual non-Federal cost of $159,000.

(22) NEW JERSEY SHORE PROTECTION, TOWNSENDS INLET TO CAPE MAY INLET, NEW JERSEY.—

(A) IN GENERAL.—The shore protection project for hurricane and storm damage reduction and ecosystem restoration, New Jersey Shore protection, Townsends Inlet to Cape May Inlet, New Jersey, at a total cost of $55,204,000, with an estimated Federal cost of $35,883,000 and an estimated non-Federal cost of $19,321,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $6,319,000, with an estimated annual Federal cost of $4,107,000 and an estimated annual non-Federal cost of $2,212,000.

(23) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—

(A) IN GENERAL.—Subject to subparagraph (B), the project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145) and deauthorized under section 1001(a) of that Act (33 U.S.C. 579a(a)) is authorized to be carried out by the Secretary.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(24) METRO CENTER LEVEE, CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—The project for flood damage reduction and recreation, Metro Certer Levee, Cumberland River, Nashville, Tennessee, at a total cost of $5,931,000, with an estimated Federal cost of $3,753,000 and an estimated non-Federal cost of $2,178,000.

(25) HOWARD HANSON DAM, WASHINGTON.—The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, at a total cost of $74,908,000, with an estimated Federal cost of $36,284,000 and an estimated non-Federal cost of $38,624,000.

SEC. 103. PROJECT MODIFICATIONS.

(a) PROJECTS WITH REPORTS.—

(1) GLENN-COLUSA, CALIFORNIA.—The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled ''An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes'', approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), and further modified by section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat.

3709), is further modified to authorize the Secretary to carry out the portion of the project in Glenn-Colusa, California, in accordance with the Corps of Engineers report dated May 22, 1998, at a total cost of $20,700,000, with an estimated Federal cost of $15,570,000 and an estimated non-Federal cost of $5,130,000.

(2) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to authorize the Secretary to include as a part of the project streambank erosion control measures to be undertaken substantially in accordance with the report entitled ''Bank Stabilization Concept, Laurel Street Extension'', dated April 23, 1998, at a total cost of $4,000,000, with an estimated Federal cost of $2,600,000 and an estimated non-Federal cost of $1,400,000.

(3) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska, authorized by section 101(a)(19) of the Water Resources Development Act of 1996 (110 Stat. 3665) is modified to authorize the Secretary to construct the project in accordance with the Corps of Engineers report dated June 29, 1998, at a total cost of $16,632,000, with an estimated Federal cost of $9,508,000 and an estimated non-Federal cost of $7,124,000.

(4) ABSECON ISLAND, NEW JERSEY.—The project for Absecon Island, New Jersey, authorized by section 101(b)(13) of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended to authorize the Secretary to reimburse the non-Federal interests for all work performed, consistent with the authorized project.

(5) WAURIKA LAKE, OKLAHOMA, WATER CONVEYANCE FACILITIES.—The requirement for the Waurika Project Master Conservancy District to repay the $2,900,000 in costs (including interest) resulting from the October 1991 settlement of the claim of the Travelers Insurance Company before the United States Claims Court related to construction of the water conveyance facilities authorized by the first section of Public Law 88–253 (77 Stat. 841) is waived.

(b) PROJECTS SUBJECT TO REPORTS.—The following projects are modified as follows, except that no funds may be obligated to carry out work under such modifications until completion of a final report by the Chief of Engineers, as approved by the Secretary, finding that such work is technically sound, environmentally acceptable, and economically justified, as applicable:

(1) SACRAMENTO METRO AREA, CALIFORNIA.—The project for flood control, Sacramento Metro Area, California, authorized by section 101(4) of the Water Resources Development Act of 1992 (106 Stat. 4801) is modified to authorize the Secretary to construct the project at a total cost of $32,600,000, with an estimated Federal cost of $24,500,000 and an estimated non-Federal cost of $8,100,000.

(2) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—

(A) IN GENERAL.—The Thornton Reservoir project, an element of the project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to include additional permanent flood control storage attributable to the Thorn Creek Reservoir project, Little Calumet River Watershed, Illinois, approved under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.).

(B) COST SHARING.—Costs for the Thornton Reservoir project shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(C) TRANSITIONAL STORAGE.—The Secretary of Agriculture may cooperate with non-Federal interests to provide, on a transitional basis, flood control storage for the Thorn Creek Reservoir project in the west lobe of the Thornton quarry.

(D) CREDITING.—The Secretary may credit against the non-Federal share of the Thornton Reservoir project all design and construction costs incurred by the non-Federal interests before the date of enactment of this Act.

(E) REEVALUATION REPORT.—The Secretary shall determine the credits authorized by subparagraph (D) that are integral to the Thornton Reservoir project and the current total project costs based on a limited reevaluation report.

(3) WELLS HARBOR, WELLS, MAINE.—

(A) IN GENERAL.—The project for navigation, Wells Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is modified to authorize the Secretary to realign the channel and anchorage areas based on a harbor design capacity of 150 craft.

(B) DEAUTHORIZATION OF CERTAIN PORTIONS.—The following portions of the project are not authorized after the date of enactment of this Act:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,992.00, E394,831.00, thence running south 83 degrees 58 minutes 14.8 seconds west 10.38 feet to a point N177,990.91, E394,820.68, thence running south 11 degrees 46 minutes 47.7 seconds west 991.76 feet to a point N177,020.04, E394,618.21, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,018.00, E394,628.00, thence running north 11 degrees 46 minutes 22.8 seconds east 994.93 feet to the point of origin.

(ii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N177,778.07, E394,336.96, thence running south 51 degrees 58 minutes 32.7 seconds west 15.49 feet to a point N177,768.53, E394,324.76, thence running south 11 degrees 46 minutes 26.5 seconds west 672.87 feet to a point N177,109.82, E394,187.46, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,107.78, E394,197.25, thence running north 11 degrees 46 minutes 25.4 seconds east 684.70 feet to the point of origin.

(iii) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,107.78, E394,197.25, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,109.82, E394,187.46, thence running south 11 degrees 46 minutes 15.7 seconds west 300.00 feet to a point N176,816.13, E394,126.26, thence running south 78 degrees 12 minutes 21.4 seconds east 9.98 feet to a point N176,814.09, E394,136.03, thence running north 11 degrees 46 minutes 29.1 seconds east 300.00 feet to the point of origin.

(iv) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,018.00, E394,628.00, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,020.04, E394,618.21, thence running south 11 degrees 46 minutes 44.0 seconds west 300.00 feet to a point N176,726.36, E394,556.97, thence running south 78 degrees 12 minutes 30.3 seconds east 10.03 feet to a point N176,724.31, E394,566.79, thence running north 11 degrees 46 minutes 22.4 seconds east 300.00 feet to the point of origin.

(C) REDESIGNATIONS.—The following portions of the project shall be redesignated as part of the 6-foot anchorage:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,990.91, E394,820.68, thence running south 83 degrees 58 minutes 40.8 seconds west 94.65 feet to a point N177,980.98, E394,726.55, thence running south 11 degrees 46 minutes 22.4 seconds west 962.83 feet to a point N177,038.40, E394,530.10, thence running south 78 degrees 13 minutes 45.7 seconds east 90.00 feet to a point N177,020.04, E394,618.21, thence running north 11 degrees 46 minutes 47.7 seconds east 991.76 feet to the point of origin.

(ii) The portion of the 10-foot inner harbor settling basin the boundaries of which begin at a point with coordinates N177,020.04, E394,618.21, thence running north 78 degrees 13 minutes 30.5 seconds west 160.00 feet to a point N177,052.69, E394,461.58, thence running south 11 degrees 46 minutes 45.4 seconds west 299.99 feet to a point N176,759.02, E394,400.34, thence running south 78 degrees 13 minutes 17.9 seconds east 160 feet to a point N176,726.36, E394,556.97, thence running north 11 degrees 46 minutes 44.0 seconds east 300.00 feet to the point of origin.

(iii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N178,102.26, E394,751.83, thence running south 51 degrees 59 minutes 42.1 seconds west 526.51 feet to a point N177,778.07, E394,336.96, thence running south 11 degrees 46 minutes 26.6 seconds west 511.83 feet to a point N177,277.01, E394,232.52, thence running south 78 degrees 13 minutes 17.9 seconds east 80.00 feet to a point N177,260.68, E394,310.84, thence running north 11 degrees 46 minutes 24.8 seconds east 482.54 feet to a point N177,733.07, E394,409.30, thence running north 51 degrees 59 minutes 41.0 seconds east 402.63 feet to a point N177,980.98, E394,726.55, thence running north 11 degrees 46 minutes 27.6 seconds east 123.89 feet to the point of origin.

(D) REALIGNMENT.—The 6-foot anchorage area described in subparagraph (C)(iii) shall be realigned to include the area located south of the inner harbor settling basin in existence on the date of enactment of this Act beginning at a point with coordinates N176,726.36, E394,556.97, thence running north 78 degrees 13 minutes 17.9 seconds west 160.00 feet to a point N176,759.02, E394,400.34, thence running south 11 degrees 47 minutes 03.8 seconds west 45 feet to a point N176,714.97, E394,391.15, thence running south 78 degrees 13 minutes 17.9 seconds 160.00 feet to a point N176,682.31, E394,547.78, thence running north 11 degrees 47 minutes 03.8 seconds east 45 feet to the point of origin.

(E) RELOCATION.—The Secretary may relocate the settling basin feature of the project to the outer harbor between the jetties.

(4) NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.—The project for navigation, New York Harbor and Adjacent Channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to construct the project at a total cost of $100,689,000, with an estimated Federal cost of $74,998,000 and an estimated non-Federal cost of $25,701,000.

(5) ARTHUR KILL, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 301(b)(11) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to construct the project at a total cost of $269,672,000, with an estimated Federal cost of $178,400,000 and an estimated non-Federal cost of $91,272,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other

local service facilities necessary for the project at an estimated cost of $37,936,000.

(c) BEAVER LAKE, ARKANSAS, WATER SUPPLY STORAGE REALLOCATION.—The Secretary shall reallocate approximately 31,000 additional acre-feet at Beaver Lake, Arkansas, to water supply storage at no cost to the Beaver Water District or the Carroll-Boone Water District, except that at no time shall the bottom of the conservation pool be at an elevation that is less than 1,076 feet, NGVD.

(d) TOLCHESTER CHANNEL S-TURN, BALTIMORE, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to direct the Secretary to straighten the Tolchester Channel S-turn as part of project maintenance.

(e) TROPICANA WASH AND FLAMINGO WASH, NEVADA.—Any Federal costs associated with the Tropicana and Flamingo Washes, Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803), incurred by the non-Federal interest to accelerate or modify construction of the project, in cooperation with the Corps of Engineers, shall be considered to be eligible for reimbursement by the Secretary.

(f) REDIVERSION PROJECT, COOPER RIVER, CHARLESTON HARBOR, SOUTH CAROLINA.—

(1) IN GENERAL.—The rediversion project, Cooper River, Charleston Harbor, South Carolina, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) and modified by title I of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 517), is modified to authorize the Secretary to pay the State of South Carolina not more than $3,750,000, if the State enters into an agreement with the Secretary providing that the State shall perform all future operation of the St. Stephen, South Carolina, fish lift (including associated studies to assess the efficacy of the fish lift).

(2) CONTENTS.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Secretary to recover all or a portion of the payment if the State suspends or terminates operation of the fish lift or fails to perform the operation in a manner satisfactory to the Secretary.

(3) MAINTENANCE.—Maintenance of the fish lift shall remain a Federal responsibility.

(g) FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.—

(1) IN GENERAL.—

(A) LAND ACQUISITION.—To provide full operational capability to carry out the authorized purposes of the Missouri River Main Stem dams that are part of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'' approved December 22, 1944 (58 Stat. 891), the Secretary may acquire from willing sellers such land and property in the vicinity of Pierre, South Dakota, or floodproof or relocate such property within the project area, as the Secretary determines is adversely affected by the full wintertime Oahe Powerplant releases.

(B) OWNERSHIP AND USE.—Any land that is acquired under subparagraph (A) shall be kept in public ownership and shall be dedicated and maintained in perpetuity for a use that is compatible with any remaining flood threat.

(C) REPORT.—

(i) IN GENERAL.—The Secretary shall not obligate funds to implement this paragraph until the Secretary has completed a report addressing the criteria for selecting which properties are to be acquired, relocated, or floodproofed, and a plan for implementing such measures, and has made a determination that the measures are economically justified.

(ii) DEADLINE.—The report shall be completed not later than 180 days after funding is made available.

(D) COORDINATION AND COOPERATION.—The report and implementation plan—

(i) shall be coordinated with the Federal Emergency Management Agency; and

(ii) shall be prepared in consultation with other Federal agencies, State and local officials, and residents.

(E) CONSIDERATIONS.—The report should take into account information from prior and ongoing studies.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $35,000,000.

(h) TRINITY RIVER AND TRIBUTARIES, TEXAS.—The project for flood control and navigation, Trinity River and tributaries, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to add environmental restoration as a project purpose.

(i) BEACH EROSION CONTROL AND HURRICANE PROTECTION, VIRGINIA BEACH, VIRGINIA.—

(1) ACCEPTANCE OF FUNDS.—In any fiscal year that the Corps of Engineers does not receive appropriations sufficient to meet expected project expenditures for that year, the Secretary shall accept from the city of Virginia Beach, Virginia, for purposes of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), such funds as the city may advance for the project.

(2) REPAYMENT.—Subject to the availability of appropriations, the Secretary shall repay, without interest, the amount of any advance made under paragraph (1), from appropriations that may be provided by Congress for river and harbor, flood control, shore protection, and related projects.

(j) ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.—Notwithstanding any other provision of law, after the date of enactment of this Act, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of Elizabeth River, Chesapeake, Virginia.

(k) PAYMENT OPTION, MOOREFIELD, WEST VIRGINIA.—The Secretary may permit the non-Federal interests for the project for flood control, Moorefield, West Virginia, to pay without interest the remaining non-Federal cost over a period not to exceed 30 years, to be determined by the Secretary.

(l) MIAMI DADE AGRICULTURAL AND RURAL LAND RETENTION PLAN AND SOUTH BISCAYNE, FLORIDA.—Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768) is amended by adding at the end the following:

''(D) CREDIT AND REIMBURSEMENT OF PAST AND FUTURE ACTIVITIES.—The Secretary may afford credit to or reimburse the non-Federal sponsors (using funds authorized by subparagraph (C)) for the reasonable costs of any work that has been performed or will be performed in connection with a study or activity meeting the requirements of subparagraph (A) if—

''(i) the Secretary determines that—

''(I) the work performed by the non-Federal sponsors will substantially expedite completion of a critical restoration project; and

''(II) the work is necessary for a critical restoration project; and

''(ii) the credit or reimbursement is granted pursuant to a project-specific agreement that prescribes the terms and conditions of the credit or reimbursement.''.

(m) LAKE MICHIGAN, ILLINOIS.—

(1) IN GENERAL.—The project for storm damage reduction and shoreline protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to provide for reimbursement for additional project work undertaken by the non-Federal interest.

(2) CREDIT OR REIMBURSEMENT.—The Secretary shall credit or reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in designing, constructing, or reconstructing reach 2F (700 feet south of Fullerton Avenue and 500 feet north of Fullerton Avenue), reach 3M (Meigs Field), and segments 7 and 8 of reach 4 (43rd Street to 57th Street), if the non-Federal interest carries out the work in accordance with plans approved by the Secretary, at an estimated total cost of $83,300,000.

(3) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, before the signing of the project cooperation agreement, at an estimated total cost of $7,600,000.

(n) MEASUREMENTS OF LAKE MICHIGAN DIVERSIONS, ILLINOIS.—Section 1142(b) of the Water Resources Development Act of 1986 (100 Stat. 4253) is amended by striking ''$250,000 per fiscal year for each fiscal year beginning after September 30, 1986'' and inserting ''a total of $1,250,000 for each of fiscal years 1999 through 2003''.

(o) PROJECT FOR NAVIGATION, DUBUQUE, IOWA.—The project for navigation at Dubuque, Iowa, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is modified to authorize the development of a wetland demonstration area of approximately 1.5 acres to be developed and operated by the Dubuque County Historical Society or a successor nonprofit organization.

(p) LOUISIANA STATE PENITENTIARY LEVEE.—The Secretary may credit against the non-Federal share work performed in the project area of the Louisiana State Penitentiary Levee, Mississippi River, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117).

(q) JACKSON COUNTY, MISSISSIPPI.—The project for environmental infrastructure, Jackson County, Mississippi, authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835) and modified by section 504 of the Water Resources Development Act of 1996 (110 Stat. 3757), is modified to direct the Secretary to provide a credit, not to exceed $5,000,000, against the non-Federal share of the cost of the project for the costs incurred by the Jackson County Board of Supervisors since February 8, 1994, in constructing the project, if the Secretary determines that such costs are for work that the Secretary determines was compatible with and integral to the project.

(r) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—Except as otherwise provided in this paragraph, the Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in the parcels of land described in subparagraph (B) that are currently being managed by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by the Flood Control Act of 1966 and modified

by the Water Resources Development Act of 1986.

(2) LAND DESCRIPTION.—

(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21–1–93–0910 and associated supplemental agreements or are designated in red in Exhibit A of Army License No. DACW21–3–85–1904, excluding all designated parcels in the license that are below elevation 346 feet mean sea level or that are less than 300 feet measured horizontally from the top of the power pool.

(B) MANAGEMENT OF EXCLUDED PARCELS.—Management of the excluded parcels shall continue in accordance with the terms of Army License No. DACW21–3–85–1904 until the Secretary and the State enter into an agreement under subparagraph (F).

(C) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) PERPETUAL STATUS.—

(A) IN GENERAL.—All land conveyed under this paragraph shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with such plan, title to the parcel shall revert to the United States.

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

(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

(A) IN GENERAL.—The Secretary may pay the State of South Carolina not more than $4,850,000 subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the lands conveyed under this paragraph and excluded parcels designated in Exhibit A of Army License No. DACW21–3–85–1904.

(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.

(s) LAND CONVEYANCE, CLARKSTON, WASHINGTON.—

(1) IN GENERAL.—The Secretary shall convey to the Port of Clarkston, Washington, all right, title, and interest of the United States in and to a portion of the land described in the Department of the Army lease No. DACW68–1–97–22, consisting of approximately 31 acres, the exact boundaries of which shall be determined by the Secretary and the Port of Clarkston.

(2) The Secretary may convey to the Port of Clarkston, Washington, at fair market value as determined by the Secretary, such additional land located in the vicinity of Clarkston, Washington, as the Secretary determines to be excess to the needs of the Columbia River Project and appropriate for conveyance.

(3) TERMS AND CONDITIONS.—The conveyances made under subsections (a) and (b) shall be subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States, including a requirement that the Port of Clarkston pay all administrative costs associated with the conveyances, including the cost of land surveys and appraisals and costs associated with compliance with applicable environmental laws and regulations.

(4) USE OF LAND.—The Port of Clarkston shall be required to pay the fair market value, as determined by the Secretary, of any land conveyed pursuant to subsection (a) that is not retained in public ownership or is used for other than public park or recreation purposes, except that the Secretary shall have a right of reverter to reclaim possession and title to any such land.

(t) WHITE RIVER, INDIANA.—The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved June 22, 1936 (49 Stat. 1586, chapter 688), as modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), is modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Canal Development (Upper Canal feature) and the Beveridge Paper feature, at a total cost not to exceed $25,000,000, of which $12,500,000 is the estimated Federal cost and $12,500,000 is the estimated non-Federal cost, except that no such alterations may be undertaken unless the Secretary determines that the alterations authorized by this subsection, in combination with the alterations undertaken under section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), are economically justified.

(u) FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.—The project for hurricane-flood protection, Fox Point, Providence, Rhode Island, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 306) is modified to direct the Secretary to undertake the necessary repairs to the barrier, as identified in the Condition Survey and Technical Assessment dated April 1998 with Supplement dated August 1998, at a total cost of $3,000,000, with an estimated Federal cost of $1,950,000 and an estimated non-Federal cost of $1,050,000.

SEC. 104. PROJECT DEAUTHORIZATIONS.

(a) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-acre anchorage area 9 feet deep and an adjacent 0.60-acre anchorage area 6 feet deep, located on the west side of Johnsons River, Connecticut, is not authorized after the date of enactment of this Act.

(b) BASS HARBOR, MAINE.—

(1) DEAUTHORIZATION.—The portions of the project for navigation, Bass Harbor, Maine, authorized on May 7, 1962, under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) described in paragraph (2) are not authorized after the date of enactment of this Act.

(2) DESCRIPTION.—The portions of the project referred to in paragraph (1) are described as follows:

(A) Beginning at a bend in the project, N149040.00, E538505.00, thence running easterly about 50.00 feet along the northern limit of the project to a point, N149061.55, E538550.11, thence running southerly about 642.08 feet to a point, N148477.64, E538817.18, thence running southwesterly about 156.27 feet to a point on the westerly limit of the project, N148348.50, E538737.02, thence running northerly about 149.00 feet along the westerly limit of the project to a bend in the project, N148489.22, E538768.09, thence running northwesterly about 610.39 feet along the westerly limit of the project to the point of origin.

(B) Beginning at a point on the westerly limit of the project, N148118.55, E538689.05, thence running southeasterly about 91.92 feet to a point, N148041.43, E538739.07, thence running southerly about 65.00 feet to a point, N147977.86, E538725.51, thence running southwesterly about 91.92 feet to a point on the westerly limit of the project, N147927.84, E538648.39, thence running northerly about 195.00 feet along the westerly limit of the project to the point of origin.

(c) BOOTHBAY HARBOR, MAINE.—The project for navigation, Boothbay Harbor, Maine, authorized by the Act of July 25, 1912 (37 Stat. 201, chapter 253), is not authorized after the date of enactment of this Act.

(d) EAST BOOTHBAY HARBOR, MAINE.—Section 364 of the Water Resources Development Act of 1996 (110 Stat. 3731) is amended by striking paragraph (9) and inserting the following:

''(9) EAST BOOTHBAY HARBOR, MAINE.—The project for navigation, East Boothbay Harbor, Maine, authorized by the first section of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved June 25, 1910 (36 Stat. 657).''.

SEC. 105. STUDIES.

(a) BALDWIN COUNTY, ALABAMA, WATERSHEDS.—The Secretary of the Army shall review the report of the Chief of Engineers on the Alabama Coast published as House Document 108, 90th Congress, 1st Session, and other pertinent reports, with a view to determining whether modifications of the recommendations contained in the House Document are advisable at this time in the interest of flood damage reduction, environmental restoration and protection, water quality, and other purposes, with a special emphasis on determining the advisability of developing a comprehensive coordinated watershed management plan for the development, conservation, and utilization of water and related land resources in the watersheds in Baldwin County, Alabama.

(b) ESCAMBIA RIVER, ALABAMA AND FLORIDA.—

(1) IN GENERAL.—The Secretary shall review the report of the Chief of Engineers on the Escambia River, Alabama and Florida, published as House Document 350, 71st Congress, 2d Session, and other pertinent reports, to determine whether modifications of any of the recommendations contained in the House Document are advisable at this time with particular reference to Burnt Corn Creek and Murder Creek in the vicinity of Brewton, and East Brewton, Alabama, and the need for flood control, floodplain evacuation, flood warning and preparedness, environmental restoration and protection, and bank stabilization in those areas.

(2) COORDINATION.—The review shall be coordinated with plans of other local and Federal agencies.

(c) CADDO LEVEE, RED RIVER BELOW DENISON DAM, ARIZONA, LOUISIANA, OKLAHOMA, AND TEXAS.—The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood control, Caddo Levee, Red River Below Denison Dam, Arizona, Louisiana, Oklahoma, and Texas, including incorporating the existing levee, along Twelve Mile Bayou from its juncture with the existing Red River Below Denison Dam Levee approximately 26 miles upstream to its terminus at high ground in the vicinity of Black Bayou, Louisiana.

(d) FIELDS LANDING CHANNEL, HUMBOLDT HARBOR, CALIFORNIA.—The Secretary—

(1) shall conduct a study for the project for navigation, Fields Landing Channel, Humboldt Harbor and Bay, California, to a depth of minus 35 feet (MLLW), and for that purpose may use any feasibility report prepared by the non-Federal sponsor under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) for which reimbursement of the Federal share of the study is authorized subject to the availability of appropriations; and

(2) may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), if the Secretary determines that the project is feasible.

(e) STRAWBERRY CREEK, BERKELEY, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of restoring Strawberry Creek, Berkeley, California, and the Federal interest in environmental restoration, conservation of fish and wildlife resources, recreation, and water quality.

(f) WEST SIDE STORM WATER RETENTION FACILITY, CITY OF LANCASTER, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to construct the West Side Storm Water Retention Facility in the city of Lancaster, California.

(g) APALACHICOLA RIVER, FLORIDA.—The Secretary shall conduct a study for the purpose of identifying—

(1) alternatives for the management of material dredged in connection with operation and maintenance of the Apalachicola River Navigation Project; and

(2) alternatives that reduce the requirements for such dredging.

(h) BROWARD COUNTY, SAND BYPASSING AT PORT EVERGLADES, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of constructing a sand bypassing project at the Port Everglades Inlet, Florida.

(i) CITY OF DESTIN-NORIEGA POINT BREAKWATER, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of—

(1) restoring Noriega Point, Florida, to serve as a breakwater for Destin Harbor; and

(2) including Noriega Point as part of the East Pass, Florida, navigation project.

(j) GATEWAY TRIANGLE REDEVELOPMENT AREA, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to reduce the flooding problems in the vicinity of Gateway Triangle Redevelopment Area, Florida.

(2) STUDIES AND REPORTS.—The study shall include a review and consideration of studies and reports completed by the non-Federal interests.

(k) HILLSBOROUGH RIVER, WITHLACOOCHEE RIVER BASINS, FLORIDA.—The Secretary shall conduct a study to identify appropriate measures that can be undertaken in the Green Swamp, Withlacoochee River, and the Hillsborough River, the Water Triangle of west central Florida, to address comprehensive watershed planning for water conservation, water supply, restoration and protection of environmental resources, and other water resource-related problems in the area.

(l) CITY OF PLANT CITY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a flood control project in the city of Plant City, Florida.

(2) STUDIES AND REPORTS.—In conducting the study, the Secretary shall review and consider studies and reports completed by the non-Federal interests.

(m) ST. LUCIE COUNTY, FLORIDA, SHORE PROTECTION.—The Secretary shall conduct a study to determine the feasibility of a shore protection and hurricane and storm damage reduction project to the shoreline areas in St. Lucie County from the current project for Fort Pierce Beach, Florida, southward to the Martin County line.

(n) SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.—The Secretary shall conduct a study to determine the feasibility of undertaking erosion control, bank stabilization, and flood control along the Saint Joseph River, Indiana, including the South Bend Dam and the banks of the East Bank and Island Park.

(o) ACADIANA NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of assuming operations and maintenance for the Acadiana Navigation Channel located in Iberia and Vermillion Parishes, Louisiana.

(p) CAMERON PARISH WEST OF CALCASIEU RIVER, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of a storm damage reduction and ecosystem restoration project for Cameron Parish west of Calcasieu River, Louisiana.

(q) BENEFICIAL USE OF DREDGED MATERIAL, COASTAL LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of using dredged material from maintenance activities at Federal navigation projects in coastal Louisiana to benefit coastal areas in the State.

(r) CONTRABAND BAYOU NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of assuming the maintenance at Contraband Bayou, Calcasieu River Ship Canal, Louisiana.

(s) GOLDEN MEADOW LOCK, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of converting the Golden Meadow floodgate into a navigation lock to be included in the Larose to Golden Meadow Hurricane Protection Project, Louisiana.

(t) GULF INTRACOASTAL WATERWAY ECOSYSTEM PROTECTION, CHEF MENTEUR TO SABINE RIVER, LOUISIANA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and protection measures along the Gulf Intracoastal Waterway from Chef Menteur to Sabine River, Louisiana.

(2) MATTERS TO BE ADDRESSED.—The study shall address saltwater intrusion, tidal scour, erosion, and other water resources related problems in that area.

(u) LAKE PONTCHARTRAIN, LOUISIANA, AND VICINITY, ST. CHARLES PARISH PUMPS.—The Secretary shall conduct a study to determine the feasibility of modifying the Lake Pontchartrain Hurricane Protection Project to include the St. Charles Parish Pumps and the modification of the seawall fronting protection along Lake Pontchartrain in Orleans Parish, from New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

(v) LAKE PONTCHARTRAIN AND VICINITY SEAWALL RESTORATION, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of undertaking structural modifications of that portion of the seawall fronting protection along the south shore of Lake Pontchartrain in Orleans Parish, Louisiana, extending approximately 5 miles from the new basin Canal on the west to the Inner Harbor Navigation Canal on the east as a part of the Lake Pontchartrain and Vicinity Hurricane Protection Project, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077).

(w) LOUISIANA STATE PENITENTIARY LEVEE.—The Secretary shall conduct a study of the impacts of crediting the non-Federal interests for work performed in the project area of the Louisiana State Penitentiary Levee.

(x) DETROIT RIVER, MICHIGAN, GREENWAY CORRIDOR STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a project for shoreline protection, frontal erosion, and associated purposes in the Detroit River shoreline area from the Belle Isle Bridge to the Ambassador Bridge in Detroit, Michigan.

(2) POTENTIAL MODIFICATIONS.—As a part of the study, the Secretary shall review potential project modifications to any existing Corps projects within the same area.

(y) ST. CLAIR SHORES FLOOD CONTROL, MICHIGAN.—The Secretary shall conduct a study to determine the feasibility of constructing a flood control project at St. Clair Shores, Michigan.

(z) TUNICA LAKE WEIR, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing an outlet weir at Tunica Lake, Tunica County, Mississippi, and Lee County, Arkansas, for the purpose of stabilizing water levels in the Lake.

(2) ECONOMIC ANALYSIS.—In carrying out the study, the Secretary shall include as a part of the economic analysis the benefits derived from recreation uses at the Lake and economic benefits associated with restoration of fish and wildlife habitat.

(aa) PROTECTIVE FACILITIES FOR THE ST. LOUIS, MISSOURI, RIVERFRONT AREA.—

(1) STUDY.—The Secretary shall conduct a study to determine the optimal plan to protect facilities that are located on the Mississippi River riverfront within the boundaries of St. Louis, Missouri.

(2) REQUIREMENTS.—In conducting the study, the Secretary shall—

(A) evaluate alternatives to offer safety and security to facilities; and

(B) use state-of-the-art techniques to best evaluate the current situation, probable solutions, and estimated costs.

(3) REPORT.—Not later than April 15, 1999, the Secretary shall submit to Congress a report on the results of the study.

(bb) YELLOWSTONE RIVER, MONTANA.—

(1) STUDY.—The Secretary shall conduct a comprehensive study of the Yellowstone River from Gardiner, Montana to the confluence of the Missouri River to determine the hydrologic, biological, and socioeconomic cumulative impacts on the river.

(2) CONSULTATION AND COORDINATION.—The Secretary shall conduct the study in consultation with the United States Fish and Wildlife Service, the United States Geological Survey, and the Natural Resources Conservation Service and with the full participation of the State of Montana and tribal and local entities, and provide for public participation.

(3) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the results of the study.

(cc) LAS VEGAS VALLEY, NEVADA.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study of water resources located in the Las Vegas Valley, Nevada.

(2) OBJECTIVES.—The study shall identify problems and opportunities related to ecosystem restoration, water quality, particularly the quality of surface runoff, water supply, and flood control.

(dd) CAMDEN AND GLOUCESTER COUNTIES, NEW JERSEY, STREAMS AND WATERSHEDS.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration, floodplain management, flood control, water quality control, comprehensive watershed management, and other allied purposes along tributaries of the Delaware River, Camden County and Gloucester County, New Jersey.

(ee) OSWEGO RIVER BASIN, NEW YORK.—The Secretary shall conduct a study to determine the feasibility of establishing a flood forecasting system within the Oswego River basin, New York.

(ff) PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY AND ENVIRONMENTAL RESTORATION STUDY.—

(1) NAVIGATION STUDY.—The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

(2) ENVIRONMENTAL RESTORATION STUDY.—The Secretary, acting through the Chief of Engineers, shall review the report of the Chief of Engineers on the New York Harbor, printed in the House Management Plan of the Harbor Estuary Program, and other pertinent reports concerning the New York Harbor Region and the Port of New York-New Jersey, to determine the Federal interest in advancing harbor environmental restoration.

(3) REPORT.—The Secretary may use funds from the ongoing navigation study for New York and New Jersey Harbor to complete a reconnaissance report for environmental restoration by December 31, 1999. The navigation study to deepen New York and New Jersey Harbor shall consider beneficial use of dredged material.

(gg) BANK STABILIZATION, MISSOURI RIVER, NORTH DAKOTA.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of bank stabilization on the Missouri River between the Garrison Dam and Lake Oahe in North Dakota.

(B) ELEMENTS.—In conducting the study, the Secretary shall study—

(i) options for stabilizing the erosion sites on the banks of the Missouri River between the Garrison Dam and Lake Oahe identified in the report developed by the North Dakota State Water Commission, dated December 1997, including stabilization through nontraditional measures;

(ii) the cumulative impact of bank stabilization measures between the Garrison Dam and Lake Oahe on fish and wildlife habitat and the potential impact of additional stabilization measures, including the impact of nontraditional stabilization measures;

(iii) the current and future effects, including economic and fish and wildlife habitat effects, that bank erosion is having on creating the delta at the beginning of Lake Oahe; and

(iv) the impact of taking no additional measures to stabilize the banks of the Missouri River between the Garrison Dam and Lake Oahe.

(C) INTERESTED PARTIES.—In conducting the study, the Secretary shall, to the maximum extent practicable, seek the participation and views of interested Federal, State, and local agencies, landowners, conservation organizations, and other persons.

(D) REPORT.—

(i) IN GENERAL.—The Secretary shall report to Congress on the results of the study not later than 1 year after the date of enactment of this Act.

(ii) STATUS.—If the Secretary cannot complete the study and report to Congress by the day that is 1 year after the date of enactment of this Act, the Secretary shall, by that day, report to Congress on the status of the study and report, including an estimate of the date of completion.

(2) EFFECT ON EXISTING PROJECTS.—This subsection does not preclude the Secretary from establishing or carrying out a stabilization project that is authorized by law.

(hh) SANTEE DELTA WETLAND HABITAT, SOUTH CAROLINA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall complete a comprehensive study of the ecosystem in the Santee Delta focus area of South Carolina to determine the feasibility of undertaking measures to enhance the wetland habitat in the area.

(ii) WACCAMAW RIVER, SOUTH CAROLINA.—The Secretary shall conduct a study to determine the feasibility of a flood control project for the Waccamaw River in Horry County, South Carolina.

(jj) UPPER SUSQUEHANNA-LACKAWANNA, PENNSYLVANIA, WATERSHED MANAGEMENT AND RESTORATION STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a comprehensive flood plain management and watershed restoration project for the Upper Susquehanna-Lackawanna Watershed, Pennsylvania.

(2) GEOGRAPHIC INFORMATION SYSTEM.—In conducting the study, the Secretary shall use a geographic information system.

(3) PLANS.—The study shall formulate plans for comprehensive flood plain management and environmental restoration.

(4) CREDITING.—Non-Federal interests may receive credit for in-kind services and materials that contribute to the study. The Secretary may credit non-Corps Federal assistance provided to the non-Federal interest toward the non-Federal share of study costs to the maximum extent authorized by law.

(kk) NIOBRARA RIVER AND MISSOURI RIVER SEDIMENTATION STUDY, SOUTH DAKOTA.—The Secretary shall conduct a study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River to determine the feasibility of alleviating the bank erosion, sedimentation, and related problems in the lower Niobrara River and the Missouri River below Fort Randall Dam.

(ll) SANTA CLARA RIVER, UTAH.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to alleviate damage caused by flooding, bank erosion, and sedimentation along the watershed of the Santa Clara River, Utah, above the Gunlock Reservoir.

(2) CONTENTS.—The study shall include an analysis of watershed conditions and water quality, as related to flooding and bank erosion, along the Santa Clara River in the vicinity of the town of Gunlock, Utah.

(mm) CITY OF OCEAN SHORES SHORE PROTECTION PROJECT, WASHINGTON.—The Secretary shall conduct a study to determine the feasibility of undertaking a project for beach erosion and flood control, including relocation of a primary dune and periodic nourishment, at Ocean Shores, Washington.

(nn) AGAT SMALL BOAT HARBOR, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking the repair and reconstruction of Agat Small Boat Harbor, Guam, including the repair of existing shore protection measures and construction or a revetment of the breakwater seawall.

(oo) APRA HARBOR SEAWALL, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to repair, upgrade, and extend the seawall protecting Apra Harbor, Guam, and to ensure continued access to the harbor via Route 11B.

(pp) APRA HARBOR FUEL PIERS, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to upgrade the piers and fuel transmission lines at the fuel piers in the Apra Harbor, Guam, and measures to provide for erosion control and protection against storm damage.

(qq) MAINTENANCE DREDGING OF HARBOR PIERS, GUAM.—The Secretary shall conduct a study to determine the feasibility of Federal maintenance of areas adjacent to piers at harbors in Guam, including Apra Harbor, Agat Harbor, and Agana Marina.

(rr) ALTERNATIVE WATER SOURCES STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct a study of the water supply needs of States that are not currently eligible for assistance under title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

(2) REQUIREMENTS.—The study shall—

(A) identify the water supply needs (including potable, commercial, industrial, recreational and agricultural needs) of each State described in paragraph (1) through 2020, making use of such State, regional, and local plans, studies, and reports as are available;

(B) evaluate the feasibility of various alternative water source technologies such as reuse and reclamation of wastewater and stormwater (including indirect potable reuse), aquifer storage and recovery, and desalination to meet the anticipated water supply needs of the States; and

(C) assess how alternative water sources technologies can be utilized to meet the identified needs.

(3) REPORT.—The Administrator shall report to Congress on the results of the study not more than 180 days after the date of enactment of this Act.

SEC. 106. FLOOD HAZARD MITIGATION AND RIVERINE ECOSYSTEM RESTORATION PROGRAM.

(a) IN GENERAL.—

(1) AUTHORIZATION.—The Secretary may carry out a program to reduce flood hazards and restore the natural functions and values of riverine ecosystems throughout the United States.

(2) STUDIES.—In carrying out the program, the Secretary shall conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement watershed management and restoration projects.

(3) PARTICIPATION.—The studies and projects carried out under the program shall be conducted, to the extent practicable, with the full participation of the appropriate Federal agencies, including the Department of Agriculture, the Federal Emergency Management Agency, the Department of the Interior, the Environmental Protection Agency, and the Department of Commerce.

(4) NONSTRUCTURAL APPROACHES.—The studies and projects shall, to the extent practicable, emphasize nonstructural approaches to preventing or reducing flood damages.

(b) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—The cost of studies conducted under subsection (a) shall be shared in accordance with section 105 of the Water Resources Development Act of 1986 (33 Stat. 2215).

(2) PROJECTS.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(3) IN-KIND CONTRIBUTIONS.—The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the projects. The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this subsection.

(4) RESPONSIBILITIES OF THE NON-FEDERAL INTERESTS.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(c) PROJECT JUSTIFICATION.—

(1) IN GENERAL.—The Secretary may implement a project under this section if the Secretary determines that the project—

(A) will significantly reduce potential flood damages;

(B) will improve the quality of the environment; and

(C) is justified considering all costs and beneficial outputs of the project.

(2) SELECTION CRITERIA; POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) develop criteria for selecting and rating the projects to be carried out as part of the program authorized by this section; and

(B) establish policies and procedures for carrying out the studies and projects undertaken under this section.

(d) REPORTING REQUIREMENT.—The Secretary may not implement a project under this section until—

(1) the Secretary provides to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (c); and

(2) a period of 21 calendar days has expired following the date on which the notification was received by the Committees.

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine the potential for flood damage reductions at appropriate locations, including—

(1) Le May, Missouri;

(2) upper Delaware River basin, New York;

(3) Tillamook County, Oregon;

(4) Providence County, Rhode Island; and

(5) Willamette River basin, Oregon.

(f) PER-PROJECT LIMITATION.—Not more than $25,000,000 in Army Civil Works appropriations may be expended on any single project undertaken under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $75,000,000 for the period of fiscal years 2000 and 2001.

(2) PROGRAM FUNDING LEVELS.—All studies and projects undertaken under this authority from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.

SEC. 107. SHORE PROTECTION.

Section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)) is amended—

(1) by striking ''Costs of constructing'' and inserting the following:

''(1) CONSTRUCTION.—Costs of constructing''; and

(2) by adding at the end the following:

''(2) PERIODIC NOURISHMENT.—In the case of a project authorized for construction after December 31, 1998, or for which a feasibility study is completed after that date, the non-Federal cost of the periodic nourishment of projects or measures for shore protection or beach erosion control shall be 50 percent, except that—

''(A) all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by non-Federal interests; and

''(B) all costs assigned to the protection of federally owned shores shall be borne by the United States.''.

SEC. 108. SMALL FLOOD CONTROL AUTHORITY.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—

(1) in the first sentence, by striking ''construction of small projects'' and inserting ''implementation of small structural and nonstructural projects''; and

(2) in the third sentence, by striking ''$5,000,000'' and inserting ''$7,000,000''.

SEC. 109. USE OF NON-FEDERAL FUNDS FOR COMPILING AND DISSEMINATING INFORMATION ON FLOODS AND FLOOD DAMAGES.

Section 206(b) of the Flood Control Act of 1960 (33 U.S.C. 709a(b)) is amended in the third sentence by inserting before the period at the end the following: '', but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities''.

SEC. 110. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

Subparagraphs (B) and (C)(i) of section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769) are amended by striking ''1999'' and inserting ''2000''.

SEC. 111. AQUATIC ECOSYSTEM RESTORATION.

Section 206(c) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(c)) is amended—

(1) by striking ''Construction'' and inserting the following:

''(1) IN GENERAL.—Construction''; and

(2) by adding at the end the following:

''(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 112. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by adding at the end the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 113. VOLUNTARY CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS.

Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting ''or environmental restoration'' after ''flood control''.

SEC. 114. RECREATION USER FEES.

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—During fiscal years 1999 through 2002, the Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of $34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 460l–6a(b)).

(2) USE.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

(3) AVAILABILITY.—The amounts withheld shall remain available until September 30, 2005.

(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

(1) repair and maintenance projects (including projects relating to health and safety);

(2) interpretation;

(3) signage;

(4) habitat or facility enhancement;

(5) resource preservation;

(6) annual operation (including fee collection);

(7) maintenance; and

(8) law enforcement related to public use.

(c) AVAILABILITY.—Each amount withheld by the Secretary shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.

SEC. 115. WATER RESOURCES DEVELOPMENT STUDIES FOR THE PACIFIC REGION.

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended by striking ''interest of navigation'' and inserting ''interests of water resources development (including navigation, flood damage reduction, and environmental restoration)''.

SEC. 116. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

(a) DEFINITIONS.—In this section:

(1) MIDDLE MISSISSIPPI RIVER.—The term ''middle Mississippi River'' means the reach of the Mississippi River from the mouth of the Ohio River (river mile 0, upper Mississippi River) to the mouth of the Missouri River (river mile 195).

(2) MISSOURI RIVER.—The term ''Missouri River'' means the main stem and floodplain of the Missouri River (including reservoirs) from its confluence with the Mississippi River at St. Louis, Missouri, to its headwaters near Three Forks, Montana.

(3) PROJECT.—The term ''project'' means the project authorized by this section.

(b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

(1) PLAN.—

(A) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan for a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

(B) ACTIVITIES.—

(i) IN GENERAL.—The plan shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(I) the water-related needs of the region surrounding the Missouri River and the middle Mississippi River, including flood control, navigation, recreation, and enhancement of water supply; and

(II) private property rights.

(ii) REQUIRED ACTIVITIES.—The plan shall include—

(I) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

(II) modification and creation of side channels to protect and enhance fish and wildlife habitat;

(III) restoration and creation of island fish and wildlife habitat;

(IV) creation of riverine fish and wildlife habitat;

(V) establishment of criteria for prioritizing the type and sequencing of activities based on cost-effectiveness and likelihood of success; and

(VI) physical and biological monitoring for evaluating the success of the project, to be performed by the River Studies Center of the United States Geological Survey in Columbia, Missouri.

(2) IMPLEMENTATION OF ACTIVITIES.—

(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall carry out the activities described in the plan.

(B) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED FEATURES OF THE PROJECT.—Using funds made available to the Secretary under other law, the Secretary shall design and construct any feature of the project that may be carried out using the authority of

the Secretary to modify an authorized project, if the Secretary determines that the design and construction will—

(i) accelerate the completion of activities to protect and enhance fish and wildlife habitat of the Missouri River or the middle Mississippi River; and

(ii) be compatible with the project purposes described in this section.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out the activities described in subsection (b), the Secretary shall integrate the activities with other Federal, State, and tribal activities.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) PUBLIC PARTICIPATION.—In developing and carrying out the plan and the activities described in subsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

(1) providing advance notice of meetings;

(2) providing adequate opportunity for public input and comment;

(3) maintaining appropriate records; and

(4) compiling a record of the proceedings of meetings.

(e) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in subsections (b) and (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project shall be 35 percent.

(2) FEDERAL SHARE.—The Federal share of the cost of any 1 activity described in subsection (b) shall not exceed $5,000,000.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of the project shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $30,000,000 for the period of fiscal years 2000 and 2001.

SEC. 117. OUTER CONTINENTAL SHELF.

(a) SAND, GRAVEL, AND SHELL.—Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended in the second sentence by inserting before the period at the end the following: ''or any other non-Federal interest subject to an agreement entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b)''.

(b) REIMBURSEMENT FOR LOCAL INTERESTS AT SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.—Any amounts paid by the non-Federal interests for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, as a result of an assessment under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

SEC. 118. ENVIRONMENTAL DREDGING.

Section 312(f) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)) is amended by adding at the end the following:

''(6) Snake Creek, Bixby, Oklahoma.''.

SEC. 119. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED INCLUDED IN BENEFIT-COST ANALYSIS.

Section 308 of the Water Resources Development Act of 1990 (33 U.S.C. 2318) is amended—

(1) in the heading of subsection (a), by striking ''BENEFIT-COST ANALYSIS'' and inserting ''ELEMENTS EXCLUDED FROM COST-BENEFIT ANALYSIS'';

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

(3) by inserting after subsection (a) the following:

''(b) ELEMENTS INCLUDED IN COST-BENEFIT ANALYSIS.—The Secretary shall include primary flood damages avoided in the benefit base for justifying Federal nonstructural flood damage reduction projects.''; and

(4) in the first sentence of subsection (e) (as redesignated by paragraph (2)), by striking ''(b)'' and inserting ''(d)''.

SEC. 120. CONTROL OF AQUATIC PLANT GROWTH.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended—

(1) by inserting ''Arundo dona,'' after ''water-hyacinth,''; and

(2) by inserting ''tarmarix'' after ''melaleuca''.

SEC. 121. ENVIRONMENTAL INFRASTRUCTURE.

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835) is amended by adding at the end the following:

''(19) LAKE TAHOE, CALIFORNIA AND NEVADA.—Regional water system for Lake Tahoe, California and Nevada.

''(20) LANCASTER, CALIFORNIA.—Fox Field Industrial Corridor water facilities, Lancaster, California.

''(21) SAN RAMON, CALIFORNIA.—San Ramon Valley recycled water project, San Ramon, California.''.

SEC. 122. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended—

(1) in subsection (d)—

(A) by striking paragraph (10) and inserting the following:

''(10) Regional Atlanta Watershed, Atlanta, Georgia, and Lake Lanier of Forsyth and Hall Counties, Georgia.''; and

(B) by adding at the end the following:

''(14) Clear Lake watershed, California.

''(15) Fresno Slough watershed, California.

''(16) Hayward Marsh, Southern San Francisco Bay watershed, California.

''(17) Kaweah River watershed, California.

''(18) Lake Tahoe watershed, California and Nevada.

''(19) Malibu Creek watershed, California.

''(20) Truckee River basin, Nevada.

''(21) Walker River basin, Nevada.

''(22) Bronx River watershed, New York.

''(23) Catawba River watershed, North Carolina.'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, with the consent of the affected local government, a non-Federal interest may include a nonprofit entity.''.

SEC. 123. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148) is amended—

(1) in paragraph (15), by striking ''and'' at the end;

(2) in paragraph (16), by striking the period at the end; and

(3) by adding at the end the following:

''(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and development of a sustainable weed and algae management program;

''(18) Flints Pond, Hollis, New Hampshire, removal of excessive aquatic vegetation; and

''(19) Osgood Pond, Milford, New Hampshire, removal of excessive aquatic vegetation.''.

SEC. 124. DREDGING OF SALT PONDS IN THE STATE OF RHODE ISLAND.

The Secretary may acquire for the State of Rhode Island a dredge and associated equipment with the capacity to dredge approximately 100 cubic yards per hour for use by the State in dredging salt ponds in the State.

SEC. 125. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended by adding at the end the following:

''(3) The Chemung River watershed, New York, at an estimated Federal cost of $5,000,000.''.

SEC. 126. SMALL FLOOD CONTROL PROJECTS.

Section 102 of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended—

(1) by redesignating paragraphs (15) through (22) as paragraphs (16) through (23), respectively;

(2) by inserting after paragraph (14) the following:

''(15) REPAUPO CREEK AND DELAWARE RIVER, GLOUCESTER COUNTY, NEW JERSEY.—Project for tidegate and levee improvements for Repaupo Creek and the Delaware River, Gloucester County, New Jersey.''; and

(3) by adding at the end the following:

''(24) IRONDEQUOIT CREEK, NEW YORK.—Project for flood control, Irondequoit Creek watershed, New York.

''(25) TIOGA COUNTY, PENNSYLVANIA.—Project for flood control, Tioga River and Cowanesque River and their tributaries, Tioga County, Pennsylvania.''.

SEC. 127. SMALL NAVIGATION PROJECTS.

Section 104 of the Water Resources Development Act of 1996 (110 Stat. 3669) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively; and

(2) by inserting after paragraph (8) the following:

''(9) FORTESCUE INLET, DELAWARE BAY, NEW JERSEY.—Project for navigation for Fortescue Inlet, Delaware Bay, New Jersey.''.

SEC. 128. STREAMBANK PROTECTION PROJECTS.

(a) ARCTIC OCEAN, BARROW, ALASKA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out storm damage reduction and coastal erosion measures at the town of Barrow, Alaska.

(b) SAGINAW RIVER, BAY CITY, MICHIGAN.—The Secretary may construct appropriate control structures in areas along the Saginaw River in the city of Bay City, Michigan, under authority of section 14 of the Flood Control Act of 1946 (33 Stat. 701s).

(c) YELLOWSTONE RIVER, BILLINGS, MONTANA.—The streambank protection project at Coulson Park, along the Yellowstone River, Billings, Montana, shall be eligible for assistance under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(d) MONONGAHELA RIVER, POINT MARION, PENNSYLVANIA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out streambank erosion control measures along the Monongahela River at the borough of Point Marion, Pennsylvania.

SEC. 129. AQUATIC ECOSYSTEM RESTORATION, SPRINGFIELD, OREGON.

(a) IN GENERAL.—Under section 1135 of the Water Resources Development Act of 1990 (33 Stat. 2309a) or other applicable authority, the Secretary shall conduct measures to address water quality, water flows and fish habitat restoration in the historic Springfield, Oregon, millrace through the reconfiguration of the existing millpond, if the Secretary determines that harmful impacts have occurred as the result of a previously constructed flood control project by the Corps of Engineers.

(b) NON-FEDERAL SHARE.—The non-Federal share, excluding lands, easements, rights-of-

way, dredged material disposal areas, and relocations, shall be 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 130. GUILFORD AND NEW HAVEN, CONNECTICUT.

The Secretary shall expeditiously complete the activities authorized under section 346 of the Water Resources Development Act of 1992 (106 Stat. 4858), including activities associated with Sluice Creek in Guilford, Connecticut, and Lighthouse Point Park in New Haven, Connecticut.

SEC. 131. FRANCIS BLAND FLOODWAY DITCH.

(a) REDESIGNATION.—The project for flood control, Eight Mile Creek, Paragould, Arkansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112) and known as ''Eight Mile Creek, Paragould, Arkansas'', shall be known and designated as the ''Francis Bland Floodway Ditch''.

(b) LEGAL REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the project and creek referred to in subsection (a) shall be deemed to be a reference to the Francis Bland Floodway Ditch.

SEC. 132. CALOOSAHATCHEE RIVER BASIN, FLORIDA.

Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended in the first sentence by inserting before the period at the end the following: '', including potential land acquisition in the Caloosahatchee River basin or other areas''.

SEC. 133. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.

(a) IN GENERAL.—The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936 (commonly known as the ''Flood Control Act of 1936'') (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of $15,000,000, with an estimated Federal cost of $9,750,000 and an estimated non-Federal cost of $5,250,000.

(b) IN-KIND SERVICES.—The non-Federal interest for the restoration project under subsection (a)—

(1) may provide all or a portion of the non-Federal share of project costs in the form of in-kind services; and

(2) shall receive credit toward the non-Federal share of project costs for design and construction work performed by the non-Federal interest before execution of a project cooperation agreement and for land, easements, and rights-of-way required for the restoration and acquired by the non-Federal interest before execution of such an agreement.

(c) OPERATION AND MAINTENANCE.—The operation and maintenance of the restoration project under subsection (a) shall be the full responsibility of the National Park Service.

SEC. 134. SEDIMENTS DECONTAMINATION POLICY.

Section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; Public Law 102–580) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) PRACTICAL END-USE PRODUCTS.—Technologies selected for demonstration at the pilot scale shall result in practical end-use products.

''(5) ASSISTANCE BY THE SECRETARY.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity.''; and

(2) in subsection (c), by striking the first sentence and inserting the following: ''There is authorized to be appropriated to carry out this section a total of $22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey Harbor.''.

SEC. 135. CITY OF MIAMI BEACH, FLORIDA.

Section 5(b)(3)(C)(i) of the Act of August 13, 1946 (33 U.S.C. 426h), is amended by inserting before the semicolon the following: '', including the city of Miami Beach, Florida''.

SEC. 136. SMALL STORM DAMAGE REDUCTION PROJECTS.

Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), is amended by striking ''$2,000,000'' and inserting ''$3,000,000''.

SEC. 137. SARDIS RESERVOIR, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall accept from the State of Oklahoma or an agent of the State an amount, as determined under subsection (b), as prepayment of 100 percent of the water supply cost obligation of the State under Contract No. DACW56–74–JC–0314 for water supply storage at Sardis Reservoir, Oklahoma.

(b) DETERMINATION OF AMOUNT.—The amount to be paid by the State of Oklahoma under subsection (a) shall be subject to adjustment in accordance with accepted discount purchase methods for Government properties as determined by an independent accounting firm designated by the Director of the Office of Management and Budget.

(c) EFFECT.—Nothing in this section shall otherwise affect any of the rights or obligations of the parties to the contract referred to in subsection (a).

SEC. 138. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM NAVIGATION MODERNIZATION.

(a) FINDINGS.—Congress finds that—

(1) exports are necessary to ensure job creation and an improved standard of living for the people of the United States;

(2) the ability of producers of goods in the United States to compete in the international marketplace depends on a modern and efficient transportation network;

(3) a modern and efficient waterway system is a transportation option necessary to provide United States shippers a safe, reliable, and competitive means to win foreign markets in an increasingly competitive international marketplace;

(4) the need to modernize is heightened because the United States is at risk of losing its competitive edge as a result of the priority that foreign competitors are placing on modernizing their own waterway systems;

(5) growing export demand projected over the coming decades will force greater demands on the waterway system of the United States and increase the cost to the economy if the system proves inadequate to satisfy growing export opportunities;

(6) the locks and dams on the upper Mississippi River and Illinois River waterway system were built in the 1930s and have some of the highest average delays to commercial tows in the country;

(7) inland barges carry freight at the lowest unit cost while offering an alternative to truck and rail transportation that is environmentally sound, is energy efficient, is safe, causes little congestion, produces little air or noise pollution, and has minimal social impact; and

(8) it should be the policy of the Corps of Engineers to pursue aggressively modernization of the waterway system authorized by Congress to promote the relative competitive position of the United States in the international marketplace.

(b) PRECONSTRUCTION ENGINEERING AND DESIGN.—In accordance with the Upper Mississippi River-Illinois Waterway System Navigation Study, the Secretary shall proceed immediately to prepare engineering design, plans, and specifications for extension of locks 20, 21, 22, 24, 25 on the Mississippi River and the LaGrange and Peoria Locks on the Illinois River, to provide lock chambers 110 feet in width and 1,200 feet in length, so that construction can proceed immediately upon completion of studies and authorization of projects by Congress.

SEC. 139. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended in the first sentence by striking ''50'' and inserting ''35''.

SEC. 140. FISH AND WILDLIFE MITIGATION.

Section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting after the second sentence the following: ''Not more than 80 percent of the non-Federal share of such first costs may be in kind, including a facility, supply, or service that is necessary to carry out the enhancement project.''.

SEC. 141. UPPER MISSISSIPPI RIVER MANAGEMENT.

Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (e)—

(A) by striking ''(e)'' and all that follows through the end of paragraph (2) and inserting the following:

''(e) UNDERTAKINGS.—

''(1) IN GENERAL.—

''(A) AUTHORITY.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake—

''(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

''(ii) implementation of a program of long-term resource monitoring, computerized data inventory and analysis, and applied research.

''(B) REQUIREMENTS FOR PROJECTS.—Each project carried out under subparagraph (A)(i) shall—

''(i) to the maximum extent practicable, simulate natural river processes;

''(ii) include an outreach and education component; and

''(iii) on completion of the assessment under subparagraph (D), address identified habitat and natural resource needs.

''(C) ADVISORY COMMITTEE.—In carrying out subparagraph (A), the Secretary shall create an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.

''(D) HABITAT AND NATURAL RESOURCE NEEDS ASSESSMENT.—

''(i) AUTHORITY.—The Secretary is authorized to undertake a systemic, river reach, and pool scale assessment of habitat and natural resource needs to serve as a blueprint to guide habitat rehabilitation and long-term resource monitoring.

''(ii) DATA.—The habitat and natural resource needs assessment shall, to the maximum extent practicable, use data in existence at the time of the assessment.

''(iii) TIMING.—The Secretary shall complete a habitat and natural resource needs assessment not later than 3 years after the date of enactment of this subparagraph.

''(2) REPORTS.—On December 31, 2005, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, the Secretary shall prepare and submit to Congress a report that—

''(A) contains an evaluation of the programs described in paragraph (1);

''(B) describes the accomplishments of each program;

''(C) includes results of a habitat and natural resource needs assessment; and

''(D) identifies any needed adjustments in the authorization under paragraph (1) or the authorized appropriations under paragraphs (3), (4), and (5).'';

(B) in paragraph (3)—

(i) by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)(A)(i)''; and

(ii) by striking ''Secretary not to exceed'' and all that follows and inserting ''Secretary not to exceed $22,750,000 for each of fiscal years 1999 through 2009.'';

(C) in paragraph (4)—

(i) by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)(ii)''; and

(ii) by striking ''$7,680,000'' and all that follows and inserting ''$10,420,000 for each of fiscal years 1999 through 2009.'';

(D) by striking paragraphs (5) and (6) and inserting the following:

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(C) not to exceed $350,000 for each of fiscal years 1999 through 2009.

''(6) TRANSFER OF AMOUNTS.—

''(A) IN GENERAL.—For each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer appropriated amounts between the programs under clauses (i) and (ii) of paragraph (1)(A) and paragraph (1)(C).

''(B) APPORTIONMENT OF COSTS.—In carrying out paragraph (1)(D), the Secretary may apportion the costs equally between the programs authorized by paragraph (1)(A).''; and

(E) in paragraph (7)—

(i) in subparagraph (A)—

(I) by inserting ''(i)'' after ''paragraph (1)(A)''; and

(II) by inserting before the period at the end the following: ''and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent''; and

(ii) in subparagraph (B), by striking ''paragraphs (1)(B) and (1)(C) of this subsection'' and inserting ''paragraph (1)(A)(ii)'';

(2) in subsection (f)(2)—

(A) in subparagraph (A), by striking ''(A)''; and

(B) by striking subparagraph (B); and

(3) by adding at the end the following:

''(k) ST. LOUIS AREA URBAN WILDLIFE HABITAT.—The Secretary shall investigate and, if appropriate, carry out restoration of urban wildlife habitat, with a special emphasis on the establishment of greenways in the St. Louis, Missouri, area and surrounding communities.''.

SEC. 142. REIMBURSEMENT OF NON-FEDERAL INTEREST.

Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)(A)) is amended by striking ''subject to amounts being made available in advance in appropriations Acts'' and inserting ''subject to the availability of appropriations''.

SEC. 143. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; Public Law 104–303) is amended by striking subsection (a) and all that follows and inserting the following:

''(a) SALMON SURVIVAL ACTIVITIES.—

''(1) IN GENERAL.—In conjunction with the Secretary of Commerce and Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

''(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

''(A) impacts from water resources projects and other impacts on salmon life cycles;

''(B) juvenile and adult salmon passage;

''(C) light and sound guidance systems;

''(D) surface-oriented collector systems;

''(E) transportation mechanisms; and

''(F) dissolved gas monitoring and abatement.

''(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

''(A) studies of juvenile salmon survival in spawning and rearing areas;

''(B) estuary and near-ocean juvenile and adult salmon survival;

''(C) impacts on salmon life cycles from sources other than water resources projects;

''(D) cryopreservation of fish gametes and formation of a germ plasm repository for threatened and endangered populations of native fish; and

''(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

''(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

''(5) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out research and development activities under paragraph (3).

''(b) ADVANCED TURBINE DEVELOPMENT.—

''(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $35,000,000 to carry out this subsection.

''(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

''(1) NESTING AVIAN PREDATORS.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out research and development activities under this subsection.

''(d) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.''.

SEC. 144. NINE MILE RUN HABITAT RESTORATION, PENNSYLVANIA.

The Secretary may credit against the non-Federal share such costs as are incurred by the non-Federal interests in preparing environmental and other preconstruction documentation for the habitat restoration project, Nine Mile Run, Pennsylvania, if the Secretary determines that the documentation is integral to the project.

SEC. 145. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426(i)) is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting ''(a) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The costs'' and inserting the following:

''(b) COST SHARING.—The costs'';

(3) in the third sentence—

(A) by striking ''No such'' and inserting the following:

''(c) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—No such''; and

(B) by striking ''$2,000,000'' and inserting ''$5,000,000''; and

(4) by adding at the end the following:

''(d) COORDINATION.—The Secretary shall—

''(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

''(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.''.

SEC. 146. LARKSPUR FERRY CHANNEL, CALIFORNIA.

The Secretary shall work with the Secretary of Transportation on a proposed solution to carry out the project to maintain the Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148).

SEC. 147. COMPREHENSIVE FLOOD IMPACT-RESPONSE MODELING SYSTEM.

(a) IN GENERAL.—The Secretary may study and implement a Comprehensive Flood Impact-Response Modeling System for the Coralville Reservoir and the Iowa River watershed, Iowa.

(b) STUDY.—The study shall include—

(1) an evaluation of the combined hydrologic, geomorphic, environmental, economic, social, and recreational impacts of operating strategies within the watershed;

(2) creation of an integrated, dynamic flood impact model; and

(3) the development of a rapid response system to be used during flood and emergency situations.

(c) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress on the results of the study and modeling system and such recommendations as the Secretary determines to be appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated a total of $2,250,000 to carry out this section.

SEC. 148. STUDY REGARDING INNOVATIVE FINANCING FOR SMALL AND MEDIUM-SIZED PORTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of various alternatives for innovative financing of future construction, operation, and maintenance of projects in small and medium-sized ports.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives and the results of the study and any related legislative recommendations for consideration by Congress.

SEC. 149. CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.

(a) DEFINITIONS.—In this section:

(1) FAIR MARKET VALUE.—The term ''fair market value'' means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.

(2) PREVIOUS OWNER OF LAND.—The term ''previous owner of land'' means a person (including a corporation) that conveyed, or a descendant of a deceased individual who conveyed, land to the Army Corps of Engineers for use in the Candy Lake project in Osage County, Oklahoma.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(b) LAND CONVEYANCES.—

(1) IN GENERAL.—The Secretary shall convey, in accordance with this section, all right, title, and interest of the United States in and to the land acquired by the United States for the Candy Lake project in Osage County, Oklahoma.

(2) PREVIOUS OWNERS OF LAND.—

(A) IN GENERAL.—The Secretary shall give a previous owner of land first option to purchase the land described in paragraph (1).

(B) APPLICATION.—

(i) IN GENERAL.—A previous owner of land that desires to purchase the land described in paragraph (1) that was owned by the previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under subsection (c).

(ii) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed for a parcel of land described in paragraph (1), first options to purchase the parcel of land shall be allotted in the order in which applications for the parcel of land were filed.

(C) IDENTIFICATION OF PREVIOUS OWNERS OF LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(D) CONSIDERATION.—Consideration for land conveyed under this subsection shall be the fair market value of the land.

(3) DISPOSAL.—Any land described in paragraph (1) for which an application has not been filed under paragraph (2)(B) within the applicable time period shall be disposed of in accordance with law.

(4) EXTINGUISHMENT OF EASEMENTS.—All flowage easements acquired by the United States for use in the Candy Lake project in Osage County, Oklahoma, are extinguished.

(c) NOTICE.—

(1) IN GENERAL.—The Secretary shall notify—

(A) each person identified as a previous owner of land under subsection (b)(2)(C), not later than 90 days after identification, by United States mail; and

(B) the general public, not later than 90 days after the date of enactment of this Act, by publication in the Federal Register.

(2) CONTENTS OF NOTICE.—Notice under this subsection shall include—

(A) a copy of this section;

(B) information sufficient to separately identify each parcel of land subject to this section; and

(C) specification of the fair market value of each parcel of land subject to this section.

(3) OFFICIAL DATE OF NOTICE.—The official date of notice under this subsection shall be the later of—

(A) the date on which actual notice is mailed; or

(B) the date of publication of the notice in the Federal Register.

SEC. 150. SALCHA RIVER AND PILEDRIVER SLOUGH, FAIRBANKS, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the lower Salcha River and on Piledriver Slough, from its headwaters at the mouth of the Salcha River to the Chena Lakes Flood Control Project, in the vicinity of Fairbanks, Alaska, to protect against surface water flooding.

SEC. 151. EYAK RIVER, CORDOVA, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the Eyak River at the town of Cordova, Alaska.

SEC. 152. NORTH PADRE ISLAND STORM DAMAGE REDUCTION AND ENVIRONMENTAL RESTORATION PROJECT.

The Secretary shall carry out a project for ecosystem restoration and storm damage reduction at North Padre Island, Corpus Christi Bay, Texas, at a total estimated cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000, if the Secretary finds that the work is technically sound, environmentally acceptable, and economically justified.

SEC. 153. KANOPOLIS LAKE, KANSAS.

(a) WATER SUPPLY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the State of Kansas or another non-Federal interest, shall complete a water supply reallocation study at the project for flood control, Kanopolis Lake, Kansas, as a basis on which the Secretary shall enter into negotiations with the State of Kansas or another non-Federal interest for the terms and conditions of a reallocation of the water supply.

(2) OPTIONS.—The negotiations for storage reallocation shall include the following options for evaluation by all parties:

(A) Financial terms of storage reallocation.

(B) Protection of future Federal water releases from Kanopolis Dam, consistent with State water law, to ensure that the benefits expected from releases are provided.

(C) Potential establishment of a water assurance district consistent with other such districts established by the State of Kansas.

(D) Protection of existing project purposes at Kanopolis Dam to include flood control, recreation, and fish and wildlife.

(b) IN-KIND CREDIT.—

(1) IN GENERAL.—The Secretary may negotiate a credit for a portion of the financial repayment to the Federal Government for work performed by the State of Kansas, or another non-Federal interest, on land adjacent or in close proximity to the project, if the work provides a benefit to the project.

(2) WORK INCLUDED.—The work for which credit may be granted may include watershed protection and enhancement, including wetland construction and ecosystem restoration.

SEC. 154. NEW YORK CITY WATERSHED.

Section 552(d) of the Water Resources Development Act of 1996 (110 Stat. 3780) is amended by striking ''for the project to be carried out with such assistance'' and inserting '', or a public entity designated by the State director, to carry out the project with such assistance, subject to the project's meeting the certification requirement of subsection (c)(1)''.

SEC. 155. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

SEC. 156. HAMILTON DAM FLOOD CONTROL PROJECT, MICHIGAN.

The Secretary may construct the Hamilton Dam flood control project, Michigan, under authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 157. NATIONAL CONTAMINATED SEDIMENT TASK FORCE.

(a) DEFINITION OF TASK FORCE.—In this section, the term ''Task Force'' means the National Contaminated Sediment Task Force established by section 502 of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271 note; Public Law 102–580).

(b) CONVENING.—The Secretary and the Administrator shall convene the Task Force not later than 90 days after the date of enactment of this Act.

(c) REPORTING ON REMEDIAL ACTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit to Congress a report on the status of remedial actions at aquatic sites in the areas described in paragraph (2).

(2) AREAS.—The report under paragraph (1) shall address remedial actions in—

(A) areas of probable concern identified in the survey of data regarding aquatic sediment quality required by section 503(a) of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271);

(B) areas of concern within the Great Lakes, as identified under section 118(f) of the Federal Water Pollution Control Act (33 U.S.C. 1268(f));

(C) estuaries of national significance identified under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(D) areas for which remedial action has been authorized under any of the Water Resources Development Acts; and

(E) as appropriate, any other areas where sediment contamination is identified by the Task Force.

(3) ACTIVITIES.—Remedial actions subject to reporting under this subsection include remedial actions under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other Federal or State law containing environmental remediation authority;

(B) any of the Water Resources Development Acts;

(C) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); or

(D) section 10 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425).

(4) CONTENTS.—The report under paragraph (1) shall provide, with respect to each remedial action described in the report, a description of—

(A) the authorities and sources of funding for conducting the remedial action;

(B) the nature and sources of the sediment contamination, including volume and concentration, where appropriate;

(C) the testing conducted to determine the nature and extent of sediment contamination and to determine whether the remedial action is necessary;

(D) the action levels or other factors used to determine that the remedial action is necessary;

(E) the nature of the remedial action planned or undertaken, including the levels

of protection of public health and the environment to be achieved by the remedial action;

(F) the ultimate disposition of any material dredged as part of the remedial action;

(G) the status of projects and the obstacles or barriers to prompt conduct of the remedial action; and

(H) contacts and sources of further information concerning the remedial action.

SEC. 158. GREAT LAKES BASIN PROGRAM.

(a) STRATEGIC PLANS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall report to Congress on a plan for programs of the Army Corps of Engineers in the Great Lakes basin.

(2) CONTENTS.—The plan shall include details of the projected environmental and navigational projects in the Great Lakes basin, including—

(A) navigational maintenance and operations for commercial and recreational vessels;

(B) environmental restoration activities;

(C) water level maintenance activities;

(D) technical and planning assistance to States and remedial action planning committees;

(E) sediment transport analysis, sediment management planning, and activities to support prevention of excess sediment loadings;

(F) flood damage reduction and shoreline erosion prevention;

(G) all other activities of the Army Corps of Engineers; and

(H) an analysis of factors limiting use of programs and authorities of the Army Corps of Engineers in existence on the date of enactment of this Act in the Great Lakes basin, including the need for new or modified authorities.

(b) GREAT LAKES BIOHYDROLOGICAL INFORMATION.—

(1) INVENTORY.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall request each Federal agency that may possess information relevant to the Great Lakes biohydrological system to provide an inventory of all such information in the possession of the agency.

(B) RELEVANT INFORMATION.—For the purpose of subparagraph (A), relevant information includes information on—

(i) ground and surface water hydrology;

(ii) natural and altered tributary dynamics;

(iii) biological aspects of the system influenced by and influencing water quantity and water movement;

(iv) meteorological projections and weather impacts on Great Lakes water levels; and

(v) other Great Lakes biohydrological system data relevant to sustainable water use management.

(2) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the States, Indian tribes, and Federal agencies, and after requesting information from the provinces and the federal government of Canada, shall—

(i) compile the inventories of information;

(ii) analyze the information for consistency and gaps; and

(iii) submit to Congress, the International Joint Commission, and the Great Lakes States a report that includes recommendations on ways to improve the information base on the biohydrological dynamics of the Great Lakes ecosystem as a whole, so as to support environmentally sound decisions regarding diversions and consumptive uses of Great Lakes water.

(B) RECOMMENDATIONS.—The recommendations in the report under subparagraph (A) shall include recommendations relating to the resources and funds necessary for implementing improvement of the information base.

(C) CONSIDERATIONS.—In developing the report under subparagraph (A), the Secretary, in cooperation with the Secretary of State, the Secretary of Transportation, and other relevant agencies as appropriate, shall consider and report on the status of the issues described and recommendations made in—

(i) the Report of the International Joint Commission to the Governments of the United States and Canada under the 1977 reference issued in 1985; and

(ii) the 1993 Report of the International Joint Commission to the Governments of Canada and the United States on Methods of Alleviating Adverse Consequences of Fluctuating Water Levels in the Great Lakes St. Lawrence Basin.

(c) GREAT LAKES RECREATIONAL BOATING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, using information and studies in existence on the date of enactment of this Act to the maximum extent practicable, and in cooperation with the Great Lakes States, submit to Congress a report detailing the economic benefits of recreational boating in the Great Lakes basin, particularly at harbors benefiting from operation and maintenance projects of the Army Corps of Engineers.

(d) COOPERATION.—In undertaking activities under this section, the Secretary shall—

(1) encourage public participation; and

(2) cooperate, and, as appropriate, collaborate, with Great Lakes States, tribal governments, and Canadian federal, provincial, tribal governments.

(e) WATER USE ACTIVITIES AND POLICIES.—The Secretary may provide technical assistance to the Great Lakes States to develop interstate guidelines to improve the consistency and efficiency of State-level water use activities and policies in the Great Lakes basin.

(f) COST SHARING.—The Secretary may seek and accept funds from non-Federal entities to be used to pay up to 25 percent of the cost of carrying out subsections (b), (c), (d), and (e).

SEC. 159. PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

Section 1135(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(c)) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary''; and

(2) by adding at the end the following:

''(2) CONTROL OF SEA LAMPREY.—Congress finds that—

''(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts to its fishery; and

''(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.''.

SEC. 160. WATER QUALITY, ENVIRONMENTAL QUALITY, RECREATION, FISH AND WILDLIFE, FLOOD CONTROL, AND NAVIGATION.

(a) IN GENERAL.—The Secretary may investigate, study, evaluate, and report on—

(1) water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie watershed, including the watersheds of the Maumee River, Ottawa River, and Portage River in the States of Indiana, Ohio, and Michigan; and

(2) measures to improve water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie basin.

(b) COOPERATION.—In carrying out studies and investigations under subsection (a), the Secretary shall cooperate with Federal, State, and local agencies and nongovernmental organizations to ensure full consideration of all views and requirements of all interrelated programs that those agencies may develop independently or in coordination with the Army Corps of Engineers.

SEC. 161. IRRIGATION DIVERSION PROTECTION AND FISHERIES ENHANCEMENT ASSISTANCE.

The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering into irrigation systems. Measures shall be developed in cooperation with Federal and State resource agencies and not impair the continued withdrawal of water for irrigation purposes. In providing such assistance priority shall be given based on the objectives of the Endangered Species Act, cost-effectiveness, and the potential for reducing fish mortality. Non-Federal interests shall agree by contract to contribute 50 percent of the cost of such assistance. Not more than one-half of such non-Federal contribution may be made by the provision of services, materials, supplies, or other in-kind services. No construction activities are authorized by this section. Not later than 2 years after the date of enactment of this section, the Secretary shall report to Congress on fish mortality caused by irrigation water intake devices, appropriate measures to reduce mortality, the extent to which such measures are currently being employed in the arid States, the construction costs associated with such measures, and the appropriate Federal role, if any, to encourage the use of such measures.

TITLE II—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

SEC. 201. DEFINITIONS.

In this title:

(1) RESTORATION.—The term ''restoration'' means mitigation of the habitat of wildlife.

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

(3) TERRESTRIAL WILDLIFE HABITAT.—The term ''terrestrial wildlife habitat'' means a habitat for a wildlife species (including game and nongame species) that existed or exists on an upland habitat (including a prairie grassland, woodland, bottom land forest, scrub, or shrub) or an emergent wetland habitat.

(4) WILDLIFE.—The term ''wildlife'' has the meaning given the term in section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b).

SEC. 202. TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION PLANS.—

(1) IN GENERAL.—In accordance with this subsection and in consultation with the Secretary and the Secretary of the Interior, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall, as a condition of the receipt of funds under this title, each develop a plan for the restoration of terrestrial wildlife habitat loss that occurred as a result of flooding related to the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

(2) SUBMISSION OF PLAN TO SECRETARY.—On completion of a plan for terrestrial wildlife habitat restoration, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall submit the plan to the Secretary.

(3) REVIEW BY SECRETARY AND SUBMISSION TO COMMITTEES.—The Secretary shall review the plan and submit the plan, with any comments, to the appropriate committees of the Senate and the House of Representatives.

(4) FUNDING FOR CARRYING OUT PLANS.—

(A) STATE OF SOUTH DAKOTA.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota, each of the Committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of the plan.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 203, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, each of the Committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of each of the plans.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 204, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively.

(C) TRANSITION PERIOD.—

(i) IN GENERAL.—During the period described in clause (ii), the Secretary shall—

(I) fund the terrestrial wildlife habitat restoration programs being carried out on the date of enactment of this Act on Oahe and Big Bend project land and the plans established under this section at a level that does not exceed the highest amount of funding that was provided for the programs during a previous fiscal year; and

(II) implement the programs.

(ii) PERIOD.—Clause (i) shall apply during the period—

(I) beginning on the date of enactment of this Act; and

(II) ending on the earlier of—

(aa) the date on which funds are made available for use from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund under section 203(d)(3)(A)(i) and the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund under section 204(d)(3)(A)(i); or

(bb) the date that is 4 years after the date of enactment of this Act.

(b) PROGRAMS FOR THE PURCHASE OF WILDLIFE HABITAT LEASES.—

(1) IN GENERAL.—The State of South Dakota may use funds made available under section 203(d)(3)(A)(iii) to develop a program for the purchase of wildlife habitat leases that meets the requirements of this subsection.

(2) DEVELOPMENT OF A PLAN.—

(A) IN GENERAL.—If the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe elects to conduct a program under this subsection, the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe (in consultation with the United States Fish and Wildlife Service and the Secretary and with an opportunity for public comment) shall develop a plan to lease land for the protection and development of wildlife habitat, including habitat for threatened and endangered species, associated with the Missouri River ecosystem.

(B) USE FOR PROGRAM.—The plan shall be used by the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe in carrying out the program carried out under paragraph (1).

(3) CONDITIONS OF LEASES.—Each lease covered under a program carried out under paragraph (1) shall specify that the owner of the property that is subject to the lease shall provide—

(A) public access for sportsmen during hunting season; and

(B) public access for other outdoor uses covered under the lease, as negotiated by the landowner and the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe.

(4) USE OF ASSISTANCE.—

(A) STATE OF SOUTH DAKOTA.—If the State of South Dakota conducts a program under this subsection, the State may use funds made available under section 203(d)(3)(A)(iii) to—

(i) acquire easements, rights-of-way, or leases for management and protection of wildlife habitat, including habitat for threatened and endangered species, and public access to wildlife on private property in the State of South Dakota;

(ii) create public access to Federal or State land through the purchase of easements or rights-of-way that traverse such private property; or

(iii) lease land for the creation or restoration of a wetland on such private property.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—If the Cheyenne River Sioux Tribe or the Lower Brule Sioux Tribe conducts a program under this subsection, the Tribe may use funds made available under section 204(d)(3)(A)(iii) for the purposes described in subparagraph (A).

(c) FEDERAL OBLIGATION FOR TERRESTRIAL WILDLIFE HABITAT MITIGATION FOR THE BIG BEND AND OAHE PROJECTS IN SOUTH DAKOTA.—The establishment of the trust funds under sections 203 and 204 and the development and implementation of plans for terrestrial wildlife habitat restoration developed by the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe in accordance with this section shall be considered to satisfy the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) for terrestrial wildlife habitat mitigation for the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe for the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

SEC. 203. SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund'' (referred to in this section as the ''Fund'').

(b) FUNDING.—For the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Fund under this subsection is equal to at least $108,000,000, the Secretary of the Treasury shall deposit in the Fund an amount equal to 15 percent of the receipts from the deposits in the Treasury of the United States for the preceding fiscal year from the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the State of South Dakota for use in accordance with paragraph (3).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 202(a)(4)(A), the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of South Dakota for use as State funds in accordance with paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the State of South Dakota shall use the amounts transferred under paragraph (2) only to—

(i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the State developed under section 202(a); and

(ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the State;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the State of South Dakota by the Secretary;

(III) purchase and administer wildlife habitat leases under section 202(b);

(IV) carry out other activities described in section 202; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 204. CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.

(a) ESTABLISHMENT.—There are established in the Treasury of the United States 2 funds to be known as the ''Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund'' and the ''Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund'' (each of which is referred to in this section as a ''Fund'').

(b) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), for the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Funds under this subsection is equal to at least $57,400,000, the Secretary of the Treasury shall deposit in the Funds an amount equal to 10 percent of the receipts from the deposits in the Treasury of the United States for the preceding fiscal year from the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(2) ALLOCATION.—Of the total amount of funds deposited into the Funds for a fiscal

year, the Secretary of the Treasury shall deposit—

(A) 74 percent of the funds into the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund; and

(B) 26 percent of the funds into the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for their use in accordance with paragraph (3).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 202(a)(4)(B), the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for use in accordance with paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall use the amounts transferred under paragraph (2) only to—

(i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the respective Tribe developed under section 202(a); and

(ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the respective Tribe;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the respective Tribe by the Secretary;

(III) purchase and administer wildlife habitat leases under section 202(b);

(IV) carry out other activities described in section 202; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 205. TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.

(a) IN GENERAL.—

(1) TRANSFER.—

(A) IN GENERAL.—The Secretary of the Army shall transfer to the Department of Game, Fish and Parks of the State of South Dakota (referred to in this section as the ''Department'') the land and recreation areas described in subsections (b) and (c) for fish and wildlife purposes, or public recreation uses, in perpetuity.

(B) PERMITS, RIGHTS-OF-WAY, AND EASEMENTS.—All permits, rights-of-way, and easements granted by the Secretary of the Army to the Oglala Sioux Tribe for land on the west side of the Missouri River between the Oahe Dam and Highway 14, and all permits, rights-of-way, and easements on any other land administered by the Secretary and used by the Oglala Sioux Rural Water Supply System, are granted to the Oglala Sioux Tribe in perpetuity to be held in trust under section 3(e) of the Mni Wiconi Project Act of 1988 (102 Stat. 2568).

(2) USES.—The Department shall maintain and develop the land outside the recreation areas for fish and wildlife purposes in accordance with—

(A) fish and wildlife purposes in effect on the date of enactment of this Act; or

(B) a plan developed under section 202.

(3) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), or other applicable law.

(4) SECRETARY OF THE ARMY.—The Secretary of the Army shall retain the right to inundate with water the land transferred to the Department under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Oahe, Big Bend, Fort Randall, and Gavin's Point projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program;

(3) is located outside the external boundaries of a reservation of an Indian Tribe; and

(4) is located within the State of South Dakota.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and waters within a recreation area that—

(1) the Secretary of the Army determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located outside the external boundaries of a reservation of an Indian Tribe;

(3) is located within the State of South Dakota;

(4) is not the recreation area known as ''Cottonwood'', ''Training Dike'', or ''Tailwaters''; and

(5) is located below Gavin's Point Dam in the State of South Dakota in accordance with boundary agreements and reciprocal fishing agreements between the State of South Dakota and the State of Nebraska in effect on the date of enactment of this Act, which agreements shall continue to be honored by the State of South Dakota as the agreements apply to any land or recreation areas transferred under this title to the State of South Dakota below Gavin's Point Dam and on the waters of the Missouri River.

(d) MAP.—

(1) IN GENERAL.—The Secretary of the Army, in consultation with the Department, shall prepare a map of the land and recreation areas transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures;

which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary of the Army.

(e) SCHEDULE FOR TRANSFER.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army and the Secretary of the Department shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the Trust Fund described in section 203.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred in fee title to the Department on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary of the Army shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—The Department shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(g) HUNTING AND FISHING.—

(1) IN GENERAL.—Nothing in this title affects jurisdiction over the land and water below the exclusive flood pool of the Missouri River within the State of South Dakota, including affected Indian reservations. The State of South Dakota, the Lower Brule Sioux Tribe, and the Cheyenne River Sioux Tribe shall continue in perpetuity to exercise the jurisdiction the State and Tribes possess on the date of enactment of this Act.

(2) NO EFFECT ON RESPECTIVE JURISDICTIONS.—The Secretary may not adopt any regulation or otherwise affect the respective jurisdictions of the State of South Dakota, the Lower Brule River Sioux Tribe, or the Cheyenne River Sioux Tribe described in paragraph (1).

(h) APPLICABILITY OF LAW.—Notwithstanding any other provision of this Act, the following provisions of law shall apply to land transferred under this section:

(1) The National Historic Preservation Act (16 U.S.C. 470 et seq.), including sections 106 and 304 of that Act (16 U.S.C. 470f, 470w–3).

(2) The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), including sections 4, 6, 7, and 9 of that Act (16 U.S.C. 470cc, 470ee, 470ff, 470hh).

(3) The Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.), including subsections (a) and (d) of section 3 of that Act (25 U.S.C. 3003).

SEC. 206. TRANSFER OF CORPS OF ENGINEERS LAND FOR INDIAN TRIBES.

(a) IN GENERAL.—

(1) TRANSFER.—The Secretary of the Army shall transfer to the Secretary of the Interior the land and recreation areas described in subsections (b) and (c).

(2) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), or other applicable law.

(3) SECRETARY OF THE ARMY.—The Secretary of the Army shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(4) TRUST.—The Secretary of the Interior shall hold in trust for the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe the land transferred under this section that is located within the external boundaries of the reservation of the Indian Tribes.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Big Bend and Oahe projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program; and

(3) is located within the external boundaries of the reservation of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and waters within a recreation area that—

(1) the Secretary of the Army determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located within the external boundaries of a reservation of an Indian Tribe; and

(3) is located within the State of South Dakota.

(d) MAP.—

(1) IN GENERAL.—The Secretary of the Army, in consultation with the governing bodies of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, shall prepare a map of the land transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures;

which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary of the Army.

(e) SCHEDULE FOR TRANSFER.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army and the Chairmen of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the State and tribal Trust Fund described in section 204.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred to, and held in trust by, the Secretary of the Interior on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary of the Army shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) HUNTING AND FISHING.—Nothing in this title affects jurisdiction over the land and waters below the exclusive flood pool and within the external boundaries of the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe reservations. The State of South Dakota, the Lower Brule Sioux Tribe, and the Cheyenne River Sioux Tribe shall continue to exercise, in perpetuity, the jurisdiction they possess on the date of enactment of this Act with regard to those lands and waters. The Secretary may not adopt any regulation or otherwise affect the respective jurisdictions of the State of South Dakota, the Lower Brule River Sioux Tribe, or the Cheyenne River Sioux Tribe described in the preceding sentence. Jurisdiction over the land transferred under this section shall be the same as that over other land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Tribe reservation and the Lower Brule Sioux Tribe reservation.

(3) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—

(A) MAINTENANCE.—The Secretary of the Interior shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(B) PAYMENTS TO COUNTY.—The Secretary of the Interior shall pay any affected county 100 percent of the receipts from the easements, rights-of-way, leases, and cost-sharing agreements described in subparagraph (A).

SEC. 207. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian Tribe;

(2) any other right of an Indian Tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian Tribe;

(5) any authority of the State of South Dakota that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (commonly known as the ''Clean Water Act'') (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) POWER RATES.—No payment made under this title shall affect any power rate under the Pick-Sloan Missouri River Basin program.

(c) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private land caused by the operation of the Pick-Sloan Missouri River Basin program.

(d) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan Missouri River Basin program for purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

SEC. 208. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army shall arrange for the United States Geological Survey, in consultation with the Bureau of Indian Affairs and other appropriate Federal agencies, to conduct a comprehensive study of the potential impacts of the transfer of land under sections 205(b) and 206(b), including potential impacts on South Dakota Sioux Tribes having water claims within the Missouri River Basin, on water flows in the Missouri River.

(b) NO TRANSFER PENDING DETERMINATION.—No transfer of land under section 205(b) or 206(b) shall occur until the Secretary determines, based on the study, that the transfer of land under either section will not significantly reduce the amount of water flow to the downstream States of the Missouri River.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) SECRETARY.—There are authorized to be appropriated to the Secretary such sums as are necessary—

(1) to pay the administrative expenses incurred by the Secretary in carrying out this title; and

(2) to fund the implementation of terrestrial wildlife habitat restoration plans under section 202(a).

(b) SECRETARY OF THE INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to pay the administrative expenses incurred by the Secretary of the Interior in carrying out this title.

Mr. LOTT. Let me just say again, a lot of work went into this important legislation involving water resources. It affects States throughout the country. I am very pleased that we got this done. We worked on it in a bipartisan way. And we are hoping now that the House will act expeditiously and we can complete this legislation.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, we do have another move we will need to make in a few minutes, but Senator DASCHLE has indicated he would wish to have an opportunity to use some leader time at this point and, depending on how things go, I may want to do the same. But we worked on these things in a cooperative way, and he is entitled to take leader time. And we have assured each other that nobody is going to try to take advantage of this time.

I yield the floor so that Senator DASCHLE can use leader time on his issue.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I thank the majority leader.

BLOCKING HMO REFORM

Mr. DASCHLE. First, let me say that I would not have required leader time had we been following what I understand is normal procedure on the Senate floor: The majority leader is recognized first, the Democratic leader is recognized second. I was not recognized following the motion that I made, and I am very disappointed—

Mr. LEAHY. The Senate is not in order. I think the leader is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order. Please take all extraneous conversations to the cloakroom.

Mr. DASCHLE. I thank the Senator from Vermont.

I would clarify my comments by adding that the current Presiding Officer was not in the chair, nor was the current Parliamentarian. So it could have

been an accident, and I will accept it as that, but I would hope that the Chair—not this particular Presiding Officer—but the Chair would always recognize the importance of following Senate rules. And Senate rules oblige the Chair to recognize either leader before any other Member.

Mr. President, I wanted the opportunity to talk about why we raised HMO reform today and why it was important that we have a vote. We had the vote on almost a partisan basis—there were a couple of our Republican colleagues who joined us, but it was largely on a partisan basis. Once again, our efforts to bring forth a bill and a debate on the Patients' Bill of Rights failed. I am disappointed because this may be the last opportunity we have to consider this issue.

We have considered a lot of items over the last couple of weeks. I have reported to the distinguished majority leader that I have heard from many of my Members on a daily basis why it is important to bring up HMO reform if we are going to bring up so many other issues. As the sponsor of the legislation, frankly, I feel much the same with regard to the priority this legislation should have.

We have attempted to deal with H.R. 10, and I have supported that effort. We have successfully dealt with Internet tax, and I supported that. We dealt with bankruptcy, and, unfortunately, that bill will be vetoed in large measure because we weren't able to come to some successful conclusion in the negotiations, but I supported that. We had time for all of those measures. That our Senate colleagues do not have the time or are unwilling to provide the priority to this legislation speaks volumes about where their real priorities are.

Democrats have said over and over again there is nothing more important than this legislation, that there is nothing more important on our agenda than passing a Patients' Bill of Rights this year.

We have held hearings throughout the year. We introduced our bill in March, S. 1890. We attempted over the last 9 months, through myriad parliamentary procedures, to be able to come to some conclusion on this issue. We even proposed working overtime, a second shift, to be able to address a Patients' Bill of Rights in a meaningful way. We even offered the bill as an amendment. We have been thwarted in every single scenario that has presented itself to the Senate to date.

Frankly, the priority that this legislation should have is probably as great a dividing line as there is between our Republican colleagues and Democratic Senators. Our Republican colleagues first urged insurers to ''get out their wallets'' and fight protections as though it were a war.

In April, they voted against the sense-of-the-Senate resolution regarding patients' rights—a vote against access to specialists, against protection from drive-through mastectomies, against an end to the practice of medicine by insurance company bureaucrats.

By July they had read polls and, frankly, I think they were concerned about the political implications of this issue. Then they introduced a bill, strikingly different from ours but using exactly the same title. The fact is there are now two bills entitled a Patients' Bill of Rights—one that is real and one that is not. Their bill is filled with loopholes that benefit the insurance industry. And today, once again, they have refused to debate the real issues and our real differences regarding this legislation.

Passage of real patient protections should have been the highest priority of this session of Congress. We should have ended this session celebrating bipartisan cooperation on a bill of this import.

Instead, our colleagues have thwarted us at every turn. They have ignored how real people get hurt. Over the past year, we have heard story after story of abuses that should have been addressed.

We heard about a 6-month-old by the name of James Adams, who was burning with a 105-degree fever, and his HMO forced his parents to drive to an emergency room over an hour away, even though there was a hospital closer by. Young James suffered cardiac arrest, and lost his hands and feet.

We also heard about forty-five-year-old Buddy Kuhl who died after his HMO denied and delayed heart surgery. He left a wife and two young children. We could go on with these tragedies that occur every day outside this chamber.

The tragedy within this chamber is, with all of these stories and millions and millions of people abused every year, this Congress has ignored and thwarted every effort to address the problem. There is no explanation, no excuse, no way it can be explained away.

One-hundred and eighty different groups, as disparate as they can be—from doctors and nurses organizations, to organizations representing consumers and workers, to the American Cancer Society—urged the Congress, in as strong terms as they could, to do something, resolve this problem, address it in a comprehensive way. Don't pass a sham bill. Don't say you passed something and falsely raise expectations. Don't talk about how serious the problem is and then not address it.

We have lost an opportunity to address this issue. We have lost the opportunity to provide critical protections to those who need emergency care, to those who need access to specialists, and to those who have ongoing illnesses who recognize the abuses by HMOs and are increasingly frustrated with Congress' unwillingness to deal with this issue. These are the people who recognize the importance of access to the prescription drugs a doctor prescribes as necessary. They recognize the importance of access to clinical trials. They recognize that the protection against retaliation for doctors and nurses who advocate for patients is critical. They recognize that protection from insurance companies who interfere with a doctor's best judgment is necessary.

With all the recognition of the problems that exist, with all that realization, we had an opportunity to work in a bipartisan way to resolve these matters. To leave the issue on the calendar, to leave that work undone is indeed a tragedy.

I acknowledge that our prospects for passing something this year are not good. But I will state as unequivocally as I can that this will continue to be an issue until it is resolved. This will continue to be something we will force on the Senate agenda in whatever way we can—as an amendment, moving to a motion to proceed, finding ways to reach out to the millions of Americans who need our help this year and who will certainly need it next year.

We must act responsibly. We must act comprehensively. I hope we do it sooner rather than later.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I will say at the beginning that I agree with Senator DASCHLE that this is something we should address and I believe we will address because there are some legitimate concerns and problems in this area that need to be dealt with. I am very hopeful we can do that next year.

I want to thank Senator NICKLES and our task force that worked on this issue. I want to thank Dr. BILL FRIST, a Member of the Senate, who worked on this issue. I think it is great that we actually have a doctor involved that understands what happens in this area.

I have told people, you can take your choice here of which bill is really the best bill—the one proposed by the Democratic side, led by Senator KENNEDY, or the one proposed over on the Republican side led by Dr. BILL FRIST. I think the choice is pretty clear. But thank you for your work. I do believe that we are going to address this next year. I believe we will do it in, hopefully, a responsible way and, eventually, it can be a bipartisan bill.

This effort today was clearly a planned PR effort because we were able to accidentally come across some e-mail that indicated that this was in preparation for a big hoopla down at the White House.

We have tried to get this issue up in a fair way—on June 18, three different times; on July 15, twice; on June 25, and on other occasions, I had offered a very fair process to bring this up. The Democratic proposal, sponsored by Senators DASCHLE, KENNEDY, and others, would have been offered. Our alternative proposal, the Republican proposal, would have been offered. We could have debated them both, with three amendments on both sides. It

could be small amendments or big amendments—that is up to either side—and we could have had the votes and been done with it, and sent it to conference with the House. We could have completed this in June or July.

But, no, the Democrats objected. They didn't want to have the two bills head to head and amendments in order because they knew what the result would be. We had a good proposal; it was going to pass. By the way, we might actually have gotten something done.

They don't want this issue to pass. They want a political issue. We could have done this in June or July, but they objected, saying, no, we must have 20 amendments on each side. Twenty amendments; forty amendments total—days. The whole plan was to try to find a way to have the Members have to cast repeated votes on an issue that would obfuscate the difference between the two bills in reality.

So we have made an effort. We are ready to go. We would have been happy to do it in June or July. We are going to be looking for a way to do it next year. When the time comes, it won't be the Kennedy-Daschle bill. The American people don't want or need that. What we need is a fair bill. We need access. What we don't need is something that will lead to more costs and more lawsuits—hallelujah.

Is this about the patients and the doctors and health care, or is this so my brother-in-law can file another lawsuit? I have the answer. The answer is that we ought to be worrying about the patients and the health care providers in America. We have a good bill. I am proud to have supported it and to have been willing to bring it up in a fair way. We will do it, I hope, early next year.

I would be glad to yield to the assistant majority leader, Senator NICKLES, who has done great work on this.

Mr. NICKLES. Mr. President, I am disappointed that our colleagues on the Democrat side of the aisle really have tried to play politics with this issue. Many of us were very, very serious about trying to pass a positive bill that dealt with HMO organizations, with health care. We studied the issue for a long time. Senator DASCHLE said after they realized the polls, they introduced the bill in July. We worked 7 or 8 months trying to put a bill together that would be a responsible, positive bill to meet certain objectives. One, not increase the number of people in the uninsured category. Unfortunately, I think that would have happened under the Kennedy bill. It would have dramatically increased the cost of insurance and, therefore, dramatically increase the number of people who are uninsured. We said, What can we do that would be a positive impact on helping people have affordable health care and maybe provide some coverage and protections for those people who don't have it from their States, and so we put together a package to do that.

We didn't come up and say, hey, trial lawyers, what would you like? Under the Democrats' bill, really, it was a bill that would greatly enhance attorney fees. It gave people the right not only to sue the HMO and the health care provider, but also the employer as well. The net result is that lots of employers would have dropped plans, increased the number of uninsured. That would not have helped anybody. It would have been a serious mistake. We didn't want to pass legislation that would increase the number of uninsured by 1 million people. That would have been a mistake.

So we were willing to take it up. Our colleagues have said, wait a minute, we want to vote today. Today may be the last or second to last day we are going to be in session. In June or July, we offered to do this. Or we tried to get it done this September where we would have a reasonable time limit, where we would vote and pass legislation. Unfortunately, I think Senator KENNEDY and others didn't want to do that because they didn't have the votes.

Their proposal didn't have the votes. It had a lot of rhetoric, but it didn't have the votes. They never would take yes for an answer. We were willing to take up their proposal. We were willing to take up our proposal. We were willing to have a couple of amendments on each side. They could have drafted those amendments any way they wanted to. They could have addressed every issue they wanted to, and we could have passed legislation. We could have done it in time to go to conference with the House and maybe work out a responsible and reasonable bill that could be enacted into law. Unfortunately, they wouldn't take yes for an answer.

So they played games trying to turn it into an election year issue. I can see it right now. People will try to run ads—maybe in my State—and say, ''NICKLES opposed Patients' Bill of Rights.'' But the truth is, we had 50 cosponsors on this side of the aisle who cosponsored a Patients' Bill of Rights that, in my opinion, and the belief of the majority of the body, was far superior to the bill that was proffered by our colleagues on the Democratic side of the aisle. It is unfortunate to me that they wouldn't take yes for an answer. They wouldn't agree to a unanimous consent request that would have allowed us to pass legislation and, instead, resorted to some type of shenanigan where they tried to get a vote and then have the galleries filled with people in the House.

And so, ''Oh, yes, we are really working to do this,'' when all they were looking for was an election year ad not to pass real legislation.

Mr. KENNEDY. Will the Senator yield?

Mr. President, I listened with interest to the attempts of my good friends Senators LOTT and NICKLES to rewrite the history of the Patients' Bill of Rights in this Congress. No amount of rhetoric and disinformation can disguise the fact that the Republicans in Congress have abused the rules of the Senate to prevent passage of strong patient protections this year. The vote today was the latest installment payment to powerful special interests opposed to change.

The Republican leadership could have called the Patients' Bill of Rights at any time for a full and fair debate. Instead, proposed a series of phony ''consent'' agreements that would prevent fair debate and make passage of real reform impossible. These stalling tactics were clearly meant to run out the clock, so that managed care reforms cannot be passed before Congress adjourns, and so that the Republican leadership can avoid responsibility for its defeat.

The record of Republican attempts to avoid the blame for inaction would be laughable, if the consequences for patients across the country were not so serious.

On June 18, Senator LOTT proposed to bring up the bill, but on terms that made a mockery of the legislative process. His proposal would have allowed the Senate to start considering HMO reform, but he would have been permitted to end the debate at any time. The proposal also barred the Senate from considering any other health care legislation for the rest of the year. So if Senator LOTT did not like the direction the bill was headed, he could kill it and tie the Senate's hands on HMO reform for the remainder of the year.

On June 23, 43 Democratic Senators wrote to Senator LOTT to urge that he allow a debate and votes on the merits of the Patient's Bill of Rights. We requested that the Senate take up this issue before the August recess.

In response, on June 24, Senator LOTT repeated his earlier unacceptable offer.

On June 25, Senator DASCHLE proposed an agreement in which Senator LOTT would bring up a Republican health care bill by July 6, so that Senator DASCHLE could offer the Democratic Patients' Bill of Rights, and other Senators could offer amendments on HMO reform. We would agree to avoid amendments on any other subject. Only amendments related to the Patients Bill of Rights would be eligible for consideration. Senator LOTT rejected this offer as well.

On June 26, he offered once again an agreement that allowed him to withdraw the legislation at any time, and bar any further consideration of any health care legislation for the remainder of the year.

On July 15, Senator LOTT made yet another offer. This time, he proposed an agreement that permitted only one amendment. He could bring up bill. We could bring up ours. And that would be it—all or nothing. No votes on key issues.

On July 29 and on September 1, the Republican leadership offered variations of this proposal, with amendments restricted to three for Democrats and three for Republicans.

Senator DASCHLE offered yet another reasonable approach to resolve the impasse that Senator LOTT had created by his efforts to prevent meaningful reform. He offered to agree to let the Senate debate other bills during the day, and use evenings to debate the Patients' Bill of Rights—but the Republican leadership said, ''no.''

Our patients' Bill of Rights was introduced in March—and a predecessor bill was introduced by Congressman DINGELL and myself more than eighteen months ago, at the beginning of this Congress.

Senator DASCHLE, in an effort to be responsive to the Republican Leader's ultimatum that an agreement on the terms of the debate must be reached before the debate can begin, has offered reasonable proposal after reasonable propsal—and every one was rejected.

Yet the Republican leader has allowed the Senate to debate many other bills this year, with ample time and ample opportunity for amendments.

We had 7 days of debate on the budget resolution, and considered 105 amendments. Two of those were offered by Senator NICKLES.

We had 6 days of debate on the defense authorization bill, and considered 150 amendments. Two of those were offered by Senator LOTT and he cosponsored 10 others. We had 8 days of debate on IRS reform and considered 13 amendments.

We had 17 days of debate on tobacco legislation—a bill we never completed—and considered 18 amendments.

We had 5 days of debate on the agriculture appropriations bill and 55 amendments.

We had 19 days of debate on the highway bill, with 100 amendments.

The Republican leadership has allowed 5 days of debate and 24 amendments to the bankruptcy bill.

They have allowed 36 amendments and 2 days of debate on the FAA bill.

All these bills were important, and all deserved reasonable debate and opportunities for amendments. They were brought up without any undue restrictions on debate. That is the normal way of doing business on important pieces of legislation in the Senate.

The Republican leadership was willing to have an adequate opportunity to debate and vote on these other important measures. But when the issue is protecting American families instead of insurance industry profits, different ground rules apply to protect the industry and deny the rights of patients.

The reason the Republican leadership was unwilling to engage in a fair debate is obvious. Senator LOTT knows his legislation is deeply flawed, and that it cannot possibly be fixed with just three amendments. He believes that he and his special interest friends can hold most of the Republican Senators for a few votes, but he feared that the would not be willing to stand before the American people on the Senate floor and cast vote after vote for the special interests and against the interests of American families. The fundamental flaws in the Republican bill mean greater profits for insurance companies and lesser care for American patients. Senator LOTT does not want the Senate to vote to fix these flaws. He does not want a vote: on whether all Americans should be covered, or just one third of Americans as the Republicans shamefully propose; on whether there should be genuine access to emergency room care; on whether patients should have access to the specialists they need when they are seriously ill; on whether doctors should be free to give the medical advice they deem appropriate, without fear of being fired by their HMO; on whether patients with incurable cancer or Alzheimer's disease or other serious illnesses should have access to quality clinical trials where conventional treatments offer no hope; on whether patients in the middle of a course of treatment can keep their doctor if their health plan drops them from its network, or their employer changes health plans; on whether the special health needs of the disabled, and women, and children should be met; on whether patients should be able to obtain timely independent review of plan decisions that deny care; or on whether health plans should be held responsible in court for decisions that kill or injure patients.

The list of flaws in the Republican bill goes on and on.

The Republican leadership's record on this issue is painfully clear. Their cynical strategy is to protect the insurance industry at all costs, by blocking any reform at all, or by passing only a minimalist bill so weak that it would be worse than no bill at all. And today, they finally ended the charade—by moving to table a motion to bring the bill passed by Republicans in the House before the Senate.

Last Friday, the Wall Street Journal reported that the Republican Congressional Campaign Committee held a $25,000-a-person fundraiser for a ''select group'' of health care industry executives. The heading for the article was, ''Politicians seek to profit from the debate over health care policies.''

The American people are sick of health insurance companies that profit by abusing patients. And it is equally unacceptable that politicians should profit by protecting those exorbitant industry profits.

Every family in this country knows that it will some day have to confront the challenge of serious illness for a parent, or grandparent, or a child. When that day comes, all of us want the best possible medical care for our loved ones. Members of the ?Senate deserve good medical care for their loved ones—and we generally get it. Every other family is equally deserving of good quality care—but too often they do not get it, because their insurance plan is more interested in profits than patients.

The Patients' Bill of Rights provides simple justice and basic protection for every one of the 160 million Americans with private insurance. It is supported by the American Medical Association, the Consortium of Citizens with Disabilities, the American Cancer Society, the American Heart Association, the National Alliance for the Mentally Ill, the National Partnership for Women and Families, the National Association of Children's Hospitals, the AFL–CIO, and many other groups representing physicians and other health care providers, children, women, families, consumers, persons with disabilities, Americans with serious illnesses, small businesses, and working families.

It is rare for such a broad and diverse coalition to come together in support of legislation. Both they have done so to end these flagrant abuses that hurt so many families.

We serve notice today that this struggle is not over. The Republicans in Congress and their friends in the insurance industry may have won this year's battle, but they will lose in the end.

Democrats in Congress intend to make the Patients' Bill of Rights the first order of business when the new Congress convenes next January. We will continue to fight for meaningful patient protections until they are signed into law. We will not give up this struggle until every family can be confident that a child or parent or grandparent who is ill will receive the best care that American medicine can provide.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the pending committee substitute.

The PRESIDING OFFICER. Will the Senator withhold?

FINANCIAL SERVICES ACT OF 1998

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes.

The Senate resumed consideration of the bill.

Mr. LOTT. I now ask for the yeas and nays on the pending committee substitute.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

MOTION TO RECOMMIT

Mr. LOTT. I move to recommit H.R. 10 back to the Banking Committee to report back forthwith with an amendment.

AMENDMENT NO. 3804

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 3804.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LOTT. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3805 TO INSTRUCTIONS TO RECOMMIT

Mr. LOTT. I send an amendment to the desk to the pending motion.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 3805 to the instructions to recommit.

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

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

The amendment is as follows:

At the end of the Instructions, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marriage Tax Elimination Act''.

SEC. 2. COMBINED RETURN TO WHICH UNMARRIED RATES APPLY.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to income tax returns) is amended by inserting after section 6013 the following new section:

''SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.

''(a) GENERAL RULE.—A husband and wife may make a combined return of income taxes under subtitle A under which—

''(1) a separate taxable income is determined for each spouse by applying the rules provided in this section, and

''(2) the tax imposed by section 1 is the aggregate amount resulting from applying the separate rates set forth in section 1(c) to each such taxable income.

''(b) TREATMENT OF INCOME.—For purposes of this section—

''(1) earned income (within the meaning of section 911(d)), and any income received as a pension or annuity which arises from an employer-employee relationship, shall be treated as the income of the spouse who rendered the services, and

''(2) income from property shall be divided between the spouses in accordance with their respective ownership rights in such property.

''(c) TREATMENT OF DEDUCTIONS.—For purposes of this section—

''(1) except as otherwise provided in this subsection, the deductions allowed by section 62(a) shall be allowed to the spouse treated as having the income to which such deductions relate,

''(2) the deduction for retirement savings described in paragraph (7) of section 62(a) shall be allowed to the spouse for whose benefit the savings are maintained,

''(3) the deduction for alimony described in paragraph (10) of section 62(a) shall be allowed to the spouse who has the liability to pay the alimony,

''(4) the deduction referred to in paragraph (16) of section 62(a) (relating to contributions to medical savings accounts) shall be allowed to the spouse with respect to whose employment or self-employment such account relates,

''(5) the deductions allowable by section 151 (relating to personal exemptions) shall be determined by requiring each spouse to claim 1 personal exemption,

''(6) section 63 shall be applied as if such spouses were not married, and

''(7) each spouse's share of all other deductions (including the deduction for personal exemptions under section 151(c)) shall be determined by multiplying the aggregate amount thereof by the fraction—

''(A) the numerator of which is such spouse's adjusted gross income, and

''(B) the denominator of which is the combined adjusted gross incomes of the 2 spouses.

Any fraction determined under paragraph (7) shall be rounded to the nearest percentage point.

''(d) TREATMENT OF CREDITS.—Credits shall be determined (and applied against the joint liability of the couple for tax) as if the spouses had filed a joint return.

''(e) TREATMENT AS JOINT RETURN.—Except as otherwise provided in this section or in the regulations prescribed hereunder, for purposes of this title (other than sections 1 and 63(c)) a combined return under this section shall be treated as a joint return.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section.''.

(b) UNMARRIED RATE MADE APPLICABLE.—So much of subsection (c) of section 1 of such Code as precedes the table is amended to read as follows:

''(c) SEPARATE OR UNMARRIED RETURN RATE.—There is hereby imposed on the taxable income of every individual (other than a married individual (as defined in section 7703) filing a joint return or a separate return, a surviving spouse as defined in section 2(a), or a head of household as defined in section 2(b)) a tax determined in accordance with the following table:''.

(c) BASIC STANDARD DEDUCTION FOR UNMARRIED INDIVIDUALS MADE APPLICABLE.—Subparagraph (C) of section 63(c)(2) of such Code is amended to read as follows:

''(C) $3,000 in the case of an individual who is not—

''(i) a married individual filing a joint return or a separate return,

''(ii) a surviving spouse, or

''(iii) a head of household, or''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6013 the following:

''Sec. 6013A. Combined return with separate rates.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning January 1, 2000.

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3806 TO AMENDMENT NO. 3805

Mr. LOTT. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 3806 to amendment No. 3805.

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

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

The amendment is as follows:

Strike all after the first word and insert the following:

SHORT TITLE.

This Act may be cited as the ''Marriage Tax Elimination Act''.

SEC. 2. COMBINED RETURN TO WHICH UNMARRIED RATES APPLY.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to income tax returns) is amended by inserting after section 6013 the following new section:

''SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.

''(a) GENERAL RULE.—A husband and wife may make a combined return of income taxes under subtitle A under which—

''(1) a separate taxable income is determined for each spouse by applying the rules provided in this section, and

''(2) the tax imposed by section 1 is the aggregate amount resulting from applying the separate rates set forth in section 1(c) to each such taxable income.

''(b) TREATMENT OF INCOME.—For purposes of this section—

''(1) earned income (within the meaning of section 911(d)), and any income received as a pension or annuity which arises from an employer-employee relationship, shall be treated as the income of the spouse who rendered the services, and

''(2) income from property shall be divided between the spouses in accordance with their respective ownership rights in such property.

''(c) TREATMENT OF DEDUCTIONS.—For purposes of this section—

''(1) except as otherwise provided in this subsection, the deductions allowed by section 62(a) shall be allowed to the spouse treated as having the income to which such deductions relate,

''(2) the deduction for retirement savings described in paragraph (7) of section 62(a) shall be allowed to the spouse for whose benefit the savings are maintained,

''(3) the deduction for alimony described in paragraph (10) of section 62(a) shall be allowed to the spouse who has the liability to pay the alimony,

''(4) the deduction referred to in paragraph (16) of section 62(a) (relating to contributions to medical savings accounts) shall be allowed to the spouse with respect to whose employment or self-employment such account relates,

''(5) the deductions allowable by section 151 (relating to personal exemptions) shall be determined by requiring each spouse to claim 1 personal exemption,

''(6) section 63 shall be applied as if such spouses were not married, and

''(7) each spouse's share of all other deductions (including the deduction for personal exemptions under section 151(c)) shall be determined by multiplying the aggregate amount thereof by the fraction—

''(A) the numerator of which is such spouse's adjusted gross income, and

''(B) the denominator of which is the combined adjusted gross incomes of the 2 spouses.

Any fraction determined under paragraph (7) shall be rounded to the nearest percentage point.

''(d) TREATMENT OF CREDITS.—Credits shall be determined (and applied against the joint liability of the couple for tax) as if the spouses had filed a joint return.

''(e) TREATMENT AS JOINT RETURN.—Except as otherwise provided in this section or in the regulations prescribed hereunder, for purposes of this title (other than sections 1 and 63(c)) a combined return under this section shall be treated as a joint return.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section.''.

(b) UNMARRIED RATE MADE APPLICABLE.—So much of subsection (c) of section 1 of such Code as precedes the table is amended to read as follows:

''(c) SEPARATE OR UNMARRIED RETURN RATE.—There is hereby imposed on the taxable income of every individual (other than a married individual (as defined in section 7703) filing a joint return or a separate return, a surviving spouse as defined in section 2(a), or a head of household as defined in section 2(b)) a tax determined in accordance with the following table:''.

(c) BASIC STANDARD DEDUCTION FOR UNMARRIED INDIVIDUALS MADE APPLICABLE.—Subparagraph (C) of section 63(c)(2) of such Code is amended to read as follows:

''(C) $3,000 in the case of an individual who is not—

''(i) a married individual filing a joint return or a separate return,

''(ii) a surviving spouse, or

''(iii) a head of household, or''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6013 the following:

''Sec. 6013A. Combined return with separate rates.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TREASURY, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999—CONFERENCE REPORT

Mr. LOTT. I now ask unanimous consent that the Senate proceed to the Treasury-Postal Service appropriations conference report and that the conference report be considered as having been read.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that the report be read.

The PRESIDING OFFICER. Is there objection to the request?

Mr. REID. Objection.

MOTION TO PROCEED

Mr. LOTT. There is objection. Therefore, I now move to proceed to the conference report.

Several Senators addressed the Chair.

Mr. REID. I ask that the report be read.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Nevada has that right.

The clerk will read the conference report.

The assistant legislative clerk proceeded to read the conference report.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I ask unanimous consent further reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to read.

The assistant legislative clerk continued the reading of the conference report.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Minnesota.

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

The PRESIDING OFFICER. The clerk will proceed.

The assistant legislative clerk continued the reading of the conference report.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. I ask unanimous consent that the reading of the conference report be dispensed with.

Mr. GRAHAM. Mr. President, on behalf of Senator REID, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue reading the report.

The assistant legislative clerk continued the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the further reading of the conference report be dispensed with.

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER (Mr. HAGEL). Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the conference report be dispensed with.

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that further reading of the report be dispensed with.

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, in order for the U.S. Senate to conduct the people's business, despite the delay and frustration of the other party, I ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, in order that the Senate might conduct the people's business, I ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, in order that the Democrats not put the Senate in a stalemate, I ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, in order to save a little time, I have ordered some Tinkertoys for the Democrats to play with. I, therefore, ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I again ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object. Protecting the rights of the majority under the rules of the Senate, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, point of parliamentary inquiry.

The PRESIDING OFFICER. Parliamentary inquiry is not in order.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the conference report be dispensed with as it should be.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, in order to conduct the people's business, I again ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, in order to protect the rights of thousands of Federal women, Federal employees who are women, who are denied health care, I object.

Mr. SMITH of New Hampshire. Regular order, Mr. President.

Mr. HELMS. Mr. President, regular order.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, I ask unanimous consent that this absurdity be brought to an end.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I again ask unanimous consent that reading of the conference report be dispensed with until we conduct the people's business.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, objection.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, I congratulate the Senator from Illinois on having brought this absurdity to the floor.

Mr. DURBIN. Mr. President, regular order.

The PRESIDING OFFICER. Objection is heard.

The clerk will report.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I make a point of order that the reading is dilatory and irresponsible and again make a request——

The PRESIDING OFFICER. The point of order is not well taken.

The clerk will report.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. I make a unanimous consent request that further reading of the conference report be suspended.

Mr. DURBIN. Objection.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Objection.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will report.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Again, I ask that this absurdity be brought to an end so the Senate can conduct its business.

Mr. REID. Is there a question? I didn't understand what he said.

Mr. HELMS. Mr. President, I think the Senator understood. I think we ought to stop this absurdity, and stop it now, and do the people's business.

The PRESIDING OFFICER. Is there objection?

Mr. REID. On behalf of 1.3 million Federal women who are covered under——

The PRESIDING OFFICER. Objection is heard.

The clerk will report.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask unanimous consent that further reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. On behalf of the customs and drug enforcement employees in our U.S. Government, I ask unanimous consent that further reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. REID. On behalf of——

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. 3.6 million unintended pregnancies every year, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I renew my request that further reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, on behalf of those who favor the Jacksonville, FL, and Orlando, FL, courthouse construction, I ask that further reading—I ask unanimous consent that further reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, on behalf of those who also favor the Jacksonville and Orlando courthouse construction, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued and concluded the reading of the conference report.

(The text of the conference report is printed in the House proceedings of the RECORD of October 7, 1998.)

The PRESIDING OFFICER. The question now occurs on the motion to proceed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CAMPBELL. Mr. President, I ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote ''no.''

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

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—58

Abraham	Ashcroft	Bond
Allard	Bennett	Brownback

Burns	Gramm	McConnell
Byrd	Grams	Murkowski
Campbell	Grassley	Nickles
Chafee	Gregg	Roberts
Coats	Hagel	Roth
Cochran	Hatch	Santorum
Collins	Helms	Sessions
Coverdell	Hutchinson	Shelby
Craig	Hutchison	Smith (NH)
D'Amato	Inhofe	Smith (OR)
DeWine	Jeffords	Specter
Domenici	Kempthorne	Stevens
Enzi	Kohl	Thomas
Faircloth	Kyl	Thompson
Ford	Lott	Thurmond
Frist	Lugar	Warner
Gorton	Mack	
Graham	McCain	

NAYS—39

Akaka	Durbin	Lieberman
Baucus	Feingold	Mikulski
Biden	Feinstein	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Inouye	Murray
Breaux	Johnson	Reed
Bryan	Kennedy	Reid
Bumpers	Kerrey	Robb
Cleland	Kerry	Rockefeller
Conrad	Landrieu	Sarbanes
Daschle	Lautenberg	Snowe
Dodd	Leahy	Torricelli
Dorgan	Levin	Wyden

NOT VOTING—3

Glenn	Hollings	Wellstone

The motion was agreed to.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4104), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

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

(The conference report is printed in the House proceedings of the RECORD of October 7, 1998.)

The PRESIDING OFFICER. The distinguished majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, I know there is a lot of interest in trying to determine what the schedule will be for the balance of the day and perhaps even the weekend.

It is obvious because of the feelings of the Senator from Nevada, Senator REID, with regard to the Treasury and Postal Service appropriations conference report, that he does not intend to allow the Senate to have a vote on the conference report itself anytime soon.

Therefore, as we approach the end of this session, we will probably have a vote, if we can get some accommodation here—I think we may—within a couple of hours, on or in relation to the bankruptcy bill. So we should expect another recorded vote in about 2 hours. We will need, hopefully, to get that locked in here in the next few minutes. The main point is we will have one more vote.

Then, other than unanimous consent requests or voice votes, the only votes we would expect for the balance of this year would be on a continuing resolution, if necessary, and the omnibus appropriations bill.

Now, I will need to confer further with Senator DASCHLE. We will certainly keep Members informed as to what the schedule may be. Negotiations are continuing with regard to all of the different issues that are pending on the omnibus appropriations bill. We expect to work this weekend. We hope we will have this completed to possibly vote on Monday. If that is not possible, we will let Members know as soon as some determination is made. For now, we will expect a vote in a couple of hours, and then we would go to the vote on the bankruptcy bill. That would be it as far as recorded votes for tonight.

Mr. DASCHLE. Will the majority leader will yield?

Mr. LOTT. Yes.

Mr. DASCHLE. Mr. President, I have been getting questions about what our intentions are with regard to a new CR. My understanding is that we would be contemplating a CR that would take us at least through Monday.

Mr. LOTT. That's correct. We have discussed that with administration officials this morning. They indicated that they understood it was just a physical problem in terms of getting final agreements and getting paperwork ready, and a short-term CR would be no problem from their viewpoint. I discussed that with you. We anticipate a CR that would take us until Monday at midnight. So there would be no question that we are still working, and there is no threat of a Government shutdown, while we continue to count on our appropriators to do their work, and we hope to get it completed this weekend.

Mr. LEAHY. Will the leader yield for a question?

Mr. LOTT. Yes.

Mr. LEAHY. Mr. President, I tell my friend from Mississippi, we have on the calendar 22 Federal judges pending, plus another 5 or 6 court of claims. Can the distinguished leader give us any advice on what might happen?

Mr. LOTT. I have been working diligently to get some of the more controversial judges done. We did have a couple votes. I was trying to get Paez done today. The time is going to be consumed by reading the Treasury/Postal Service conference report and now the appearance of having to read the Bankruptcy Reform conference report. So that has been pushed aside. I tried to move three nominations last night. It was objected to. We are in the usual last days of the session where everybody is holding this one on the basis of that one. I think where we are is, over the next few days as we make progress, if we can get agreements on some things, then we will probably get agreements on all things. They are all interrelated. We will have to see how that plays out.

Mr. LEAHY. I am prepared to pray and consult with the distinguished leader.

Mr. LOTT. I appreciate that attitude of the Senator from Vermont. He has been very helpful, and he continues to remind me of the need for these judges.

Mr. CRAIG. Will the leader yield for a moment?

Mr. LOTT. Yes.

BIRTHDAY WISHES FOR SENATOR LOTT

Mr. CRAIG. Mr. President, on behalf of all of us here on the floor and all colleagues here in the Senate, we know this is a stressful day. It should actually be a joyful day for Senator LOTT. It is his birthday and we wish him a happy birthday.

[Applause.]

Mr. LOTT. Thank you all very much. It is a joyful day. I resented when Senator DASCHLE came over and told me he was only about 50, reminding me of his youth. Then Senator STROM THURMOND welcomed me into his range of age. I don't know quite what that meant. Actually, in spite of all the things we have working, it has been a great day. Actually, I enjoy every day here and I appreciate the friendship of all of you on both sides of the aisle.

Mr. BUMPERS. Mr. President, not to be the skunk at the lawn party, but that reminds me of a story I feel like I have to share with you. Recently, in the caucus, Senator DASCHLE announced the birthdays of three Senators that would occur in the ensuing week. He named them, and JOHN GLENN was one of them, and I forget the other two. BARBARA MIKULSKI was one. Everybody applauded, and I turned to Senator TORRICELLI and said, ''Isn't it strange that we applaud birthdays in this country?'' He said, ''It is an American anachronism that we applaud the march toward death.''

Mr. LOTT. Was that supposed to be humorous?

Mr. DODD. Will the leader yield?

Mr. LOTT. Mr. President, I yield to Senator DODD for a question.

Mr. DODD. Mr. Leader, I don't want to disrupt your birthday, but I have a unanimous-consent request I want to make at an appropriate time, which I suspect the majority will object to. I want to be able to do it before we move on to the next order of business. I don't know the plan here.

Mr. LOTT. If we could complete comments on this, and then you will have an opportunity to do that. You have put me on notice, but let us try to do this.

Mr. BYRD. Will the leader yield to me?

Mr. LOTT. I am delighted to yield to Senator BYRD.

Mr. BYRD. Mr. President, I was listening to the debate going on on the

floor and I heard that it was someone's birthday. For those in the galleries who wish to make note of it, I am 29,544 days old today. It is not my birthday, but I am 29,544 days old. I want to congratulate our leader on his birthday.

Mr. LOTT. Thank you, sir.

Mr. BYRD. I say to the leader:

Count your garden by the flowers,
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all.
Count your nights by stars, not shadows;
Count your life by smiles, not tears;
And on this beautiful [October] afternoon, [leader,]
Count your age by friends, not years.

Mr. LOTT. Thank you very much.

[Applause.]

Mr. LOTT. Mr. President, only the distinguished Senator BYRD would be able to come to the floor and have poetry that he could quote on the spur of the moment. I always enjoy his remarks so much. Thank you, Senator BYRD.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. LOTT. Mr. President, I yield 5 minutes at this time to the chairman of the subcommittee, Senator CAMPBELL. I thank him for his work on this bill. He has worked very hard. The problems we have were not caused by him, but by difficulties in the House of Representatives. I thank the Senator for the effort that he put into this legislation. We will get it done before the day is done—maybe not this day, but before the day is done.

Mr. CAMPBELL. I thank the majority leader. Whether this bill is pulled down or proceeds is yet to be determined. I would like to make a few comments about the bill. Senator KOHL and I, as well as our staffs, worked very hard on this bill. It seemed like the longer it hung out there the more lightning it drew. I want comment on a few provisions in it.

This report provides funding for the Department of Treasury, the U.S. Postal Service, the Executive Office of the President, and various independent agencies, as our colleagues know.

Although this has not been an easy bill to complete, because of the funding constraints as well as controversial issues, I think we did as good a job as we could, accommodating as many requests as we could from our colleagues. The most difficult issues for the conferees were not about money, but about legislative riders to this appropriations bill. There were some very strong opinions on both sides on these riders and that did end up stalling the bill.

But I am concerned about one article. As I mentioned, during the heat of the debate, there were some strong opinions. I was concerned about an article appearing in the October 7 Hill that implied the Senator from Texas, Senator HUTCHISON, was blocking the bill because it contained language to name a post office building in St. Paul for former Senator Eugene McCarthy. For the RECORD, I want to say that is absolutely not true. At no time, did she ever disagree with this bill, and in fact that language is in the bill. I wanted to make that part of the RECORD.

The ranking member of our subcommittee, Senator KOHL, and I continued to place greater emphasis on treasury law enforcement, which is a central focus of this bill, and tried to ensure that agents and inspectors have the tools to do their job. I certainly appreciate Senator KOHL's support and hard work.

There is much in this conference report that deserves the support of the Senate:

$128 million for the IRS customer service initiative, and to restructure and reform their long overdue operation.

$2 million for low-income taxpayers clinic.

$2.4 million to double the staffing for the cyber-smuggling unit at the Customs Service to stop child pornography, plus an additional $1 million for technology to assist in this effort.

$13 million for grants to state and local law enforcement for gang resistance education and training programs, called GREAT programs—$3 million more than the President actually had requested.

$6 million to allow eligible State and local law enforcement to acquire ballistics identification and comparison computer systems for both bullets and cartridge cases.

There is another $27 million to continue and expand the Youth Crime Gun Interdiction Initiative to help stop gun trafficking to our youth.

There is $182 million for the high-intensity drug trafficking areas, known as HIDTAs, and $13 million to continue the program to transfer technology to State and local law enforcement.

Courthouse construction projects, as well as repair and alterations of current Federal facilities, were also included.

There is $185 million for a second year of a very successful antidrug youth media campaign that was administered by the drug czar.

All in all, Mr. President, I think it is a good bill. We worked very hard.

I am just here to say I am sorry that some of these rather divisive riders that ended up being on the bill ended up making it so controversial. But the underlying fact of the bill, the mission of the bill, has great intentions. It is a good bill.

I just wanted to again thank Senator KOHL for all of his work on it. I hope we proceed forward with it. I am realistic enough to know that it is in trouble.

With that, I yield the floor, Mr. President.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I agree with much of what my colleague, Senator CAMPBELL, has said about this bill.

It is a good bill. It provides sufficient appropriations for the Department of the Treasury and the independent agencies. But, since this bill left the Senate floor, it changed in ways that made it impossible for me to sign the conference report.

First, the good news. The conference report before us is silent on the issue of staffing the Federal Election Commission. I am very pleased we have decided to avoid a partisan battle on this issue.

Unfortunately, several other changes to the bill were made after the conference—and these make the bill much worse.

First, the Senate bill contained a provision that would have provided for the adjustment of the status of Haitians. This provision, which had bipartisan Senate support, would allow 40,000 Haitian refugees who have been in this country since 1995, to stay permanently. Last year Congress provided this same type of correction for 150,000 Nicaraguans and 5,000 Cubans. The conference report before us drops that provision—despite the fact that it was agreed to by all conferees.

Second, the Senate bill contained a provision that would address the requirements of providing quality child care in Federal facilities. This measure, proposed by Senator JEFFORDS, would simply make sure that Federal child care facilities operate under reasonable quality standards. In addition, it would bring under Federal regulation the child care centers run by Congress—child care centers that operate now completely unregulated by local, state, or Federal law.

The conference report before us drops this provision—which until now was uncontroversial. I find it unacceptable that Congress would use the last minute legislative rush to exempt itself from basic health and safety standards for the children in its care.

And, third, this conference report drops language—adopted by a bipartisan majority in both Houses—that would provide Federal employees with health insurance coverage for contraception. Again it is unacceptable that an extreme minority should be able to prevail on this. Close to half of all pregnancies in the United States are unintended, and tragically, those unintended pregnancies often led to abortion. By providing federal workers with the most appropriate and safe means of contraception, we can reduce the number of abortions performed and increase the number of children who are born wanted, planned for, and loved.

We in the Senate made good decisions when we passed the Treasury-General Government appropriations bill. It is disappointing that so many of those decisions have been overturned in last minute, partisan negotiations.

The White House has promised that they will work with us to get the Haitian fairness, child care and contraception provisions included in the omnibus

funding bill. Based on that assurance, and knowing of the many other strong provisions retained in the conference report, I will vote for passage. But I do so with great disappointment at how this bill has been altered in the last few days and great hope that the democratic decisions overturned will be restored in the final omnibus appropriations measure.

One last note, I want to thank the staff members who have worked so tirelessly to bring this bill to the floor. Pat Raymond and Tammy Perrin of Senator CAMPBELL's staff have always been helpful and professional in their dealings with us—their demeanor has allowed us to put this bill together in a truly bipartisan way. Paul Bock, my chief of staff, approached this bill as he does everything: with intelligence and a healthy sense of humor. And my deepest gratitude is for my clerk, Barbara Retzlaff, who has boundless energy, complete mastery of the programs she monitors, and incredible patience—with me and with this year's torturous negotiations. Thank you all.

PUBLIC ACCESS TO GOVERNMENT RESEARCH DATA

Mr. LOTT. Mr. President, I would like to take a moment to thank the Senator from Alabama and the Chairman of the Treasury and General Government Appropriations Subcommittee for their diligent efforts to develop legislation that will provide the public with access to federally funded research data. The Conference Report for the Treasury and General Government Appropriations Act for FY 99 currently before us requires the Director of OMB to amend OMB Circular A–110 to require Federal awarding agencies to ensure that all research results, including underlying research data, funded by the Federal government are made available to the public through the procedures established under the Freedom of Information Act. This provision represents a critical step forward in assuring that the public has access to the research and underlying data used by the Federal government in developing policy and rules.

Mr. CAMPBELL. I thank the Majority Leader and my colleague from Alabama for his leadership on this issue. The gentleman is correct. The language included in the Conference Report will require Federal agencies to make all Federally funded research data available to the public through procedures established by the Freedom of Information Act. The Conferees recognize that this language covers research data not currently covered by the Freedom of Information Act. The provision applies to all Federally funded research data regardless of whether the awarding agency has the data at the time the request is made. If the awarding agency must obtain the data from the recipient of the award, the provision specifically states that the awarding agency may authorize a reasonable user fee equaling the incremental cost of obtaining the data. It is my expectation that the Director of OMB to make the required changes within 90 days of enactment and that awarding agencies to issue new regulations implementing the amended Circular within one year of enactment. As is true with the existing OMB Circular A–110, the amended Circular shall apply to all Federally funded research, regardless of the level of funding or whether the award recipient is also using non-Federal funds. I want to thank my colleague from Alabama for his leadership on this important issue and his efforts to safeguard the public's right to know.

Mr. SHELBY. I thank the Majority Leader and Chairman CAMPBELL for their support. The lack of public access to research data feeds general public mistrust of the government and undermines support for major regulatory programs. This measure was long overdue and it represents a first step in ensuring that the public has access to all studies used by the Federal government to develop Federal policy.

● Ms. MOSELEY-BRAUN. Mr. President, I want to note my disappointment that the permanent relief for Haitian refugees that I and many others in this body have worked to make law has been dropped from the Treasury Appropriations Conference Report.

This effort began last year during debate of the D.C. Appropriations bill, which included language that granted certain Central Americans access to the ''suspension of deportation'' procedure, but Haitians were not granted this access. And you may recall that while I supported granting relief to the affected class of Central Americans, I, along with several of my colleagues here in the Senate and the House, fought vigorously for additional provisions for Haitian refugees.

Although we were unsuccessful in that effort, we later introduced S. 1504, Haitian Immigrations Fairness Act of 1997, legislation that would provide Haitian refugees permanent residency status. During the course of this year, this legislation was reported favorably out of the Judiciary committee and passed by the Senate as a provision of the Treasury-Postal Appropriations Fiscal Year 1999 bill. Eventually, this language was agreed to by the Conferees on the Treasury-Postal Appropriations bill. Unfortunately, due to last-minute, close-door maneuvering and negotiations, there is no Haitian relief included in the Conference Report that we are voting on today.

This legislation is vitally important to the several thousand Haitian men, women, and children who came here in the wake of the military coup in Haiti that in 1991 toppled the democratically elected government of that country. That coup was followed by a period of military dictatorship in Haiti marked by atrocious human rights abuses, including systematic use of rape and murder as weapons of terror. The International Civilian Mission, which has monitored human rights conditions throughout Haiti, documented this tragedy, including horrors so awful as to be almost imaginable.

To allow such human rights violations to occur so close to home while doing nothing would have been inconsistent with the stated goals of our foreign policy. So in 1991, the U.S. took in persons fleeing Haiti at Guantanamo Bay, Cuba. After intense screening, many of these individuals were paroled into the U.S. to apply affirmatively for asylum. Between the 1991 and May of 1992, over 30,000 Haitians were interviewed. Under one-third of these individuals were paroled into the U.S. to seek asylum.

Around Memorial day in 1992, Bush issued the ''Kennebunkport Order,'' ending the asylum screening process at Guantanamo Bay, an action which became an issue during the 1992 presidential elections. A refugee program began operating in Port-au-Prince. This practice continued until 1994, when President Clinton reinstated a screening process in military hospital ship in Kingston Harbor, Jamaica. Democracy was restored in Haiti in the fall of 1994.

The individuals that I am talking about today are the children, wives, brothers, and sisters of soldiers and activists who stood up for democracy in Haiti. They fled to this country for refuge. They played by our rules. In the time that they've been here, they've built homes, paid taxes, had families in our country. These individuals are owed nothing less than treatment equal to that already provided to the Eastern European and Central European refugees residing in our Nation.

I regret that the Conferees decided at the last moment to strip the Haitian refugee relief provision from the Treasury-Postal Appropriations bill, but I would like to urge Senators LOTT and DASCHLE to consider adding this provision to any omnibus appropriations measures that may be considered in the upcoming days.●

Mr. MCCAIN. Mr. President, I want to thank the managers of this bill for their hard work in putting forth this legislation which provides federal funding for numerous vital programs. However, I am sad to say, once again, I find myself in the unpleasant position of speaking before my colleagues about unacceptable levels of parochial projects in another appropriations Conference Report.

Earlier this year, I came to the Senate floor and highlighted the numerous earmarks and set asides contained in the Senate version of this bill. That bill contained $826 million in specifically earmarked pork-barrel spending. That was a $791 million increase over last year's pork-barrel spending total for this bill, which only contained $34.25 million in wasted funds.

While the Senate bill contained an unacceptable amount of pork, this conference report is even worse. It contains $1.5 billion in specially earmarked pork barrel spending. This is almost double the amount of pork

which was in the bill. This is a tremendous burden which is patently unfair to the millions hard-working American taxpayers, who does not possess the resources to get a ''pet project'' placed in their back yard.

The list of projects which received priority billing is quite long and the dollar amounts are staggering. Nevertheless, I will highlight a few of the more egregious violations.

First the conference report instructs the Administrator of General Services to purchase a property adjacent to the new courthouse currently under construction in Scranton, PA, at whatever price she/he determines is appropriate. The language then provides $668 million for repairs, alterations, and construction services. That adds $668 million to the price of acquiring the building. I am not an expert on court house construction, but $668 million in addition to the purchase price seems like a lot of money for a courthouse.

But, the unbridled spending does not stop with the Scranton, PA court house, it continues. The conference report also contains numerous provisions for millions of dollars to construct new court houses in specific locations throughout the U.S. Again, why are these particular sites so deserving of funding, that they receive specific earmarks to fund their construction? Unfortunately, this spending frenzy is not limited to court houses. Somebody in either the House of Representatives, or the Senate has concluded that the World Trade Office in Vermont ($500,000), and the IRS Service Center in Brookhaven, NY ($20 million) are so unique that they should receive specific earmarks.

These are just a few examples of the spending excesses in this report. The list goes on, and on. Mr. President, why are we spending so much on locality specific pork barrel projects? Why are we spending so much on new court house construction? Maybe if we used some of the new court house construction money to combat teen drug use, we would not need to construct so many new court houses. Maybe, we should redirect some of this court house construction money to combating overall drug use, putting more police on our streets, or funding crime prevention programs to prevent people from ever becoming involved in the criminal justice system.

Mr. President, I will not deliberate much longer on the objectionable provisions in the conference report. I simply ask my colleagues to apply fair and reasonable spending principles when appropriating funds to the multitude of priority and necessary programs in our appropriations bills.

As I have said many times in the past, we must remain committed to open and fair consideration of public expenditures. Our objective must always be to further the greatest public good. This must remain the cornerstone of the appropriations process. And, most important, we must remember, responsible spending is the cornerstone of good governance.

Ms. SNOWE. Mr. President, I rise because the Treasury-Postal conferees have bypassed the will of the majority and decided to kill the contraceptive coverage language in the Treasury/Postal bill.

This is an outrage. Our contraceptive language was included in the original legislation passed both in the House and in the Senate, and conferees last week signed off on including the House language in the bill. At the same time, conferees agreed to include the Senate's provision specifically excluding coverage of abortion or abortion-related service, and conferees signed the report, closed out the conference and sent the report to the House for consideration.

The language the House of Representatives passed by a vote of 224 to 198 on July 15, 1998. The Senate language was agreed to by unanimous consent.

It isn't very complicated language. If you take the time to read the two versions, you will see that their intent is the same. The main difference in the two versions is the conscience clause in the Senate bill.

In addition to listing the five plans that OPM identifies as being religious-based, it goes a step further by providing a waiver to future or existing plans that have reason to oppose contraceptive coverage because of their religious beliefs. Also the Senate language clarifies that this provision is not intended to cover abortion—and again I would note that this provision was in the conference report when it was signed the first time.

So last week the conferees accept the language and this week it becomes a ''killer provision'' that would keep us from passing the Treasury/Postal appropriations bill. Mr. President that fallacious argument is belied by the fact that not one person—not one of the 435 members of the United States House of Representatives—stood up on the House floor when the rule on Treasury-Postal was debated last Thursday night and cited this provision as a reason for opposing the bill. Not one!

Why is this a ''killer amendment''?

It can't be because of the cost. CBO won't even score the bill, because they don't score legislation that costs less than a million dollars. And they put the price tag on this language at $500,000.

It can't be about the rights of religious plans, because this language protects the health care plans that OPM identifies as being religious-based.

It can't be about abortion, because it does not cover abortion in any way, shape or form and it says so.

So, why is it a ''killer amendment'', Mr. President? The answer to that question will remain a mystery, as it is opposed by a few people in a backroom at the expense of 1.2 million American women who are being denied affordable access to a basic health care need—contraception. These opponents lurk in the shadows, unwilling to come out in the daylight and discuss their opposition—and apparently these few make the decisions and they decided on their own that it was coming out. They have made a mockery of the democratic process.

Let's consider the language the House and Senate agreed to. It is very simple—all this language will do is provide women who work for the federal government and the spouses and daughters of federal employees equality in health care and the affordable access to prescription contraception coverage they need and deserve; and it will help reduce the number of unintended pregnancies and abortions in this country.

The provision we are talking about requires plans that participate in the Federal Employees Health Benefits Program (FEHBP) that provide prescription drug coverage to also cover prescription contraceptives. What exactly is wrong with that? Nothing, according to 224 members of the United States House of Representatives.

Today 81 percent of these plans do not cover all five of the most basic and widely used methods of contraception and 10 percent of these plans do not cover any type of contraception at all. Yet all but one of the more than 300 FEHBP plans covers sterilization. Think about that for a moment—we are willing to cover sterilization but not contraceptives. Unbelievable!

Today, the victory may go to those who have lurked in the shadows, but I have something to say to those few. Do not let yourselves believe that you have had the final word on this issue because the women of America will not 'go quietly into that good night' on an issue as basic to their health and well being and that of their family as contraceptive coverage.

It took us 72 years to get the vote and it wasn't until 1978—only 20 years ago—that Congress finally passed legislation requiring health care plans to cover maternity leave. This is not an issue that will go away, Mr. President. You can rest assured that we will be back next year, and the year after that and as many votes and debates as it takes until we win.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 4104, the Conference Agreement on the Treasury and General Government Appropriations Bill for FY 1999.

This bill provides new budget authority of $26.9 billion and new outlays of $23.2 billion to finance the operations of the Department of the Treasury, including the Internal Revenue Service, the U.S. Customs Service, the Bureau of Alcohol, Tobacco, and Firearms, and the Financial Management Service. The bill also finances the Executive Office of the President, the Office of Personnel Management, the General Services Administration, and other agencies that perform central government functions.

I congratulate the Chairman and Ranking Member for producing a bill that is within the Subcommittee's revised 302(b) allocation. I also commend the Chairman's strong commitment to law enforcement throughout this bill, including support for the Federal Law Enforcement Training Center.

When outlays from prior-year BA and other adjustments are taken into account, the bill totals $26.9 billion in BA and $26.0 billion in outlays. The total bill is at the Senate subcommittee's revised 302(b) allocation for nondefense discretionary budget authority and outlays. The subcommittee is also at its Violent Crime Reduction Trust Fund allocation for BA and outlays.

Mr. President, I ask unanimous consent to have printed in the RECORD, a table displaying the Budget Committee scoring of the Conference Agreement on H.R. 4104. I urge my colleagues to support the bill.

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

H.R. 4104, TREASURY-POSTAL APPROPRIATIONS, 1999—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1999; in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Conference Report:					
Budget authority		13,311	132	13,439	26,882
Outlays		12,429	129	13,439	25,997
Senate 302(b) allocation:					
Budget authority		13,311	132	13,439	26,882
Outlays		12,429	129	13,439	25,997
1998 level:					
Budget authority		12,649	131	12,713	25,493
Outlays		12,460	123	12,712	25,295
President's request:					
Budget authority		13,495	132	13,439	27,066
Outlays		13,174	86	13,439	26,699
House-passed bill:					
Budget authority		13,209	132	13,439	26,780
Outlays		12,428	129	13,439	25,996
Senate-passed bill:					
Budget authority		13,211	132	13,439	26,782
Outlays		12,068	125	13,439	25,632
Conference Report compared to:					
Senate 302(b) allocation:					
Budget authority					
Outlays					
1998 level:					
Budget authority		662	1	726	1,389
Outlays		−31	6	727	702
President's request:					
Budget authority		−184			−184
Outlays		−745	43		−702
House-passed bill:					
Budget authority		102			102
Outlays		1			1
Senate-passed bill:					
Budget authority		100			100
Outlays		361	4		365

NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DODD. Mr. President, I rise today to express my disappointment that a provision in the fiscal year 1999 Treasury, Postal Appropriations Bill relating to contraceptive coverage under the Federal Employee Health Benefits program was dropped in conference.

This provision, authored by Senators HARRY REID and OLYMPIA SNOWE, would have required the Federal Employee Health Benefits plans that cover prescription drugs to treat contraceptives in the same fashion as all other covered drugs. This amendment passed the Senate unanimously. A similar provision, offered by Representative NITA LOWEY, was approved by the House by a vote of 224–198. However, even after the strong, bipartisan show of support by both bodies, this provision was still dropped in conference.

I was a cosponsor of the bipartisan legislation on which this provision was based. Along with a bipartisan group of 25 of my colleagues, I wrote the conferees on this bill asking them to retain this provision in the conference report.

I'd like to think we've come a long way since the early 1960s when birth control was illegal in many states. So it was astonishing to me to learn that in this day and age, many families find their contraceptive choices to be limited by their insurers—because insurers are not required to cover prescriptive contraceptives.

In Connecticut, for example, 62% of insurers don't cover birth control pills and 85% don't cover devices such as IUDs and diaphragms. At the same time, almost all of these policies cover sterilization. And of the 68,000 pregnancies each year in our state, more than 14,000 are unplanned.

Under far too many health plans, women are offered the unconscionable ''choice'' of getting help in paying for an unplanned pregnancy, an abortion, or sterilization—but not for birth control.

Is this the best choice we can offer to families trying to act responsibly, wanting to bring children into the world when they can be supported and cared for?

Many of us agree that contraception, and improved access to contraception, is a simple, cost-effective way to lower the staggering rate of unintended pregnancies in the United States.

I am very disappointed that this provision has been dropped from the fiscal year 1999 Treasury, Postal Appropriations Bill and the federal government lost an opportunity to be a leader on this critical issue.

Mr. THOMPSON. Mr. President, I am pleased that we passed a regulatory accounting provision in the Treasury and General Government Appropriations bill. I appreciate that the conferees retained the provision I introduced to the Senate bill. I believe that this legislation will help promote the public's right to know about the benefits and costs of regulatory programs; to increase the accountability of government to the people it serves; and ultimately, to improve the quality of our government. This amendment aims to provide better information on the performance of regulatory programs. This information should help us assess what benefits our regulatory system is delivering, at what costs, and help us understand what need to do to improve it.

The American people deserve better results from the vast time and resources spent on regulation—$700 billion per year, or $7,000 for the average American household by some estimates. By regulating smarter, we could have a cleaner environment, safer workplaces, quality products, and a higher standard of living at the same time. As the Office of Management and Budget stated in its first Report to Congress on the Costs and Benefits of Federal Regulations in 1997:

> [R]egulations (like other instruments of government policy) have enormous potential for both good and harm. . . . The only way we know how to distinguish between the regulations that do good and those that cause harm is through careful assessment and evaluation of their benefits and costs. Such analysis can also often be used to redesign harmful regulations so they produce more good than harm and redesign good regulations so they produce even more net benefits.

I am pleased that there is broad support for this amendment, particularly

from Majority Leader LOTT and Senators BREAUX, ROBB, and SHELBY, who cosponsored it. There is a broad bipartisan coalition in the House that supported this provision. And it continues the efforts of my precedessors. Senator TED STEVENS first passed a regulatory accounting amendment in 1996 when he was the Chairman of the Governmental Affairs Committee. Regulatory accounting also was a part of a regulatory reform bill that unanimously passed out of committee in 1995 when BILL ROTH chaired Governmental Affairs.

I added several new requirements to the Stevens amendment to improve the credibility and usefulness of the report. First, OMB is required to arrange for peer review of its draft report and draft guidelines. The peer review must be conducted by an organization independent and external from the government, with expertise in regulatory analysis and regulatory accounting. It is critical that the peer review be performed by experts who will critique the draft based on the state of the art—not by a partisan interest group. Last year, the American Enterprise Institute and the Brookings Institution sponsored a conference on OMB's first regulatory accounting report. A distinguished group of independent economists unanimously agreed that OMB had fallen short in many respects. That is the kind of constructive peer review we need.

Second, OMB must take a more active role in ensuring the quality and credibility of information used in the report. OMB must issue guidelines to the agencies to standardize plausible measures of costs and benefits and the format of regulatory accounting statements. Third, OMB must provide more detailed information on the incremental costs and benefits of regulation, broken down by agency and by agency program. Thus far, OMB has failed to provide that information, despite repeated statements in legislative history and in correspondence to OMB. A great deal more information on the incremental costs and benefits of agency programs can be assembled by OMB, especially for programs run by big agencies such as EPA, DOT, OSHA, FDA and the Department of Labor. Fourth, OMB must count the paperwork burden. A 1995 report of the U.S. Small Business Administration, entitled The Changing Burden of Regulation, Paperwork, and Tax Compliance, estimated the process costs of regulation at $229 billion for 1998. Clearly, this must be accounted for. Finally, OMB must assess the direct and indirect impact of Federal regulation on small business; State, local and tribal government; wages; and economic growth. This provision addresses several important concerns. Regulation can have a disparate impact on small businesses. The 1995 SBA report found that, for companies with under 20 workers, regulation costs $5,500 per worker each year—far higher than the per worker cost for large companies. Many regulations also impose unfunded mandates on State, local and tribal government. Unfunded mandates are putting a severe strain on these governments, forcing them to raise taxes, reduce essential services, or even face bankruptcy. Finally, the public has a right to know that there is no free lunch. Regulation can reduce productivity, wages and economic growth. In the end, the public pays for regulatory programs through higher prices and taxes, reduced government services, and squandered opportunities to do better.

It is time for the Government to come to grips with the good, the bad, and the ugly about regulation so we can design a smarter, more cost-effective regulatory process.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

HMOS

Mr. DODD. Mr. President, I just want to inquire. I see the majority leader.

Before we go to the reading of the bill, I had mentioned to the majority leader earlier that I was going to propound a unanimous consent request on behalf of myself and Senator REID of Nevada.

Very briefly—I will just take 30 seconds—this unanimous consent request will be the discharge of the Finance Committee and then to proceed immediately to a piece of legislation I introduced that would propose a moratorium on HMOs terminating any of their patients between now and over the next 4 or 5 months while we are out of session.

I realize that there will be objection probably filed to this, or expressed on this.

We have seen 400,000 people in the last number of months who have lost their HMOs—12,000 in my State over the last 3 weeks. When we are out of session, I am concerned that more of these people are going to be dropped.

So for those reasons, Mr. President, I ask unanimous consent that the Finance Committee, on behalf of myself and Senator REID, be discharged from consideration of S. 2562 and the Senate then proceed to its immediate consideration.

Mr. LOTT. Mr. President, reserving the right to object, I appreciate the notification that the Senator was going to make this request.

We have not had a chance to look at this legislation. I know there is interest in this area. I think next year we are going to have to do some work on it, and maybe we will even have some legislation in this area. But in view of the hour and the fact that we haven't had a chance really to review it, and the committee hasn't had a chance to act on it, I object at this time.

Mr. DODD. Mr. President, if I may, very briefly, I will not take the time now, but before we adjourn, I would like to make some additional comments on this.

My State and 21 other States are adversely affected. But I can only hope that there will not be more people asked to leave or pull out of these markets and cause the kind of disruption that these people feel.

I will reserve time later to discuss it. But I thank the majority leader for his consideration and regret deeply that we cannot bring this bill up.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I had a conversation with the distinguished Senator from Illinois with regard to his concerns on the bankruptcy reform package as it now exists. He agrees and we agree that there is no necessity for this to be read over a period of 5 or 6 hours. So I think we have something worked out that we will be comfortable with and others will be comfortable with to allow us to assure Members what time the next vote will be, and we can do some business in the interim and have speeches made on this or other issues in the meantime.

BANKRUPTCY REFORM ACT OF 1998—CONFERENCE REPORT

MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to the conference report to accompany H.R. 3150 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that at 6 p.m. this evening the vote on this motion take place. And between now and then, of course, we have other business we can do. Senator DURBIN may want to make some remarks during that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

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

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

HONORING DAN COATS

Mr. LUGAR. Mr. President, I would like to take this opportunity before the 105th Congress adjourns to honor our distinguished colleague and my friend, DAN COATS, who will be returning to private life at the end of this Congress.

For the past 10 years it has been my privilege to join with Senator COATS in serving the people of Indiana. During that time, he has epitomized strong character and devotion to public service.

Senator COATS has been a determined advocate for his point of view, but also a good listener who has often forged compromises that benefited our Nation. He has been a work horse able to shoulder the daily burdens of a thousand details, but also a thoughtful observer who sees beyond the politics of the moment to provide perspective on the direction of our country. And he has been an effective defender of the interests of Indiana, while always upholding his national responsibilities.

DAN COATS has applied his expertise and commitment to many of the most critical areas of public policy. He has become one of our foremost advocates for protecting America's children and strengthening American families. His knowledge of military issues and his leadership on the Armed Forces Committee will be difficult to replace.

Of particular note is his Project for American Renewal, because it speaks to both DAN's personal convictions and his legislative innovation. With this project—a set of 19 legislative proposals—he has succeeded in articulating a coherent philosophy of compassionate conservatism.

Senator COATS understands that the limits of government do not limit our responsibilities to each other as citizens of a great nation. His project promotes volunteerism, charitable giving, personal responsibility, and the cohesiveness of communities. His proposal embodies both Senator COAT's insightful reading of modern American social conditions and his optimism for our future. I know that Senator COATS will continue to be an eloquent spokesman for the Project for American Renewal as he returns to private life.

I am especially sad to see Senator COATS leave because he has been an outstanding partner. Ever since he arrived in the Senate in 1989, he and I have operated a unique joint office arrangement in Indiana designed to maximize our efforts on behalf of Hoosiers. By combining our resources, we have been able to provide better service at less expense to the citizens of Indiana.

Many Senate colleagues over the years have been surprised when they learn that we share office space and staffs in Indiana. They understand the daunting challenges of combining the staffs of two independent-minded Senators with distinct responsibilities and committee assignments. But our Hoosier partnership has been strong and supportive, for which I am deeply appreciative.

Senator COATS leaves the Senate after 10 years having established a legion of friendships and a legacy of achievement and integrity. The Senate will miss his expertise, his hard work, his thoughtful reflection, and his talent for innovation. I am confident that DAN will continue to serve the public in the many challenges that lie ahead of him. I wish DAN and Marcia Coats all the best as they move on to these new adventures.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to compliment the distinguished senior Senator from Indiana for his parting words about our colleague. I agree with him. It will come as no surprise that there are those on this side of the aisle, like myself, who also will miss DAN COATS and who are most impressed by the way that he and his distinguished colleague work together.

SENATOR JOHN GLENN

Mr. LEAHY. Mr. President, it is a time when Senators say goodbye to Senators who are leaving, and I was privileged, in 1974, to be elected with a very special class of Senators, a very large class of Senators—nearly a dozen—who came to this body. We developed personal friendships. Of that class, there are only four left: The distinguished senior Senator from Ohio, Mr. GLENN; the distinguished senior Senator from Kentucky, Mr. FORD; the distinguished senior Senator from Arkansas, Mr. BUMPERS; and myself. Each of the other three have announced their plans to retire this year. In some ways I feel like the lonely person who is given the chore to turn out the lights after everybody else leaves, because I will be the last of the class of 1974.

I am going to speak of each of them, but I wish to speak now and to give tribute to a great statesman, a person who is recognized as a true American hero and a very good friend of mine, JOHN HERSHEL GLENN, Jr.

As I said, we both arrived in the Senate at the same time in 1974. There was a big difference, however. I came here as a 34-year-old unknown county prosecutor from rural Vermont. JOHN GLENN arrived here as a living American legend. We have served together now for 24 years and it is with the fondest memories that I recollect his time here. I remember the very first day I met him. The two of us had gone over to see the legendary Jim Eastland, President pro tempore of the Senate. That is probably the only time, then or since, I have ever seen JOHN GLENN look at all nervous, was going in to see Senator Eastland. Senator GLENN was nervous. I was terrified. There is a big difference.

But JOHN GLENN will be remembered here in the Senate as a man who advocated a role for Government in daily life, but he never stopped trying to make Government more efficient. He is one of our leading experts on science and technology. He has always been a tireless advocate for Government-sponsored scientific and health research. He brought tremendous intellect and dedication to the task of preventing the spread of weapons of mass destruction. I remember when the United States and the Soviet Union were locked in a wasteful nuclear arms race, JOHN GLENN was a voice of reason and moderation.

He has used his seat on the Armed Services Committee to advocate for our men and women in uniform, while at the same time looking out for wasteful spending. I remember, when I and others began to have doubts about the costly B–2 bomber—$2 billion a plane—that I read papers and memos about it. JOHN GLENN went out and flew it, then came back and said its cost outweighed its benefits. I credit him for saving the taxpayers a lot of money.

He used his position in the Governmental Affairs Committee to expose waste in Government and to clean up the Nation's nuclear materials production plants.

In his conduct here in the Senate, JOHN has always been nonpartisan, polite, accommodating, but always true to his beliefs. His personality reminds me of Longfellow's words, ''A tender heart; a will inflexible.''

It is hard for us to think of JOHN GLENN before he was a national hero, but not so long ago he was a smalltown boy like many of us. He was born on July 18, 1921, in Cambridge, OH. He grew up in the tiny town of New Concord, OH. But, like millions of Americans, his life was forever changed by World War II.

Many of us know the details of what makes JOHN GLENN a hero, but I want to repeat them for my colleagues. Shortly after Pearl Harbor, he was commissioned in the Marines Corps. He served as a fighter pilot in the South Pacific. He stayed in the Marines, and when the Korean War started, JOHN GLENN requested combat duty. He ended up flying 149 combat missions in both wars. How good a pilot is our colleague from Ohio? In the last 9 days of fighting in Korea, he downed three Chinese MiG fighters in combat along the Yalu River.

In July 1957, he set a speed record from Los Angeles to New York, the first transcontinental flight to average supersonic speed.

An avid pilot to this day, JOHN has over 9,000 hours of flight time in a variety of aircraft. To put that statistic in perspective, to equal that mark you would have to fly 8 hours a day, every day of the year, for 3 years.

Probably the flight that I remember the best, the one I enjoyed as much as any, was when JOHN GLENN and I flew to the northeast kingdom of Vermont in a small float plane at the height of glorious fall foliage. JOHN and Annie Glenn were staying with Marcelle and I at our farm in Middlesex, VT. JOHN had borrowed the plane from a friend of mine in Vermont. We flew up and set down in one of those little Vermont ponds with the fall foliage around it. There happened to be a trapper's convention there. Some of the people there

were calling him Colonel GLENN, not Senator GLENN. They kind of put up with me being there, but he was the hero.

Of course I do remember also the look on JOHN and Marcelle's and Annie's faces when we landed in Montpelier Airport in a heavy crosswind. JOHN turned to me after he taxied up and said, ''You know, I have never been so frightened landing anything in my life,'' which almost stopped my heart to hear him tell it. But when we got out of the plane, JOHN was wearing—this is accurate now—a skunk-skin cap which the trappers had given him.

He stepped out of the airplane with me shaking and quivering behind him. Annie turned to Marcelle and says, ''Marcelle, I told you we never should have let those boys go off by themselves.''

We all know what happened in a far more dramatic time when JOHN strapped himself into a tiny capsule on top a gigantic tube of volatile fuel on February 20, 1962. When he landed 4 hours 55 minutes later, JOHN GLENN not only became the first American to orbit the Earth, but he boosted the psyche of our Nation in a way not seen equaled before or since.

Cicero said a man of courage is also full of faith. It should be said that JOHN GLENN is a man who puts all his faith in God.

All his accomplishments here in the Senate, in the cockpit, in the capsule, all pale before the one true constant in JOHN GLENN's life, and that is the love he shares with his beautiful wife Annie. They are truly a couple for the ages and role models for all of us. Married for 55 years, they have two wonderful children, John David and Carolyn Ann, whom we all know as Lyn.

When the space shuttle *Discovery* surges into space later this month, the cabin will be cramped with the seven astronauts aboard. But sitting with JOHN in spirit, as she has for so many years, will be Annie. They are truly inseparable. No matter how fast or far he travels, she is always with him.

Mr. President, later this month the eyes of the Nation and the world will focus on Cape Canaveral, FL. We will watch as a marvelous machine, built by Americans, flown by an international crew, roars into the heavens in the name of science, and on board will be our colleague from Ohio, a great Senator, an expert pilot and extraordinary American hero, my friend, JOHN GLENN. I intend to be there to cheer him on.

Once again, as he has done in so many ways over the years, JOHN GLENN will make us turn our eyes toward the heavens, and like all who will be there, I will say, ''Godspeed, JOHN GLENN, and thank you.''

Mr. President, I ask unanimous consent that an article from Roll Call about Senator GLENN be printed in the RECORD.

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

[From Roll Call, Oct. 5, 1998]

GLENN COUNTS DOWN TO LAUNCH WITH COMPLETE SUPPORT FROM WIFE AND COLLEAGUES—SENATOR SET TO REPEAT HISTORY

(By Ed Henry)

He's survived 149 combat missions as a Marine, orbited the Earth three times at 17,544 miles per hour as an astronaut and endured 24 years of partisan battles as a Senator.

But John Glenn says that one of the toughest missions of his life came as a husband: convincing his wife, Annie, that it was a good idea for him to be shot into space again at the end of this month.

''Let's say she was a little cool with this whole idea to begin with—that's the understatement,'' Glenn said in an interview about the Oct. 29 space mission. ''She didn't react too kindly when I first started talking about this some time ago.''

The 77-year-old Ohio Democrat said that while the couple's two children were not excited about the Discovery launch either, ''Annie was the main one to convince.''

Slipping into the lingo of an old Marine, Glenn noted that based on all of the dangers he's already faced, he could have gotten ''bagged'' long ago.

''There were lots of times that things could have gone a little bit different way, but they didn't,'' he said. ''But I think all my life, I guess, you don't look back and think what might have been or where you might have gotten bagged or whatever. You look forward. There are risks in everything you do.''

Sen. Patrick Leahy (D-Vt.), one of the couple's closest friends, said Annie was ''apprehensive'' about the fact that her husband was heading into space so close to his retirement from the Senate.

''She had some reluctance because he was coming to a time in his life when they were going to have more time together,'' said Leahy. ''They are an extraordinarily close couple—they're sort of the role model for all of us in our own marriages.''

Nobody underestimates the strength of Annie Glenn, who toughed her way through her husband's Feb. 20, 1962, Mercury mission, when he flirted with death in the 36-cubic-foot Friendship 7. She also had the guts to stand up to then-Vice President Lyndon Johnson by refusing to let him come into her home for a photo-op, out of fear for how her stutter would look in front of Johnson and so many network TV correspondents.

She was sitting up in the House gallery on that day in 1962 when Glenn jubilantly told a joint session of Congress, ''I want you to meet my wife, Annie * * * Annie * * * the rock!''

And Glenn was there for Annie, Leahy recalled, when she conquered her stuttering problem 20 years ago. ''We don't think of them as John or Annie,'' he said. ''We think of them as JohnandAnnie—it's just one word.''

In finally deciding to hop aboard for this mission, Annie thought back to a vow her husband had made on the day they wed 55 years ago.

''One thing that she's reminded me of is that on our wedding day, along with the vows, one of the things I told her that day or that night sometime was that I would pledge to her I would try to do everything I could to keep life from ever being boring,'' said the Senator.

Then he added with a laugh, ''And she's reminded me of that several times in the past, and this time, too, that she'd just as soon have things be a little bit more boring.''

Since critics have said the upcoming nine-day mission is merely a joy ride, Glenn has done his homework. With great specificity, he can recount how the research about how a senior citizen is affected in space will do a great deal for the 34 million seniors in America.

''She gradually over a period of time became an enthusiast for this,'' he said. ''She's changed her view on this, as has my whole family, so she's excited about it.''

Sen Dale Bumpers (D-Ark.) said he spoke to Annie last week and she revealed that NASA will be providing a laptop so she can communicate with her husband in space.

''I said, 'Annie, aren't you apprehensive at all about this flight?'' recalled Bumpers. '''She said, 'I'm never apprehensive about anything John really wants to do.'''

Annie Glenn will not be the only person close to the Senator lending her support at Cape Canaveral. A bipartisan delegation of Senators will be heading down to Florida on an official CODEL authorized by Majority Leader Trent Lott (R-Miss.) and Minority Leader Tom Daschle (D-S.D.).

Daschle plans to be there for the launch, even though he faces re-election back in South Dakota less than a week later. Because Lott has a scheduling conflict, he will be sending Senate Appropriations Chairman Ted Stevens (R-Alaska)—who helped come up with the idea of a trip—to lead the Republican side.

''Senators have a way of coming together when another is involved,'' Lott said in an interview.

The office of Senate Sergeant-at-Arms Greg Casey, who is organizing the trip, does not have a complete list of Senators attending yet. The trip will originate from Andrews Air Force Base on the morning of the launch.

''We have a lot of interest from Senators,'' said Secretary of the Senate Gary Sisco, who will also attend.

Glenn said that while colleagues have not discussed the launch with him, he's heard whispers about it and feels gratified.

''It's a good feeling to know that there are going to be people there that you have worked with all these years—that they think enough about it to be down there,'' he said.

Another person who was supposed to be at the Cape was Alan Shepard, his onetime rival in the Mercury program, who recently died. Glenn admits that Shepard's death reminded him of his own mortality, but the Senator insists he's not worried about his safety.

''I've always been very aware of my own mortality anyway,'' said Glenn. ''I got over that teenage immortality bit a long time ago.''

Glenn suggested he is at peace with his decision. ''I have a deep religious faith and I have all my life,'' he said. ''I don't believe in calling on your religion like a fire engine, you know, 'Oh God, get me out of this mess I've gotten myself into and I'll be so good even you won't believe it.''

He added, ''But I think . . . we should all live so that if something like that happens to us it won't be a big shock. It's a shock. It would be a shock, of course. Nothing can be 100 percent safe. Everyone knows that. But I think the safety record NASA has had through the manned space program has been absolutely amazing.''

Besides his combat missions in Korea and World War II, Glenn faced danger in 1962.

''Some of the ophthalmologists predicted your eyes might change shape,'' he said. ''It was serious enough that if you look at the Friendship 7 over there in the Air and Space Museum now, up on top of the instrument panel there's still a little eye chart that I was to read every 20 minutes to see if my eyes were changing.''

When asked why he took such risks, without so much as a blink Glenn responds, ''I thought it was valuable for the country.''

Colleagues say it is this modesty—as well as Glenn's relationship with his wife—that they will remember most.

''He's one of my favorite people in the whole world because he wears his heroism with such extraordinary modesty,'' said Sen. Carl Levin (D-Mich.).

Senators like 51-year-old Tim Johnson (D-S.D.) seem awed by getting the chance to serve with Glenn.

''It's like serving with a legend,'' said Johnson. ''The fact that I served with John Glenn is something I'll tell my grandkids.''

As a young Navy pilot, Sen. John McCain (R-Ariz.) revered Glenn and says the upcoming mission will remind everyone of that.

''I know it will just affirm in people's minds that we're privileged to have known a great American hero,'' he said. ''I am honored to be in his company. I am serious. I am honored to be in his company.''

Sen. Richard Bryan (D-Nev.) said he will try to be in Florida, partially because of a simple expression of love he saw when Bonnie Bryan and Annie Glenn recently traveled together to Saudi Arabia. From across the globe, Mrs. Glenn placed a phone call to her husband in the Senate cloakroom.

Bryan recalled, ''He was very excited and came up to me and said, 'I've got Annie on the line, would you like to talk to Bonnie?' John and Annie have this very special relationship—you can sense that.''

Leahy recalled riding in the back seat one time as the Glenns kept teasing and poking fun at one another in front seat.

''The two of them are like a pair of teenagers,'' he said.

But a much sadder occasion reminded Leahy of his affection for the couple. When Leahy's mother died last year, he found out that the Glenns had been trying to lift her spirits during her illness.

''One of the things I found on her bed stand was a handwritten note from John and Annie,'' said Leahy. ''They both had written a couple of paragraphs in the letter. These are very special people.''

For Glenn, his frequent trips to Houston for training seem to have been a sort of fountain of youth.

Every time Glenn returns from Houston, said Sen. Richard Lugar (R-Ind.), he's been updated about the status of the mission. ''It's wonderful to see someone so engaged and lit up with enthusiasm,'' he said.

It has also reminded Glenn about the differences between his two careers.

''Here of course, the political lines are drawn and you have confrontation and you have to put everything through a political sieve to know what's real and what isn't in people's minds,'' he said.

''Back when I was in the Mercury program or in the program down there now, it's such a pleasure to work in that program because everything is so focused on one objective that everybody's agreed on.''

The similarities between the two jobs, he concluded, are limited.

''Both fields take a lot of dedication to accomplish anything. That would be a big similarity, dedication to country and dedication to what you're doing. But that's about where the similarities end.''

Mr. LEAHY. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Iowa.

BANKRUPTCY REFORM ACT OF 1998—CONFERENCE REPORT

MOTION TO PROCEED

The Senate resumed consideration of the motion to proceed to the conference report.

Mr. GRASSLEY. Mr. President, the business before the Senate is the motion to proceed on the bankruptcy conference report.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. Mr. President, as we take up the conference report to the bankruptcy bill, I want to make clear that this report is a balanced and fair compromise between the House and Senate bankruptcy bills. The fact of the matter is that the process of a conference is a process of joining two bills that have passed both Houses in different forms.

One of the key differences between the House and Senate was the question of means testing. The House had a very strict formula, while the Senate bill contained a change to a section of the bankruptcy code which directs judges to consider repayment capacity.

On this point of means testing, the House had one provision formula driven, very much different from the Senate provision that was more subjective in the decision of a judge of whether somebody should be in chapter 7 or chapter 13. But, obviously, even in the Senate bill, we had penalties and incentives for people who should be filing under chapter 13 but, in fact, filed under chapter 7. We had these differences on means testing between the House and the Senate.

Under the conference report that is now before us, a debtor can file in any chapter of the bankruptcy code, and before a debtor can be transferred from chapter 7 to chapter 13, a judge will review the merits of each case.

Mr. President, I think this is important to understand because we provide that every single person who wants their day in court with due process will get it, because under the conference report, each debtor will receive an individual hearing and get a chance to press his or her own case. In other words, the conference report maintains the judicial scrutiny that I think was the distinguishing factor of the Senate bill's means test. Of course, we have a flexible means test before us today that is a product of the conference compromise.

When the Senate considered my bankruptcy reform bill, I spoke at length about the need for reform, and I would like to restate those points as we go to final consideration, after this conference report was overwhelmingly passed by the House of Representatives just a few hours ago.

The need for this bill is based upon the statistics of bankruptcy, and those statistics speak for themselves. The number of bankruptcy filings has skyrocketed in recent years. In 1994, the total number of nonbusiness filings was just over 780,000, probably thought to be too much at that time, and maybe the number was too high at that time. But in 1996, this figure jumped to 1.1 million, and, astonishingly, the 1997 figure was almost 1.35 million. Of course, the trend is continuing.

There is no letup in the dramatic increase in the number of personal bankruptcies being filed even this very day in this country, because filings for the first quarter of 1998 are over 20,000 higher than for the same time last year. They are almost 90,000 ahead of the first quarter of 1996. Unfortunately, the future looks even bleaker. A study released just a few days ago predicted that the number of personal bankruptcies will exceed 2.2 million by the year 2001.

If there is any better reason or rationale for the adoption of this conference report by this body before we go home for recess, it is that the high number of personal bankruptcy filings is continuing to shoot up at a tremendous rate, unjustified for the economic conditions we are in. We think 1.4 million is too high. In 3 years—in 2½ years—they will be well over 2 million if we don't do something about it, and I think this legislation will do something about it.

The interesting and alarming thing is that this unprecedented increase in the filings for bankruptcy comes at a time when our economy is very, very healthy. Disposable income is up, unemployment is very low, and the interest rates are very low.

Here is something that just does not make sense, then. Common sense and basic economics would say that when times are as good as they are now—almost the longest peacetime recovery this country has ever had—when the economy is flourishing, that bankruptcies should not shoot up as well; that is, unless there is something wrong. And there is something wrong.

The bankruptcy code is flawed. There is need for reform. There is not any shame connected with bankruptcy anymore. There is lack of personal responsibility. There is lack of corporate responsibility, as well as credit card companies are pushing credit cards into mailboxes every day. And the bankruptcy bar is not adequately counseling people as to whether or not they should even be in bankruptcy, let alone discouraging them from being in chapter 7 when they should be in chapter 13. But with all of these put together, Mr. President, in my view, the main problem in our bankruptcy law, quite simply, is that current law discourages personal responsibility.

Let me start out by saying that most people who declare bankruptcy because of their low incomes, their inability to pay, probably are correct in doing so. When I say that, that does not counteract what I just said about assuming personal responsibility or not having some shame connected with bankruptcy. But as far as our present law is concerned, and their ability to repay, I would have to say that that is probably where they should be.

But that does not mean that we do not have a responsibility through our society and through the standards set by our Government to do something about the fact that so many people are in bankruptcy in the first place. We will have to deal with that sometime

other than in this legislation, because this legislation is dealing with the fact that those who have the ability to repay ought to not get off scot-free. But if you do not have the ability to repay, then, of course, that is another consideration. You have to deal with that in some ways differently than what we do in this legislation.

Estimates vary, but about 80 percent of the people who declare bankruptcy are in desperate straits. And then under the principle that we have had for the last 100 years in our bankruptcy laws, particularly if this is in situations beyond their control—like natural disaster, death, divorce, medical problems—then they may need to get a fresh start.

The problem is, Mr. President, as I have already hinted, some people use bankruptcy as a financial planning tool. They do it to get out of paying off debts which they could pay off. And that is what is pushing the desire for bankruptcy reform. We have a bankruptcy system that lets higher-income people write off their debts with no questions asked and no real way for creditors to prevent this from happening. And this legislation deals with that unjust situation—unjust for creditors, unjust for consumers, because consumers pay it, and too just for people who have the ability to repay.

As I said so often last year, we had a record number of Americans filing for bankruptcy. Of course each bankruptcy case means that someone who extended credit in good faith will not get paid. While estimates differ as to the exact number, American businesses are losing about $40 billion a year as a result of consumer bankruptcy.

You might say, well, big banks and big businesses are in somewhat of a stronger position since they can offset these losses by increasing the amount that they charge other customers. That is an important point, Mr. President. Under the best of circumstances, where a big business can stay afloat in the face of large losses due to bankruptcies, then it is simple: Honest customers pay the price because there is no free lunch. This is like a hidden tax—a hidden bankruptcy tax—which consumers pay, people who play by the rules pay. Because, as businesses end up writing off their debts in bankruptcy, the consumers make it up.

So my legislation would reduce this tax by requiring those consumers who can afford to pay, who have the capacity to make good on their debts, or even some portion thereof, to do so. But that is the situation with big businesses that can pass it on. They can survive in the face of huge bankruptcy losses. They stay in business. They get consumers coming to their door. The consumers pay. But there are a lot of small business people who have to close their doors because maybe they cannot afford to absorb the loss of so much income and consequently do not have the ability to pass it on to their consumers. The Bankruptcy Reform Act limits complete debt relief to only those who cannot repay their debts. Those who can repay their debts are required to do that. And of course, that is common sense.

That is one important aspect of the legislation, the means testing provisions of it. There was a compromise between the House and the Senate. The House had that very strict formula that decided whether a person was in bankruptcy 13 or bankruptcy 7. We had a subjective judgment with encouragement for people to be in chapter 13 and penalties to those who went into 7 when they had the ability to repay and should have been in 13. But it was very subjective, and it took motions by creditors. It took action by trustees to bring that about, and it took penalties against lawyers who were not properly counseling the debtor. So we joined these together to have the bright line of the House version of who should be in chapter 13, but we also make sure that every debtor gets their day in court with due process to make sure they have been treated fairly.

So we move on to another hot-button issue. On this issue the Senate prevailed. The conference report still provides that child support obligations must be paid during any bankruptcy proceeding.

You can see here in this chart, under the conference report, child support and alimony receive first priority. Child support must be paid in full before debt forgiveness. You can see across here, under current law child support/alimony is seventh in priority. We move that to first in priority. You can see that under present law there is no requirement to pay child support before debt forgiveness in chapter 13. Child support must be paid in full before debt forgiveness. Under the conference report, bankruptcy trumps wage garnishment for child support. Under the conference report, bankruptcy does not trump wage garnishment for child support. And lastly, and added to child support, collections are exempt from automatic stay.

The reason that it is important to put child support claimants at the top of the list during bankruptcy proceedings is that most bankrupts do not have enough money to pay all creditors in full. So somebody is not going to be paid. This bill makes it more certain that child support will be paid in full before other creditors can collect a penny. That is real progress in making sure that children and former spouses are treated fairly.

I know this was very much a concern of many members of the Judiciary Committee, including my distinguished ranking member, Senator DURBIN of Illinois, and other members of the committee. I know it is very much a concern of people at the White House. I hope, first of all, that they understand there was no intent of changing this in the original legislation, but I guess it is the way combinations can work, that there was some suspect that this could happen, but I hope that we make it very, very clear that families and children and spouses are first. We have moved it from seventh to first.

Also, the conference report provides that someone owed child support can enforce their obligations even against the exempt property of a bankrupt. This means that wealthy bankrupts can't hide their assets in expensive homes or in pension funds as a way of stiffing their children or their ex-spouses. This is another example of how this legislation will help—not hurt—child support claimants. And rightly so.

This conference report states that debtors receiving child support don't have to count that income when calculating a repayable schedule.

Outside the bankruptcy context, when there are delinquent child or spousal support obligations, State government agencies often step in and try to help collect that child support. The conference report exempts these collection efforts from the automatic stay. The automatic stay is a court injunction which automatically arises when anyone declares bankruptcy, and it prevents creditors from collecting on their debts.

Now, if this legislation were to pass, State agencies would be in a much better position to collect past due child support. In practical terms, that means that State government agencies attempting to collect child support can garnish wages and suspend driver's licenses and professional licenses—plenty of incentive for people to get on the stick and keep their social obligations to the families they have been a part of, benefited from, and to the children that they ought to love in the first place.

Clearly, this will help State governments in catching deadbeats who want to use the bankruptcy system to get out of paying child support. In fact, the district attorneys who actually collect child support strongly support this conference report. So any argument that this conference report is bad for child support is empty political rhetoric.

If I could go to another chart, the conference report also maintains tough fines against creditors who misuse their new powers to harass or intimidate honest consumers, rather than to stop abuses. I think the chart shows what we are doing. I can tell you that this was a very key feature of the Senate bill. Whenever we give creditors a new tool, we also give debtors a new shield to rein in potential creditor abuses. If it is wrong for a debtor to avoid personal responsibility, it is wrong for creditors to misuse the bankruptcy code in an unethical way, as well.

I think it is amazing that we hear from our Democratic friends that we should oppose this conference report, as I think we will, because we limit the ability of unscrupulous trial lawyers to bring class actions against the bankruptcy code. Now, I think that is a very

telling point. It seems that those who oppose this bill do not really oppose it because they are worried about consumers. They might oppose it because they want to help trial lawyers clean their pockets. I hope my colleagues will keep this in mind as we consider this conference report.

There is another example of how the conference report gives debtors important new tools to defer, to deter and punish abusive creditor conduct. In the last few years, there have been a number of reports about creditors coercing debtors into agreeing to paying their debts even though the debt could be wiped away in bankruptcy. The bankruptcy code allows debtors to reaffirm debts if they choose to do so voluntarily. The problem is that some companies have been threatening consumers in order to force reaffirmation. The conference report gives every debtor the right to a hearing before a bankruptcy judge who will review the agreement to make sure that there has been no coercion. This is a crucially important change to protect consumers.

I want to make one last point in regard to this chart. We have ''truth in advertising'' requirements for bankruptcy lawyers. It seems to me this is very, very important. In the original debate on this bill before it went to conference, 2 or 3 weeks ago, the point was made that some lawyers with the bankruptcy mills were advising people through advertising that they had the ability to avoid paying alimony and other things. ''Truth in advertising'' is very important in any business. It is just as important in the legal profession.

Debtors get new rights to court hearings to stop unfair debt collection practices.

It promotes out-of-court settlements by punishing creditors who refuse to negotiate. We think there ought to be the willingness and the obligation, when somebody who is greatly in debt and wants to work something out without going through the costly and adversarial environment of the court, they ought to be able to. That incentive is in here.

And it requires credit card companies to point out the dangers of making only the minimum payments.

Finally, the conference report makes important changes to help prevent the collapse of the financial sector when a party to a swap or a repurchase agreement defaults on an obligation. These changes were suggested by our Secretary of the Treasury, Robert Rubin. As President Clinton put it, we are in a serious financial crisis and we need to reduce systematic risk in the financial markets now.

This conference report, I think, is balanced and fair. I am sure that we will hear that it is not. Obviously, it is not entirely to my liking. No conference report is to everyone's liking. The essence of this legislative process, when a House and a Senate pass different versions of the bill, is that there be compromise. Actually, the differences in these versions was greater than you would normally have between pieces of legislation passed by the respective bodies and much more difficult to do.

I want to repeat for our colleagues, as well as for his constituents in Illinois, Senator DURBIN has been very, very cooperative throughout this process. We have had a bipartisan bill through the Senate. The process of compromise detracted from that, I am sorry to say. I was hoping that we would have a bill by the last week in July so we could have the whole month of September to work on the tremendous differences between the House and Senate. But things didn't work out the way I wanted them to and I am sure they didn't work out the way our distinguished Senate majority leader, TRENT LOTT, wanted them to work out, so this bill came out during the third week of September.

Now here we are about ready to adjourn for the year and to go home and campaign. That process was not handled in the spirit of bipartisanship that I had planned a year and a half ago when I started working on this legislation, and that has been the practice not only through the Senate, but through conference in previous times. Some of that probably was within my control, but most of it was outside of my control. So the extent to which the last step did not encompass the spirit of bipartisanship that I had anticipated a year and a half ago, I apologize to my friend, the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Let me say at the outset, my respect for my colleague, Senator GRASSLEY of Iowa, has not been diminished by this experience, but enhanced. It has been a joy to work with him over the last year and a half in preparing this important legislation. It is complex. It is difficult. He has shown both legislative and intellectual stamina throughout. He has been fair in his dealings with me, and to the moment where we were successful in passing this bill on the floor of the Senate by an overwhelming vote of 97–1, a strong bipartisan vote, I think we both took pride in the fact that we had given it virtually everything that we could to make the best possible legislation for a very difficult challenge.

Having said that, I will knowledge, as the Senator from Iowa has, that once that bill left the Senate floor, once the conferees were appointed, a totally different process took place, which was very disappointing to me. It was totally different in that it was not bipartisan. In fact, as I stand here today and look up at the clerk's desk and see the conference report from this committee, this is the first time I have ever laid eyes on it. I wasn't there. I wasn't invited to the conference committee meetings. I wasn't asked to sign the conference committee report. In fact, virtually no Democrats—at least on the Senate side—were involved in any of that negotiation. That is truly unfortunate.

There is no reason why this had to be a partisan endeavor. Senator GRASSLEY and I proved that in working together on a bipartisan basis we could come up with a good and balanced bill. In fact, when this issue first came to me and people representing banks and the credit industry came to my office, I said to them: I agree with you, there are abuses in the bankruptcy system that need to be cleaned up. I will help you clean them up if, and only if, you will concede that there are also abuses when it comes to credit cards in America that need to be cleaned up as well.

Each bank, each merchant, each credit card company said, without fail: We agree. We are in for both sides to be repaired, both sides to be changed, and reform to come that will really affect bankruptcy in the future.

The Senate bill did that. The Senate bill said: Yes, we will clean up the bankruptcy court, but we will also say to the credit card companies, you have a responsibility to clean up your act. It also said to creditors that when it comes to the whole question of your efforts, if there are predatory credit practices that are, in fact, unfair, those credit practices will not allow you a ticket into the bankruptcy court.

UNANIMOUS CONSENT REQUEST

Mr. President, before proceeding, I ask unanimous consent that the previously scheduled vote now occur at 5:50 p.m. this evening.

Mr. BAUCUS. Mr. President, reserving the right to object. If I might ask the manager if I may speak 5 minutes before 5:50. Otherwise, I will object. I ask the managers of the bill if they can assure me they will give me 5 minutes.

Mr. GRASSLEY. I will not speak anymore.

Mr. BAUCUS. Otherwise, I will object.

Mr. DURBIN. Mr. President, can we have some indication from other Members on the floor of the time they might need? Perhaps we can come to some accommodation.

Mr. SESSIONS. Mr. President, the Senator from Alabama would like about 10 minutes on the bankruptcy bill. There are 10 minutes set aside for me now.

Mr. DURBIN. How much time would the Senator from Ohio need?

Mr. DEWINE. I would like 8 minutes.

Mr. DURBIN. That is 23 minutes. I would have to sit down, and that would be a painful experience at this moment. I will withdraw the unanimous consent request at this point.

The PRESIDING OFFICER. The request is withdrawn.

Mr. DURBIN. Mr. President, I am concerned that when we set about dealing with the bankruptcy code and reform, we tried to do it in a balanced fashion in the Senate bill.

Tonight, when you go home, open the mailbox, and you know what you are

going to find—preapproved credit card applications. If you are an average American, you get 28 a year. If you happen to be in the prime target group, you get many more. A college student, in the first 6 months they are in college, can expect to be inundated. You are 18 years old and you can sign a contract; they can't wait to get you. The dean of students at the University of Indiana tells us that the No. 1 reason kids are leaving school at Indiana is not grades, it is credit card debt. That is what is happening.

So when there is a speech made about the shame of bankruptcy, what about the shame of some of these credit practices?

So what did we suggest be changed as part of this debate? Let me give you an idea of one thing in the Senate bill that was totally rejected by the conference committee. The banks and credit card companies said: This is unreasonable, we don't want it in the bill. This example credit card statement belongs to a staff member who probably used this as a basis for acquiring more salary. We have added to this a provision that would have been from the Senate bill. We would put it at the bottom of your statement, a tiny paragraph, which says: if you pay only the minimum payment due and make no new purchases or advances, it will take you x number of months to pay off your balance, and the total cost will be approximately x.

Does that sound like an outrageous request of a credit card company—that we as consumers would know what the minimum monthly payment means in terms of indebtedness?

This individual has a balance of $1,295. They asked him to make a minimum payment of $26. If we put our provision on this, we would be telling him it would take him 93 months—almost 8 years—to pay off the bill. When it is all said and done, he would be paying $2,418, or almost double the amount of the current balance.

I don't think consumers should be in any way tricked or deceived or the facts concealed. Yet, that is what is happening because this conference committee felt that it was unreasonable to put that burden on a credit card company.

We had another provision that said that these predatory lenders that go after senior citizens—primarily widows in their late years—in the family home, and sign them up for siding and roofs and home repair with a second mortgage with a balloon, and take the house away because they have deceived some poor person, should not be able to walk into bankruptcy court and execute their claim against that person and their home. Predatory credit practices would not allow you a ticket to the bankruptcy court. As soon as this got in conference committee, they ripped it out and said: We don't want to go that far.

Let me tell you what happened as a result. We received a letter from the Director of the Office of Management and Budget. Mr. Lew has written to us—in fact, to the leaders of Congress—within the last 2 days, to say that if this conference report is presented to the President, his senior advisers will recommend that he veto it. Why? Because it is unreasonable. This conference report could have been so good, could have been so fair and so balanced, and it is not.

When it comes to the test that they are going to put someone in bankruptcy court, this is inflexible and unforgiving. Frankly, as a result of it, a lot of people who don't have resources and should not be put through this wringer will face it.

In addition to that is the whole question of class actions. I will concede to the Senator from Iowa that there are undoubtedly class action lawyers who are unscrupulous, but there are also class action lawyers who stand up for consumers who could not afford a day in court by themselves.

Consider this: A major retailer in the United States of America, as a matter of policy, has a coercive practice that when you are in bankruptcy court, they put the hammer on you as a debtor and say: We don't want you to have our debt written off. We want to tell you that you have to re-sign up to pay off this debt on this refrigerator—or car, or set of tools. They put the pressure on them. The person, under pressure, signs it. And it turns out to be a national policy. In fact, it is a national scandal. Only by class action suits on behalf of debtors across America can you go after these major banks and major retailers.

This conference report removes the right of debtors, through classes, to come to court. That was a right under the law before we even considered bankruptcy code reform. And so not only does this bill take away new protections for consumers, it takes away the existing protections for consumers—another reason why the President's Director of the Office of Management and Budget says they will veto this bill, as I believe they should.

There has been a lot said about child support and alimony. Consider how many of the people who go into bankruptcy court have an obligation to pay for the debts of their children and are, frankly, facing a lot of other debts and wondering how they will pay them off. The bottom line on this bill, as the letter from Mr. Lew indicates, is that they are putting more people in line to draw from the limited assets of estates. So a spouse trying to raise children and looking for child support, when they walk out the door in bankruptcy, has less money to turn to.

This bill, unfortunately, does not provide the kind of protection that I believe is absolutely necessary.

When we came to this Senate floor, we adopted a variety of consumer protection provisions that really gave balance to this bill. Almost without exception every single one of them was removed in this conference committee.

The credit industry that promised us they would give us a balanced bill, that they would agree to end abusive practices in their own industry—when they went into that conference committee and closed the door, they basically broke the deal. They walked out of that door with the conference committee report to their liking. The conference committee report, which they are lauding, is one which most of us believe is, frankly, a bill that should not be signed into law.

It is one sided. It is designed to reward the credit industry and to penalize the average consumer. They save the worst treatment for the unlucky families facing bankruptcy. They held aside the mother who depends on child support so that coercive creditors can claim the limited assets of bankrupt spouses. They refuse to protect the widow bilked out of her home by a home repair con artist. They refuse to provide any new credit card disclosure so that consumers can better understand the termination of their card agreements, or monthly bills.

Our purpose in this bill on this side was never to ration credit, but only to say that credit should be more rational, that each of us, as we enter into agreements for credit cards, should be able to understand the terms of the those credit cards and make our own decisions for ourselves, our families, and our businesses. Each and every time we attempted to do that in the bankruptcy bill, it was stripped out in the conference report.

What did they put in instead? A study—a study. So when it comes to nailing the consumers going into bankruptcy court, we need laws. When it comes to protecting the consumers who are trying to understand the terms of credit, they need studies.

That isn't balanced. And that isn't fair.

I think, frankly, that they have gutted the current law which protects consumers in bankruptcy from creditor abuse and manipulation.

This bill rips into low- and middle-income families and still lets the Florida and Texas millionaires hide their assets in mansions featured in Architectural Digest.

What am I talking about? Let's get specific.

There is an actor we have all heard of named Burt Reynolds. Mr. Reynolds is going through bankruptcy. He had a chain of restaurants and that chain of restaurants, unfortunately for him, failed. So when he reached the end of his rope, he decided to file for bankruptcy. But Mr. Reynolds happens to be a resident in the State of Florida.

If you happen to be a lucky resident of a State like Florida or Texas or Kansas, you can buy whatever size home at whatever expense you care to, and basically it is protected from bankruptcy. The rest of us living in other States would find in bankruptcy court that we are only protected to a limited extent. In those States, you are virtually unprotected.

Mr. Reynolds—this is reported in the newspaper; it is not some privileged information—is going to be able to protect a home in bankruptcy valued at $2.5 million.

This has been called the worst single scandal and abuse in the bankruptcy system.

If we set out to clean up the system, how did we overlook this glaring problem? Because, frankly, there are an awful lot of politically powerful people who do not want to see this changed.

We see a former commissioner of baseball moving to Florida and filing for bankruptcy so he can put as much of his assets as possible into a home that can't be attached under bankruptcy.

A former Governor of Texas filing for bankruptcy is buying 200 acres of ranch land protected from bankruptcy. And the average person walking into a bankruptcy court across America doesn't have that kind of a sweetheart deal.

We cleaned that up in the Senate bill. And the conference committee, when they closed the door, basically stripped it out. They made some changes—I will give them credit for that—some modifications.

But when it comes to dealing with the amendment offered by Senator KOHL of Wisconsin, Senator SESSIONS of Alabama, they are not even close.

If you are talking the shame of bankruptcy, I think it is shameful that we would allow that kind of loophole to continue and say that we have passed a meaningful reform bill.

I come here today in opposition to this bill. I am glad that the administration has indicated that it will veto the bill.

I have said to Senator GRASSLEY and all others who are interested in this subject that I want a fair bill, one that is fair to consumers as well as to creditors. The door is still open for us to come and sit together and try to achieve that.

But those who think they can push this through, that they can slam-dunk this change without taking into consideration the protection of consumers, I think have really done a disservice to families across America—families who count on this Senate and their House of Representatives to listen to their interests, not just to the interests of the banks and the credit industry and the institutions which can afford the high-paid lobbyists in this town.

A few days after our bill passed in the Senate, I ran into a banking lobbyist in this town who said to me with a smile, ''When it is all said and done, your consumer protections are gone.'' She seemed to know already what the outcome would be. I didn't think that was going to happen. I thought when we got into conference we would be able to protect consumers. It didn't happen. What we got was a study—a study instead of a law. A law doesn't protect anybody unless it is enforced. And a study has never protected anybody even if it is enforced.

We need to make certain that if we are going to have real bankruptcy reform, it is balanced reform.

I hope this conference report is ultimately defeated. I hope it is vetoed by the President. I hope we will return to the table and in the spirit of bipartisanship guide us to a Senate bill that passed 97 to 1 on a bipartisan basis. I hope we will come up with that balanced legislation.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the distinguished Senator from Illinois. He did a good amount of work. He worked hard on this bill in committee. He worked hard on it to the very end. He was a champion of it in the committee. It came out of our committee by a 17-to-2 vote. It passed in the Senate with only one negative vote. Then we went into conference with the House. I am convinced that the bill is better today after having been be in conference than it was before it left, even though I had to give up some things that I favored.

I certainly agree with the idea that this homestead situation, where millionaires move off, buy mansions, and then declare bankruptcy, is a scandal.

But I am telling you, I was amazed how many Senators from States who have those homestead exemptions, mistakenly in my view, felt very strongly that this somehow abrogated their State law, their State constitutions. Their opposition, as Senator GRASSLEY knows, jeopardized the ability of the bill to pass. We made some modest progress towards restraining this abuse.

Senator GRASSLEY said he was prepared to let us take it up again next year and see what we could do then. But in order to move the bill, we made some progress rather than no progress on this issue. I certainly believe we can do better.

This bill passed the House with 300 affirmative votes; 75 Democrats supported it. I really do not agree with the assertions that this is not good bipartisan legislation.

It really hurts me to hear the Senator say that this bill guts the protections that were in the Senate version. This bill institutes protections for debtors, but it does set some standards in bankruptcy. It will not let an individual come in and wipe out all of their debt without any explanation or any justification for it. They have to justify that they need this radical protection.

With regard to the question of fairness, we have been on this bill for years now. Senator GRASSLEY has met and met and met. He worked very hard and had the bipartisan support of his Senate Judiciary Committee and his subcommittee on this bill. Senator DURBIN is the ranking member of it. The staff on Sunday met for 7 hours. They met 10 hours with the Democratic staff between Sunday and Wednesday of this week discussing this bill. They were asked to sign the conference report and they chose not to. Those of us who supported the bill signed it. The Democrats refused to do so. Obviously, at some point, they made a decision they were going to object to this bill. I don't believe the majority of the Senators want to do that in either party. It came out of this body and the other body with overwhelming support.

It is stunning to me. I know there is a campaign theme about this ''do-nothing Congress.'' The President has been suggesting that.

This is a good historic piece of legislation. We haven't made a major improvement bankruptcy laws since 1978. A lot of work has gone into this reform. This is major legislation setting forth major progress. And, all of a sudden now, at the last minute, all of the objections come up. I suppose they will accuse us of not being able too pass the bankruptcy legislation.

But I want to say this: I think some people who killed this bill are going to have to answer why. I don't believe it is going to be a satisfactory explanation to say that they voted against it because it prohibited trial lawyers from bringing a bunch of class actions. Only within the area of a finite part of the bankruptcy law are class actions prohibited.

That is almost an insignificant part of this bill. And to raise that now and suggest it is a basis to oppose this bill suggests to me just how good a bill it is, if that is all they can find to fuss about. Maybe this suggests that it is trial lawyers making the phone calls and stirring up the opposition. It really is frustrating to see a man of the ability, the patience and the integrity of Senator GRASSLEY bring this bill up with the great support he had from both parties and see it now being jeopardized by a Presidential veto.

I would hate for that to happen. I believe when the President actually studies this bill carefully, he is going to conclude ti is a historic improvement over the present law, that he cannot justify not signing it, that it will be good for America and that he will sign it. I certainly hope that is true.

Let me mention a couple of things about the bill. We have several pages of restrictions on credit. There is a whole section of this bill entitled ''Enhanced Disclosures on the Open End Credit Plan.'' We went into credit cards and some of that stuff, but this is not a banking bill. This is not a credit card bill. This is a bill to improve bankruptcy, not credit cards. Attaching and raising all those issues is something that ought to be done by the Banking Committee. But we included some restrictions, a number of restrictions, and we put in this bill a study required to be done by the Federal Reserve Board to help us develop a way to control any abuses in the credit card industry. I think it will be a step forward.

This is a not a stonewall. Here at the last minute we don't have to be creating movement from bankruptcy to credit cards. I feel strongly about that.

Let me just mention a couple of things the bill does. It, for the first time, states that if you have plenty of money to pay back a lot of your debts, you ought to do so. So if you can pay back 50 percent, 70 percent of your debts, you ought to go into chapter 13. The court will protect you from lawsuits and creditors, and you set up a payment plan and you can pay back those creditors a portion of what you owe if you have sufficient income.

Now, the standard used for income is the national median income for a family of four. This means that the person would have to make over $50,000 a year to be required to pay any back. If they make less than that, they can stay in the chapter 7 and wipe out all of their debts. So I don't think the standard is very high at all. But people who are wealthy, have money, ought to pay back some of their debts. And many of them can pay all of their debts back.

That is the historic step. It is only fair. And it is just not moral to allow people to not pay their just debts when they are capable of doing so.

I see the distinguished chairman of the Senate Judiciary Committee has come in the Chamber. I have a couple of minutes remaining. I will be delighted to yield for any comments he has. He has been a strong leader in this legislation.

I yield the floor.

Mr. HATCH addressed the Chair.

the PRESIDING OFFICER. the Senator from Utah is recognized.

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

Mr. HATCH. Without losing my right to the floor.

Mr. BAUCUS. I just wonder if the Senator will give am a few minutes. I have been in the Chamber for over a half hour waiting. I would appreciate the Senator yielding.

Mr. HATCH. how much time would the Senator want?

Mr. BAUCUS. Three to 4 minutes.

Mr. HATCH. Could the Senator do it in 2?

Mr. BAUCUS. Three.

Mr. HATCH. Three. Three minutes. Go ahead.

Mr. BAUCUS. I thank the Senator very much.

Mr. HATCH. Without losing my right to the floor.

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

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank my good friend from Utah for his graciousness in yielding me 3 minutes.

RELOCATION OF LOCAL POST OFFICES

Mr. BAUCUS. Mr. President, I want to talk about something very simple. It is about post offices and particularly small town or community post offices. Our first Postmaster General was Benjamin Franklin, 200 years ago. And, obviously, at that time post offices were very important to Americans. It was a local gathering place; it was a meeting place, in addition to sending and receiving mail. And the same is true today in small town America, in some of our smaller communities and even some of our larger communities.

For example, in my State of Montana, let's take Livingston, the post office is where people meet to compare notes, talk about what the fly hatch is on the Yellowstone so they will know what to go fishing with. And maybe Red Lodge, MT—collect the mail and talk about what happened at the most recent track meet. The same is true in Plains, MT, a post office that has been there for 115 years.

The problem is this: The Postal Service recently, in my judgment, has not treated communities fairly because it has come in and closed local post offices and often rebuilt them outside of town to essentially destroy the local character of the community.

Senator JEFFORDS and I offered an amendment on the Treasury-Postal appropriations bill. It passed the Senate by a vote of 76 to 21. A similar version passed the House. Essentially, we are just providing for notice so that local communities, when the Postal Service decides to come in and close a post office or move it, would have a chance to have a hearing, would have an opportunity to have notice, would have an opportunity to have some say in their community.

Today, under Postal Service regulations, local people don't have a say. They don't have the ability to influence, in any meaningful way, where their post office is located or whether it should be closed.

I think that is wrong. I regret saying this, but the conferees on the bill stripped our amendment, even though it passed the Senate 76 to 21, and even though it had very large support in the House.

That is just not right. It is not fair. It is not fair to those folks in communities who very much rely on their post office. We are just asking for a fair process so the local people have the opportunity to have some say in their community so that Uncle Sam, Uncle Postal Service, doesn't ram down their throats a solution that doesn't make sense. I regret to say the conferees did not include it, and next year I will reintroduce the legislation, I am sure, along with Senator JEFFORDS. That provision, unfortunately, is not in the bill.

Again, I thank my good friend from Utah, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

BANKRUPTCY REFORM ACT OF 1998—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. HATCH. Mr. President, what this legislation will accomplish is straightforward. If a person is able to repay their debts, they will be required to do so. We must restore personal responsibility to the bankruptcy system. If we do not, every family in America, many of whom struggle to make ends meet, will continue to shoulder the financial burden of those who abuse the system.

It always has been my view that individuals should take personal responsibility for their debts, and repay them to the extent possible. Under the present system, it is too easy for debtors who have the ability to repay some of what they owe to file for chapter 7 bankruptcy. Under chapter 7, debtors can liquidate their assets and discharge all debt, while protecting certain assets from liquidation, irrespective of their income. Mr. President, I believe that the complete extinguishing of debt should be reserved for debtors who truly cannot repay them.

Mr. President, let's think about this problem in fundamental terms. Let's say that somebody owes you money, and is perfectly able to pay you back However, this person finds a clever way under Federal law to avoid paying you. That would be wrong—it would be unfair. Yet, we are allowing this to happen every day in our bankruptcy courts. We have a system woefully in need of reform. The bankruptcy system was never intended to be a means for people who are perfectly able to repay their debts to get out of paying them. It was designed to be a last resort for people who truly need it. What our bill does is allow those who truly need bankruptcy relief to have it, but requires those who can repay their debts to do so. This is not a novel concept. It is basic fairness.

Americans agree that bankruptcy should be based on need. As this chart demonstrates, 87 percent believe that an individual who files for bankruptcy should be required to repay as much of their debt as they are able to and then be allowed to extinguish the rest. Yet, as stated in the Wall Street Journal (Nov. 8, 1996) bankruptcy protection laws give an alarming number of ''obscure, but perfectly legal places for anyone to hide assets.'' For instance, one Virginian multimillionaire incurred massive debt, but under State law was entitled to keep certain household goods, farm equipment, and ''one horse.'' This particular individual opted to keep a $640,000 race horse.

This bill does a number of things to make ti harder for people who can repay their debts to avoid doing so by using loopholes in the present bankruptcy system.

It provides a needs-based means test approach to bankruptcy, under which debtors who can repay some of their debts are required to do so. It contains new measures to protect against fraud in bankruptcy, such as a requirement that debtors supply income tax returns and pay stubs, audits of bankruptcy

cases, and limits on repeat bankruptcy filings.

Mr. President, I am amazed to hear critics of this legislation make the argument that his report does not protect consumers. As recently as yesterday, I read that an opponent of this legislation said, ''The Republican conferees stripped out every significant consumer protection in the Senate bill, and to add insult to injury, repealed existing consumer protections in the law.'' How, Mr. President, does this bill ''repeal existing consumer protections?'' Further, I challenge anyone who would make such an unfounded claim to compare the House bill, which passed with an overwhelming bipartisan vote of 306 to 118, with this balanced conference legislation, and tell me there are no new significant consumer protections.

Let's get beyond the politics. Let's stop with the unfounded criticisms of this legislation, and look at what it really gives to consumers:

A debtor's bill of rights with disclosure requirements for debtor lawyers who advertise. This provision is designed to protect consumers from ''bankruptcy mills'' that are out to make money without regard to consumers. This provision will protect unwary consumers from being lured into bankruptcy without knowing what they are getting into and without knowing their alternatives.

Credit counseling for debtors before they file for bankruptcy, so that they may be able to avoid bankruptcy altogether.

New consumers protections with regard to reaffirmations. Every debtor who reaffirms unsecured debt will have the opportunity to appear before a judge. And, a new heightened standard is required in the review of each of these agreements to make sure debtors are not coerced into making them.

New reaffirmation disclosure requirements. Even it a debtor is represented by counsel, the creditor must give new disclosures to the debtor with regard to the debtor's rights.

New penalties for pressuring debtors after discharge. A $1,000 penalty plus actual damages and attorneys fees if a creditor violates the post-discharge injunction.

New penalties for abusive reaffirmation practices: Another $1,000 penalty on top of actual damages and attorneys fees if a debtor is injured by a creditor's failure to follow the procedures for a reaffirmation agreement.

New penalties for refusal to credit the payment plan properly—again, $1,000 plus actual damages and attorneys fees when the creditor refuses to credit payments under a plan.

New protection for debtors from unjustified motions for dismissal in the form of liability for the debtor's attorneys fees and costs.

New penalties for creditors who fail to negotiate. If a creditor unreasonably refuses a good faith offer to settle before bankruptcy for 60 cents on the dollar, the court can decrease the creditor's claim by up to 20 percent.

New penalties for violating the automatic stay—including actual damages and attorneys fees.

New protections from credit card cancellation. A credit card company is prohibited from terminating a customer's account solely because the debtor has not incurred finance charges on the account.

New credit card warnings and disclosures, including new initial disclosures, new periodic statement disclosures and new annual disclosures about the reality of paying off a balance by making only the minimum payment.

A new study on disclosures for closed and open end credit secured by the debtor's house, to be conducted by the Federal Reserve Board, with authority to issue new disclosure regulations.

A new Fed study on the sufficiency of current consumer protections on debit card liability and the authority to issue new disclosure regulations.

A report from the comptroller general within 1 year on whether there are excessive extensions of credit to college students.

And, the bill makes extensive reform to the bankruptcy laws in order to protect our children. The bill ensures that bankruptcy cannot be used by deadbeat dads to avoid paying child support and alimony obligations. The obligation to pay child support and alimony is moved to a first priority status under this legislation, as opposed to its current place at seventh in line, behind bankruptcy lawyers and other special interest. With this new law, debtors who owe child support will have to keep paying it when they file for bankruptcy, and they cannot obtain a discharge until they bring their child support and alimony obligations current. Also, if a debtor pays child support right before filing for bankruptcy, the child support payment can't be taken away from the kids.

The National Association of Attorneys General has told me that they ''applaud the provisions * * * that improve the tr4atment of domestic support obligations by ensuring that the spouse and children will continue to be able to collect support payments they are owed during the bankruptcy case and that debtors will not obtain a discharge until they have met their obligations to their spouse and children.'' The attorneys general go on to say that ''these are much needed additions to current law, and we strongly support these changes.'' the National Child Support Enforcement Association has also written to me in support of these improvements to bankruptcy law because of the need ''to strengthen and clarify the rights of separated families during and following bankruptcy proceedings.''

In addition, this bill protects our children's educations. With this legislation, postsecondary education accounts will be protected in bankruptcy up to $50,000 per child or $100,000 in the aggregate.

This bill also provides new and important protections for retirement savings. The AARP has stated, ''The accumulation and preservation of retirement funds * * * represents an important national goal.'' The AARP believes—and I agree with them—that retirement savings should be more uniformly protected, and that ''Shielding retirement funds would reduce the likelihood that legitimate petitioners will be impoverished later in life.'' Under this bill, retirement plan assets are categorically untouchable by creditors, even if State exemptions are otherwise claimed.

Furthermore, this legislation keeps drunk drivers from using bankruptcy to get out of paying their victims the judgments they owe them.

I simply can't believe that opponents of this legislation can say with a straight face that this legislation doesn't help the American people.

About $40 billion in consumer debt will be erased this year in personal bankruptcies.

Let me put this figure in perspective. $40 billion is enough to fund the entire U.S. Department of Transportation for a year, or to provide Pell grants to 13 million needy college students.

It has been estimated that bankruptcies cost every American family about $400 per year. Apparently, critics of this legislation are content to throw this money away. But where I come from, $400 a family means something. It buys 5 weeks worth of groceries, 20 tanks of gas, 10 pairs of shoes for a grade school child, or more than a year's supply of diapers.

Are opponents of this bill really comfortable with the status quo? Are they willing to throw away all of the important new consumer protections we have worked for in this bill? Are they willing to have retirement savings and educational savings exposed to the claims of creditors in bankruptcy? Are they willing to continue to let deadbeat dads use the U.S. bankruptcy system to get off the hook for child support? Are they willing to let drunk drivers use bankruptcy to get out of paying their victims?

The only conclusion we can reach is that opponents of this legislation simply never wanted to see bankruptcy reform at all. Apparently, they are content to do nothing to curb the record increases in bankruptcy filings. They are willing to allow people to continue to ''game'' the bankruptcy system at the expense of honest, hardworking Americans. And, they are happy to sit idly by and do nothing when they see a $400 hidden bankruptcy tax imposed on every American family year after year.

It is my sincere hope my colleagues will not derail this bill just to make a political statement, and instead vote their conscience on the substance, and support this bill. I am also hopeful that the President and his advisors will recognize the importance of this bill to the economy and to all consumers.

In conclusion, Mr. President, I have heard these arguments from my colleagues on the other side that this process has not been a good process and all of their consumer protection items have been taken out of this bill.

Look, I negotiated with the House on this, and we had to do it in a very intensive, tight framework. It was a very difficult thing to do. Let me go down through some of the new consumer protections that are in this bill, because nothing could be farther from the truth than for them to come out here and indicate there are no consumer protections.

No. 1, we have a Debtor Bill of Rights in this bill, credit counseling; we have judicial review of reaffirmation; we have reaffirmation of disclosure requirements; we have penalties for pressuring debtors after discharge; we have penalties for abusive reaffirmation; we have penalties for refusal to credit payments; we have protections from unjustified motions; and penalties for failure to negotiate.

This is all for the protection of consumers. Penalties for violating automatic stays, protection from credit card cancellations, credit card warnings and disclosures that we require, rules and study on disclosures, over 100 percent mortgage credit study; we have a study on debit card liability; we have a college student and credit card study. All of this is important, meaning we are going to continue to revisit this and do all of the things we can to do what is right here.

We have child support protected, education savings protected, retirement savings protected; we have drunk-driving judgments are going to get paid.

Now, there are a lot of consumer protections here. Look at this: ''Americans agree bankruptcy should be based on need.''

An individual who files for bankruptcy should be able to wipe out all their debt regardless of their ability to repay that debt.

That is 10 percent of the people.

The ''DK refused,'' 4 percent.

An individual who files for bankruptcy should be required to pay as much of their debt as they are able to and then be able to wipe out the rest.

Eighty-seven percent fit in that category. What does that mean to the American taxpayers and the real consumers in this country and everybody else who is paying for this ungodly process? About $40 billion in consumer debt will be erased this year in personal bankruptcy. First, $40 billion would fund the entire U.S. Department of Transportation for 1 year; second, provide Pell grants to 13 million needy college-bound students; third, ''The Flawed System Costs Every American Household $400.'' Just think about that. Last but not least, ''Bankruptcies Cost American Families $400 a Year.''

That $400 could buy a family of four 5 weeks of groceries, 20 tanks of unleaded gasoline 10 pairs of shoes for the average grade-school child, and more than 1 year's worth of disposable diapers.

There is a lot we have done here. Is it perfect? No, because we have two bodies here that have to get together.

I would also like to express any disappointment that despite hours and hours and numerous meetings between Democrats and Republicans, some say that the process was not fair or somehow excluded Democrat participation.

I lived through years and years of Democrat control of this body, and the other body, and I have to tell you, they were not nearly as fair in most conferences as we have been here in trying to accommodate Democrats—when many did not want to. So we have tried to do it. I think it is just really very phony to go otherwise.

I yield the floor.

Mr. BROWNBACK. Mr. President, I rise in support of the Senate-House Conference Report on the Consumer Bankruptcy Reform Act. I applaud the hard work of both the Senate and House conferencees, especially the leadership that Senator GRASSLEY has shown on reforming our bankruptcy laws.

I believe that this conference report is a balance between preventing the fraud and abuse of our bankruptcy system and protecting those who are in considerable economic pain. The increase in bankruptcies has put a strain on our economy and families. These losses associated with bankruptcies have been passed onto consumers, costing every household that pays its bills $400 in hidden taxes. That is not fair to the millions of families who pay their bills every month. This report will prohibit fraud, abuse, and the casual use of our bankruptcy laws while ensuring the payment of child support and alimony.

I am disheartened by some of my Democratic colleagues and the Administration's opposition to this conference report. This bill not only reforms our current bankruptcy laws, but places Chapter 12 into our bankruptcy code permanently in order to protect family farms and farmers.

Farmers in Kansas and across the country are experiencing cash flow problems associated with low commodity prices. U.S. Dept. of Agriculture estimated that net farm income would be down by 15.8 percent this year. Some economists have indicated that America's farmers could soon see a recession similar to the one which occurred in the mid-1980's.

Chapter 12 of the bankruptcy code was created by Congress in 1986 in response to the farm crisis of the mid-1980's, which caused many family farmers to lose their farms and homes. This chapter was specifically designed to protect family farmers by enabling them to reorganize their debts and keep their land. However, this chapter has not yet been reauthorized and expired on October 1.

While I realize both sides of the aisle have differences on how to provide relief to our family farmers during this difficult time, we are all unanimous in protecting their farms and homes. Just last year, the Senate passed the Family Farmer Protection Act by unanimous consent that would permanently place Chapter 12 in our bankruptcy code. If we want to protect our family farms and farmers during this crisis, we must pass the bankruptcy conference report and place Chapter 12 permanently into our bankruptcy code.

Mr. KERREY. Mr. President, I want to express my disappointment with H.R. 3150, the Bankruptcy Reform Conference Report, and the decision of the Conference members to drop important provisions that would have helped our farmers.

I voted for the Senate version of the bankruptcy bill because I believe it properly toughened provisions to keep bad seeds from filing for bankruptcy, while maintaining protections for consumers. I voted for the Senate bill because I worked hard to get important protections for farmers added to the bill.

The Senate passed a bipartisan piece of legislation that not only was crafted in the best spirit of bipartisanship, but included valuable provisions to help our farmers, who are facing the worst economic crisis in a decade.

I, along with my friend from Wisconsin, Mr. FEINGOLD, worked hard to add provisions to the Senate bill to specifically help family farmers by increasing debt limits so that inflation levels are factored into their debt calculations; ease regulations related to income acquired off of the farm by families trying to make ends meet; and help farmers better structure their debt in order to continue to prepare for next season's crops and livestock.

All of these provisions were removed in the Conference Report.

I come to the floor today to make something clear. I will not let the Conference Committee's decision to exclude these important protections for farmers be the final word. I plan on doing everything I can during these remaining days to get these much needed farming provisions included in the Omnibus Appropriations bill.

Mr. KOHL. Mr. President, I rise to express my strong concern about the conference report on bankruptcy reform. We do need to stop abuse of the bankruptcy system, and there is some good in this measure. But regrettably this is not an adequate solution. I do want to ''proceed,'' but to a better bankruptcy bill.

Two weeks ago, the Senate overwhelmingly passed a reform bill which I was proud to support. It targeted the worst abuses by debtors and creditors, without overburdening the vast majority of debtors who truly need—and deserve—relief. Senator GRASSLEY and Senator DURBIN deserve much of the credit for putting together such a balanced and effective measure.

But this bill is not that bill. Let me tell you why.

Mr. President, we can't truly ''reform'' the bankruptcy system unless

we eliminate the most egregious abuse. That is, debtors who shield their assets in luxury homes in states like Florida and Texas, while their legitimate creditors—children, ex-spouses owed alimony, governments, retailers and banks—get left out in the cold. If we really want to restore the stigma to bankruptcy, all of us know this is the best place to start. By capping the homestead exemption at $100,000, the Senate bill would have stopped this abuse.

But the Conference Report won't put an end to this practice. Indeed, it only addresses part of the problem—by making it harder to move to Florida or Texas solely to take advantage of their liberal homestead laws. Now that is a step forward. But it is just a small step; it does nothing to stop debtors who already own lavish homes—or second homes—in those states from continuing to live like kings. That's an injustice to legitimate creditors and an outrage to anyone who believes—like I do—that deadbeats who go into bankruptcy shouldn't be able to shield their assets in luxurious homes.

Just take a look at what Burt Reynolds did earlier this week. The measure wouldn't apply to him, because he lives in Florida and that state has no homestead cap. As part of his bankruptcy settlement, he managed to hold onto his $2.5 million estate called ''Valhalla.'' Now, I like Burt Reynolds' movies. I liked ''Deliverance,'' ''Daisy Miller,'' and ''The Longest Yard''—though I didn't see ''Boogie Nights.'' Burt Reynolds is a fine actor. But it seems like he's making out much like his title role in ''Smokey and the Bandit.'' While he lives in luxury, his legitimate creditors lose millions. The Conference Report allows this to happen; the Senate bill would have put an end to this travesty.

Of course, the dramatic rise in bankruptcies is very troubling, regardless of whether the blame lies with credit card companies, a culture that disparages personal responsibility, the bankruptcy code or, most probably, with all of the above. While none of us wants to return to the era of ''debtors' prison,'' we need to do something to reverse this trend, reduce the number of bankruptcy filings and make sure bankruptcy remains a tool of last resort. This bill does some of that. For example, it discourages repeat filings and it encourages debtors who can repay some of their debts to do so. But Mr. President, ultimately this Conference Report falls short. Instead of proceeding to this measure, we should proceed to a better bill. And hopefully next Congress we will. Thank you.

The PRESIDING OFFICER. The hour of 6 o'clock having arrived, the question is on the motion to proceed to the conference report on H.R. 3150.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote ''aye.''

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—94

Abraham	Faircloth	Mack
Akaka	Feingold	McCain
Allard	Feinstein	McConnell
Ashcroft	Ford	Mikulski
Baucus	Frist	Moseley-Braun
Bennett	Gorton	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hutchinson	Roth
Campbell	Hutchison	Santorum
Chafee	Inhofe	Sarbanes
Cleland	Inouye	Sessions
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Warner
Dorgan	Lieberman	Wyden
Durbin	Lott	
Enzi	Lugar	

NAYS—2

Harkin	Kohl

NOT VOTING—4

Bond	Hollings
Glenn	Wellstone

The motion was agreed to.

BANKRUPTCY REFORM ACT OF 1998—CONFERENCE REPORT

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3150), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 7, 1998.)

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. I am happy to yield to the Senator from Indiana.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. COATS. I thank the Senator from Texas.

MORNING BUSINESS

Mr. COATS. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

Mr. COATS. Mr. President, I ask unanimous consent that I be permitted to speak for up to—and I do not think it will take that long—15 minutes.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to follow the Senator from Indiana for 5 minutes.

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

PRIVILEGE OF THE FLOOR

Mr. COATS. Mr. President, I also ask unanimous consent that members of my staff be granted floor privileges during the presentation of my statement. And I also ask unanimous consent that a list of their names be printed in the RECORD.

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

The list is as follows:

Mike Boisvenue, Joy Borkholder, David Crane, Mike Farley, Carol Feddeler, Frank Finelli, Tim Goeglein, John Hatter, Debra Jarrett, Vivian Jones, Holly Kuzmich, Bruce Landis, Sue Lee, Robin McDonald, Christine McEachin, Townsend Lange McNitt, Stephanie Monroe, Michael O'Brien, Karen Parker, Ryan Reger, Marc Scheessele, Pam Sellars, Mary Smith, Matt Smith, Sharon Soderstrom, Russ Vought, Emily Wall, and Paul Yanosy,

Mr. DASCHLE. Parliamentary inquiry; could the Chair inform our colleagues as to the order that has been agreed to as a result of the unanimous consent request.

The PRESIDING OFFICER. The Senator from Indiana has up to 15 minutes, as agreed to by unanimous consent, to be followed by the Senator from Texas for up to 5 minutes.

Mr. DASCHLE. I ask unanimous consent I be recognized for the purpose of morning business following the two Senators who have already been identified through the unanimous consent.

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

Mr. COATS. Mr. President, let me state that it is not my intention to hold anybody here that needs to leave. It is my understanding that all normal business for the day has been finished, and that is why I asked for the permission to speak in morning business. If that is not the case, I am certainly willing to defer.

Since I hear no objection, I will proceed.

REFLECTIONS

Mr. COATS. Mr. President, the end of the 105th Congress marks the beginning of my transition from Senator to

citizen. This ends 24 years for me of public service: Two in the U.S. Army, four as a legislative assistant and district director for then-Congressman Dan Quayle, and 18 in the Congress. While I look forward to life after politics, I know how much I will miss this place and its people, and so I want to acknowledge some debts.

I want to acknowledge the privilege of serving under two remarkable Republican leaders and one Democrat majority leader, all of whom I hold a great deal of respect. Senator Mitchell was majority leader when I arrived. He gave me nothing but the utmost courtesy, fairness and respect. I have a great deal of respect for him in the way he conducted this Senate. Senator Dole became my friend and mentor. His life is a tribute to a true patriot and to someone whose commitment to public service, I think, is nearly unequal. Our current leader, Senator LOTT, is someone who is a dear friend, someone who I greatly respect, and I think certainly has a great future as majority leader.

There are many others that have made a deep impression on me and provided friendship and support in ways that I will never be able to adequately acknowledge: The senior Senator from Indiana, whose lifetime of public service serves as a model to many; my staff, who have faithfully and tirelessly served. I have always said good staff makes for good Senators. I don't know if I fit the quality of a good Senator, but I know I had a good staff. Any failings on my part are not due to my staff, they are due to me. They have been exceptional. I think they are the best Senate staff assembled. I say that for the very few who are left that have not secured employment. Some of you are passing up great opportunities if you don't grab them.

I have had three very, very able administrative assistants, chiefs of staff: David Hoppe, who now serves as the floor's chief of staff and served with me for my first 4 years; David Gribbin, who many of you know, assistant secretary of staff for Dick Cheney for many, many years in the House; and now Sharon Soderstrom. All have been exceptional chiefs of staff. They have assembled a wonderful staff.

The Senate support team: All those who man the desks and work the cloakroom and make sure we vote on time; the guards who protect us and make sure we are safe in our jobs; the staff who serve us, and the people who make this place work, they are a family. They have treated me like part of the family. I have tried to treat them as part of the family. They make it possible for us to do so many things and they certainly deserve our acknowledgment.

Our Chaplain, who has meant so much to me from a spiritual perspective, and my colleagues, my friends, who I can't begin to thank; those who share my ideals and have voted with me and those who don't but who have engaged in respectful, meaningful dialog in debate, and who, at the end of the debate, we have been able to meet at the center aisle, shake hands, acknowledge, ''Well done, we will get you next time,'' or ''See you at the next debate?''—all of those mean a great deal to me. I come from here with many, many memories.

I want to thank my wife for her love and support and sacrifice. She is the best mother that any three children could ever have had. She has been a father many times when I haven't been there to do the job as a father. My children have been patient and had stolen moments which I will never be able to recover. I thank my colleagues, as I said, those who have shared ideals and those who we had honorable and honest disagreement. Finally, the people of Indiana who have seen fit to elect me many times to the Congress and twice to the Senate, thank you for giving me a privilege beyond my ability to earn the privilege of their trust, the honor of their votes.

In times of change you become reflective, and it is nice to think about your accomplishments. It is also a time to reflect on unfinished business, business that I hope will help shape the direction of this Congress that some have indicated an interest in, and hopefully others will pick up that interest.

By constitutional design, the measure of success in the Senate, I think, is different from other parts of government. We are employed to take a longer view, insulated from the rush of hours to see the needs of future years. This is the theory. In practice, the pace of politics makes this very different, very difficult. This has been the greatest source of personal frustration during my years in this institution, that we have not spent nearly enough time dealing with the larger issues that face us, things that will matter down the road, topics that will be chapters in American history, not footnotes in the CONGRESSIONAL RECORD.

If you allow me the privilege, I will briefly mention three of those matters that I trust will remain central to the questions of our time.

All of you know of my interest in the issue of life. I believe there is no higher call of government than to protect the most defenseless among us. There is no greater honor in this Senate than to use our voice to speak for those who cannot speak for themselves. Perhaps uniquely among our deliberations, the cause of life is informed and ennobled by a simple truth: Humanity is not an achievement. It is an endowment, and that that endowment is made by a Creator who gives inalienable rights, first among them the right to life. This is a founding principle of our political tradition. It is the teaching of our moral heritage. And it is the demand of our conscience.

Abraham Lincoln wrote of our Founders:

> This was their majestic interpretation of the economy of the universe. This was their lofty, and wise, and noble understanding of the justice of the Creator to his creatures. . . . In their enlightened belief, nothing stamped with the divine image and likeness was sent into the world to be trodden on. . . . They grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children, and their children's children, and the countless myriads who should inhabit the Earth in other ages.

My question is, Will that beacon shine for all our children, those born and yet to be born? Or will we, in the name of personal liberty, stamp out the divine image and likeness of the most defenseless of all? I believe it is one of the central questions of our time.

I know we are divided on that issue. I hope, though, that we would all put aside some of the harsh rhetoric and continue to engage in the discussion about the meaning and the value of life and what our duties and responsibilities are to protect that life, to expand the ever-widening circle of inclusion that our great democracy is known for: bringing women, the defenseless, the handicapped, African-Americans and minorities within this circle of protection in our democracy. And I believe—my personal view, and I hope one we would certainly debate and discuss—that extends to the unborn.

Secondly, another great issue that I believe demands our continued attention is the long-term strength of our Nation, the resource and planning that we devote to the defense of liberty. Here we are, not weak as a nation, but I fear that we are on a trajectory toward weakness—that our power and authority are being spent and not accumulated.

It has been one of the highest callings and privileges for this Senator to serve on the Senate Armed Services Committee and to use that position to advance the cause of our men and women in uniform. I deeply respect and honor those who have served our Nation in war and peace as watchmen on the wall of freedom, but the test of our appreciation is measurable by the firmness of our determination that their lives will not be needlessly sacrificed because we have allowed the deterrent power of America's military to decay. The history of this country is a history of military victories, but it is also a history of how our Nation often invited future conflict and unnecessary loss of American life by too swiftly disarming after our victories and squandering the opportunities of peace.

In 1939, Army Chief of Staff, Malin Craig said:

> What transpires on prospective battlefields is influenced vitally years before in the councils of the staff and in the legislative halls of Congress. Time is the only thing that may be irrevocably lost, and it is the first thing lost sight of in the seductive false security of peaceful times.

Mr. President, I believe we have been living in peaceful times. We have enjoyed prosperity and peace that is almost unprecedented in America these

past several years. I fear that storm clouds are gathering, however, on America's horizon, that the ''seductive false security of our peaceful times'' is fast fading. We see a frightening proliferation of weapons of mass destruction. We see worldwide terrorism, much of it directed at Americans and American interests. We see political instability and human suffering, social disorder resulting from ethnic hatred, power-hungry dictators, and the very real prospect of global financial distress with all of its attendant consequences. All of this, I believe, calls for eternal vigilance, a national defense second to none, a military equal to the threats of a new century.

We have a unique opportunity, I believe, and a strategic pause that is fast fading to build a new military equal to the new challenges and the new threats of the future. Closer to home, it is my hope that the Senate, in every future debate on social policy, will focus on the role of families, churches and community institutions in meeting human needs and touching human souls. This is a world of heroic commitment and high standards and true compassion that must be respected and fostered and protected, not harassed or undermined by Government or Hollywood. It is a world of promise that I urge all of you to take the time to discover.

I believe our Nation needs a bold, new definition of compassion. We need compassion that shows good outcomes, not just good intentions. We need to get rid of the destructive welfare culture. We have taken a great step in that direction, but we still need to fulfill our responsibilities to the less fortunate and disadvantaged, the children and the helpless. We need to abandon our illusions about Government bureaucracies, but we still need to keep our human decency.

How is this possible? I am convinced there is a way—a hopeful new direction for change, because there are people and institutions in our society that can reach and change these things. Families and neighborhoods, churches, charities, and volunteer associations have the tools to transform people's lives. They can demand individual responsibility. They can practice tough love. They can offer moral values and spiritual renewal—things that Government can't do, and we should not want Government to do.

I believe a bold, new definition of compassion will adopt this bold dream: to break the monopoly of Government as a provider of compassion and return its resources to individuals, churches, synagogues, charities, volunteer associations, community organizations and others. This, I believe, is the next step of the welfare debate and the next stage of reform, the next frontier of compassion in America.

Before I close, let me add a personal note, and it is difficult for me to say this. I have deliberated long on whether I should say this. But I believe, since I am not going to be here next year, this is something I would want to have said. So allow me to briefly do that.

I resolved when I came here, like many of you, from the moment I took the oath, that I would do my best not to do anything to bring this body into disrepute, that I would try not to tarnish it by word or action, that whatever I did in public policy, I would try my best not to contribute to public cynicism or a diminishing of the office. I think all of us feel this burden. It is one of the reasons that I believe this impeachment process, which we are contemplating, which looms large on the horizon of this Senate, has to be taken seriously. I don't presume that any of us should draw a conclusion at this point. But I believe it is a serious thing to consider. I don't believe that moral deregulation of public office is ratified by public apathy. It will be a terrible thing if the ethical expectations of public office are allowed to wither. The Nation could double its wealth, but we could have a shrunken legacy. I believe each of you who will be here have a high duty and moral responsibility to address this with the utmost seriousness and the absolute smallest amount of partisanship that is possible, and I speak to my colleagues on the Republican side, as well as the Democrat side.

It is my hope that when the time comes, the Senate will give evidence to the ideals that I have seen displayed so many times in this body. I believe these things strongly, but I don't want to end on this point. I make the points because I have learned from so many here in the Senate and from so many great Americans who served before me how honorable public service can be. I am not leaving the Senate disillusioned in any way. I leave having seen how important and how sometimes noble elective office can be, after nearly two decades of service. I believe in this job and in its goals, and I am confident that the country is well served by my many friends and colleagues who will continue to serve and lead this institution.

Again, I thank my great State of Indiana and the people and friends who made it possible for me to serve here. I thank my God for the privilege of service in this place, and I thank each of you for being my friends and my colleagues and leaving me with memories that I will never, ever forget. I will leave here extolling this institution as the greatest deliberative body in the greatest country in the history of the world, and I have been privileged to be a part of it. Thank you very much.

[Applause.]

SENATOR DAN COATS

Mr. LOTT. Mr. President, while our colleagues express their appreciation to our good friend from Indiana, I would like to just say a few words about him and spread those on the RECORD of the U.S. Senate.

We are all losing some good friends in the Senate Chamber this year on both sides of the aisle, and we will have a chance over the next few hours to talk about each one of them. I want to say a few special words about my good friend, DAN COATS.

Senator DAN COATS succeeded Senator Dan Quayle in the Senate. He was a Member of the House, and he worked as a staff member before that. I have actually known this distinguished Senator from Indiana going back about 20 years now, as a staff member, which I was, as a Congressman, and as a Senator. I have to say that I truly believe that no man or woman who serves in the Senate today has had a greater influence on my own life and on my own career than DAN COATS from Indiana. He was always there for me when I sought advice in the House. And every time I have sought elective office in the Senate, he was one of the nominators. I referred to him as my ''rabbit's foot'' because he always said just the right things. Whenever the going is the toughest, I know I can go to DAN and seek good advice, and it will come from him. He is a man that has his priorities in order—honesty, integrity, family, and also those special things a lot of people don't know about, such as his involvement in the Big Brothers Program. One of the things he enjoyed the most, which he didn't mention today, is that he served in the House for quite some time as the ranking member on the Select Committee on Children, Youth and Families. He enjoyed that assignment. I always wanted to eliminate all of the select committees. But for DAN and that committee, they did a great service for the families and the children of this country.

DAN is the kind of guy also who will run late to a meeting with the archbishop and will stop and visit with a homeless man on the street to try to talk to him about his needs, and try to help him, try to get him to go to a shelter. He is really a good human being.

He has been a valuable asset to the Senate when it came to our services, when it came to working with any of us who have problems here in the Senate.

So I am going to dearly miss him as a personal friend, as a great Senator, a great family man. He and Marcia are great people. In fact, I was sitting on my patio a couple of weeks ago on Saturday, and I got to thinking about DAN COATS. I got melancholy, and I got tears in my eyes. I called him on a Saturday afternoon and said, ''You can't leave. I can't go forward in the Senate without you.'' I found out that he and Marcia had been playing tennis on a nice clay tennis court instead of being out campaigning in the backwoods somewhere. And, somehow or other, it seemed okay.

He is leaving the Senate, but he is not leaving us. I have a feeling that he is going to have a real influence in many ways for the rest of his life, and he is going to stay close to all of us.

So on a very personal basis on behalf of the Senate, I wish you God's grace in everything you do, DAN COATS.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to add to the wonderful words that were said about Senator DAN COATS by our distinguished majority header. He has affected many of us. I think by his example we have all been enriched in this body, and in the U.S. Congress. We thank him very much.

BANKRUPTCY REFORM ACT OF 1998

Mrs. HUTCHISON. Mr. President, I rise to talk about the bankruptcy reform bill that we have just proceeded to and to say that this is a very important reform bill.

I want to commend Senator CHUCK GRASSLEY for the work he has done on this bill and to specifically talk about one part of this bill which was very important to me. That is the homestead exemption that is a part of the Texas Constitution.

I worked with Senator GRASSLEY and Senator HATCH when this bill was coming to the floor earlier this month to make sure that, by the time the bill was finished, it would take into account those States that have constitutional provisions, as my State does, which provide for some sort of homestead exemption.

In my home State of Texas, we have had a homestead exemption under our bankruptcy laws and in the constitution since the 1840s, actually; this is not something that has come about lately. But because many farmers and ranchers were very worried about losing their livelihoods if they ever got into a temporary situation—they were worried that they would lose their ability to maintain their families and their livelihoods—so we have a constitutional provision. It was important to me that we keep it.

The first bill that passed out of the Senate did not have that. But I had the assurance of Senator GRASSLEY that he would work with me to make sure that a State like mine would not be overrun on this very important point. And, in fact, Senator GRASSLEY is true to his word. I cannot say enough good things about the fact that he kept his word to the letter. We were able to come to an agreement that kept the Texas constitutional provision for the homestead exemption intact. That is in the bill that will go forward.

I hope we will be able to pass this bill, send it to the President, put it on his desk, and that he will sign it. But if in fact that isn't the case, I hope we will be able to work on this next year to have real bankruptcy reform so that people will not be able to willingly walk away from their debts, but nevertheless that will also take into account that there are States which have constitutions about which we feel very strongly, that this is a part of our heritage. It is one that I will work tirelessly to see continued.

Mr. President, I thank the Presiding Officer. I appreciate very much the opportunity to work on this with Senator GRASSLEY and Senator HATCH. I hope we will prevail either in the next few days or in the next year.

Thank you, Mr. President. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

Mr. DASCHLE. I thank the Chair.

SENATOR WENDELL H. FORD

Mr. DASCHLE. Mr. President, as the majority leader noted, this is a bittersweet time for many of us. We bid colleagues farewell and we recall the times we have had together. In some cases, we have worked together and shared friendships for many years.

I have been asked to do something somewhat unusual tonight. I have been asked by the staff of our distinguished Senator from Kentucky, my dear friend, Senator FORD, to read a letter they have composed to him for the Congressional RECORD.

I am delighted that Senator FORD is on the floor to hear this personally.

So, as requested, I will read the letter, which was written by his staff. I know my own staff shares these feelings for Senator FORD. The letter is dated October 9, 1998.

OCTOBER 9, 1998.

DEAR SENATOR FORD: After several weeks of tributes, receptions, dinners and other special events in your honor, we're sure that a man of your humble nature is probably ready to have people quit making a fuss and let you leave town as unnoticed and as low-key as possible.

However, these weeks have given us the opportunity to hear others tell you what we've also known all along: your legacy of serving our state, your labor of love on behalf of all Americans, and the unfailing kindness you've shown during your time in the United States Senate will never be forgotten.

On top of just being a plain 'ole good boss, you've also been a mentor, a teacher, and someone we could always look up to for guidance and support, no matter the situation. But most importantly, you've been a friend to all of us.

You've given us the opportunity on a daily basis to personally witness the countless hours of hard work you put in on behalf of Kentuckians. We've seen you stay into the early morning hours here in the Senate during an all-night session, and then rush to catch an early morning plane for a commitment back home. We've seen you toil late into the night working on a conference committee, only to have you beat us into work the next morning with a smile and joke for everyone.

These are some of the things your Kentucky constituents may never have known. But at the same time, we know they've benefitted greatly from your accomplishments on their behalf and your never-ending desire to see that all Kentuckians, no matter their station, have the tools and opportunities to lead successful and productive lives.

As we've heard you say many times, it's been a good run. And we could not let today pass without letting you know how much it's meant for us to have had the opportunity to work with you, to learn from you, and have you as our favorite Senator.

Sincerely,

YOUR STAFF.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, let me thank my good friend, the Democratic leader, TOM DASCHLE, for reading this letter. I didn't know it was coming.

I really do not know how to respond to it, except to thank my staff. We claim to do a lot of things around here. And if we did not have loyal, faithful, hard-working, dedicated, intelligent staff, not only in our offices but here on the floor, we would not get accomplished near as much as we do.

So I thank them from the bottom of my heart. And I hope that in the last few days I will not get so cantankerous that they will want to expunge the RECORD of this letter.

56 BIT ENCRYPTION IS A GOOD START, BUT IS NOT ENOUGH

Mr. LOTT. Mr. President, the White House recently announced that it would allow some relaxation of its encryption export controls to allow the sale of strong encryption products to companies in the finance, insurance, and health sectors and to certain companies engaged in electronic commerce. While the specific details have yet to be articulated in revised regulations, it appears that the Administration is finally heeding Congress' calls to modernize its export control regulations. While this action is a step in the right direction, I believe the Administration is still moving too slowly and incrementally. Even with these proposed changes, there are still a number of other businesses and consumers who will not be able to utilize strong American-made encryption products. Since export restrictions will remain in place, foreign suppliers will continue to develop and sell strong encryption products in the international marketplace without real competition from U.S. providers. Putting $60 billion and over 200,000 American jobs in jeopardy over the next few years.

Unfortunately, the Administration continues to pursue an outmoded policy that supports the broad use of 56-bit encryption for the vast majority of computer users. As my colleagues are aware, the government-approved 56-bit Data Encryption Standard was recently cracked last July in just 56 hours. This is particularly alarming because it was accomplished using a single computer instead of the thousands that were linked together just a few months ago to achieve the same result in 39 days.

Fortunately, this code-breaking effort was undertaken by contest participants as part of an international challenge instead of by hackers or thieves preying on a vulnerable, unsuspecting target. It is truly scary to see how easy it is for someone's medical, financial, or personal records to be accessed and read by unauthorized persons. Ironically, the decoded message read, ''It's time for those 128-, 192-, and 256-bit keys.''

This feat proves what many in Congress have been stating for some time, that 56-bit encryption can no longer protect individual or corporate computer files from unauthorized access. Yet, 56- bit encryption continues to be recognized as the government standard and U.S. companies can only sell advanced encryption software and hardware to a finite community abroad. Let us be clear; the Administration's export regime affects American citizens everywhere. Whether you communicate via the Internet, or work in the technology business, you are likely to be adversely affected by the Administration's current encryption policy. A policy that does not allow the sale of strong encryption to energy suppliers, telecommunication providers, the transportation industry, human rights organizations and the vast majority of legitimate and responsible business entities and consumers throughout the globe. Ultimately, this approach promotes the use and development of weak encryption. While I welcome the White House's recent announcement to relax some export controls, the Administration's proposal simply does not go far enough.

Mr. President, it is encouraging that the Minority Leader has actively engaged himself on the encryption issue. In a floor speech last July, Senator DASCHLE agreed that America's encryption policy needs to strike a balance between privacy protections and national security and law enforcement interests. The Minority Leader recognizes that the development and use of strong encryption products promote international commerce and Internet use as well as ensure privacy and aid national security. Senator DASCHLE is also equally alarmed that, ''maintaining existing encryption policies will cost the U.S. economy as much as $96 billion over the next 5 years . . .'' I agree with Senator DASCHLE's comments that the Administration needs to articulate and advance an encryption agreement that is ''good for consumers, good for business, and good for law enforcement and national security.'' Similarly, we agree that it is time to move beyond endless discussion and debate and on to a balanced and complete solution.

Mr. President, with every passing month, consumers across the globe turn to foreign suppliers for their advanced encryption needs. If a solution that reverses this trend is not found soon, then America's computer industry will fall so far behind its foreign competitors that U.S. suppliers will lose forever their technology market share to European, Asian, and other foreign manufacturers. Congress and the Administration cannot allow this happen.

As Senator DASCHLE pointed out, the computer industry and privacy groups are serious about reaching a compromise on encryption. In May, for example, Americans for Computer Privacy (ACP), a technology policy group, submitted a seven-point proposal to the Administration which would provide U.S. manufactures the ability to sell the kind of encryption technology that is already widely available abroad. In July, an industry consortium announced the ''Private Doorbells'' proposal to assist law enforcement. This proposal was a reasonable attempt to find an alternative to the White House's call for a national key escrow framework. Fortunately, the Administration finally appears to recognize that a third party key recovery system is technically unworkable and unnecessary.

I believe Congress is still interested in modernizing the Nation's encryption policy based on current realities. As Senator DASCHLE observed, several cryptography bills have been offered during this session. Clearly though, they are not all created equal. Some of these legislative proposals would turn back the clock by putting controls on domestic encryption where no such controls currently exist. Others would completely sacrifice constitutional protections by allowing law enforcement to read personal computer files without a court order and without the target ever knowing their files had been accessed. There are also proposals that would require an expensive, technically unworkable key escrow system. Finally, some members advocate linking encryption with other technology issues which could in the end result in no legislation being passed at all.

The encryption debate cannot be resolved by settling on a specific bit-length, giving particular industry sectors export relief while denying others the same, or by sanctioning one technical solution over another. Moreover, this debate will not be resolved by building secret backdoors, frontdoors or any doorways into encryption software.

Mr. President, I look forward to working further with Senator DASCHLE, my colleagues from both sides of the aisle, the Administration, and the computer industry to help close the gaps that still exist. As the Minority Leader recognizes, this is not about politics or partisanship. This is an urgent matter that requires us all to work together to forge an appropriate solution. One that balances the needs of industry, consumers, and the law enforcement and intelligence communities. In the end, we must have a consensus solution that brings America encryption policy into the 21st Century.

COMMENDING THE CENTER FOR SUSTAINABLE URBAN NEIGHBORHOODS

Mr. FORD. Mr. President, all across America, people from every walk of life carry a vision in their heads and in their hearts of the perfect community—of the kind of place where they can raise their children and their children can in turn raise their children.

There's no doubt that everyone's picture would look different, based on our own experience. But I feel certain they would have many elements in common. We want safe neighborhoods. We want to be economically secure. And we want to keep our families healthy. These are the building blocks of a liveable community, and the City of Louisville has played an important role in helping to put them into place, serving as a model for inner-city revitalization.

The city has rehabilitated and built hundreds of housing units, they've created new jobs and businesses, and more families are building stable, productive lives. East Russell, an inner-city Louisville Neighborhood, has seized the nation's attention by creating a renaissance in that part of the city, bringing it new life and vitality. Rightfully so, this revitalization project has received attention by mayors and elected officials all over the United States.

The University of Louisville's Sustainable Urban Neighborhoods (SUN) is devoted to making inner city neighborhoods healthy and safe places to live. The project is located at the Center for Urban and Economic Research at the University of Louisville. One of the biggest accomplishments of this project has been building affordable houses for residents with a strong cooperative effort by the entire staff, including the University of Louisville, CityBank, and Telesis, along with many community organizations.

Mr. President, the SUN staff—including its Director, Dr. John Gilderbloom and students from the University of Louisville —and SUN community partners have already done so much to strengthen our inner city communities and boost the hopes and spirits of the people living there.

I would ask that my colleagues join me today in commending their work to make our cities ''dream places'' to live and for their continued commitment to the greater community. And as they host their conference the week of October 15th through the 17th, we wish them the best of luck in their continued efforts.

RETIREMENT OF SENATOR DIRK KEMPTHORNE

Mr. THURMOND. Mr. President, while each of us is looking forward to adjournment so that we may go home and spend time with our constituents and being closer to our family and friends, the end of the 105th Congress is a somewhat bittersweet occasion as

many of our colleagues are concluding their careers in the Senate. One member who will not be back with us in January is my friend, Senator DIRK KEMPTHORNE of Idaho.

Senator KEMPTHORNE arrived in Washington six-years-ago and very quickly established a reputation for not only being dedicated to the duties and responsibilities of his office, but for being an individual with a keen mind who approached matters before this body in a very thoughtful and deliberative manner. His opinion on issues was always well regarded and void of partisan rhetoric. Though one will never have every member of this Body agree with their position, everyone gave considerable weight to the remarks and positions of the Senator from Idaho.

One of Senator KEMPTHORNE's committee assignments was to the Armed Services Committee and I quickly spotted his leadership ability, and in a relatively short period of time, assigned him the chairmanship of the Subcommittee on Personnel. This was a demanding job, especially in this era when we are not only trying to determine what the appropriate size of the military should be, but also because of a number of highly emotional issues related to personnel matters. Regardless of the issue that was before his subcommittee, Senator KEMPTHORNE worked hard to ensure that he discharged his responsibilities impartially, and with the best interests of our men and women in uniform in mind.

Beyond earning a reputation for being an intelligent student of public policy, Senator KEMPTHORNE also earned a well deserved reputation for being a decent man. He was unfailingly polite and cordial to everyone with whom he dealt. Whether it was a witness before the Committee, a debate opponent on the Senate Floor, or one of the thousands of support staff that work in the Senate, DIRK KEMPTHORNE was pleasant, respectful, and cordial.

It is truly our loss that Senator KEMPTHORNE has decided to leave the Senate and return to Idaho, but the citizens of that state will indeed benefit when our friend is elected Governor. The ability he demonstrated for leadership and civility will serve both he and his constituents well and I am certain that Idaho will be regarded as one of the most efficiently run states in the Union before the end of his first term. My counsel to the members of this Chamber is that DIRK KEMPTHORNE is a man to keep your eye on, and frankly, I would not be surprised if he were to return to Washington one day, though to take an office that is at the opposite end of Pennsylvania Avenue. Regardless, I wish both he and his lovely wife Patricia health, happiness, and great success in the years to come, we shall miss them both.

RETIREMENT OF SENATOR DAN COATS

Mr. THURMOND. Mr. President, there is perhaps no other legislative body in the world that attracts a more competent group of public servants than the United States Senate. In the almost 45 years I have spent in this institution, I have had the good fortune to serve with a number of very capable, dedicated, and selfless individuals who have worked hard to represent their constituents and do what is best for the nation. One person who is an excellent example of the high caliber of person who is drawn to public service is my good friend and colleague, DAN COATS.

The Mid-West has the uncanny way of producing men and women of imminent sense and decency, individuals who have the ability to see to the heart of a matter and find a way to resolve a problem. Such skill is extremely valuable in the United States Senate, a body by its very design that is supposed to foster compromise between legislators on issues before the nation. Without question, DAN COATS is a Senator who worked hard to bring parties together, find common ground, and to get legislation passed. That is certainly a fine legacy with which to leave this institution.

More than being an able legislator, Senator COATS developed a strong expertise on defense matters, particularly those related to his responsibilities as Chairman of the Airland Subcommittee of the Committee on the Armed Services. In this role, Senator COATS was responsible for providing advice and helping shape policy on matters related to how to describe what the threat and future threats to our Nation are, how our military should be structured in order to guarantee our security, and what sort of ground and aviation assets our troops need in order to do our jobs. Senator COATS had to be well versed in everything from the GoreTex booties that go into the boots of our soldiers to the advanced aerodynamical concepts that are being used in the helicopters and jets being developed for our forces. Few other individuals could have mastered these disparate topics so well, and that Senator COATS was able to do so, and make it look so easy, is a testament to this man's intellect, dedication, and ability.

Without question, we are going to miss the many contributions of Senator COATS, both to the Committee and to the full Senate. He had a wry sense of humor, a civil demeanor, and a desire to serve our nation. His departure from the Senate is truly a loss, but I am confident that he will continue to find a way to serve and to make a difference. I will miss him, both as a friend and a colleague, and I would like to take this opportunity to wish both he and his lovely wife Marcia great success and happiness in all his future endeavors.

RETIREMENT OF SENATOR JOHN GLENN

Mr. THURMOND. Mr. President, though the 105th Congress will soon come to a close, and each of us will return home to meet with constituents, or take fact finding trips throughout the nation or the world, one of our colleagues has not only already left town, but is headed for a most unusual destination, that of outer space. I speak, of course, of our friend, JOHN GLENN who is ending his career in the United States Senate.

Like most people, I first learned of JOHN GLENN in 1962 when he orbited the Earth, but when the people of Ohio elected him to this Body in 1974, I had the opportunity to come to know him personally. In the subsequent years, we worked closely together on a number of issues, especially those related to national security as we served together on the Senate Committee on the Armed Forces. Naturally, his experiences as a Marine Corps officer gave Senator GLENN valuable insight into defense matters and he played an important role on the Committee and in working to help provide for a military adequately capable of protecting the United States.

The same qualities that made JOHN GLENN a successful Marine and astronaut, served him well here in the United States Senate. Without question, he is a determined man who has earned our respect for his honor, ability, and dedication. His desire to serve our nation is an inspiration, and in keeping with the highest traditions of public service. Without question, he has set an excellent example for others to follow and it is my hope that more people, from Ohio and throughout the United States, will follow his lead and find a way to make a difference in their communities and to our nation.

Mr. President, the United States Senate will just not be quite the same place without the presence of Senator JOHN GLENN. We appreciate the many ways in which he has served so admirably and wish both he and his lovely wife Annie health, happiness, and success in the years ahead.

RETIREMENT OF SENATOR WENDELL FORD

Mr. THURMOND. Mr. President, Kentucky is famous for many things, including its bourbon and the Derby, but what I have come to associate most with the ''Bluegrass State'' over the past 24-years is Senator WENDELL FORD, who I regret to note is leaving the Senate at the end of the 105th Congress.

Senator FORD is a man with a deep and unwavering commitment to public service. He served in the United States Army during World War II and continued his military service as a member of the Kentucky National Guard. He has held elected office at both the state and federal levels, holding the titles of

state senator and governor before being elected to the United States Senate in 1974.

Each of us understands that our primary job as Senators is to make the law, but many of us also believe that we should use our offices to help the people of our states. This is a sentiment that Senator FORD and I share, and over the years, my friend from Kentucky has worked tirelessly to help his state develop and prosper. While Kentucky, like South Carolina, is still a largely rural state, thanks in no small part to the efforts of WENDELL FORD, the people of Kentucky are enjoying opportunities and economic growth that has been substantial.

During his time in Washington, Senator FORD has held a number of key positions, both in the Senate and in political organizations. His leadership roles as an Assistant Leader and a former Committee Chairman stand as testament to both his abilities and the regard in which he is held by his peers.

I am certain that Senator FORD did not easily come to the decision to retire, but I am certain that he and his lovely wife Jean are looking forward to their new life. I wish both of them health, happiness and success in whatever endeavor they undertake.

RETIREMENT OF SENATOR DALE BUMPERS

Mr. THURMOND. Mr. President, one of the things that makes the Senate such a unique and enjoyable place to work is the fact that there are 100 unique personalities that make up this institution. While each member takes his or her duties seriously, I hope that I do not offend anyone when I say that not all are gifted orators. One person who definitely can engage in articulate and compelling debate, and is also able to bring a little levity to our proceedings through his wit and ability to tell a story is the Senator from Arkansas, DALE BUMPERS.

First elected to the Senate in 1974, Senator BUMPERS arrived with an already well established and well deserved reputation for having a commitment to serving is constituents and our Nation. He served in the United States Marine Corps during World War II, as well as the Governor of Arkansas, having been elected to that post in 1970. Clearly, his training as the chief executive of his home State, along with experiences as a trial lawyer, gave him the skills that would make him an effective and respected Senator.

For the past more than 20-years, Senator BUMPERS has worked hard to represent his State, and in doing so, has made many valuable contributions to the U.S. Senate. I regret that we have not shared any committee assignments, but I have always respected and valued the opinions of the Senator from Arkansas. His exist from the Senate leaves this institution without one of its most impressive and effective advocates.

I am certain that DALE and his lovely wife Betty will enjoy the more deliberate lifestyle and pace that bring out of politics will afford them and I wish the both of them health, happiness and success in the years ahead.

SECRETARY OF THE NAVY JOHN H. DALTON

Mr. THURMOND. Mr. President, as the framers of the Constitution worked to lay out the foundation of the United States, they very wisely decided that the military forces of this nation should be subservient to civilian leadership. For the past 224 years, this arrangement has worked well proving the wisdom of the men who drafted the document that serves as the cornerstone of our democracy and government.

One of the reasons that civilian leadership of the military has worked so well is because Presidents search tirelessly to find qualified individuals to fill the critical positions of the service secretaries. If we were to look across the Potomac and into the ''E'' ring of the Pentagon, we would find a group of selfless men and women serving as the civilian leadership of America's armed forces. One of those individuals is Secretary of the Navy John H. Dalton, who will be stepping down from his position at the end of this year.

When John Dalton raised his right hand on July 22, 1993, swore his oath and became the 70th Secretary of the Navy, he came to the office well trained to discharge the duties of his new office. Not only was he a successful corporate executive with invaluable experience in managing a large organization, he graduated from the United States Naval Academy and served as an officer aboard the submarines USS Blueback and USS John C. Calhoun. Additionally, he served in the Carter Administration as a member and chairman of the Federal Home Loan Bank Board.

The challenges of essentially being the first post-Cold War Secretary of the Navy were significant. Secretary Dalton had the unenviable task of being responsible for the reshaping of the Navy and the Marine Corps to meet the security needs of the United States in a world that is no longer bi-polar. Under his direction, the Navy and the Marine Corps implemented the new doctrines of ''Forward, From the Sea: Anytime, Anywhere'', and ''Operational Maneuver from the Sea'', both which will help America meet its short and long-term tactical and strategic needs. Furthermore, Secretary Dalton worked to achieve acquisition initiatives seeking to establish practices resulting in the procurement of the best equipment for our sailors and marines, at the fairest cost to the taxpayer. The new attack submarine teaming arrangement, the DDG–51 multi-year procurement, and the testing and evaluation of the F/A–18 E/F are all examples of such successful endeavors.

Unquestionably, the Navy and Marine Corps that Secretary Dalton will turn over to his successor are institutions that have benefitted from the leadership of this charismatic and kind Texan. His efforts have earned him the respect and accolades of people in the Congress, in the Executive Branch, in industry, in academia, and around the world, and even resulted in his being awarded with the National Security Caucus' prestigious International Leadership Award in 1997. He is the first service secretary to be recognized in this manner and his winning this award is a testament to the regard in which he is held.

Mr. President, I have worked with a lot of service secretaries in my almost 45 years in this body and I say without reservation that John Dalton is one of the finest individuals to have ever served in that capacity. He is a man of honor, ability, and dedication and he will certainly be missed. I know that everyone in this chamber joins me in wishing him ''fair winds and following seas'' as he completes his public service to the Department of the Navy and the United States of America.

PASSAGE OF THE YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT, S. 2392

Mr. LEAHY. Mr. President, the Y2K bill demonstrates successful bipartisanship and cooperation, and how well Congress can work together when it wants to. Under the leadership of Vice President GORE, Senators HATCH, BENNETT, DODD, THOMPSON, KYL and I, along with others, have worked with the Administration and the House of Representatives to create and pass this legislation. I thank them for their hard work and dedication to this issue.

Four-hundred and forty-nine days from now, millions of computers controlling our air traffic, recording stock and credit card transactions, running electric and telephone systems, tracking bank deposits and monitoring hospital patients may crash in befuddlement. All of this is due to the short-sighted omission of a couple of digits, a one and a nine, from computer chips. Passage of this bill is a signal to the world that by acting now, we can work together to avoid these problems.

The Year 2000 Information and Readiness Disclosure Act will not eliminate the millennium bug—regrettably, no legislation could do that. However, it will greatly increase the chances that industry, university and government experts will work cooperatively to come up with the solutions.

One of the scariest aspects of the Y2K bug has been the silence of businesses and industries in the face of this common enemy. Liability concerns have muted industry experts, dashing the best hopes for developing fixes for this problem. The Year 2000 Information and Readiness Disclosure Act was designed to overcome this isolation and create a free flow of constructive information.

The Year 2000 Information and Readiness Disclosure Act will encourage the sharing of knowledge and working together to create solutions. This bill does not give companies liability protection for their products or services. Rather, for a limited time it will provide adjusted procedures for the exchange of Year 2000 information. This is our best bet to ensuring that services and products will continue operating after midnight on December 31, 1999.

This bill also includes a provision I proposed that will assist consumers, small businesses and local governments. It charters a national information clearinghouse and website as a starting point to provide rapid and accurate information about solving Y2K problems. This will be a needed tool for small businesses, local governments and citizens so they can prepare for the millennium.

I want to thank the President and Vice President for their foresight in this issue, and the corporate leaders who worked together with us to get this done. Major industries—from telecommunications, electric, computer, transportation, energy, health, insurance and many others—pitched in and listened to each other and worked together. I congratulate and thank Senators for their unanimous support for this measure. It is reassuring to know that even in the midst of other dramas, Congress can come together to tackle fundamental issues confronting our national economy and security. I look forward to the President signing this important legislation.

NEXT GENERATION INTERNET RESEARCH ACT OF 1998

Mr. LEAHY. Mr. President, I am delighted that last night the Senate took up and passed H.R. 3332.

I first introduced my domain name study bill, S. 1727, on March 6, 1998. It was cosponsored by Senator ASHCROFT on May 21, 1998 and passed the Senate on June 26, 1998 as an amendment to S. 1609, Senate legislation to authorize the Next Generation Internet program. The House passed a very similar domain name study bill on September 14, 1998 as part of H.R. 3332, its legislation to authorize the Next Generation Internet program. The Senate Judiciary Committee reported out a substitute amendment to S. 1727 on September 17, 1998 that was identical to the domain name study language that is in H.R. 3332. Now, with the Senate passage of H.R. 3332, the domain name study language will be presented to the President for his signature into law.

The Leahy/Ashcroft domain name study legislation that is incorporated into H.R. 3332 authorizes the National Research Council (NRC) of the National Academy of Sciences to conduct a comprehensive study of the effects on trademark rights of adding new generic top level domain names (gTLDs), and related dispute resolution procedures.

When I first introduced this bill in March, it was, in part, a response to the Administration's Green Paper released on January 30, 1988, on the domain name system (DNS), which suggested the addition of five new generic Top Level Domains (gTLDs).

Although adding new gTLDs, as the Green Paper proposed, would allow more competition and more individuals and businesses to obtain addresses that more closely reflect their names and functions, I was concerned as were many businesses, that the increase in gTLDs would make the job of protecting their trademarks from infringement or dilution more difficult. In addition, increasing the number of gTLDs without an efficient dispute resolution mechanism had the potential of fueling litigation and the threat of litigation, with an overall chilling effect on the choice and use of domain names.

The Green Paper properly raised the important questions of how to protect consumers' interests in locating the brand or vendor of their choice on the Internet without being deceived or confused, how to protect companies from having their brand equity diluted in an electronic environment, and how to resolve disputes efficiently and inexpensively. It did not, however, answer these complex and important questions. Dictating the introduction of new gTLDs without analyzing the impact that these new gTLDs would have on trademark rights and related dispute resolution procedures seemed like putting the cart before the horse.

The Leahy/Ashcroft domain name study bill is intended to put the horse back before the cart. We should understand the effects on trademark rights of adding new gTLDs and related dispute resolution procedures before we move to add significant numbers of new gTLDs. Since its introduction in March, groups such as ATT, Bell Atlantic, Time Warner, the International Trademark Association, the Information Technology Industry Council, the Motion Picture Association of America, the Domain Name Rights Coalition, and the American Intellectual Property Law Association, amongst others, have endorsed this legislation reflected in the Leahy-Ashcroft domain name study bill.

The Administration's White Paper, released on June 5, 1988, backed off the Green Paper's earlier suggestion to add five new gTLDs. Instead, the White Paper proposes that the new corporation would be the most appropriate body to make decisions as to how many, if any, new gTLDs should be added once it has global input, including from the study called for in the Leahy-Ashcroft domain name bill. Specifically, the White Paper calls upon the World Intellectual Property Organization, *inter alia*, to ''evaluate the effects, based on studies conducted by independent organizations, such as the National Research Council of the National Academy of Sciences, of adding new gTLDs, and related dispute resolution procedures on trademark and intellectual property holders.''

I commend the Administration for the deliberate approach it has taken to facilitate the withdrawal of the U.S. government from the governance of the Internet and to privatize the management of Internet names and addresses. We should have a Hippocratic Oath for the Internet—that before we adopt any new regimen that affects the Internet, we should make sure we are doing no harm to this dynamic medium.

In order for the WIPO study to be able to evaluate the effects, based on studies conducted by independent organizations, such as the NRC, of adding new gTLDs and related dispute resolution procedures on trademark rights, the Leahy/Ashcroft domain name study legislation in H.R. 3332 instructs the NRC to release an interim report that can be considered before the release of the March 1, 1999 WIPO study. I believe it beneficial, however, for the final report of the NRC to still be released after the WIPO study, so that the NRC can take into account the results and recommendations offered by the WIPO study and offer its comments on the WIPO study.

One might ask whether the NRC report is necessary, given the fact that WIPO will also be doing a study. I believe that the answer is a resounding ''yes''. Since the Internet is an outgrowth of U.S. government investments carried out under agreements with U.S. agencies, major components of the DNS are still performed by or subject to agreements with U.S. agencies. Examples include assignments of numerical addresses to Internet users, management of the system of registering names for Internet users, operation of the root server system, and protocol assignment. although U.S. government management of the Internet's most basic functions will soon be phased out, it is still not clear who will be running the new nonprofit corporation which, according to the Administration's White Paper, will oversee the domain name system. Moreover, the U.S. leads the world in the creation and dissemination of intellectual property. Given the U.S. interests that are at stake and the uncertainty in who will run the domain name system and how it will affect U.S. stakeholders, I think it important that a U.S. entity examine the issue of adding new gTLDs and related dispute resolution procedures on trademark rights. As important as it is for WIPO to benefit from an objective U.S. entity's perspective on this matter, I also think that an objective U.S. entity should be tasked with considering whatever recommendations are issued by WIPO.

I am therefore pleased that the Senate passed H.R. 3332 last night with the Leahy/Ashcroft domain name study bill.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday,

October 8, 1998, the federal debt stood at $5,540,550,647,696.94 (Five trillion, five hundred forty billion, five hundred fifty million, six hundred forty-seven thousand, six hundred forty-seven dollars and ninety-four cents).

One year ago, October 8, 1997, the federal debt stood at $5,413,433,000,000 (Four trillion, four hundred thirteen billion, four hundred thirty-three million).

Five years ago, October 8, 1993, the federal debt stood at $4,400,578,000,000 (Four trillion, four hundred billion, five hundred seventy-eight million) which reflects a debt increase of more than $1 trillion—$1,133,917,649,475.23 (One trillion, one hundred thirty-three billion, nine hundred seventeen million, six hundred forty-nine thousand, four hundred seventy-five dollars and twenty-three cents) in just 5 years.

ROBERT DIBBLEE

Mr. HATCH. Mr. President, I would like to take just a moment to note the departure later this month of my Administrative Assistant, Robert Dibblee. Robert has served as my chief of staff for four years. He previously served a number of years with our former colleague, Senator Jake Garn.

He has been my right-hand man, not only in running my office —running my life actually—but also on key land policy issues affecting Utah. I have really come to rely on him for advice and counsel as well as for accomplishing the myriad of tasks that face a Senate office.

I want to use this public forum to recognize and thank Robert for his tireless efforts behind the scenes to keep the Utah Schools and Lands Exchange Act, just passed by the Senate, on track. From the day he arrived on my staff in 1993, I knew he would make my priority his own. I should mention that the first iteration of this legislation was my bill, S. 184, introduced during the 103rd Congress. The bill was enacted into law; but, unfortunately, the required land appraisals were never carried out by the Interior Department. And, the presidential designation of the Grand Staircase-Escalante National Monument in 1996 doubled the number of acres of trust land that needed to be offset or compensated.

Robert has worked practically on a daily basis on this issue with the Utah governor's office, the Interior Department, members and staff of the Senate Energy Committee, and with the staff of my colleagues in the Utah delegation, particularly Congressman JIM HANSEN, without whose assistance as chairman of the House Resources Subcommittee we could not have passed the bill today.

During this final week, Robert worked to break several logjams that could have sunk this legislation. Throughout the consideration of this bill, he has been a steady and reliable guide for this all-important bill to support education in Utah.

Robert is moving on to be Vice President for Government Relations for the National Association of Independent Insurers. So, I say to my colleagues who do not yet know him: you will. And, you will appreciate working with him as much as I have. Robert Dibblee is a stand-up guy who does what is right and honorable; he won't try to pull the wool over your eyes; and he follows through on his commitments.

I will miss having him as an integral part of my team, but I wish him well in this new, challenging assignment.

RETIREMENT OF SENATOR WENDELL FORD

Mr. LEVIN. Mr. President, when this Congress adjourns the Senate will lose its distinguished Minority Whip, the senior Senator from Kentucky, WENDELL H. FORD. WENDELL FORD has earned a reputation as the Senate's leader on aviation matters, and has long been one of the most influential members of the Senate on energy and election reform issues. He has battled for campaign finance reform legislation and led the fight for the ''motor voter'' bill which has expanded voter registration across the country.

There is no member of the Senate more well-liked by his colleagues than WENDELL FORD. However, I have often thought that one of the true measures of a Senator is how she or he relates to staff members, workers and other visitors to our nation's capital. WENDELL FORD is among the most beloved.

I think back to one particular incident. A member of my staff had brought his 5-year old son to work for the day. The staff member, needing to attend an important meeting, left his son to play with paper, crayons and stapler, under the supervision of several co-workers. He returned to find his son no longer at the desk where he had been left. A quick search followed. The young boy was found just outside the office in the Senate hallway where he had stopped Senator WENDELL FORD and attempted to sell him a book (artful pages of crayon scribbles, stapled together) for a nickel. Senator FORD was in the act of earnestly requesting two and trying to convince the young man to accept a dime as superior to the requested nickel.

Last March, WENDELL FORD became the longest serving senator from Kentucky in the history of the U.S. Senate when he surpassed another beloved Kentuckian, Alben Barkley.

WENDELL FORD is unsurpassed in many things: He is unsurpassed in his love of family, love of country and love of the U.S. Senate. He is unsurpassed in his efforts to be helpful to new members. How many times he has set aside personal needs or took the time to help newcomers to this body to weather the self doubts or maneuver through the complex procedures.

WENDELL FORD is unsurpassed in his commitment to the hard working families whom are the backbone of this nation and in his passion for the ''little guy''.

Mr. President, to me, the story I told of the little boy in the Senate hall characterizes WENDELL FORD. WENDELL is a genuine, kind, straight-forward and thoughtful man as well as an effective national leader. All of us in the United States Senate and our families will miss the inimitable WENDELL FORD and his wife, Jean.

RETIREMENT OF SENATOR DAN COATS

Mr. LEVIN. Mr. President, when the Congress ends, Senator DAN COATS of Indiana will retire from the Senate. DAN COATS and I have served together on the Armed Services Committee and the Senate Select Committee on Intelligence.

On the Armed Services Committee, DAN COATS has served ably as the Chairman of the Airland Forces Subcommittee. He is a forceful proponent of a strong national defense and has consistently supported efforts to assure that our men and women in the military remain the best trained and equipped in the world.

Although DAN COATS was one of the leading proponents in the Senate of the version of the line-item veto which was passed and signed into law, and I joined with Senators BYRD and MOYNIHAN in arguing in an amicus curiae brief to the Supreme Court that that legislation was unconstitutional, I greatly respected the diligence and integrity with which he fought that battle.

My friend from Indiana and I have worked together for several years to prevent our states and communities from becoming dumping grounds for solid waste from other areas of the country and outside the country. He has been a persistent advocate of giving states and local governments the power to stem the flow of garbage flooding into their jurisdictions. I would like to thank him for all he has done on this matter, hopefully paving the way to a resolution which will give more power to the people whose quality of life is being harmed by a free interstate flow of trash.

Mr. President, DAN COATS' outstanding service as a United States Senator came as no surprise to me or my constituents. He was born and raised in Jackson, Michigan and naturally this has prepared him, like most Michiganders, to excel in life. However, even though he has wandered off to Indiana, and wandered even further into the GOP, I have enjoyed the opportunities which I have had to work with DAN COATS and will miss his friendship next year.

RETIREMENT OF SENATOR JOHN GLENN

Mr. LEVIN. Mr. President, when the 105th Congress adjourns sine die in the next few days, the Senate will lose one of our nation's true heroes, and one of

my personal heroes, Senator JOHN H. GLENN, Jr. of Ohio. I rise today to pay tribute to this great American, a man I feel genuinely honored to call my friend.

All of us old enough to remember JOHN GLENN's flight into orbit around the earth on February 20, 1967 aboard Friendship 7 stand in awe of his courage and strength of character. But this enormous accomplishment followed on a distinguished record of heroism in battle as a Marine officer and pilot. He served his country in the Marine Corps for 23 years, including his heroic service in both World War II and the Korean conflict. And, in turn, his remarkable accomplishment in the history of space flight has been followed by an extraordinary Senate career over the past 24 years, as the only Ohio Senator in history to serve four consecutive terms.

For the 20 years that I have been in the Senate, I have served side by side with JOHN GLENN in both the Governmental Affairs Committee which he chaired for many years and now serves as Ranking Minority Member and the Armed Services Committee where he serves as the Ranking Minority Member of the Subcommittee on Airland Forces. More recently, I have served with JOHN GLENN on the Senate Select Committee on Intelligence. This has given me a front row seat to watch one of the giants of the modern day U.S. Senate do the hard, grinding work of legislative accomplishment.

Over the years, JOHN GLENN has led the fight for efficiency in government, for giving the American people more bang for that tax ''buck''. He was the author of the Paperwork Reduction Act. He has worked to streamline federal purchasing procedures, and led the fight to create independent inspectors general in federal agencies. He was the point man in the Senate for the Clinton Administration's battle to reduce the size of the federal workforce to the lowest levels since the Kennedy Administration. He and I have fought side by side to block extreme efforts to gut regulatory safeguards in the name of reform and for the passage of a sensible approach to regulatory reform to restore confidence in government regulations. Throughout his career, JOHN GLENN has made himself an enemy of wasteful spending and bureaucracy, yet a friend of the dedicated federal worker.

JOHN GLENN has steadfastly served as a powerful advocate for veterans. He led the effort to bring the Veterans Administration up to cabinet-level and to provide benefits to veterans of the Persian Gulf conflict.

On the Armed Services Committee, JOHN GLENN has brought his enormous credibility to bear time and again both in that Committee and on the Intelligence Committee on the side of needed programs and weapons and against wasteful and unnecessary ones like the B–2 bomber.

Perhaps JOHN GLENN's most important role, however, has been as the author of the Nuclear Non-Proliferation Act and as the Senate's leader in fighting the proliferation of nuclear weapons around the world. In this area, the Senate will sorely miss his clear vision, eloquent voice and consistent leadership.

Mr. President, JOHN GLENN, of course, has remained the strongest and most effective voice in the Senate for the nation's space program. Many of us will be on hand to watch the launch of his second NASA mission later this month, 31 years after the first. At age 77, JOHN GLENN has volunteered to go back into space to test the effects of weightlessness on the aging process, and once again inspires our nation and sets an example for us all—an example of courage, character, sense of purpose, and, yes, adventure.

No person I've known or know of has worn his heroism with greater humility. JOHN GLENN is, to use a Yiddish word, a true mensch, a good and decent man.

JOHN GLENN and his beloved wife, Annie, are simply wonderful people. They, their children and grandchildren are the All-American family. My wife Barbara and I will keenly miss JOHN and Annie Glenn as they leave the Senate family.

RETIREMENT OF SENATOR DALE BUMPERS

Mr. LEVIN. Mr. President, the United States Senate is about to lose one of the great orators of its long history. I never had the opportunity, of course, to hear Webster or Clay or Calhoun. But, I have heard DALE BUMPERS of Arkansas on the Senate floor and it's hard to imagine anyone could have been a more forceful, eloquent, or effective speaker.

I was reminded recently by a former staff member of one debate in particular. The issue was the proposed real estate development in Northern Virginia at the site of the Second Battle of Manassas. The debate had stretched into a Friday evening and a larger than usual number of Senators were on the floor. The manager had made an effective presentation when DALE BUMPERS, the author of a more restrictive version of the bill rose to speak.

Knowing that many of his colleagues love history, DALE BUMPERS using detailed maps laid out the story of the Second Battle of Manassas more than a hundred years ago. Every Senator on the floor that night listened with rapt attention. As he reached the climax of his performance, DALE BUMPERS said:

''Well, I could go on and on, but I want to just simply say . . . I believe strongly in our heritage, and I think our children ought to know where these battlefields are and what was involved in them. And, I don't want to go out there ten years from now with my grandson and tell him about the Second Battle of Manassas . . . and he says, ''Grandpa, wasn't General Lee in control of this war here—didn't he command the confederate troops.?''

''Yes, he did.''

''Well, where was he?''

''He was up there where that shopping mall is.''

Senator BUMPERS then said, ''I can see a big granite monument inside that mall's hallway right now: 'General Lee Stood On This Spot'. Now if you really cherish our heritage, as I do, and you believe that history is very important for our children, you'll vote for my amendment.''

Rarely in the modern Senate do we see issues actually decided in debate on the floor. But, I suspect that that night I watched DALE BUMPERS, with that speech, win the ''Third Battle of Manassas''.

DALE BUMPERS has served in the Senate for four terms. He has been one of the most consistent voices for elimination of wasteful government spending. We will all miss his leadership in efforts to reform federal mining law and grazing fees. His battles against the Clinch River Breeder Reactor which he won in 1984, the superconducting super collider which he finally won in 1993 and the space station which he did not win, have become legendary.

DALE BUMPERS and I both take pride in the fact that we were among the few Senators to vote against the Reagan tax cut and unfunded defense buildup of 1981 which together led to the huge deficits of the 1980's.

DALE would have made a great President because he is a person whose clarity of expression is matched by the courage of his vision and his committment to America's working families.

Mr. President, when the 106th Congress convenes next year, the Senate will seem an emptier body in the absence of one of its most memorable leaders and all of us in the Senate family with miss DALE and Betty Bumpers.

RETIREMENT OF SENATOR DIRK KEMPTHORNE

Mr. LEVIN. Mr. President, I rise to pay tribute to a colleague and friend who will be leaving the Senate when the 105th Congress adjourns, DIRK KEMPTHORNE, the junior senator from Idaho.

I have served with DIRK KEMPTHORNE on both the Armed Services and Small Business Committees where I have come to respect his thoughtfulness, dedication and hard work.

DIRK KEMPTHORNE has been a valuable member of the Armed Services Committee where he has served as the Chairman of the Personnel Subcommittee. As Chairman, he has demonstrated a commitment to the welfare of our men and women in uniform and their families.

Senator KEMPTHORNE joined with Senator BYRD in initiating the Congressional Commission on Military Training to examine issues related to basic training of men and women which will give its best advice to the Congress

next year on whether current practices should be changed.

While I didn't agree with DIRK KEMPTHORNE on many of the specifics of his Unfunded Mandate legislation in 1995, I, like many of my colleagues in the Senate, was greatly impressed with the manner in which he managed the bill and his command of the complex details.

Mr. Chairman, in the United States Senate we are called upon to work with colleagues of many differing points of view. While DIRK KEMPTHORNE and I sit on separate sides of the aisle and sometimes disagree on issues before the Senate, it has always been a pleasure to deal with him. He is always an able advocate for his position, and always a gracious gentleman.

WHY THE FLAG AMENDMENT DEBATE IS APPROPRIATE NOW

Mr. HATCH. Mr. President, I would like to make a few very brief remarks about our inability to get a time agreement on the flag amendment, and respond to the assertion that it is somehow inappropriate to debate this important issue at this time. I think it is entirely appropriate that we debate the constitutional amendment to protect our flag at this time in the year. There is no better time than the present to discuss the values the flag represents: the unity and common values of all Americans.

The flag amendment should, like the flag itself, unite us. And it does unite Americans of both parties. This amendment is cosponsored by 61 Members of the Senate, Republicans and Democrats. Senator CLELAND, a war hero, who has sacrificed much, and who is a Democrat, is the primary cosponsor.

And ultimately, all we supporters of the amendment are asking for is a chance to let the American people decide whether to protect the flag by debating the amendment in ratification debates in each of the State legislatures. And the people clearly want the flag amendment. Forty-nine State legislatures have called for the flag amendment. And polling has consistently shown that more than three-quarters of the American people have consistently supported a flag amendment over the years since the Supreme Court's fateful decision in Texas versus Johnson in 1989.

Mr. President, I believe this legislation not only is vital to protect our shared values as Americans, but this debate is also timely today as we all strive to recover what is good and decent about our country.

Mr. President, we see evidence of moral decay and a lack of standards all around us. Behavior that was once found to be shameful is now routinely excused because ''everybody does it.'' Our popular culture, including movies and television, bombard us with messages of gratuitous sex and violence. Even sports figures too often set a terrible example for the young people that follow their every move.

And yet here today we have a unique opportunity to do something uplifting, something decent, something that will make our country proud. We have an opportunity to say to a few exhibitionists and anarchists that in pursuit of your fifteen minutes of fame, you may not deface the most sacred embodiment of the virtues of our country. You may not dishonor the memory of those millions of men and women who have given their lives for America. You may not yet again lower standards of elemental decency that all of must and should live by. Today, we will say that our flag, the embodiment of so many of our hopes and dreams, can no longer be dragged through the mud, torn asunder, or defecated on.

Can anyone think of a better message to send to our citizens and to our young people than to begin to reclaim appropriate standards of behavior for everyone in this country? Mr. President, there will be those who will decry this discussion as a distraction from ''real'' and ''important'' matters of taxes and budgets and regulation and other Federal programs. These issues are important and the Congress must deal with them. But that should not obscure our inattention to the ''values deficit'' that exists in public life today. We need more public conversation about values and standards. We must take every opportunity to set the right behavioral standards for our children, lest we become a nation of cynics who snicker every time someone tries to reinstill virtue into public life.

And so, Mr. President, not only is this discussion appropriate today, but it is critical. I can think of no more important conversation we can have in America than how we use American liberty to promote public virtue.

Protecting the American flag from physical desecration is a small but important way to begin this important debate.

Now, having said all that, I am disappointed that opponents of the flag amendment have rejected a reasonable time agreement, without even offering an alternative time agreement. I would be interested to know what would be acceptable.

Finally, if it should be the case that we are not going to debate the flag amendment this year, and that is how it appears, I believe we should bring it up early in the new Congress, and debate and vote on it at the earliest opportunity next year. I want my colleagues to know that I will be back next year and I will trust that this important matter will be acted on early in the next session. The American people want the opportunity to debate the flag amendment in the States, and I believe we should listen to the people on this.

FAILURE TO ACHIEVE JUVENILE CRIME LEGISLATION

Mr. HATCH. Mr. President, I would like to briefly discuss an issue of great importance to the Senate and the nation—juvenile crime. Over the past weeks, we have been working hard to try to reach consensus on comprehensive legislation to address juvenile crime in our nation. I am disappointed to report to my colleagues that we have fallen short in that effort.

The sad reality is that we can no longer sit silently by as children kill children, as teenagers commit truly heinous offenses, as our juvenile drug abuse rate continues to climb. In 1996, juveniles accounted for nearly one fifth—19 percent—of all criminal arrests in the United states. Persons under 18 committed 15 percent of all murders, 17 percent of all rapes, and 32.1 percent of all robberies.

And although there are endless statistics on our growing juvenile crime problem, one particularly sobering fact is that, between 1985 and 1993, the number of murder cases involving 15-year olds increased 207 percent. We have kids involved in murder before they can even drive.

In short, our juvenile crime problem has taken a new and sinister direction. But cold statistics alone cannot tell the whole story. Crime has real effect on the lives of real people. Recently, I read an article in the Richmond Times-Dispatch by my good friend, crime novelist Patricia Cornwell. It is one of the finest pieces I have read on the effects of and solutions to our juvenile crime problem, and I ask unanimous consent that it be printed in the RECORD following my remarks.

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

Mr. HATCH. Mr. President, let me share with my colleagues some of what Ms. Cornwell, who has spent the better part of her adult life studying and observing crime and its effects, has to say. She says ''when a person is touched by violence, the fabric of civility is forever rent, or ripped, or breached * * *.'' This a graphic but accurate description. Countless lives can be ruined by a single violent crime. There is, of course, the victim, who may be dead, or scarred for life. There are the family and friends of the victim, who are traumatized as well, and who must live with the loss of a loved one. Society itself is harmed, when each of us is a little more frightened to walk on our streets at night, to use an ATM, or to jog or bike in our parks. And, yes, there is the offender who has chosen to throw his or her life away. Particularly when the offender is a juvenile, family, friends, and society are made poorer for the waste of potential in every human being. One crime, but permanent effects when ''the fabric of civility is rent.''

This is the reality that has driven me to work even up to the closing hours of the session to address this issue. For nearly a year, the Senate has had before it comprehensive youth violence legislation. S. 10, the Hatch-Sessions Violent and Repeat Juvenile Offender Act, was reported out of the Judiciary

Committee last year on bipartisan vote, two to one vote. This legislation would have fundamentally reformed the role played by the federal government in addressing juvenile crime in our Nation. It was supported by law enforcement organizations such as the Fraternal Order of Police, the National Sheriffs Association, and the National Troopers Coalition, as well as the support of juvenile justice practitioners such as the National Council of Juvenile and Family Court Judges, and victim's groups including the National Victims Center and the National Organization for Victims Assistance.

S. 10 was reported on a bipartisan, two to one vote. Indeed, among members of the Youth Violence Subcommittee, the vote was seven to two in favor of the bill. Our reform proposal included the best of what we know works. It combined tough measures to protect the public from the worst juvenile criminals, smart measures to provide intervention and correction at the earliest acts of delinquency, and compassionate measures to supplement and enhance extensive existing prevention programs to keep juveniles out of the cycle of crime, violence, drugs, and gangs.

All too often, the juvenile justice system ignores the minor crimes that lead to the increasingly frequent serious and tragic juvenile crimes capturing headlines. Unfortunately, many of these crimes might have been prevented had the warning signs of early acts of delinquency or antisocial behavior been heeded. A delinquent juvenile's critical first brush with the law is a vital aspect of preventing future crimes, because it teaches an important lesson—what behavior will be tolerated.

According to a recent Department of Justice study, juveniles adjudicated for so-called index crimes—such as murder, rape, robbery, assault, burglary, and auto threft—began their criminal careers at an early age. The average age for a juvenile committing an index offense is 14.5 years, and typically, by age 7, the future criminal is already showing minor behavior problems. If we can intervene early enough, however, we might avert future tragedies. That is why we seek to reform federal policy that has been complicit in the system's failure, and provide states with much needed funding for a system of graduated sanctions, including community service for minor crimes, electronically monitored home detention, boot camps, and traditional detention for more serious offenses.

And let there be no mistake—detention is needed as well. As Ms. Cornwell recently wrote, ''our first priority should be to keep our communities safe. We must remove violent people from our midst, no matter their age. . . . When the trigger is pulled, when the knife is plunged, kids aren't kids anymore. We should not shield and give excuses and probation to violent juveniles who, odds are, will harm or kill again if they are returned to our neighborhoods and schools.'' I couldn't have said it any better.

Meaningful reform also requires that juvenile's criminal record ought to be accessible to police, courts, and prosecutors, so that we can know who is a repeat or serious offender. Right now, these records simply are not available in NCIC, the national system that tracks adult criminal records. Ms. Cornwell again cogently explains what this means: ''If a juvenile commits a felony in Virginia, when he turns 18 his record is not expunged and will follow him for the rest of his days. But were he to commit the same felony in North Carolina, at 16 he'll be released from a correctional facility with no record of any crime he committed in that state. Let's say he's back on the street and returns to Virginia. Now he's a juvenile again, and police, prosecutors, judges or juries will never know what he did in North Carolina.

If he moves to yet another state where the legal age is 21, he can commit felonies for three or four more years and have no record of them, either. Maybe by then, he's committed fifteen felonies but is only credited with the one he committed in Virginia. Maybe when he becomes an adult and is violent again, he gets a light sentence or even probation, since it appears he's committed only one felony in his life instead of fifteen. He'll be back among us soon enough. Maybe his next victim will be you.''

So the reform we sought also provides the first federal incentives for the integration of serious juvenile criminal records into the national criminal history database, together with federal funding for the system.

Mr. President, I believe that we all agree that it is far better to prevent the fabric of civility from being rent than to deal with the aftermath of juvenile crime.

I have been involved in this fight for over three years now. Rarely have I found an issue over which interest group opponents were more determined to block needed reforms through distortions of the record.

In no small measure, in my view, this harmful posturing has brought us to where we are today—just short of achieving important reform legislation. I believe that we must look to the greater good, and limit—in the interests of our children and public safety—the posturing which too often infects criminal justice issues.

Let me take just a moment to acknowledge the efforts of members on both sides of the aisle who have worked in good faith to try and address this issue in a responsible manner. Senator LEAHY and Senator BIDEN deserve enormous credit. And I want to particularly thank Senator SESSIONS, the Chairman of our Youth Violence Subcommittee for his many months of determined work. We will be back on this issue next Congress. It will not go away, any more than the problem will go away until we address it. So, I will be urging the Majority Leader, when he sets our agenda for next year, to make enacting a responsible juvenile crime bill among our top legislative priorities in the 106th Congress. Mr. President, I thank my colleagues and yield the floor.

EXHIBIT 1

WHEN THE FABRIC IS RENT

(By Patricia Cornwell)

There was a saying in the morgue during those long six years I worked there. When a person is touched by violence, the fabric of civility is forever rent, or *ripped* or *breached*, whatever word is most graphic to you.

Our country is the most violent one in the free world, and as far as I'm concerned, we are becoming increasingly incompetent in preventing and prosecuting cruel crimes that we foolishly think happen only to others. There was another saying in the morgue. The one thing every dead person had in common in that place was he never thought he'd end up there. He never imagined his name would be penned in black ink in the big black book that is ominously omnipresent on a counter top in the autopsy suite.

I have seen hundreds, maybe close to a thousand dead bodies by now, many of them ruined by another person's hands. I return to the morgue at least two or three times a year to painfully remind myself that what I'm writing about is awful and final and real.

I suffer from nightmares and don't remember the last time I had a pleasant dream. I have very strong emotional responses to crimes that have nothing to do with me, such as Versace's murder, and more recently, the random shooting deaths of Capitol Police Agent John Gibson and Officer Jacob Chestnut. I can't read sad, scary or violent books. I watched only half of *Titanic* because I cold not bear its sadness. I stormed out of Ann Rice's *Interview With A Vampire*, so furious my hands were shaking because the movie is such an outrageous trivialization and celebration of sexual violence. For me the suffering, the blood, the deaths are real.

I'd like to confront Ann Rice with bitemarks and other sadistic wounds that are not special effects. I'd like to sentence Oliver Stone to a month in the morgue, make him sit in the cooler for a while and see what an audience of victims has to say about his films. I'd like O.J. Simpson to have a total recall and suffer, go broke, be ostracized, never allowed on a golf course again. I was in a pub in London when that verdict was read. I'll never forget the amazed faces of a suddenly mute group of beer-drinking Brits, or the shame of my friends and I felt because in America it is absolutely true. Justice is blind.

Justice has stumbled off the rod of truth and fallen headlong into a thicket of subjective verdicts where evidence doesn't count and plea bargains that are such a bargain they are fire sales. I've begun to fear that the consequences and punishment of violent crime have become some sort of mindless multiple choice, a *Let's Make A Deal*, a *Let's microwave the popcorn and watch Court TV*.

I have been asked to tell you what my fictional character Dr. Scarpetta would do if she were the crime czar or Virginia, of America. Since she and I share the same opinions and views, I am stepping out from behind my curtain of imagined deeds and characters and telling you what I feel and think.

It startles me to realize that at age 42, I have spent almost half my life studying crime, of living and working in it's pitifully cold, smelly, ugly environment. I am often asked why people cheat, rob, stalk, slander, main and murder. How can anybody enjoy causing another human being or any living

creature destruction and pain? I will tell you in three words: Abuse of power. Everything in life is about the power we appropriate for good or destruction, and the ultimate overpowering of a life is to make it suffer and end.

This includes children who put on camouflage and get into the family guns. We don't want to believe that 12, 13, 16 year old youths are unredeemable. Most of them aren't. But it's time we face that some of them have transgressed beyond forgiveness, certainly beyond trust. Not all victims I have seen pass through the morgue were savaged by adults. The creative cruelty of some young killers is the worst of the worst, images of what they did to their victims ones I wish I could delete.

About a year ago, I began researching juvenile crime for the follow-up of *Hornet's Nest* (*Southern Cross*, January, '99) and my tenth Scarpetta book (unfinished and untitled yet). This was a territory I had yet to explore. I was inspired by the depressing fact that in the last ten years, shootings, hold-ups at ATM's, and premeditated murders committed by juveniles have risen 160 percent. As I ventured into my eleventh and twelfth novels, I wondered what my crusading characters would do with violent children.

So I spent months in Raleigh watching members of the Governor's Commission on Juvenile Crime and Justice debate and rewrite their juvenile crime laws, as Virginia did in 1995 under the leadership of Jim Gilmore. I quizzed Senator ORRIN HATCH about his youth violence bill, S. 10, a federal approach to reforming a juvenile justice system that is failing our society. I toured detention homes in Richmond and elsewhere. I sat in on juvenile court cases and talked to inmates who were juveniles when they began their lives of crime.

While it is true that many violent juveniles have abuse, neglect, and the absence of values in their homes, I maintain my belief that all people should be held accountable for their actions. Our first priority should be to keep our communities safe. We must remove violent people from our midst, no matter their age. As Marcia Morey, executive director of North Carolina's juvenile crime commission, constantly preaches, ''We must stop the hemorrhage first.''

When the trigger is pulled, when the knife is plunged, kids aren't kids anymore. We should not shield and give excuses and probation to violent juveniles who, odds are, will harm or kill again if they are returned to our neighborhoods and schools. We should not treat young violent offenders with sealed lips and exclusive proceedings.

''The secrecy and confidentiality of our system have hurt us,'' says Richmond Juvenile and Domestic Relations District Court Judge Kimberly O'Donnell. ''What people can't see and hear is often difficult for them to understand.''

Virginia has opened its courtrooms to the public, and Judge O'Donnell encourages people to sit in hers and see for themselves those juveniles who are remorseless and those who can be saved. Most juveniles who end up in court are not repeat offenders. But for that small number who threaten us most, I advocate hard, non-negotiable judgement. Most of what I would like to see is already being done in Virginia. But we need juvenile justice reform nationally, a system that is sensible and consistent from state to state.

As it is now, if a juvenile commits a felony in Virginia, when he turns 18 his record is not expunged and will follow him for the rest of his days. But were he to commit the same felony in North Carolina, at 16 he'll be released from a correctional facility with no record of any crime he committed in that state. Let's say he's back on the street and returns to Virginia. Now he's a juvenile again, and police, prosecutors, judges or juries will never know what he did in North Carolina.

If he moves to yet another state where the legal age is 21, he can commit felonies for three or four more years and have no record of them, either. Maybe by then he's committed fifteen felonies but is only credited with the one he committed in Virginia. Maybe when he becomes an adult and is violent again, he gets a light sentence or even probation, since it appears he's committed only one felony in his life instead of fifteen. He'll be back among us soon enough. Maybe his next victim will be you.

If national juvenile justice reform were up to me, I'd be strict. I would not be popular with extreme child advocates. If I had my way, it would be routine that when any juvenile commits a violent crime, his name and personal life are publicized. Records of juveniles who commit felonies should not be expunged when the individual becomes an adult. Mug shots, fingerprints and the DNA of violent juveniles should, at the very least, be available to police, prosecutors, and schools, and if the young violent offender has an extensive record and commits another crime, plea bargaining should be limited or at least informed.

Juveniles who rape, murder or commit other heinous acts should be tried as adults, but judges should have the discretionary power to decide when this is merited. I want to see more court-ordered restitution and mediation. Let's turn off the TV's in correctional centers and force assailants, robbers, thieves to work to pay back what they've destroyed and taken, as much as that is possible. Confront them with their victims, face to face. Perhaps a juvenile might realize the awful deed he's done if his victim is suddenly a person with feelings, loved ones, scars, a name.

Prevention is a more popular word than punishment. But the solution to what's happening in our society, particularly to our youths, is simpler and infinitely harder than any federally or private funded program. All of us live in neighborhoods. Unless you are in solitary confinement or a coma, you are aware of others around you. Quite likely you are exposed to children who are sad, lost, ignored, neglected or abused. Try to help. Do it in person.

I remember my first few years in Richmond when I was living at Union Theological Seminary, where my former husband was a student and I was a struggling, somewhat failed writer. Charlie and I spent five years in a seminary apartment complex where there was a little boy who enjoyed throwing a tennis ball against the building in a staccato that was torture to me.

I was working on novels nobody wanted and every time that ball thunked against brick, I lost my train of thought. I'd popped out of my chair and fly outside to order the kid to stop, but somehow he was always gone without a trace, silence restored for an hour or two. One day I caught him. I was about to reprimand him when I saw the fear and loneliness in his eyes.

''What's your name?'' I asked.

''Eddie,'' he said.

''How old are you?''

''Ten.''

''It's not a good idea to throw a ball against the building. It makes it hard for some of us to work.''

''I know.'' He shrugged.

''If you know, then why do you do it?''

''Because I have no one to play catch with me,'' he replied.

My memory lit up with acts of kindness when I was a lonely child living in the small town of Montreat, North Carolina. Adult neighbors had taken time to play tennis with me. They had invited me, the only girl in town, to play baseball or touch football with the boys.

Billy Graham's wife, Ruth, used to stop her car to see how I was or if I needed a ride somewhere. Years later, she befriended me when I was a very confused teenager who felt rather worthless. Were it not for her kindness and encouragement, I doubt I would be writing this editorial. Maybe I wouldn't have amounted to much. Maybe I would have gotten into serious trouble. Maybe I'd be dead.

Eddie and I started playing catch. I gave him tennis lessons and probably ruined his backhand for life. He told me all about himself and amused me with his stories. We became pals. He never threw a tennis ball against the building again.

We must protect ourselves from all people who have proven to be dangerous. But we should never abandon those who can be helped or are at least are worthy of the effort. If you save or change one life, you have added something priceless to this world. You have left it better than you found it.

ADVANCED AVIONICS SUBSYSTEMS PROGRAM

Mr. WARNER. There is an issue involving the Navy's progress with the Advanced Avionics Subsystems project that should have been addressed in the conference report accompanying the fiscal year 1999 National Defense Authorization Act. Would the Senator from Pennsylvania care to enter into a colloquy regarding this issue.

Mr. SANTORUM. I thank the Senator from Virginia and would be happy to engage in a colloquy. The conferees noted the Navy's progress with the Advanced Technology Avionics Subsystems project as exemplified by its recent demonstration using Commercial-off-the-Shelf (COTS) technologies for avionics applications. The conferees were aware of the difficulties associated with using and integrating commercial technologies and recognized the merit of the project which is designed to develop viable solutions for transitioning affordable technologies.

Mr. WARNER. Because this project has been successful in identifying obstacles and rendering usable solutions for the implementation of COTS technologies, does the Senator concur with the recommendation that the Department of the Navy consider reprogramming funds to provide for the current year's shortfall and to fund the project at its prior years' level?

Mr. SANTORUM. Yes, for the reasons that the Senator from Virginia gave, I recommend that the Department of the Navy consider reprogramming funds to provide for the current year's shortfall for the Advanced Technology Avionics Subsystems project and to fund the project at its prior years' level.

Mr. THURMOND. I have been listening to the colloquy between the Senator from Virginia and the Senator from Pennsylvania and I wish to say that I agree with their remarks with respect to the Advanced Technology Avionics Subsystems project.

Mr. WARNER. I thank the Senator from Pennsylvania and the Senator from South Carolina.

THE NOMINATION FOR THE TREASURY INSPECTOR GENERAL

Mr. ROTH. Mr. President, I would like to report out from the Finance Committee the Administration's nomination of David C. Williams to be the Inspector General for the Treasury Department. The nomination hearing for Mr. Williams was held on September 24, 1998.

The Inspector General Act of 1978, as amended, grants the independence and authority for an Inspector General to conduct audits and investigations to (1) detect waste, fraud or abuse, and (2) promote economy and efficiency in agency programs and operations. I, for one, deeply believe in the IG concept and support the important role an Inspector General must carry out. It is often a very tough and demanding job.

The Treasury Inspector General is an extremely critical position that is responsible for overseeing several Treasury agencies, including three law enforcement bureaus, namely, the U.S. Customs Service, the U.S. Secret Service, and the Bureau of Alcohol, Tobacco and Firearms. The previous Inspector General resigned as a result of an investigation conducted by Senator SUSAN COLLINS' Permanent Subcommittee on Investigations (PSI). PSI determined that the IG broke the law twice concerning two contracts and identified significant mismanagement within the Treasury IG's Office.

The Treasury IG's Office has been a very troubled agency because of bad leadership. It is, therefore, an absolute requirement for the next Treasury Inspector General to be an individual with a proven track record as a strong, effective manager and leader, one who will engage in aggressive—but fair—oversight, and one who will carry out their duties with the utmost integrity. Such behavior as demonstrated by the previous Inspector General will not be tolerated. As the watchdog for the Treasury Department, the Inspector General must set a good ethical example.

Mr. Williams began his career in the Federal Government in 1975 as a Secret Service Agent. In 1979, he went to work for the Labor Department's Office of Inspector General in the Office of Labor Racketeering, where he served as Special Agent in Charge for two field offices and later as the Field Director.

During that time, Mr. Williams also served on President Reagan's Commission on Organized Crime. In 1986, Mr. Williams became the first Director for the Office of Special Investigations for the General Accounting Office. In 1989, Mr. Williams was nominated by President Bush to be the first Inspector General for the Nuclear Regulatory Commission.

In 1995, President Clinton nominated Mr. Williams to be the first Inspector General for the Social Security Administration; Mr. Williams became the SSA, IG in 1996. Since June 1998, Mr. Williams has been serving as a Senior Advisor at the Treasury Inspector General's Office.

Mr. Williams' background as the Inspector General for two Government agencies, as well as his investigator background, is clearly representative of the qualifications needed to be the Treasury Inspector General. The Senate Finance Committee intends to monitor the progress of this agency as it gets back on track in accomplishing its mandated mission.

TRIBUTE TO SENATOR JOHN GLENN, A TRUE AMERICAN HERO

Mr. JOHNSON. Mr. President, I rise today to pay tribute to a special colleague and a true American hero, JOHN GLENN of Ohio.

During his distinguished career, Senator GLENN has used his boundless energy and expertise to work for effective and efficient government and world peace. He is one of our most beloved national figures and a role model to people of all ages and all backgrounds from all over the world.

I was a teenager when the nation watched in awe as JOHN GLENN became the first American to orbit the earth. I never would have guessed during those spectacular early days of the space program that someday I would have an office next to his in the United States Senate. It has been my great privilege to serve with him and to know him as both a friend and a colleague.

Today, he is at Cape Canaveral preparing to visit space again. I know my colleagues share in my admiration and pride for Senator GLENN as he boldly goes once more into space. I wish him an exciting journey, a safe return and wonderful retirement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll

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

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT—MESSAGE FROM THE PRESIDENT—PM 161

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the ''CDA''), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021–91 (the ''LIBERTAD Act''), which requires that I report to the Congress on a semiannual basis detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the ''(CACR''), to provide for specific licensing on a case-by-case basis for certain transctions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period January 1 through June 30, 1998, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

AT&T Corporation (formerly, American Telephone and Telegraph Company)	$12,795,658
AT&T de Puerto Rico	292,229
Global One (formerly, Sprint Incorporated)	3,075,733

IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	4,402,634
MCI International, Inc. (formerly MCI Communications Corporation) ...	8,468,743
Telefonica Larga Distancia de Puerto Rico, Inc.	129,752
WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.)	4,983,368
WorldCom, Inc. (formerly LDDS Communications, Inc.)	5,371,531
	39,519,648

I shall continue to report semiannually on telecommunications payments to the Government of Cuba from United States persons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 8, 1998.*

MESSAGES FROM THE HOUSE

At 12:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2109. An act to amend the Federal Election Campaign Act of 1971 to require reports filed under such Act to be filed electronically and to require the Federal Election Commission to make such reports available to the public within 24 hours of receipt.

H.R. 2263. An act to authorize and request the President to award the Congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

H.R. 4364. An act to streamline the regulation of depository institutions, to safeguard confidential banking and credit union supervisory information, and for other purposes.

H.R. 4506. An act to provide for United States support for developmental alternatives for underage child workers.

H.R. 4660. An act to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The message also announced that the House has passed the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 302. Concurrent resolution recognizing the importance of children and families in the United States and expressing support for the goals of National Kids Day and National Family Month.

H. Con. Res. 309. Concurrent resolution condemning the forced abduction of Ugandan children and their use as soldiers.

The message further announced that the House has passed the following bills and joint resolution, without amendment:

S. 890. An act to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

S. 1021. An act to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 2232. An act to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes.

S. 2561. An act to amend the Fair Credit Reporting Act with respect to furnishing and using consumer reports for employment purposes.

S.J. Res. 51. Joint resolution granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes.

The message also announced that the Houses agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1853) to amend the Carl D. Perkins Vocation and Applied Technology Education Act.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2206) to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

The message announced that the House agrees to the amendments of the Senate to the bill (H.R. 2675) to require that the Office of Personnel Management submit proposed legislation under which group universal life insurance and group variable universal life insurance would be available under chapter 87 of title 5, United States Code, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 3694. An act to authorize appropriations for fiscal year 1999 for intelligence and intelligence related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3790. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress.

H.R. 4248. An act to authorize the use of receipts from the sale of the Migratory Bird Hunting and Conservation Stamps to promote additional stamp purchases.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3874) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 346. Concurrent resolution to correct the enrollment of the bill H.R. 3150.

At 5:15 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1197. An act to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

H.R. 4052. An act to establish designations for United States Postal Service buildings located in Coconut Grove, Opa Locka, Carol City, and Miami, Florida.

The message also announced that Houses has passed the following bill, without amendment:

S. 1298. An act to designate a Federal building located in Florida, Alabama, as the ''Justice John McKinley Federal Building.''

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

At 6:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 133. Joint resolution making further appropriations for the fiscal year 1999, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following bill and joint resolution:

S. 2022. An act to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.

H.J. Res. 133. Joint resolution making further appropriations for the fiscal year 1999, and for other purposes.

The enrolled bill and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on October 9, 1998, he had presented to the President of the United States, the following enrolled bill:

S. 2022. An act to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2402) to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers (Rept. No. 105–383).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2143) to provide for the development of a management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona reflecting the current use of the tract as a public park (Rept. No. 105–384).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2401) to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historic Park (Rept. No. 105–385).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 991) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes (Rept. No. 105–386).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 1960) A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as previously authorized by law, by purchase or exchange as well as by donation (Rept. No. 105–387).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2247) to permit the payment of medical expenses incurred by the U.S. Park Police in the performance of duty to be made directly by the National Park Service, and for other purposes (Rept. No. 105–388).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2257) to reauthorize the National Historic Preservation Act (Rept. No. 105–389).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2284) to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes (Rept. No. 105–390).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2513) to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon (Rept. No. 105–391).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (H.R. 2411) to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission (Rept. No. 105–392).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (H.R. 4166) to amend the Idaho Admission Act regarding the sale or lease of school land (Rept. No. 105–393).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1344: A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of South Caucasus and Central Asia (Rept. No. 105–394).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 1614) to require a permit for the making of motion picture, television program, or other form of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System (Rept. No. 105–395).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2285) to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women (Rept. No. 105–396).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 1175) to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for 10 additional years (Rept. No. 105–397).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2239) to revise the boundary of Fort Matanzas Monument and for other purposes (Rept. 105–398).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2133) to designate former United States Route 66 as ''America's Main Street'' and authorize the Secretary of the Interior to provide assistance (Rept. No. 105–399).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2241) to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes (Rept. No. 105–400).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2136) to provide for the exchange of certain land in the State of Washington (Rept. No. 105–401).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2248) to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a state or political subdivision, when required by state law, and for other purposes (Rept. No. 105–402).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. RES. 257: A resolution expressing the sense of the Senate that October 15, 1998, should be designated as ''National Inhalant Abuse Awareness Day.''

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1771: A bill to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

T.J. Glauthier, of California, to be Deputy Secretary of Energy.

By Mr. ROTH, from the Committee on Finance:

Patricia T. Montoya, of New Mexico, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services.

David C. Williams, of Maryland, to be Inspector General, Department of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THOMPSON, from the Committee on Governmental Affairs:

David C. Williams, of Maryland, to be Inspector General, Department of the Treasury.

Gregory H. Friedman, of Maryland, to be Inspector General of the Department of Energy.

Eljay B. Bowron, of Michigan, to be Inspector General, Department of the Interior.

(The above nominations were reported with the recommendation that they be confirmed.)

Sylvia M. Mathews, of West Virginia, to be Deputy Director of the Office of Management and Budget.

John U. Sepulveda, of New York, to be Deputy Director of the Office of Personnel Management.

Joseph Swerdzewski, of Colorado, to be General Counsel of the Federal Labor Relations Authority for a term of five years. (Reappointment)

Dana Bruce Covington, Sr., of Mississippi, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2004.

Edward Jay Gleiman, of Maryland, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2004. (Reappointment)

David M. Walker, of Georgia, to be Comptroller General of the United States for a term of fifteen years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. TORRICELLI (for himself, Mr. LEAHY, Mr. DEWINE, and Mr. JEFFORDS):

S. 2596. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2597. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2598. A bill to require proof of screening for lead poisoning and to ensure that children at highest risk are identified and treated; to the Committee on Finance.

By Ms. SNOWE:

S. 2599. A bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes; to the Committee on Veterans Affairs.

By Mr. HATCH:

S. 2600. A bill to amend section 402 of the Controlled Substances Act to reform the civil remedy provisions relating to record-keeping violations; to the Committee on the Judiciary.

By Mr. KYL:

S. 2601. A bill to provide block grant options for certain education funding; to the Committee on Labor and Human Resources.

S. 2602. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses of attending elementary and secondary schools and for contributions to charitable organizations which provide scholarships for children to attend such schools; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. INOUYE, Mr. BINGAMAN, Mr. JOHNSON, and Mr. CONRAD):

S. 2603. A bill to promote access to health care services in rural areas; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2604. A bill to provide demonstration grants to local educational agencies to enable the agencies to extend time for learning and the length of the school year; to the Committee on Labor and Human Resources.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2605. A bill to amend the Public Health Service Act to provide for the establishment of a national program of traumatic brain injury and spinal cord injury registries; to the Committee on Labor and Human Resources.

By Mr. ASHCROFT:

S. 2606. A bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, Ms. LANDRIEU, and Mr. CHAFEE):

S. 2607. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on Finance.

By Mr. KYL (by request):

S. 2608. A bill to approve a mutual settlement of the Water Rights of the Gila River Indian Community and the United States, on behalf of the Community and the Allottees, and Phelps Dodge Corporation, and for other purposes; to the Committee on Indian Affairs.

By Mr. BENNETT (for himself and Mr. MACK):

S. 2609. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 2610. A bill to amend the Clean Air to repeal the grandfather status for electric utility units; to the Committee on Environment and Public Works.

By Mr. ROTH (for himself, Mr. LIEBERMAN, and Mr. MACK):

S. 2611. A bill to amend title XVIII of the Social Security Act to enable medicare beneficiaries to remain enrolled in their chosen medicare health plan; to the Committee on the Judiciary.

By Mr. FORD:

S. 2612. A bill to provide that Tennessee may not impose sales taxes on any goods or services purchased by a resident of Kentucky at Fort Campbell, nor obtain reimbursement for any unemployment compensation claim made by a resident of Tennessee relating to work performed at Fort Campbell; to the Committee on Governmental Affairs.

By Mr. KERREY:

S. 2613. A bill to accelerate the percentage of health insurance costs deductible by self-employed individuals through the use of revenues resulting from an estate tax technical correction; to the Committee on Finance.

By Mr. COATS:

S. 2614. A bill to amend chapter 96 of title 18, United States Code, to enhance the protection of first amendment rights; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 2615. A bill to study options to improve and enhance the protection, management, and interpretation of the significant natural and other resources of certain units of the National Park System in northwest Alaska, to implement a pilot program to better accomplish the purposes for which those units were established by providing greater involvement by Alaska Native communities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2616. A bill to amend title XVIII of the Social Security Act to make revisions in the per beneficiary and per visit payment limits on payment for health services under the medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. THOMAS (for himself, Mr. KERRY, Mr. SMITH of Oregon, Mr. LIEBERMAN, and Mr. GRAMS):

S. Res. 294. A resolution expressing the sense of the Senate with respect to developments in Malaysia and the arrest of Dato Seri Anwar Ibrahim; to the Committee on Foreign Relations.

By Mr. COATS (for himself, Mr. MCCAIN, and Mr. COVERDELL):

S. Res. 295. A bill to express the sense of the Senate concerning the development of effective methods for eliminating the use of heroin; to the Committee on Labor and Human Resources.

By Mr. KERREY:

S. Res. 296. A resolution expressing the sense of the Senate that, on completion of construction of a World War II Memorial in Area I of the District of Columbia and its environs, Congress should provide funding for the maintenance, security, and custodial and long-term care of the memorial by the National Park Service; considered and agreed to.

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

S. Res. 297. A resolution authorizing testimony and representation of former and current Senate employees and representation of Senator Craig in Student Loan Fund of Idaho, Inc. v. Riley, et al; considered and agreed to.

By Mr. ABRAHAM:

S. Res. 298. A resolution condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. MACK):

S. Con. Res. 127. A concurrent resolution recognizing the 50th anniversary of the National Institute of Allergy and Infectious Diseases, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. DODD, Mrs. FEINSTEIN, Mr. KERRY, Mrs. MURRAY, Mr. DURBIN, Mr. BINGAMAN, Mr. FEINGOLD, Mr. HARKIN, Mr. BUMPERS, Mr. WELLSTONE, Mr. JEFFORDS, Mrs. BOXER, Mr. KENNEDY, Mr. WYDEN, and Ms. MIKULSKI):

S. Con. Res. 128. A concurrent resolution expressing the sense of Congress regarding measures to achieve a peaceful resolution of the conflict in the state of Chiapas, Mexico, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself, Mr. LEAHY, Mr. DEWINE, and Mr. JEFFORDS):

S. 2596. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

FARMLAND PROTECTION LEGISLATION

● Mr. TORRICELLI. Mr. President, today I introduce legislation which will assist in the critical effort to preserve our nation's most vulnerable farmland. I want to first acknowledge Senator LEAHY's decisive leadership on this issue, and recognize him as the author of the original legislation establishing the Farmland Protection Program in the 1996 Farm Bill. He has been a tireless advocate for this important issue, and I look forward to working closely with him in the future to protect more of our Nation's open spaces.

We have heard a lot during the last decade about the dissolution and destruction of the American Family Farm. Indeed, the family farm is under serious threat of extinction. Today, there are 1,925,300 farms in the United States, the lowest number of farms in our Nation since before the Civil War. The U.S. is losing two acres of our best farmland to development every minute of every day. In my State, New Jersey, we have lost 6,000 farms, or 40 percent of our total, since 1959. This reduction has serious implications for the environment, the economy and our food supply.

The threat comes partially from an anachronistic and unfair inheritance tax that threatens the generational continuity of the family farm and partially from the fact that much of America's farmland is near major cities. As our cities sprawl into neighboring rural areas, our farms are in danger of becoming subdivisions or shopping malls.

Last year I strongly supported a significant reduction in the estate tax to

keep farms in the family, preserve open space and ensure fairness in our tax code. This was an important victory for farmers across the Nation. However, we also need programs like the Farmland Protection Program to reinforce this effort. This critical initiative is designed to protect soil by encouraging landowners to limit conversion of their farmland to non-agricultural uses. It has proven so successful that demand for these grants currently outstrips availability of funds by 900 percent, and the last of its authorized funding was spent during fiscal year 1998.

The legislation I am introducing today with Senators LEAHY, DEWINE and JEFFORDS will provide authorization for additional funding, and ensure the survival of this important program. Our bill will reauthorize the program at $55 million a year through 2002, and will broaden the original legislation to allow non-profit conservation groups to hold these easements. This provision is necessary because some State governments, such as Colorado's, are barred from holding easements by their constitution. This legislation will allow non-profit groups to hold these easements in lieu of the state government and this will broaden participation in the program.

I hope my colleagues are able to support this legislation and allow us to continue building on the success of the past few years, during which we were able to protect nearly 82,000 acres on more than 230 farms.●

By Mr. TORRICELLI. (for himself and Mr. LAUTENBERG):

S. 2598. A bill to require proof of screening for lead poisoning and to ensure that children at highest risk are identified and treated; to the Committee on Finance.

CHILDREN'S LEAD PREVENTION AND INCLUSIVE TREATMENT ACT OF 1998

● Mr. TORRICELLI. Mr. President, today with my colleague from New Jersey, Senator LAUTENBERG, I introduce the ''Children's Lead Prevention and Inclusive Treatment Act of 1998.'' For almost thirty years Congress has focused attention on lead-related issues. In 1971 we first passed the Lead-based Paint Poisoning Prevention Act, and much has been done since that time to identify children with elevated lead levels, to educate parents on the dangers of lead, and to devise means of removing or controlling lead in homes. Over the last 20 years, the removal of lead from gasoline, food canning, children's toys, and other sources has seen a reduction in national population blood lead levels by over 80 percent.

Yet recent studies indicate that we are still not doing enough. While national lead levels have dropped over 80 percent, the numbers for Medicaid children, and poor children overall, are nothing short of disgraceful. Since 1992 the Health Care Financing Administration, at the behest of Congress, has required that Medicaid children be screened for elevated blood-lead levels at least twice before they reach the age of 2. But the Centers for Disease Control and Prevention estimates that nationally, 890,000 children between the ages of one and five have elevated blood lead levels and have never been tested.

Even worse, Mr. President, in a Report to Congress earlier this year, the General Accounting Office reported that almost 79 percent of Medicaid children under two years of age have never been screened! This means that as many as 206,000 Medicaid children between the ages of 1 and 2 have not been screened. Considering that in 1991 the U.S. Public Health Service called for a society-wide effort to eliminate childhood lead poisoning by the year 2011, it is quite apparent that we are not making much progress in reaching that goal.

A subsequent GAO report further identified poor and minority children as being at greatest risk of lead poisoning. GAO reported that the prevalence of elevated blood lead levels in Hispanic children aged 1 through 5 was more than twice that of white children, and for African-American children it was more than five times that of white children. Additionally, children in families below 130 percent of the Federal poverty level had a higher prevalence of elevated blood lead levels than those children above the Federal poverty level. Yet all these children continue to be the very ones falling through the cracks!

That is why, Mr. President, I am introducing this legislation. The Children's Lead PAINT Act promises to be a three-pronged attack on the lead-screening system. First, it will create a ''safety net'' through WIC and Early Start to ensure that high-risk children are screened. A parent enrolling their child in either of these programs must provide proof of screening, within 180 days of enrollment. If a child hasn't been screened, a parent can request WIC or Early Start to perform the test themselves. Additionally, if WIC or Early Start performs the test, Medicaid will be authorized to reimburse the program.

Second, we will be putting teeth into the State's screening obligation, by setting a Minimum number of Screenings a State must perform, or having it face a penalty for failure. Beginning in Fiscal Year 2000, States will be required to screen at least 50 percent of Medicaid children under age 2. This will increase 10 percent each year until it hits 90 percent, where it must remain. If States fail to meet these targets, they stand to lose one percent of their Medicaid funds.

Finally, Mr. President, we will require any Health Care Provider that signs a State Medicaid contract to agree in that contract to comply with the screening requirements, and to provide follow-up services to children who test positive. Although States have been required to perform these screenings, they are not a mandatory requirement of Medicaid health care contracts. Thus, there is no statutory obligation on the part of physicians to perform the tests. This will ensure that doctors perform the tests and that if a child does test positive that an environmental assessment will be done at their home and that follow-up testing and evaluations will be conducted.

I am especially pleased that I have been joined in this fight by two highly regarded national advocacy groups. The Alliance to End Childhood Lead Poisoning, a non-profit public interest organization exclusively dedicated to the elimination of childhood lead poisoning, has publicly endorsed the Lead PAINT Act. Similarly, the Coalition to End Childhood Lead Poisoning, a non-profit parents and victims organization dedicated to educating the public on the dangers of lead poisoning and as well as to eradicating this disease, has also publicly endorsed this legislation.

Mr. President, although we have made great progress in lead poison prevention techniques, first, by banning lead-based paint in homes and more recently by strengthening our home testing system, the GAO report makes it very clear that we are failing to identify those children with lead already in their bodies. It is time we demand accountability. Our children deserve no less.

I look forward to working with my colleagues on this legislation and this issue. 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. 2598

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 ''Children's Lead Prevention and Inclusive Treatment Act of 1998'' or the ''Children's Lead PAInT Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) lead poisoning remains a serious environmental risk, especially to the health of young children;

(2) childhood lead poisoning can cause reductions in IQ, attention span, reading, and learning disabilities, and other growth and behavior problems;

(3) children under the age of 6 are at the greatest risk because of the sensitivity of their developing brains and nervous systems;

(4) poor children and minority children are at substantially higher risk of lead poisoning;

(5) it is estimated that more than 500,000 children enrolled in medicaid have harmful levels of lead in their blood;

(6) children enrolled in medicaid represent 60 percent of the 890,000 children in the United States with elevated blood lead levels;

(7) although the Health Care Financing Administration has required mandatory blood lead screenings for children enrolled in medicaid who are not less than 1 nor more than 5 years of age, approximately two-thirds of children enrolled in medicaid have not been screened or treated;

(8) the Health Care Financing Administration mandatory screening policy has not been effective, or sufficient, to properly identify and screen children enrolled in medicaid who are at risk;

(9) uniform lead screening requirements do not exist for children not enrolled in medicaid; and

(10) adequate treatment services are not uniformly available for children with elevated blood lead levels.

(b) PURPOSE.—The purpose of this Act is to create a lead screening safety net that will, through medicaid and other entitlement programs, ensure that low-income children at the highest risk of lead poisoning receive blood lead screenings and appropriate follow-up care.

SEC. 3. INCREASED LEAD POISONING SCREENINGS AND TREATMENTS UNDER THE MEDICAID PROGRAM.

(a) PENALTY FOR INSUFFICIENT INCREASES IN LEAD POISONING SCREENINGS.—

(1) PERFORMANCE IMPROVEMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following:

''(x) PERFORMANCE IMPROVEMENT.—

''(1) IN GENERAL.—Notwithstanding section 1905(b), beginning with fiscal year 2000 and for each fiscal year thereafter, with respect to any State that fails to meet minimum blood lead screening rates stated in paragraph (2), the Federal medical assistance percentage determined under section 1905(b) for the State for the fiscal year shall be reduced by 1 percentage point, but only with respect to—

''(A) items and services furnished under a State plan under this title during that fiscal year;

''(B) payments made on a capitation or other risk-basis under a State plan under this title for coverage occurring during that fiscal year; and

''(C) payments under a State plan under this title that are attributable to DSH allotments for the State determined under section 1923(f) for that fiscal year.

''(2) MINIMUM BLOOD LEAD SCREENING RATES.—The minimum acceptable percentages of 2-year-old medicaid-enrolled children who have received at least 1 blood lead screening test are—

''(A) 50 percent in fiscal year 2000;

''(B) 60 percent in fiscal year 2001;

''(C) 70 percent in fiscal year 2002;

''(D) 80 percent in fiscal year 2003; and

''(E) 90 percent in each fiscal year after fiscal year 2003.

''(3) MODIFICATION OR WAIVER.—The Secretary may modify or waive the application of paragraph (1) in the case of a State that the Secretary determines has performed during a fiscal year such a significant number of lead blood level assessments that the State reasonably cannot be expected to achieve the minimum blood lead screening rates established by paragraph (2).''.

(2) REPORTING REQUIREMENT.—Section 1902(a)(43)(D) of the Social Security Act (42 U.S.C. 1396a(a)(43)(D)) is amended—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the semicolon and inserting '', and''; and

(C) by adding at the end the following:

''(v) the number of children who are not more than 2 years of age and enrolled in the medicaid program and the number and results of lead blood level assessments performed by the State, along with demographic and identifying information that is consistent with the recommendations of the Centers for Disease Control and Prevention with respect to lead surveillance;''.

(b) MANDATORY SCREENING REQUIREMENTS.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (65), by striking the period and inserting ''; and''; and

(2) by adding at the end the following:

''(66) provide that each contract entered into between the State and an entity (including a health insuring organization and a medicaid managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of medical assistance under the State plan shall provide for—

''(A) compliance with mandatory screening requirements for lead blood level assessments (as appropriate for age and risk factors) that are commensurate with guidelines and mandates issued by the Secretary through the Administrator of the Health Care Financing Administration; and

''(B) coverage of appropriate qualified lead treatment services, as prescribed by the Centers for Disease Control and Prevention guidelines, for children with elevated levels of lead in their blood.''.

(c) REIMBURSEMENT FOR TREATMENT OF CHILDREN WITH ELEVATED BLOOD LEAD LEVELS.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) in paragraph (26), by striking ''and'' at the end;

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26) the following:

''(27) qualified lead treatment services (as defined in subsection (v));''; and

(2) by adding at the end the following:

''(v)(1) The term 'qualified lead treatment services' means all appropriate and medically necessary services that are provided by a qualified provider, as determined by the State, to treat a child described in paragraph (2), including—

''(A) environmental investigations to determine the source of a child's lead exposure, including the costs of qualified and trained professionals (including health professionals and lead professionals certified by the State or the Environmental Protection Agency) to conduct such investigations and the costs of laboratory testing of substances suspected of being significant pathways for lead exposure (such as lead dust, paint chips, bare soil, and water);

''(B) professional case management services to coordinate access to such services; and

''(C) emergency measures to reduce or eliminate lead hazards to a child, if required (as recommended by the Centers for Disease Control and Prevention).

''(2) For purposes of paragraph (1), a child described in this paragraph is a child who—

''(A) has attained 6 months of age but has not attained 73 months of age; and

''(B) has been identified as having a blood lead level that equals or exceeds 20 micrograms per deciliter (or persistently equals or exceeds 15 micrograms per deciliter).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply on and after October 1, 1998.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of this section solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 4. LEAD POISONING SCREENING FOR SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)) is amended by adding at the end the following:

''(4) LEAD POISONING SCREENING.—

''(A) IN GENERAL.—Subject to subparagraph (B), for an infant or child to be eligible to participate in the program under this section, a member of the family of the infant or child shall provide proof to the State agency, not later than 180 days after enrollment of the infant or child in the program and periodically thereafter (as determined by the State agency), that the infant or child has received a blood lead test for lead poisoning using an assessment that is appropriate for age and risk factors.

''(B) WAIVERS.—A State agency or local agency may waive the requirement of subparagraph (A) with respect to an infant or child if the State agency or local agency determines that—

''(i) the area in which the infant or child resides does not pose a risk of lead poisoning; or

''(ii) the requirement would be contrary to the religious beliefs or moral convictions of the family of the infant or child.

''(C) SCREENINGS BY STATE AGENCIES.—

''(i) IN GENERAL.—On the request of a member of a family of an infant or child who has not been screened for lead poisoning and who seeks to participate in the program, at no charge to the family, a State agency shall perform a blood lead test on the infant or child that is appropriate for age and risk factors.

''(ii) REIMBURSEMENT.—On the request of a State agency that screens for lead poisoning under clause (i) an infant or child that is receiving medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the Secretary of Health and Human Services shall reimburse the State agency, from funds that are made available under that title, for the cost of the screening (including the cost of purchasing portable blood lead analyzer instruments approved for sale by the Food and Drug Administration and providing screening with the use of such instruments through laboratories certified under section 353 of the Public Health Service Act (42 U.S.C. 263a)).''.

SEC. 5. LEAD POISONING SCREENING FOR EARLY HEAD START PROGRAMS.

Section 645A of the Head Start Act (42 U.S.C 9840a) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: '', if the families comply with subsection (i)''; and

(2) by adding at the end the following:

''(i) LEAD POISONING SCREENING.—

''(1) IN GENERAL.—Subject to paragraph (2), for a child to be eligible to participate in a program described in subsection (a)(1), a member of the family of the child shall provide proof to the entity carrying out the program, not later than 180 days after enrollment of the child in the program and periodically thereafter (as determined by the entity), that the child has received a blood lead test for lead poisoning using an assessment that is appropriate for age and risk factors.

''(2) WAIVERS.—The entity may waive the requirement of paragraph (1) with respect to a child if the entity determines that—

''(A) the area in which the child resides does not pose a risk of lead poisoning; or

''(B) the requirement would be contrary to the religious beliefs or moral convictions of the family of the child.

''(3) SCREENINGS BY ENTITIES.—

''(A) IN GENERAL.—On the request of a member of a family of a child who has not been screened for lead poisoning and who seeks to participate in the program, at no charge to the family, the entity shall perform a blood lead test on the child that is appropriate for age and risk factors.

''(B) REIMBURSEMENT.—On the request of an entity that screens for lead poisoning under subparagraph (A) a child that is receiving medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the Secretary shall reimburse the entity, from funds that are made available under that title, for the cost of the screening (including the cost of purchasing portable blood lead analyzer instruments approved for sale by the Food and Drug Administration and providing screening with the use of such instruments through laboratories certified under section 353 of the Public Health Service Act (42 U.S.C. 263a)).''.●

By Ms. SNOWE:

S. 2599. A bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes; to the Committee on Veterans' Affairs.

HEPATITIS C VETERANS LEGISLATION

● Ms. SNOWE. Mr. President, today I introduce legislation to address a serious health concern for veterans infected with the hepatitis C virus. This legislation would make hepatitis C a service-connected condition so that veterans suffering from this virus can be treated by the VA.

Specifically, the bill will establish a presumption of service connection for veterans with hepatitis C, meaning that we will assume that this condition was incurred or aggravated in military service, even if there is no record of evidence that the condition existed during the actual period of service, provided that certain conditions are met.

Under this legislation, veterans who received a transfusion of blood during a period of service before December 31, 1992; veterans who were exposed to blood during a period of service; veterans who underwent hemodyalisis during a period of service; veterans diagnosed with unexplained liver disease during a period of service; veterans with an unexplained liver dysfunction value or test; or veterans working in a health care occupation during service, will be eligible for treatment for this condition at VA facilities.

I am introducing this legislation today because of medical research that suggests many veterans were exposed to hepatitis C in service and are now suffering from liver and other diseases caused by exposure to the virus.

I am troubled that many ''hepatitis C veterans'' are not being treated by the VA because they can't prove the virus was service connected, despite that fact that hepatitis C was little known and could not be tested for until recently.

Mr. President, we are learning that those who served in Vietnam and other conflicts, tend to have higher than average rates of hepatitis C. In fact, VA data shows that 20 percent of its inpatient population is infected with the hepatitis C virus, and some studies have found that 10 percent of otherwise healthy Vietnam veterans are hepatitis C positive.

Although hepatitis C is a very serious infection, it was actually unknown until recently. Hepatitis C was not isolated until 1989, and the test for the virus has only been available since 1990. Hepatitis C is a hidden infection with few symptoms. However, most of those infected with the virus will develop serious liver disease 10 to 30 years after contracting it. For many of those infected, hepatitis C leads to liver failure, transplants, liver cancer, and ultimately death.

And yet, most people who have hepatitis C don't even know it and often do not get treatment until it's too late. Only five percent of the estimated four million Americans with hepatitis C know they have it, but with new treatments, some estimates indicate that 50 percent can have the virus eradicated.

Vietnam Veterans in particular are just now starting to show up with liver disease caused by hepatitis C. And detection and treatment now may help head off serious liver disease for many of them. However, many veterans with hepatitis C will not be treated by the VA because they cannot establish a service connection for their condition in spite of the fact that we now know that many Vietnam-era and other veterans got this disease serving their country.

Many of my colleagues may be interested to know how veterans likely were exposed to this virus. Many veterans received blood transfusions while in Vietnam. This is one of the most common ways hepatitis C is transmitted. Medical transmission of the virus through needles and other medical equipment is possible in combat. And Medical care providers in the services were likely at increased risk, and may have, in turn, posed a risk to the service members they treated.

Researchers have discovered that hepatitis C was widespread in Southeast Asia during the Vietnam war, and that some blood sent from the U.S. was also infected with the virus. Researchers and veterans organizations, including the Vietnam Veterans of America, with whom I worked to prepare this legislation, believe that many veterans were infected after being injured in combat and getting a transfusion or from working as a medic around combat injuries.

Yet, veterans cannot establish a service connection because frequently there were no symptoms when they were infected in Vietnam. In addition, while medical records may show a short bout of hepatitis, hepatitis C was not known then and there was no testing to detect the hepatitis C infection at discharge.

The hepatitis C infected veterans are essentially in a catch 22: the VA is reluctant to depart from their routine service connection requirements and veterans cannot prove that they contracted hepatitis C in combat because the science to detect it did not exist during the period of service. Without congressional authority in the form of legislation providing for presumptive service connection, thousands of Vietnam vets infected with hepatitis C in service will not get VA health care testing or treatment. I believe the government will actually save money in the long run by testing and treating this infection early on. The alternative is much more costly treatment of end-stage liver disease and the associated complications, or other disorders.

I would like to describe some of the research that has led me to the conclusion that hepatitis C may be service connected in many veterans. A number of studies have established a link between hepatitis C in veterans and high risk factors for hepatitis C that are unique to combat or are highly prevalent in combat situations.

A study published in the American Journal of Epidemiology in 1980 found that veterans have a higher incidence of hepatitis C compared to non-veterans. The study of veterans receiving liver transplants at the Nashville, Tennessee VA medical center, which was conducted by researchers at the Vanderbilt University Medical Center, found that there ''was a significantly greater incidence of hepatitis C . . . in veterans compared with non-VA patients.'' The study claims to confirm that ''veteran patients have a higher incidence of hepatitis C. . .''

A study published in Cancer in 1989 found that veterans have increased risk of liver cancer as compared to non-veterans. The study found that there was a 50 percent increase in the rate of liver cancer among male veterans using VA medical systems from 1970 to 1982.

A study published in Military Medicine in 1997 found that from 1991 to 1994, the number of veterans diagnosed with hepatitis C increased significantly from 6,612 in 1991 to 18,854 in 1994, which is an increase of more than 285 percent. The study notes that ''total patients seen nationally . . . increased by only 4.87 percent during the same period.'' Therefore, this increase cannot be explained by increased in workload. Over the subsequent year, this increased to 21,400 (in 1996), and has since continued to increase.

Some will argue that further epidemiologic data is needed to resolve or prove the issue of service connection. I agree that we have our work cut out for us, and further study is required. However, while the research being done is providing more and more data on the relationship between military service

and hepatitis C, we should not force those who fought for our country to wait for the treatment they deserve.

It should be noted that some progress has been made in recent years in the effort to address this health concern. This is not a new issue.

The VA has done some screening and testing for hepatitis C in veterans. VA Under Secretary for Health, Ken Kizer, issued a directive that all VA medical centers should test veterans for hepatitis C if they fall into certain risk categories. However, I understand that medical centers are not complying with this directive uniformly. In addition, there is no mention of treatment in the Kizer directive. Therefore, if the virus is detected, the VA does not necessarily treat it.

I would also note that the FY98 VA–HUD Appropriations report contains the following language: ''The Committee is concerned that the rates of serious liver disease, liver cancer and liver transplants related to hepatitis C infection are expected to rise rapidly among veterans populations over the next decade. Veterans health care facilities will bear a large part of the treatment cost. Those costs can be reduced with early screening and treatment of veterans infected with hepatitis C. Therefore, the Committee directs the Department to determine rates of hepatitis C infection among veterans receiving health services from the VA and to establish a protocol for screening new entrants to the VA health care system. The Committee also directs the Department to provide counseling and access to treatment for veterans who test positive for hepatitis C. The Department should pay special attention to rates of hepatitis C among veterans of Vietnam and more recent deployments.''

Former Surgeon General C. Everett Koop, well respected both within and outside of the medical profession, has said, ''In some studies of veterans entering the Department of Veterans Affairs health facilities, half of the veterans have tested positive for HCV. Some of these veterans may have left the military with HCV infection, while others may have developed it after their military service. In any event, we need to detect and treat HCV infection if we are to head off very high rates of liver disease and liver transplant in VA facilities over the next decade. I believe this effort should include HCV testing as part of the discharge physical in the military, and entrance screening for veterans entering the VA health system.''

The VA requires that a veteran demonstrate onset during service or within requisite presumptive periods with chronic residuals of a disease or injury that had its onset during active military service. How does a veteran prove service connection under these criteria for a condition that did not even have a name until 10 years ago.

Veterans have already fought their share of battles—these men and women who sacrificed in war so that others could live in peace shouldn't have to fight again for the benefits and respect they have earned.

In closing, let me say that we are just now beginning to learn the full extent of this emerging health threat to veterans and the general population. We still have a long way to go before we know how best to confront this deadly virus. A comprehensive policy to confront such a monumental challenge can not written overnight. It will require the long-term commitment of Congress and the Administration to a serious effort to address this health concern.

I hope this legislation will be a constructive step in this effort, and I look forward to working with the Veterans' Affairs Committee, the VA–HUD appropriators, Vietnam Veterans of America, and others to meet this emerging challenge.●

By Mr. HATCH:

S. 2600. A bill to amend section 402 of the Controlled Substances Act to reform the civil remedy provisions relating to recordkeeping violations; to the Committee on the Judiciary.

CONTROLLED SUBSTANCE CIVIL PENALTY REFORM ACT

Mr. HATCH. Mr. President, I rise today to introduce the ''Controlled Substances Civil Penalty Reform Act of 1998,'' S. 2600, legislation I have been developing for some months working in conjunction with Senator GREGG and the Appropriations Committee, our House colleague, BILL MCCOLLUM, and other interested parties including the Drug Enforcement Administration, the National Association of Chain Drug Stores, and the National Wholesale Druggists Association.

This is a ''good government'' bill, legislation which I intend to correct a situation which has proven to be of great concern to America's drug stores, the wholesale community which supplies them, and America's consumers.

As a House hearing amply documented last month, there have been a number of cases in which the Drug Enforcement Administration has imposed large fines for small, record-keeping errors committed by those the agency regulates, primarily drug stores and their suppliers.

The DEA has a critical mission to combat diversion of controlled substances. This is of great national significance, and the agency should zealously pursue to the limits of the law those who traffic in illicit drugs.

That being said, there is a difference between going after drug dealers and examining the records kept by legitimate wholesalers and pharmacies. Overzealously throwing the book at above-board businesses, who are doing so much to help America's consumers, for relatively minor record-keeping violations is not warranted.

In 1997, these fines, which may be assessed at up to $25,000 per violation, totaled a substantial $12 million. But given the nature of some of the minor deficiencies, which I am advised are sometimes for trivial matters such as incorrect zip codes, the question must be raised whether this particular enforcement activity is operating more life a hidden tax or user fees than a meaningful deterrent to drug diversion.

In short, S. 2600 amends the Controlled Substances Act in three important ways. First, it adds a negligence standard to current law, so that the government must prove that the record-keeping violation was due to a negligent act, rather than an unintended mistake or omission, prior to any fines being imposed. Second, it lowers the ceiling on these fines from ''up to $25,000'' per violation, to ''up to $10,000'' per violation.

The third provision adds a number of needed standards that the Attorney General must consider before any fine is imposed. These include: whether diversion actually occurred; whether actual harm to the public resulted from the diversion; whether the violations were intentional or negligent in nature; whether the violations were a first time offense; the time intervals between inspections where no, or any serious, violations were found; whether the violations were multiple occurrences of the same type of violation; whether and to what extent financial profits may have resulted from the diversion; and the financial capacity of registrants to pay the fines assessed.

Finally, my proposal makes clear that in determining whether to assess a penalty, the Attorney General may take into account whether the violator has taken immediate and effective corrective action, including demonstrating the existence of compliance procedures, in order to reduce the potential for any future violations. The Attorney General may also follow informal procedures such as sending one or more warning letters to the violator, as she determines appropriate.

Mr. President, I recognize that our time is short for the remainder of this session. However, given Senator GREGG's significant interest in this issue, and the abundant work that Representative MCCOLLUM and I have devoted to this issue this year, I am hopeful this needed reform is something we can accomplish before we adjourn.

By Mr. KYL:

S. 2601. A bill to provide block grant options for certain education funding; to the Committee on Labor and Human Resources.

DOLLARS FOLLOWS THE KID EDUCATION BLOCK GRANT

S. 2602. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses of attending elementary and secondary schools and for contributions to charitable organizations which provide scholarships for children to attend such schools; to the Committee on Finance.

K THROUGH COMMUNITY PARTICIPATION ACT

● Mr. KLY. Mr. President, I rise to introduce two education legislative proposals that will increase parental and student choice, educational quality, and school safety.

A colleague from the Arizona delegation, Representative Matt Salmon, is today introducing these proposals in the House of Representatives.

The first proposal is the ''Dollars Follow the Student Education Block Grant Act.''

This proposal would ensure that education dollars are spent in the classroom on behalf of specific students rather than in bureaucracies like the Department of Education in Washington, D.C.

The second proposal is the ''K through 12 Community Participation Act'' which would offer tax credits to families and businesses of up to $500 annually for qualified K through 12 education expenses or activities.

Over the last 30 years, Americans have steadily increased their monetary commitment to education.

Unfortunately, we have not seen a corresponding improvement in the quality of the education our children receive.

Given our financial commitment, and the great importance of education, these results are unacceptable.

Mr. President, I believe the problem is not how much money is spent, but how it is spent, and by whom.

Our national commitment to education is clear from the ever-increasing sums we spend annually.

The problem is the big-government, Washington D.C.-based policies that have squandered these resources on well-meaning but misguided programs that are failing our children and our country.

By beginning the debate on these two legislative proposals at the end of the 105th Congress, I believe the Congress can build upon the great progress made in the direction of parental choice, educational quality, and safety—progress which has been led by Senator PAUL COVERDELL and Senator SLADE GORTON, and Senator TIM HUTCHINSON.

THE DOLLARS FOLLOW THE STUDENT EDUCATION BLOCK GRANT PROPOSAL

As a nation we have long recognized the supreme importance of educating our children.

It is the foundation for a productive and rewarding future for all individuals and, as Thomas Jefferson noted, ''is essential to the preservation of our democracy.''

The critical issue is whether the taxpayers are getting their money's worth for their education tax dollar in light of the disappointing conclusions of the recent congressional Education at the Crossroads report.

As the report pointed out, the federal government pays only seven percent of the cost of education, but imposes 50 percent of the paperwork requirements that schools face.

Our students are struggling to master just the basics in reading, math, and science. Around 40 percent of our fourth graders can't read, while the government pays to add subtitles to the ''Jerry Springer Show.''

It is clear that after more than 30 years of topdown control, hundreds of duplicative federal programs and one-size-fits-all policies from Washington are not working.

In fact, according to a recent study by the Heritage Foundation, 20 cents of each education tax dollar are lost to administrative and federal compliance costs. I believe these resources would be better spent on textbooks or making schools safer than on salaries of, and regulations issued by, bureaucrats in Washington.

It's clear that we need to get more from our education tax dollars by spending more of them in the classroom and less in Washington.

This idea—an education block grant—has been successfully promoted by Senator SLADE GORTON of Washington state. The Gorton block grant proposal passed the Senate and the House in 1997, but, at the Clinton administration's insistence, it was stripped from the Labor, Health and Human Services, and Education appropriations bill of 1997.

As with the Gorton proposal, my bill would consolidate most federally funded K through 12 education programs, except for special education. This money is sent directly to states and local school districts free from federal mandates or regulations.

Under both proposals, each state would choose one of three options: 1. To have federal block grant funds sent directly to local school districts minus federal regulations; 2. To have federal block grant funds sent to the state education authority, again without federal regulations; 3. Or to continue to receive federal funds under the current system of categorizing monies rigidly into specific programs.

But my amendment adds a new feature to the block grant idea for states that choose a block grant option. Several years ago, the Goldwater Institute, a Phoenix-based educational think tank, began to advocate market-based education finance reform in which a specific amount of money would follow each child to the school of his or her choice. I believe the time has come for this concept of ''dollars following kids'' to be debated and implemented on the national level.

Under this proposal, each state electing to have a block grant could also decide to allow parents of children in private schools, public schools (including charter schools), and parents of ''home schooled'' kids, to receive their ''per capita'' amount directly, rather than indirectly through the school district and school. This money would literally ''follow the child'' from school to school, thus creating an incentive for the school to muster the best education product possible in order to keep the child enrolled.

I believe the fundamental problem with today's method of federal education funding is that it provides little if any link between the quality of a school or school district's educational product and the education funding it receives. The absence of a link between school funding and education quality has led to a loss of accountability and to an education product that is, in many ways, severely deficient. Parents, students, and the nation suffer from this loss of accountability.

As we all know, under current education-funding procedures, federal dollars allocated by the U.S. Department of Education are sent to state education agencies, and then to each school district, and finally, to each school. At each level, important education decisions are being made by bureaucrats—and more importantly, not being made by parents. Also, at each level of bureaucracy, additional percentages of the original education-funding dollar that left Washington is being lost. Currently, fully 20 percent of all federal education dollars never make it to the classroom and the student.

I believe we need to explore a new education-funding framework that is child-centered rather than school, or school district, centered. The current system has proven to be inconsistent with the fundamental principles of parental choice, competition, and education quality.

This proposal would implement the fundamental reform needed in our education financing system. I believe we should consider financing public education by linking funding to individual students and requiring that the schools and school districts compete for those students by providing a quality education. This approach puts the child, rather than the system itself, at the center. With child-centered funding, students are more valuable to schools than the bureaucrats who make funding decisions.

Simply put, under my plan, the federal money that supports primary and secondary education would go directly from the state to parents, and only then to the schools in which parents chose to educate their children.

Practically speaking, what does this mean? First, the federal government funds about 6.3% of the total amount—$358 billion—invested in primary and secondary education each year. If every state chose the block grant, this proposal would result in a block grant of roughly $13 billion sent to the states with greatly reduced regulatory mandates. (It is important to note that federal funding through the Individuals with Disabilities Act is exempted from this block grant.)

This amount—$13 billion—divided among roughly 50 million students results in $255 dollars that will ''follow'' each student. When one considers that the average school enrollment is 530 students, this block grant proposal would mean that each school would receive an average of $135,000 in federal dollars and, more importantly, would

have the flexibility to sue it to address the specific educational needs of the students in that school.

Suppose the parents of 50 students decided to remove their children because they were unsatisfied with the educational product of the school: that school would lose over $12,000 as a result. This would mean that each school would have the strong incentive to improve its curriculum, its staff, and its overall performance, since, if parents weren't satisfied, they could move their child to another school—and the dollars along with the child.

To allay fears that federal funding will be cut if consolidated into a block grant, this proposal provides that, if federal funding falls below the levels agreed to in the 1997 budget agreement, it will revert back to funding under federally-designated categories.

Also, my bill encourages states that choose block grants to adjust the per-student amounts by two factors: The relative cost of living, i.e., rural v. urban; and the income of the child's parents.

Citizens in the states put their trust in members of Congress to represent them in the nation's capital. It is time Congress showed the same trust in them and gave them more discretion in how their education tax dollars are spent.

It comes down to this: Will local schools be improved through more control from Washington, or will they be improved by giving more control to parents, teachers, and principals? The question needs only to be asked to be answered. The K through 12 Community Participation Act.

Mr. President, the second education legislative proposal I am introducing today is the K through 12 Community Participation Act. This proposal addresses the problem of falling education standards by giving families and businesses a tax incentive to provide children with a higher quality education through choice and competition.

The problem of declining education standards is illustrated by a report just released by the Education and Workforce Committee of the House of Representatives, Education at the Crossroads. This is the most comprehensive review of federal education programs ever undertaken by the United States Congress. It shows that the federal government's response to the decline in American schools has been to build bigger bureaucracies, not a better education system.

According to the report: There are more than 760 federal education programs overseen by at least 39 federal agencies at a cost of $100 billion a year to taxpayers. These programs are overlapping and duplicative. For example, there are 63 separate (but similar) math and science programs, 14 literacy programs, and 11 drug-education programs.

Even after accounting for recent streamlining efforts, the U.S. Department of Education still requires over 48.6 million hours worth of paperwork per year—this is the equivalent of 25,000 employees working full time.

As I mentioned earlier, states get at most seven percent of their total education funds from the federal government, but most states report that roughly half of their paperwork is imposed by federal education authorities.

The federal government spends tax dollars on closed captioning of ''educational'' programs such as ''Baywatch'' and Jerry Springer's squalid daytime talk show.

With such a large number of programs funded by the federal government, it's no wonder local school authorities feel the heavy hand of Washington upon them.

And what are the nation's taxpayers getting for their money? According to the report, around 40 percent of fourth grades cannot read, and 57 percent of urban students score below their grade level. Half of all students from urban school districts fail to graduate on time, if at all. U.S. 12th graders ranked third from the bottom out of 21 nations in mathematics. According to U.S. manufacturers, 40 percent of all 17-year-olds do not have the math skills to hold down a production job at a manufacturing company.

The conclusion of the Education at the Crossroads report is that the federally designed ''one-size-fits-all'' approach to education is simply not working.

I believe we need a federal education policy that will: Give parents more control. Give local schools and school boards more control. Spend dollars in the classroom, not on a Washington bureaucracy. Reaffirm our commitment to basic academics.

As was the case regarding my block grant proposal, my state of Arizona has led the way with legislation passed in 1997. This state law provides tax credit that can be used by parents and businesses to cover certain types of expenses attendant to primary and secondary education.

Mr. President, today, Representative SALMON and I are introducing a form of the new Arizona education tax-credit law.

The K through 12 Community Participation Education Act would be phased in over four years and would impel parents, businesses, and other members of the community to invest in our children's education. Specifically, it offers every family or business a tax credit of up to $500 annually for any K through 12 education expense or activity. This tax credit could be applied to home schooling, private schools (including charter schools), or parochial schools. Allowable expenses would include tuition, books, supplies, and tutors.

Further, the tax credit could be given to a ''school-tuition organization'' for distribution. To qualify as a school-tuition organization, the organization would have to devote at least 90 percent of its income per year to offering available grants and scholarships for parents to use to send their children to the school of their choice.

How might this work? A group of businesses in any community could join forces to send sums for which they received tax credits to charitable ''school-tuition organizations'' which would make scholarships and grants available to low income parents of children currently struggling to learn in unsafe, non-functional schools.

Providing all parents—including low income parents—the freedom to choose will foster competition and increase parental involvement in education. Insuring this choice will make the federal education tax code more like Arizona's. It is a limited but important step the Congress and the President can—and I believe, must—take.

Mr. President, it's clear that top-down, one-size fits all, big government education policy has failed our children and our country.

This tax-credit legislation, as well as the block-grant legislation I described earlier, will refocus our efforts on doing what is in the best interests of the child as determined by parents, and will give parents and businesses the opportunity to take an important step to rescue American education so that we can have the educated citizenry that Jefferson said was essential to our health as a nation.●

By Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. INOUYE, Mr. BINGAMAN, Mr. JOHNSON, and Mr. CONRAD):

S. 2603. A bill to promote access to health care services in rural areas; to the Committee on Finance.

PROMOTING HEALTH IN RURAL AREAS ACT OF 1998

Mr. BAUCUS. Mr. President, all Americans deserve access to primary health care and emergency treatment. But in rural America the delivery of these services is often difficult, given the vast distances and extreme weather conditions that typically prevail. Just as small communities' transportation, education and housing needs are different than those of urban areas, so too are their mechanisms for delivering health care.

That's why Senator DASCHLE and I are introducing the Promoting Health In Rural Areas Act of 1998. PHIRA would, among other things: reformulate the Adjusted Average Per Capita Cost for Medicare payments to managed care; direct Medicare payments to tribally-owned hospitals; rebase provisions for Sole Community Hospitals; revise the underserved criteria used by the Office of Personnel Management; and allow recently-closed hospitals to be designated on a Critical Access basis.

As you know, 1997 reforms went a long way towards ensuring the viability of the Medicare program, including its use by rural Americans. For example, under Section 4201 of the 1997 BBA, Congress established a rural-friendly

hospital program. Modeled on a demonstration project conducted in my state of Montana, the new program allows a rural hospital to convert to a limited-service hospital status, called a ''Critical Access Hospital,'' or CAH. These hospitals are given flexibility and relief from Medicare regulations designed for full-size, full-service acute care hospitals. By giving these smaller hospitals greater latitude on staffing and other cumbersome federal regulations, it is easier for rural hospitals to organize their staffs and facilities based on patient needs.

If the demonstration project on which this new program is based is any indication (and I certainly hope that it is), Congress can be proud of this new law. And rural folks across the country will benefit. They will receive access to quality care in a way that meets their unique needs, and they will be assisted in preserving a way of life that is increasingly threatened by the urban- and sub-urbanization of America.

Yet despite many positive developments, it has become clear to the Minority Leader and I that much still needs to be done to facilitate the delivery of rural health services. In order to meet those needs, the Promoting Health in Rural Areas Act will do several things. First, it will change the Office of Personnel Management's underserved designation criteria by changing the way the Office of Personnel Management designates rural areas. Back in the 1960s, underserved areas were designated on a state-by-state basis. Now, the Department of Health and Human Services has the sophistication to designate areas by county, or even sub-county. The bill we are introducing today would require OPM to designate underserved areas on a county-by-county, not state-by-state, basis.

Second, PHIRA would direct Medicare payments to tribally-owned hospitals. As you know, Mr. President, a demonstration project conducted in Alaska, Mississippi and Oklahoma allowed four tribal health care providers operating Indian Health Services hospitals to bill Medicare and Medicaid directly. The demo project increased efficiency and, by allowing providers to directly bill Medicare, provided badly-needed revenue. Our bill would expand the demonstration project nationwide and make it permanent.

Mr. President, our bill would also allow recently-closed hospitals to be designated as Criticala Access Hospitals. Under the 1997 law establishing the Critical Access Hospital program, a closed or downsized hospital does not qualify. Our bill would allow a hospital that had closed within the last five years to qualify for conversion to CAH status.

Our bill also addresses rural needs for Medicare Graduate Medical Education (GME). As you know, BBA mandated a cap on the number of residents a teaching hospital is allowed to train. Because this provision threatens to exacerbate an already serious shortage of physicians in rural America, our bill would allow programs training residents targeted for rural areas to be exempt from the cap.

Mr. President, by reforming the way health care is delivered in rural areas, we are not only making government more efficient, we are making agencies more accountable. And we are preserving a way of life that American pioneers established long ago and that rural Americans continue today. It is in many ways a simpler lifestyle, uncomplicated by traffic, smog and a desire to get everything done yesterday. But it is also a difficult way of life, characterized by harsh weather, long distances, and the historic tendency of the Federal Government to view all areas—rural or urban—through a one-size-fits-all lens. I invite senators to join the Minority Leader and I today, to ensure that our rural residents are given proper access to the health care they need. I urge my colleagues to support this important legislation.

Mr. DASCHLE. Mr. President, today, with Senator BAUCUS, I introduce a bill intended to improve health care for Americans living in rural communities. The Promoting Health in Rural Areas Act of 1998 would help rural communities attract and retain health care providers and health plans, improve the viability of sole community hospitals, and make optimal use of the advances in medical technology available today.

Delivering health care in rural America presents unique challenges—issues related to geography, lack of transportation, and reimbursement. With a relatively small population spread over a large area, and health care professionals in short supply, patients often must travel long distances to see a physician or get to a hospital. While these rural communities strive to improve access through telemedicine and recruitment efforts, they must also struggle to maintain what they have, to ensure that providers who leave their area are replaced, and to keep their hospitals' doors open.

Rural communities have long had great difficulty recruiting and retaining health care providers to serve their needs. Despite great increases in the number of providers trained in this country over the past 30 years, rural communities have not shared equitably in the benefits of this expansion. Even though 20 percent of Americans live in non-metropolitan counties, only 11 percent of physicians practice in those counties, and that percentage has been falling for the last 25 years. Currently, 30 towns in South Dakota are looking for family physicians.

Telemedicine is a promising tool to provide medical expertise to rural communities. Through telemedicine technology, rural patients can have access to specialists they would otherwise never encounter. The benefits of telemedicine extend to rural health professionals as well, providing them with technical expertise and interaction with peers that can make practicing in a rural area more attractive. Yet the potential of telemedicine has been limited by reimbursement issues and a number of other obstacles.

In addition to problems with provider recruitment and limitations facing telemedicine, seniors in rural areas do not have the array of health plan options available in more urban areas due in part to a disparity in reimbursement. Although the Balanced Budget Act began to address the issue of low payment levels in rural areas, and has been successful to some degree, budgetary constraints have prevented the expected increase in rural areas.

The Promoting Health in Rural Areas Act of 1998 is intended to address some of the basic challenges facing rural health care. It will not address every health problem facing rural America. It is, however, intended to take important steps to improve access, increase choice, and improve the quality of care provided in more isolated parts of the country.

The bill addresses obstacles in current law to the recruitment and training of providers in rural areas. One provision in the bill ensures that new rules enacted as part of the Balanced Budget Act, regarding reimbursement for medical residents, do not discriminate against areas that train residents in rural health clinics or other settings outside a hospital.

The bill also helps medically underserved communities plan and be ready for the retirement of a physician. Current law effectively requires communities to actually lose a physician before they qualify for recruitment assistance to replace that doctor. Because recruitment is rarely less than a 6-month-long process, current policy places a community at risk of potentially having no physician available to them for long periods of time. This bill would provide communities with 12 months of lead time to secure recruitment assistance when they know a retirement or resignation is pending.

The bill would enhance the economic viability of Sole Community Hospitals, often the only source of inpatient services that are reasonably available in a geographic area, by updating the base cost reporting period.

The bill would ensure that health plans for Medicare beneficiaries who want to develop in rural counties get the increased reimbursement promised in the Balanced Budget Act, while maintaining budget neutrality. This provision is important to ensure that beneficiaries in rural areas begin to have some of the health plan choices available to urban seniors.

The bill also places significant focus on the promise of telemedicine for rural areas and attempts to overcome some of the barriers that have limited its potential. The bill would expand reimbursement for telemedicine to all rural areas, not just those designated as health professional shortage areas. The bill also would allow reimbursement for services currently covered by

Medicare in face-to-face interactions with health professionals. It also would make telemedicine more convenient, by allowing any health care practitioner to present a patient to a specialist on the other side of the video connection.

Mr. President, providing health care in rural communities raises unique challenges that require targeted responses. Rural America deserves appropriate access to health care—access to providers, access to hospitals, access to quality care, and greater choice. The bill we introduce today takes important steps to achieve these ends.

By Mr. TORRICELLI:

S. 2604. A bill to provide demonstration grants to local educational agencies to enable the agencies to extend time for learning and the length of the school year; to the Committee on Labor and Human Resources.

EXTENDED SCHOOL LEGISLATION

● Mr. TORRICELLI. Mr. President, today I introduce legislation authorizing funding for extended school day and extended school year programs across the country. The continuing gap between American students and those in other countries, combined with the growing needs of working parents and the growing popularity of extending both the school day and the school year, have made this educational option a valuable one for many school districts.

Students in the United States currently attend school an average of only 180 days per year, compared to 220 days in Japan, and 222 days in both Korea and Taiwan. American students also receive fewer hours of formal instruction per year compared to their counterparts in Taiwan, France, and Germany. We cannot expect our students to remain competitive with those in other industrialized countries if they must learn the same amount of information in less time.

Our school calendar is based on a no longer relevant agricultural cycle that existed when most American families lived in rural areas and depended on their farms for survival. The long summer vacation allowed children to help their parents work in the fields. Today, summer is a time for vacations, summer camps, and part-time jobs. Young people can certainly learn a great deal at summer camp, and a job gives them maturity and confidence. However, more time in school would provide the same opportunities while helping students remain competitive with those in other countries. As we debate the need to bring in skilled workers from other countries, the need to improve our system of education has become increasingly important.

In 1994, the Commission on Time and Learning recommended keeping schools open longer in order to meet the needs of both children and communities, and the growing popularity of extended-day programs is significant. Between 1987 and 1993, the availability of extended-day programs in public elementary schools has almost doubled. While school systems have begun to respond to the demand for lengthening the school day, the need for more widespread implementation still exists. Extended-day programs are much more common in private schools than public schools, and only 18 percent of rural schools have reported an extended-day program.

This bill would authorize $50 million over the next five years for the Department of Education to administer a demonstration grant program. Local education agencies would then be able to conduct a variety of longer school day and school year programs, such as extending the school year to 210 days, studying the feasibility of extending the school day, and implementing strategies to maximize the quality of extended core learning time.

The constant changes in technology, and greater international competition, have increased the pressure on American students to meet these challenges. Providing the funding for programs to lengthen the school day and school year would leave American students better prepared to meet the challenges facing them in the next century.●

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2605. A bill to amend the Public Health Service Act to provide for the establishment of a national program of traumatic brain injury and spinal cord injury registries; to the Committee on Labor and Human Resources.

TRAUMATIC BRAIN AND SPINAL CORD INJURY REGISTRY ACT

● Mr. TORRICELLI. Mr. President, I introduce legislation that represents an important step forward in our national strategy for addressing traumatic brain injury (TBI) and spinal cord injury (SCI). Tragically, these injuries have enormous personal and economic costs on victims, their families, and our nation as a whole.

Today, an estimated 4.5 million Americans live with a disability as a result of a TBI. Each year, more than two million people suffer a TBI, 10,000 of whom live in my State of New Jersey. More than 200,000 Americans live with a SCI, with 10,000 new injuries reported each year. Collectively, TBI and SCI costs the U.S. more than $35 billion per year.

These statistics, however, reveal only a fraction of the problem. In the U.S., we have no standardized system of collecting information on these injuries. Instead, we rely on the work of a few limited State programs and private organizations who often lack the resources to collect complete, timely, and accurate data.

Mr. President, the legislation I introduce today, the TBI/SCI Registry Act, will allow the Centers for Disease Control and Prevention (CDC) to make grants available to states to establish their own TBI/SCI registries. The CDC and state departments of health will then work as partners in establishing and maintaining comprehensive tracking systems that ensures patient privacy.

The important information that state registries will be responsible for collecting will include: circumstances of injury and demographics of patients; length of stay in hospital and treatments used; severity of the injury; outcomes of treatments and services.

The benefits will be far-reaching because the collection of accurate data will help identify high-risk populations for future prevention programs and will help link patients to effective treatments and social services. Perhaps most important, the information from these registries will help advocates and legislators justify TBI/SCI as a greater funding priority.

The National Institutes of Health (NIH) currently spends approximately $60 million for SCI and $52 million for TBI. This research has contributed to tremendous progress, but we must improve our ability to identify innovative research projects and increase our financial commitment to those efforts.

Mr. President, this legislation will ultimately help achieve this goal by creating a foundation for a unified scientific and public health approach for preventing, treating, and someday finding a cure for TBI/SCI. I am proud that my bill has already received the endorsement of the Christopher Reeve Foundation, the American Paralysis Association, the Brain Injury Association, and the Eastern Paralyzed Veterans Association.

Mr. President, I ask 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. 2605

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 ''Traumatic Brain Injury and Spinal Cord Injury Registry Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) traumatic brain and spinal cord injury are severe and disabling, have enormous personal and societal costs;

(2) 51,000 people die each year from traumatic brain injury and 4,500,000 people live with lifelong and severe disability as a result of a traumatic brain injury;

(3) approximately 10,000 people sustain spinal cord injuries each year, and 200,000 live with life-long and severe disability; and

(4) a nationwide system of registries will help better define—

(A) who sustains such injuries and the impact of such injuries;

(B) the range of impairments and disability associated with such injuries; and

(C) better mechanisms to refer persons with traumatic brain injuries or spinal cord injuries to available services.

SEC. 3. TRAUMATIC BRAIN INJURY AND SPINAL CORD INJURY REGISTRIES PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART O—NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY AND SPINAL CORD INJURY REGISTRIES

''SEC. 399N. NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY AND SPINAL CORD INJURY REGISTRIES.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States or their designees to operate the State's traumatic brain injury and spinal cord injury registry, and to academic institutions to conduct applied research that will support the development of such registries, to collect data concerning—

''(1) demographic information about each traumatic brain injury or spinal cord injury;

''(2) information about the circumstances surrounding the injury event associated with each traumatic brain injury and spinal cord injury;

''(3) administrative information about the source of the collected information, dates of hospitalization and treatment, and the date of injury;

''(4) information characterizing the clinical aspects of the traumatic brain injury or spinal cord injury, including the severity of the injury, the types of treatments received, and the types of services utilized;

''(5) information on the outcomes associated with traumatic brain injuries and spinal cord injuries, such as impairments, functional limitations, and disability;

''(6) information on the outcomes associated with traumatic brain injuries and spinal cord injuries which do not result in hospitalization; and

''(7) other elements determined appropriate by the Secretary.

''(b) ELIGIBILITY FOR GRANTS.—

''(1) IN GENERAL.—No grant shall be made by the Secretary under subsection (a) unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such a manner, and be accompanied by such information, as the Secretary may specify. No such application may be approved unless it contains assurances that the applicant will use the funds provided only for the purposes specified in the approved application and in accordance with the requirements of subsection (a), that the application will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the applicant under subsection (a) of this section, and that the applicant will comply with review requirements under sections 491 and 492.

''(2) ESTABLISHMENT OF REGISTRIES.—Each applicant, prior to receiving Federal funds under subsection (a), shall provide for the establishment of a registry that will—

''(A) comply with appropriate standards of completeness, timeliness, and quality of data collection;

''(B) provide for periodic reports of traumatic brain injury and spinal cord injury registry data; and

''(C) provide for the authorization under State law of the statewide traumatic brain injury and spinal cord injury registry, including promulgation of regulations providing—

''(i) a means to assure timely and complete reporting of brain injuries and spinal cord injuries (as described in subsection (a)) to the statewide traumatic brain injury and spinal cord injury registry by hospitals or other facilities providing diagnostic or acute care or rehabilitative social services to patients with respect to traumatic brain injury and spinal cord injury;

''(ii) a means to assure the complete reporting of brain injuries and spinal cord injuries (as defined in subsection (a)) to the statewide traumatic brain injury and spinal cord injury registry by physicians, surgeons, and all other health care practitioners diagnosing or providing treatment for traumatic brain injury and spinal cord injury patients, except for cases directly referred to or previously admitted to a hospital or other facility providing diagnostic or acute care or rehabilitative services to patients in that State and reported by those facilities;

''(iii) a means for the statewide traumatic brain injury and spinal cord injury registry to access all records of physicians and surgeons, hospitals, outpatient clinics, nursing homes, and all other facilities, individuals, or agencies providing such services to patients which would identify cases of traumatic brain injury or spinal cord injury or would establish characteristics of the injury, treatment of the injury, or medical status of any identified patient; and

''(iv) for the reporting of traumatic brain injury and spinal cord injury case data to the statewide traumatic brain injury and spinal cord injury registry in such a format, with such data elements, and in accordance with such standards of quality timeliness and completeness, as may be established by the Secretary.

''(3) APPLIED RESEARCH.—Applicants for applied research shall conduct applied research as determined by the Secretary, acting through the Director of the Centers for Disease Control and Prevention, to be necessary to support the development of registry activities as defined in this section.

''(4) ASSURANCES FOR CONFIDENTIALITY OF REGISTRY DATA.—Each applicant shall provide to the satisfaction of the Secretary for—

''(A) a means by which confidential case data may in accordance with State law be disclosed to traumatic brain injury and spinal cord injury researchers for the purposes of the prevention, control and research of brain injuries and spinal cord injuries;

''(B) the authorization or the conduct, by the statewide traumatic brain injury and spinal cord injury registry or other persons and organizations, of studies utilizing statewide traumatic brain injury and spinal cord injury registry data, including studies of the sources and causes of traumatic brain injury and spinal cord injury, evaluations of the cost, quality, efficacy, and appropriateness of diagnostic, rehabilitative, and preventative services and programs relating to traumatic brain injury and spinal cord injury, and any other clinical, epidemiological, or other traumatic brain injury and spinal cord injury research;

''(C) the protection of individuals complying with the law, including provisions specifying that no person shall be held liable in any civil action with respect to a traumatic brain injury and spinal cord injury case report provided to the statewide traumatic brain injury and spinal cord injury registry, or with respect to access to traumatic brain injury and spinal cord injury case information provided to the statewide traumatic brain injury and spinal cord injury registry; and

''(D) the protection of individual privacy and confidentiality consistent with Federal and State laws.

''SEC. 399O. TECHNICAL ASSISTANCE IN OPERATIONS OF STATEWIDE REGISTRIES.

''The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, directly or through grants and contracts, or both, provide technical assistance to the States in the establishment and operation of statewide registries, including assistance in the development of model legislation for statewide traumatic brain injury and spinal cord injury registries and assistance in establishing a computerized reporting and data processing system. In providing such assistance, the Secretary shall encourage States to utilize standardized procedures where appropriate.

''SEC. 399P. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 through 2004.

''SEC. 399Q. DEFINITIONS.

''In this part:

''(1) SPINAL CORD INJURY.—The term 'spinal cord injury' means an acquired injury to the spinal cord. Such term does not include spinal cord dysfunction caused by congenital or degenerative disorders, vascular disease, or tumors, or spinal column fractures without a spinal cord injury.

''(2) TRAUMATIC BRAIN INJURY.—The term 'traumatic brain injury' means an acquired injury to the brain, including brain injuries caused by anoxia due to near-drowning. Such term does not include brain dysfunction caused by congenital or degenerative disorders, cerebral vascular disease, tumors, or birth trauma. The Secretary may revise the definition of such term as the Secretary determines appropriate.''.●

By Mr. KYL (by request):

S. 2608. A bill to approve a mutual settlement of the Water Rights of the Gila River Indian Community and the United States, on behalf of the Community and the Allottees, and Phelps Dodge Corporation, and for other purposes; to the Committee on Indian Affairs.

THE GILA RIVER INDIAN COMMUNITY—PHELPS DODGE CORPORATION WATER RIGHTS SETTLEMENT ACT OF 1998

Mr. KYL: Mr. President, today I introduce, by request, a bill to authorize an Indian water rights settlement agreement that was entered into on May 4, 1998 by the Gila River Indian Community of Arizona and the Phelps Dodge Corporation.

As other Western members well know, any Indian water rights settlement is a difficult, lengthy, and often frustrating process. Reaching a settlement requires years of hard work and cooperation by all parties involved. But the work is worthwhile. By reaching settlement, parties avoid decades of costly litigation and the uncertainty regarding water rights that inevitable comes when the determination of rights and liabilities is delayed. I have been, both in my prior career, and in this one, an ardent supporter of the settlement process and I hope that by introducing this legislation, I can give the negotiating parties at home in Arizona some encouragement. There is light at the end of the tunnel.

This particular settlement agreement is part of a much larger, comprehensive settlement process that will eventually settle all claims of the Gila River Community. I have been involved in several aspects of the Gila negotiations and I am comforted that the negotiations are progressing far enough that the parties are beginning to put their agreements down on paper and actually sign their names to those documents. In reference to his particular

agreement, I want to note that my introduction of legislation does not endorse the May 4, 1994 agreement. Rather, my intention is to endorse and encourage the process. The settlement agreement is complex and lengthy and contains some elements that all parties in the larger Gila negotiation proceeds, including the federal government, may not agree with. My purpose in introducing a bill this year is to put a document on the table that will provide an opportunity for all interested parties to comment. In addition, a bill introduced this year will help move the process forward next year.

I encourage the parties to continue their discussions. Indian water settlements are among the most important bills that Congress passes—we in the federal government have a trust responsibility to provide water for tribes and in passing legislation that has been carefully crafted to consider the interests of all parties, we are able to take steps toward fulfilling that trust responsibility.

By Mr. BENNETT (for himself and Mr. MACK):

S. 2609. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes to the Committee on Labor and Human Resources.

THE MEDICAL INFORMATION PROTECTION ACT OF 1998

Mr. BENNETT. Mr. President, today I introduce the Medical Information Protection Act of 1998. I know it is late in the 105th Congress and that there will not be time to give this legislation full consideration. However, I feel strongly about this issue and did not want this session to end without the introduction of this legislation. I feel that great progress has been made and that the legislation that I am introducing addresses many of the concerns that have been expressed. I will include letters and statements of support for the RECORD from the following groups: American Medical Informatics Association; Joint Healthcare Information Technology Alliance; Intermountain Health Care; Premier Institute; Association of American Medical Colleges; American Health Information Management Association; Healthcare Leadership Council; Federation of American Health Systems; American Hospital Association and Pharmaceutical Research and Manufacturers of America. It is my intention to reintroduce this legislation early in the 106th Congress and seek for its passage.

Most individuals wrongly assume that their personal health information is protected under federal law. It is not. Federal law protects the confidentiality of our video rental records, and federal law ensures us access to information about us such as our credit history. However, there is no current federal law which will protect the confidentiality of our medical information and ensure us access to our own medical information. This is a circumstance that must change. This is a circumstance that the Medical Information Protection Act will correct.

At this time, the only protection of an individual's personal medical information is under state law. These state laws, where they exist, are incomplete, inconsistent and inadequate. At last check, there were over 34 states with each state having its own unique set of laws to protect medical records. In many states there is no penalty for releasing and disseminating the most private information about our health and the health care that we have received. Many of our local health care systems continue to expand across state lines and are forced to deal with multiple and conflicting state laws. In addition, advances in technology allow information to be moved instantaneously across the country or around the world. The majority of providers, insurers, health care professionals, researchers and patients agree that there is an increasingly urgent need for uniformity in our laws that govern access to and disclosure of personal health information.

Mr. President, I remind my colleagues that if we do not act by August of 1999, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires the Secretary of Health and Human Services (HHS) to put into place regulations governing health information in an electronic format. Thus, we could have a circumstance where paper based records and electronic based records are treated differently. I urge my colleagues to work with me to pass legislation that would give HHS clear direction and provide each American with greater protection of their health information.

Mr. President, I ask unanimous consent that the letters of support be printed in the RECORD.

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

PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA,
Washington, DC, October 7, 1998.

Hon. ROBERT F. BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATOR BENNETT: The Pharmaceutical Research and Manufacturers of America (PhRMA) applauds your introduction of the Medical Information Protection Act of 1998 and your leadership on this issue. This legislation would help patients in important ways. First, it would protect the confidentiality of their medical information. Second, it would help patients with unmet medical needs and their families by facilitating valuable biomedical research leading to the discovery and development of innovative medicines. Third, it would protect and promote health care quality by encouraging the appropriate use of medical information for epidemiological research, pharmaco-economics and outcomes analysis.

Your bill provides a sound regulatory framework to help foster biomedical research and the delivery of high-quality care in an increasingly integrated health care system, while at the same time preserving the confidentiality of sensitive medical information identifying patients.

PhRMA welcomes the Medical Information Protection Act of 1998 as a good prescription to help patients, commends you leadership on this issue, and looks forward to working together.

Sincerely,

ALAN F. HOLMER,
President.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, October 2, 1998.

AHA APPLAUDS INTRODUCTION OF BILL THAT PROTECTS PRIVACY OF PATIENT MEDICAL INFORMATION

The American Hospital Association (AHA) applauds the introduction of a new bill which for the first time would establish a federal confidentiality law that protects patients' private health care information.

As guardians of patient medical information, hospitals and health systems have long sought strong federal legislation that would establish a uniform national standard to protect patient privacy. The bill, the Medical Information Protection Act of 1998, appropriately balances the need to protect the privacy of confidential patient information with the need for that information to flow freely among health care providers.

''Comprehensive confidentiality legislation is critical to thousands of patients who come through the doors of our nation's hospitals each day,'' said AHA President Dick Davidson. ''It puts in place the safeguards needed to protect the most sensitive and personal information. We commend Senator Bennett for introducing the bill and for his leadership and guidance on an issue that is relevant to everyone.''

The Medical Information Protection Act bill:

Allows patients in all states access to their records, a right not currently given in some areas.

Establishes full federal preemption of all state confidentiality laws—with the exception of some key public health laws—and sets a uniform standard over weaker or stronger state laws so that patient information is equally protected even as providers are linked across delivery sites and state boundaries.

Recognizes the need for confidential medical information to move appropriately and timely within groups and systems of providers without impeding the quality of care.

Broadly applies not only to providers, payers, and employers, but also to law enforcement agencies. The Bennett bill moves in the right direction on this issue by setting a national standard for how law enforcers can gain access to confidential patient records.

Contains language that, for the first time, would put in place federal sanctions against those who inappropriately disclose medical information.

''This is an issue that affects each of us personally,'' Davidson said. ''America's hospitals and health systems look forward to working with Senator Bennett and Congress to help enact legislation to protect the privacy of each and every individual they serve.''

The AHA is a not-for-profit organization of health care provider organizations that are committed to the health improvement of their communities. The AHA is the national advocate for its members, which includes 5,000 hospitals, health care systems, networks and other providers of care. Founded in 1898, AHA provides education for health care leaders and is a source of information on health care issues and trends. For more information, visit the AHA Web site at www.aha.org.

AMERICAN MEDICAL
INFORMATICS ASSOCIATION,
Bethesda, MD, October 5, 1998.

Hon. ROBERT F. BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATOR BENNETT: The American Medical Informatics Association (AMIA) is a national organization dedicated to the development and application of medical informatics in support of patient care, teaching, research, and health care administration. On behalf of AMIA's more than 3,800 physicians, researchers, librarians, information systems managers, and other professionals with expertise in information technologies, I write to commend you on the introduction of the ''Medical Information Protection Act of 1998.''

AMIA recognizes that the enormous potential of computer and communications technology to improve health care delivery, quality and access cannot be realized unless individuals, and the society-at-large, are reasonably certain that safeguards are in place to protect the confidentiality of personal health information in medical records. Simply, every person must feel that his or her health data is protected against unnecessary disclosure. At the same time, there can be no doubt that the delivery of highest quality health care and advances in medical research cannot proceed without the timely and efficient transfer of health data across the health information infrastructure. Thus, in developing national standards for health information, Congress—as charged by the Health Insurance Portability and Accountability Act of 1996—must thoughtfully and carefully balance the rights of individuals, the capacity of the health care system to provide needed health care, and the interests of our nation as a whole. We believe that the ''Medical Information Protection Act'' does an admirable job of accomplishing those complex goals.

Our association is especially concerned that health information standards allow appropriate access to health data for research, while adequately protecting patient confidentiality. Dr. Don Detmer, Co-Chair of AMIA's Public Policy Committee, was pleased to consult with your staff on a number of occasions to address that issue, and to devise enforcement mechanisms to effectively sanction the misuse of protected health information.

The American Medical Informatics Association thanks you for introducing the ''Medical Information Protection Act of 1998.'' We look forward to passage of the bill, an essential first step in the development of a national health information strategy to advance the health of our nation.

Sincerely,

PAUL D. CLAYTON, PH.D.,
President.

JOINT HEALTHCARE INFORMATION
TECHNOLOGY ALLIANCE,
October 5, 1998.

Hon. ROBERT F. BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATOR BENNETT: Representing a broad array of medical, information, and technology professionals involved in the development, use, management, and security of healthcare information systems, the organizations of the Joint Healthcare Information Technology Alliance (JHITA) strongly support enactment of federal legislation to protect the confidentiality of medical records. We write today to commend you on the introduction of the ''Medical Information Protection Act of 1998.''

The more than 50,000 members of our constituent organizatons—physicians, researchers and other health professionals, medical records professionals and information systems managers and executives, healthcare information technology developers and vendors—believe that computer and communications technologies hold enormous potential to improve healthcare delivery, quality and access, while also reducing costs. Yet, these benefits cannot be realized unless individuals, and society, are confident that safeguards are in place to protect the confidentiality of personal health information. Simply, every person must feel that his or her health data is protected against unnecessary disclosure. At the same time, there can be no doubt of the need for timely and efficient transfer of health data across the health information infrastructure. Thus, national standard for the collection, use and dissemination of healthcare information must thoughtfully and carefully balance the rights of individuals, the capacity of the healthcare system to provide needed services and the interests of our nation as a whole. The JHITA believes that the ''Medical Information Protection Act'' does an admirable job of accomplishing those complex goals.

In order for national fair information standards to offer consistent and genuine guidance and protection to healthcare professionals and consumers, and effect significant Federal penalties and sanctions for the misuse of health data, the JHITA believes that federal law must preempt the current patchwork of federal, state and local laws and regulations governing health information. We applaud your commitment in the ''Medical Information Protection Act'' to a uniform and high level of confidentiality for all health information, regardless of the individual's diagnosis or state of residence.''

The Joint Healthcare Information Technology Alliance thanks you for introducing the ''Medical Information Protection Act. We look forward to working with you to win passage of the bill, an essential first step in the development of a national health information strategy that will advance the health of our nation and protect the rights of all.

Sincerely,

LINDA KLOSS,
Executive Vice President & CEO, AHIMA.
CARLA SMITH,
Executive Director, CHIM.
JOHN PAGE,
Executive Director, HIMSS.
DENNIS REYNOLDS,
Executive Director, AMIA.
RICHARD CORRELL,
President, CHIME.

AMERICAN HEALTH INFORMATION
MANAGEMENT ASSOCIATION,
Washington, DC, October 6, 1998.

Senator ROBERT F. BENNETT,
Dirksen Building,
Washington, DC.

DEAR SENATOR BENNETT: On behalf of the more than 37,000 members of the American Health Information Management Association (AHIMA), thank you for once again being in the forefront of the effort to pass legislation to protect the confidentiality of individually identifiable health information. AHIMA is pleased to offer its strong support for *the Medical Information Protection Act of 1998.*

During the past several years, we have worked with you and your Legislative Director Paul A. ''Chip'' Yost and developed several legislative proposals that have resulted in the current bill. The hard work put into the drafting of this landmark legislation has paid-off. The bill strikes a hard-to-achieve balance between protecting the confidentiality of a patient's health information while not impeding the provision of patient care or the operations of the nation's health care delivery system. One of the most important facets of *the Medical Information Protection Act* is that it contains strong criminal and civil sanctions to provide remedies against wrongful disclosure of health information. In addition, the legislation will eliminate the current patchwork-quilt of various state statutes and regulations, thus providing all Americans the confidentiality protections that they truly deserve.

Senator, AHIMA is pleased to continue working with you and your office on this important issue. Your dedication has kept us encouraged that Congress will pass legislation to establish a uniform national policy for the use and disclosure of individually identifiable health information. As you know from our past association, AHIMA has been a leader in the effort to pass comprehensive confidentiality legislation. Throughout the legislative process, we have achieved a reputation for working on a bipartisan basis with various elected officials and health policy makers. In this context, we continue to support your efforts and offer our assistance and expertise to help move this important issue forward.

Again, thank you for your dedication to this important issue. If AHIMA can provide any assistance, please do not hesitate to contact me in the AHIMA Washington, DC Office at (202) 218–3535.

Sincerely,

KATHLEEN A. FRAWLEY, JD,
Vice President, Legislative and Public Policy Services.

HEALTHCARE LEADERSHIP COUNCIL,
Washington, DC, October 7, 1998.

HEALTHCARE LEADERSHIP COUNCIL COMMENDS SENATOR BENNETT FOR MEDICAL INFORMATION ACT OF 1998

WASHINGTON, DC.—The Healthcare Leadership Council (HLC) today commended Sen. Robert Bennett (R–UT) for introducing the ''Medical Information Protection Act of 1998.''

''This bill protects the confidentiality of patient health information and establishes new federal penalties for its misuse,'' said HLC President Pamela G. Bailey. ''At the same time, the Bennett bill allows for the appropriate use of patient health information to promote a better health care delivery system and protect vital health care research.''

Information is the cornerstone of a high quality, innovative health care system,'' Bailey said. ''In fact, it can be an issue of life or death. Without access to patient information, physicians, health plans, hospitals and researchers would be unable to provide the high standard of care that Americans deserve.''

As the leading innovators in the health care industry, HLC members support federal rules to ensure patient confidentiality rather than the increasingly confusing patchwork of state laws. ''The Bennett bill would replace this patchwork of state laws with a strong federal law that protects patients and provides a workable, uniform framework that facilitates the delivery of the highest quality health care.''

''In the debate over patient confidentiality, we sometimes lose sight of what most patients want most—to get healthy. Fundamental to the fantastic advances made in treatment of so many diseases is our ability to use patient information throughout our increasingly complex health care system,'' said Bailey.

The HLC is committed to working toward final enactment of comprehensive, uniform

confidentiality legislation by the August 1999 deadline imposed under the Health Insurance Portability and Accountability Act.

The HLC is a coalition of the chief executive of America's leading health care institutions.

FEDERATION OF
AMERICAN HEALTH SYSTEMS,
Washington, DC, October 7, 1998.

FAHS PRAISES INTRODUCTION OF MEDICAL INFORMATION PROTECTION ACT

APPLAUDS UTAH GOP SENATOR BENNETT FOR HIS LEADERSHIP AND HEALTH COMMUNITY OUTREACH EFFORTS

The Federation today praised Sen. Robert Bennett (R-UT) for introducing the Medical Information Protection Act of 1998 and applauded his leadership in drawing upon the input of a broad range of health care organizations in crafting the legislation.

''Although it's a bit like walking a tightrope, Sen. Bennett's commitment to working with varying interests on this important issue should be commended,'' said Laura Thevenot, Federation Executive Vice President and COO. ''He has approached the task before Congress of passing legislation relating to medical records confidentiality by August of 1999 with openness and a real determination to reach a consensus that protects patients and still allows hospitals and health systems to do their jobs. This legislation establishes a good framework for an issue that will be debated at length when the 106th Congress convenes next January.''

Thevenot highlighted a couple of key provisions in the legislation: uniform national confidentiality standards, which would avoid a cumbersome patchwork of state law and regulation, and enhanced security safeguards to ensure appropriate access to patient data.

''As the debate moves forward, one of the Federation's primary concerns is that Congress not tie the hands of hospitals and health systems by putting obstacles in the way of their commitment to provide the necessary treatment and care patients need,'' Thevenot added. ''Our commitment has always been and will remain to serve the patient. Proper uses of information for treatment, payment, quality improvement, and where appropriate, research, are a critical component of that commitment.''

INTERMOUNTAIN HEALTH CARE,
Salt Lake City, UT, October 2, 1998.

Hon. ROBERT F. BENNETT,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR BENNETT: Intermountain Health Care (''IHC'') applauds the introduction of the ''Medical Information Protection Act of 1998.'' IHC is deeply appreciative of your leadership in developing legislation to establish uniform federal confidentiality standards. IHC also wishes to express its deep appreciation of the hard work and dedication of Chip Yost and Mike Nielsen of your staff.

The bill you have crafted reflects a keen understanding of the need to strike an appropriate balance between safeguarding patient identifiable health information and facilitating the coordination and delivery of high quality, network-based health care, such as that provided at IHC. Indeed, striking the right balance is critical to the delivery of the best possible patient care.

As you well know, IHC has developed state-of-the-art electronic medical records and common databases which we used extensively not just for treatment and payment but for such fundamental quality enhancing activities as outcomes review, disease management, health promotion and quality assurance. You bill rightly recognizes that all of these efforts are essential to optimizing patient health.

In addition, we are particularly pleased that you have called for federal preemption of state law. Health systems like IHC, which operate across state lines, would have enormous difficulty complying with different federal and state standards.

As you know, IHC is a large integrated health care delivery system based in Salt Lake City and operating in the states of Utah, Idaho, and Wyoming. The IHC system includes 23 hospitals, 33 clinics, 16 home health agencies, and 400 employed physicians. Additionally, our system operates a large Health Plans Division with enrollment of 350,000 directly insured plus 430,000 who use our networks through other insurers. IHC's 20,000 employees are keenly aware of their responsibility to safeguard personal health information and IHC has invested considerable resources in order to develop effective protections and procedures.

IHC pledges to work with you toward enactment of this important legislation well in advance of the August 1999 deadline established by the Health Insurance Portability and Accountability Act of 1996. Please do not hesitate to contact me or IHC's Washington Counsel Michael A. Romansky (202/756–8069) and Karen S. Sealander (202/756–8024) of McDermott, Will & Emery with questions or for further information.

Sincerely,

JOHN T. NIELSEN, ESQ.,
Senior Counsel and
Director of Government Relations.

PREMIER INSTITUTE,
Washington, DC, October 5, 1998.

THE PREMIER INSTITUTE APPLAUDS INTRODUCTION OF THE MEDICAL INFORMATION PROTECTION ACT OF 1998

Washington, DC.—Jim Scott, president of the Premier Institute, commended Senator Robert F. Bennett (R-UT) for his leadership in introducing the ''Medical Information Protection Act of 1998.'' ''This legislation protects patients from being subjected to unauthorized or inappropriate use of their medical records and, at the same time, ensures that hospitals and health plans have access to information necessary to do their jobs in serving patients,'' said Scott. ''Senator Bennett creates workable standards that protect patient's confidentiality and assures that medical information is available for the treatment, quality assurance, and research needs that are so important to our health care system and the patients it serves.''

The Bennett bill recognizes the many legitimate uses for medical information and provides the right regulatory framework for safeguarding the use and disclosure of protected health information by the health care industry. The bill permits its use for patient treatment, quality enhancing activities, payment for health care activities, and research for the development of life saving pharmaceuticals and new medical procedures. By providing for a singular authorization process when a patient accesses the health care system, the bill avoids costly administrative burdens for health care providers and barriers to the efficient use of information within integrated care networks, hospital systems, physician-hospital organizations, or managed care organizations.

The bill also adopts uniform national confidentiality standards. Given the increasingly complex and interstate nature of the way health information flows in today's delivery system, strong preemption of state confidentiality laws protects consumers and minimizes the costs associated with the increasing patchwork of conflicting state laws.

Finally, the bill clearly recognizes the value of medical research and does not establish unnecessary barriers to research. It allows for the use of protected health information in research activities while holding medical researchers to confidentiality requirements that protect the identity of the individuals in a medical study. Under this bill, researchers will continue to have access to databases of patient information that are crucial in discovering trends and anomalies that lead to cures for diseases over time.

''Today marks the introduction of an important piece of legislation for the future of our health care system,'' said Scott. ''We look forward to working with Senator Bennett to enact the right patient confidentiality standards into law.''

Premier is a strategic alliance of leading hospitals and healthcare systems across the country, representing nearly 215 owners and the 800 hospitals and healthcare facilities they operate, and approximately 900 other affiliated hospitals. Premier provides hospitals and healthcare systems across the nation with products and services designed to help them reduce costs, develop integrated delivery systems, manage technology, and share knowledge. The organization maintains offices in Charlotte, NC; San Diego, CA; Chicago, IL; and Washington, DC.

ASSOCIATION OF AMERICAN
MEDICAL COLLEGES,
Washington, DC, October 2, 1998.

Hon. ROBERT BENNETT,
U.S. Senate, Dirksen Senate Offices Building,
Washington, DC.

DEAR SENATOR BENNETT: I write to convey the Association of American Medical Colleges' (AAMC) support for your bill entitled the ''Medical Information Protection Act.'' The AAMC represents the nation's 125 accredited medical schools, approximately 400 major teaching hospitals, and 86 academic and professional societies representing over 90,000 faculty members.

We believe the Medical Information Protection Act is a thoughtful effort to address the very important and complex issues surrounding the protection of patient health information. This legislation is a significant step in the right direction as Congress attempts to achieve the delicate balance between the competing goods of individual privacy and the considerable public benefit that results from controlled access to health information that is crucial to our country's continuing ability to deliver high-quality health care and cutting-edge research.

Over the past year, the AAMC has advocated for medical information privacy legislation that employees appropriate confidentiality safeguards while ensuring access to patient records and other archival materials required to pursue biomedical, behavioral, and health services research. The AAMC is pleased that the Medical Information Protection Act incorporates many of the major principles articulated by the Association.

In particular, the AAMC supports the legislation's clear and workable definitions for ''protected health information'' and ''non-identifiable health information,'' the creation of appropriate safeguards and stiff penalties to protect patient confidentiality, and the proposed preemption of state privacy laws. While recognizing that preemption is a politically highly-charged issue, the Association believes that, in an era of rapidly emerging information technology and major consolidation of the health care industry, protecting the ability of medical information to flow unimpeded across state lines is essential to the functioning of a high-quality, medically-effective and efficient care delivery system.

In addition, the AAMC applauds the bill's affirmation of support for the role of institutional review boards in the disclosure of protected health information for research purposes. We believe that the security of medical information created, maintained and used in the course of medical research would be significantly strengthened by the provisions of this bill.

We thank you for your leadership on this issue and look forward to continuing to work with you as this bill is considered by the Senate.

Sincerely,

JORDAN J. COHEN, M.D.
President.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 2610. A bill to amend the Clean Air to repeal the grandfather status for electric utility units; to the Committee on Environment and Public Works.

THE CLEAN ELECTRIC POWER ACT OF 1998

Mr. LIEBERMAN. Mr. President, I am pleased to introduce today the Clean Electric Power Act of 1998, and to be joined by my colleagues Senators DODD, KERRY, LAUTENBERG, and TORRICELLI.

This legislation would address a gap in the Clean Air Act that exempts older power plants from strict environmental standards, allowing them to emit more pollutants than newer facilities and contributing to serious environmental problems. This disparity is of particular concern right now as we enter the new world of restructuring of the electric utility industry—a world that was never envisioned at the time of any of the Clean Air Act Amendments, including the 1990 Amendments. Because most of the older plants don't have to expend the same amount of money on environmental controls that newer plants do, it is simple economics that these older plants will benefit under deregulation by increasing their generation of power and, therefore, their emissions of dangerous pollutants into the air. This situation is unfair to utilities that generate electricity while meeting stricter environmental standards, and it is unfair to the public whose health will be endangered.

Electricity deregulation carries the promise of enormous benefits for the consumer in terms of reduced electric bills which I strongly support. But unless we do it right, electricity deregulation also can result in significant adverse environmental and public health effects. Some of the early results from the initial efforts at deregulation of wholesale power sales, as well as studies containing projections about what might occur, are very disturbing:

In February, EPA projected increases of 553,000 tons of nitrogen oxides and 62 million tons of carbon by the year 2010 resulting from restructuring, without provisions in restructuring legislation to address pollution increases.

THe Northeast States for Coordinated Air Use Management in January 1998 found that several large Midwestern power companies substantially increased their wholesale electricity sales between 1995 and 1996. This meant substantially increased generation at several of the companies' highest polluting coal-fired power plants, large increases in the flow of power from the Midwest towards the east, and substantial increases in emissions from power plants.

A 1995 Harvard University Study concluded that electricity restructuring could adversely affect environmental quality for a number of reasons, including increasing utilization of older, higher emitting coal facilities.

A 1996 Resources for the Future Study examined the regional air pollution effects that could result from a more competitive market. The study concluded that in the year 2000, the Nation's NO_X emissions would increase by about 350,000 tons and the carbon dioxide emissions would increase by about 114 million tons.

Let me give a little background about how we got to where we are.

A series of requirements in the 1970 and 1977 Clean Air Act and amendments thereto required that utility plants meet new source performance standards for pollutants, including nitrogen oxides and sulfur dioxide. The act defines these standards as emissions limits reflecting the degree of emission limitation achievable through the application of the best system of emission reduction, taking into account cost, as determined by the Administrator. However, these standards were only imposed on new generating plants, and did not cover existing plants, plants under construction, or in the permitting process or being planned for, unless they undertook major construction.

At the time, the view was that it would be more cost-effective to impose stricter standards on new facilities than existing ones, and that many of the existing facilities would be retiring soon. But for a number of economic reasons, the anticipated retirement of plants did not occur. More than half of the power plants operating today were built before the new source standards went into effect.

My legislation would require that power plants that generate electricity that flows through transmission or connected facilities that cross State lines comply with the stricter environmental standards. It would also require EPA to set up a market-based allowance trading program to allow utilities to comply in the most cost-effective manner.

Electric power generating plants are among the largest sources of air pollution in the United States. According to EPA reports, power plants account for 67 percent of all sulfur dioxide emissions, 28 percent of all nitrogen oxide emissions, 36 percent of all carbon dioxide emissions and over 33 percent of mercury emissions. These pollutants contribute significantly to some of the most urgent public health and environmental problems in the United States, including smog, fine particles acid rain, excessive nutrient loads to important water bodies such as Long Island Sound, toxic impacts on health and ecosystems from mercury emissions, climate change, and nitrogen saturation of sensitive forest ecosystems.

This is not to say that older plants do not have any pollution controls. Some controls are required on these plants under older standards, State Implementation Plans, and the requirements under the acid rain provisions of the Clean Air Act Amendments of 1990. But in many cases, the controls fall far short of levels that would be achieved under the new source performance standards. Some studies show that the older plants emit pollutants at rates that are often four to ten times higher than the cleanest operating plants, but there is significantly less disparity in areas where states have imposed tighter controls under the State Implementation Plans, state laws or regional programs such as California and parts of the Northeast. In addition, EPA's new regulation requiring 22 states to reduce NO_x emissions will result in significant reductions at many power plants. The bill makes clear that nothing affects the obligations of sources to comply with that new regulation in the timeframe set forth by EPA or to comply with any other provision of the Clean Air Act.

But we still have a situation where there is currently an unacceptably high level of power plant emissions and, in many cases, a disparity in emission requirements between different generators. On top of this, we have a new era of electricity deregulation and restructuring which we are entering at a rapid pace; in the foreseeable future, retail consumers all over the country may be able to choose their supplier of electricity. As I've noted, this era of deregulation was never envisioned at the time of either the 1977 Clean Air Act Amendments or the more recent 1990 Amendments. Increasing competitive markets provide opportunities for relatively low cost generators to increase generation; where cost differentials are due in part to differences in emission standards this will mean increases in generation at the highest emitting plants.

Mr. President, the good news is that cost-effective technologies are available to meet these stricter standards. For example, the Northeast States for Coordinated Air Use Management and the Mid-Atlantic Regional Air Management Association have recently completed a report on the availability of controls for NO_x and the cost-effectiveness of those controls. The report shows that a number of advanced emissions control technologies are available that can reduce NO_x emissions from utilities by 85 percent or more, and that these controls are not only feasible but are highly cost-effective. The report looked at real world experience with the application of available technology at 19 coal fired facilities

and found that NO_x emissions nearly 50 percent stricter than EPA's new standard for NO_x can be achieved at the vast majority of coal utilities. Of course, under the bill grandfathered utilities would have the option of purchasing allowances as an alternative method of meeting the performance standards.

Mr. President, as we enter the era of deregulation we have a unique opportunity to provide great benefits for the consumers and reduce air pollution, which I strongly support. But we need to ensure that proper pollution safeguards are in place to rectify the current disparity in standards and to ensure that air pollution does not increase in a competitive market.

Mr. President, I ask unanimous consent that the full text of my legislation be included in the RECORD.

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

S. 2610

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

SECTION 1. STANDARDS OF PERFORMANCE FOR ELECTRIC UTILITY UNITS.

(a) FINDINGS.—Congress finds that—

(1) older electric utility units are exempt from strict emission control requirements applicable to newer facilities, allowing some older units to emit greater quantities of dangerous pollutants;

(2) this disparity in regulatory treatment is of particular concern in the new era of electric utility restructuring, which was never envisioned at the time of enactment of the Clean Air Act (42 U.S.C. 7401 et seq.) or amendments to that Act;

(3) in an era of electric utility restructuring, utilities that spend less money on environmental controls will be able to increase their generation of power and emissions of dangerous pollutants;

(4) this situation results in an unfair competitive disadvantage for utilities that generate electricity while meeting strict environmental standards; and

(5) electricity restructuring can result in enormous benefits for consumers and the environment if done right.

(b) STANDARDS.—Section 111 of the Clean Air Act (42 U.S.C. 7411) is amended by adding at the end the following:

''(k) STANDARDS OF PERFORMANCE FOR ELECTRIC GENERATING UNITS.—

''(1) DEFINITION OF GRANDFATHERED UNIT.—In this subsection, the term 'grandfathered unit' means a fossil fuel-fired electric utility unit that, before the date of enactment of this subsection, was not subject to the standards of performance set forth in subpart D of part 60 of title 40, Code of Federal Regulations, or to any subsequently adopted standard of performance under this section applicable to fossil fuel-fired electric utility units.

''(2) APPLICABILITY.—Notwithstanding any other provision of law, in the case of a fossil fuel-fired electric utility unit, a standard of performance under this section that applies to new or modified electric utility units shall also apply to a grandfathered unit that—

''(A) has the capacity to generate more than 25 megawatts of electrical output per hour; and

''(B) generates electricity that flows through transmission or connected facilities that cross State lines (including electricity in a transaction that for regulatory purposes is treated as an intrastate rather than an interstate transaction).

''(3) DEADLINES FOR COMPLIANCE.—Each grandfathered unit shall comply with—

''(A) a standard of performance established under this section before the date of enactment of this subsection, not later than 5 years after the date of enactment of this subsection; and

''(B) a standard of performance established under this section on or after the date of enactment of this subsection, not later than 3 years after the date of establishment of the standard.

''(4) ALTERNATIVE COMPLIANCE.—

''(A) IN GENERAL.—To provide an alternative means of complying with standards of performance made applicable by this subsection, the Administrator shall—

''(i) establish national annual limitations for calendar year 2003 and each calendar year thereafter for each pollutant subject to the standards at a level that is equal to the aggregate emissions of each pollutant that would result from application of the standards to all electric utility units subject to this section;

''(ii) allocate transferable allowances for pollutants subject to the standards to electric utility units subject to this section in an annual quantity not to exceed the limitations established under clause (i) based on each unit's share of the total electric generation from such units in each calendar year; and

''(iii) require grandfathered units to meet the standards by emitting in any calender year no more of each pollutant regulated under this section than the quantity of allowances that the unit holds for the pollutant for the calendar year.

''(B) CALCULATION OF LIMITATIONS.—In calculating the limitations under subparagraph (A)(i), the Administrator shall apply the standard for the applicable fuel type in effect in calendar year 2000.

''(5) NO EFFECT ON OBLIGATION TO COMPLY WITH OTHER PROVISIONS.—Nothing in this subsection affects the obligation of an owner or operator of a source to comply with—

''(A) any standard of performance under this section that applies to the source under any provision of this section other than this subsection; or

''(B) any other provision of this Act (including provisions relating to National Ambient Air Quality Standards and State Implementation Plans).''.

By Mr. ROTH (for himself, Mr. LIEBERMAN, and Mr. MACK):

S. 2611. A bill to amend title XVIII of the Social Security Act to enable medicare beneficiaries to remain enrolled in their chosen medicare health plan; to the Committee on the Judiciary.

MEDICARE LEGISLATION

Mr. ROTH. Mr. President, yesterday the President announced his plans for helping Medicare beneficiaries who are enrolled in health plans which are not renewing their Medicare contracts for next year. I am glad that President Clinton recognizes the problems Medicare beneficiaries are facing and I think it is important that we all work together to address this issue. But I am concerned that the President offered a 'tomorrow' solution for today's problem.

The problems facing Medicare HMO beneficiaries need attention now and cannot wait until next year. The President's proposal is inadequate and we must take immediate action to help Medicare beneficiaries to stay in their chosen health plans.

Across the country, including in my home state of Delaware, thousands of Medicare beneficiaries are losing their HMO coverage and being forced back into the original Medicare program with expensive Medigap policies. We need to help these beneficiaries today.

I am urging my colleagues in the House and Senate to act now to allow Medicare managed care plans that have withdrawn from the program to get back into Medicare. The legislation I am introducing today, along with my colleagues Senator LIEBERMANN and Senator MACK, would instruct the Health Care Financing Administration to allow these plans to restructure their costs where justified. This would give many of the health insurance providers the flexibility they need to go back in to these markets. But most critically important, it would give beneficiaries the opportunity to remain in their current plans without the disruption and increased costs that they will otherwise face.

I am presenting this legislation today after several attempts over the last month to work with the Administration to allow Medicare+Choice plans to update their cost and beneficiary filings for 1999. I had hoped to resolve this problem administratively—before these plans made their final decisions to pull out of 371 counties leaving 220 thousand beneficiaries to find another Medicare option. I sent a letter to HCFA head Nancy-Ann Min Deparle urging HCFA to take immediate action to prevent these manage care plans from leaving the Medicare+Choice program.

I find it highly regrettable that the Health Care Financing Administration decided not to allow Medicare+Choice plans to update their cost and benefit filings for 1999. This decision could undermine the Medicare+Choice program enacted into law just last year and which I believe holds so much promise for improving Medicare for seniors.

HCFA's shortsighted decision will result in large out-of-pocket cost increases, fewer benefits, and fewer choices for hundreds of thousands of Medicare beneficiaries. The beneficiaries who will bear the hardest brunt of the Administration's decision are the 455,000 enrolled in non-renewing Medicare+Choice plans in counties where no additional plans exist. These beneficiaries will now be left with only a significantly more expensive Medicare option; that is, the original Medicare program combined with a Medigap insurance policy. This is particularly unfortunate given that premiums for Medigap insurance policies have been sharply increasing each year. In fact, the American Association for Retired Persons announced just this week that its Medigap insurance premiums will increase by an average of 9 percent nationwide next year.

And even in areas where beneficiaries will be left with one or more health plan options, the plan withdrawal will result in reduced competition which translates to higher out-of-pocket costs for Medicare beneficiaries.

I am very concerned by the agency's failure to evaluate potential increased beneficiary cost-sharing when making the critical decision not to allow plans to update their cost and benefit filings. I believe this action demonstrates HCFA's continued resistance to facilitate private plan choices for Medicare beneficiaries, regardless of the consequence to beneficiaries.

I hope that the Congress and President Clinton will fight the temptation to play politics with Medicare and instead do the right thing for beneficiaries by taking action before Congress adjourns for the year to help beneficiaries to remain in their current Medicare health plans if they so choose. Next year, we can work together toward a more comprehensive solution to this issue.

By Mr. FORD:

S. 2612. A bill to provide that Tennessee may not impose sales taxes on any goods or services purchased by a resident of Kentucky at Fort Campbell, nor obtain reimbursement for any unemployment compensation claim made by a resident of Tennessee relating to work performed at Fort Campbell; to the Committee on Governmental Affairs.

FORT CAMPBELL TAX FAIRNESS ACT OF 1998

Mr. FORD. Mr. President, today I introduce the Fort Campbell Tax Fairness Act. This legislation is designed to restore some sense of balance and maintain some level of fairness in the taxation of individuals who work at the Fort Campbell military installation in Kentucky and Tennessee.

My colleagues may recall that earlier this month, an unprecedented provision was included in the Defense Authorization bill which granted special tax status for a single site—Fort Campbell—to Tennessee residents who work on the Kentucky side of the border. Even worse, the provision in the Defense bill preempted State tax law. It preempted the ability of my State to administer its own tax laws in a fair manner, and in a way in which the State determined was fairest and best.

The provision adopted in the Defense bill exempts Tennessee residents who work in Kentucky at Fort Campbell from paying Kentucky state income taxes. This special exemption was snuck into the House version of the bill, and then maintained in the conference committee. It is extremely unfair.

Mr. President, the Congress has no business dictating to States how they should administer their own tax laws. This is a matter for the States to determine by themselves. The basic principle of taxation is that income is taxed at the location where it is produced. There are exceptions to this rule, but generally they are worked out among and between States themselves. The only other exceptions of which I am aware relate to federal employees with a unique interstate aspect to their jobs, like members of the military or Members of Congress, or other employees with a special interstate job situation, like Amtrak employees or those involved in constructing interstate highways.

I have never heard of a special State tax exemption for private sector employees at a single site. That is, I had never heard of it until I saw this year's Defense Authorization bill.

But Mr. President, the provision in the Defense Authorization bill is a one way street. It preempts Kentucky state law for Tennessee residents who would otherwise be taxed within Kentucky's borders. But there is no comparable preemption of Tennessee state law for Kentucky residents who are taxed at Fort Campbell within Tennessee's borders.

As a matter of basic fairness, if Tennessee residents are to be granted a special tax exemption while on the Kentucky side of Fort Campbell, Kentucky residents should be given equal consideration while on the Tennessee side of Fort Campbell. In addition, it is currently the case that unemployment compensation for any Tennessee residents who work on the Kentucky side of Fort Campbell are paid out of Kentucky tax dollars. This should no longer be the case now that Tennessee workers are being given a special tax status and are exempt from Kentucky laws.

My legislation attempts to correct these new inequities created by the passage of this year's Defense Authorization bill. First, it would direct that Tennessee sales taxes imposed on the Tennessee side of Fort Campbell apply only to Tennessee residents. The distinguished Senator from Tennessee, in debate on the Defense Authorization bill, asserted that no such taxes are currently collected at Fort Campbell. Therefore, he should have no objection to this provision whatsoever. However, I have been informed that Tennessee sales taxes are in fact collected from private business operations within the Fort Campbell boundaries. So this provision is badly needed as a matter of fairness.

Second, the legislation clearly states that the Commonwealth of Kentucky has absolutely no obligation to continue paying the unemployment benefits of Tennessee residents out of Kentucky tax dollars. Since Tennessee residents have been given this special tax status and preemption of State laws, Kentucky should no longer have any liabilities should these workers become unemployed. Those claims should be the responsibility of the State of Tennessee.

Mr. President, I have always attempted to fiercely defend the interests of my State during my 24 years in the Senate. The special tax preemption provision tucked into the Defense Authorization bill was one of the most unfair provisions imaginable, singling out my State for unfair treatment. I realize the time is short in the current session, and the odds of enacting this legislation are not great in the days ahead. However, I am introducing this bill to go on the Record in advocating fairness for my State. It is my hope that when the Congress reconvenes vigorously pursue efforts to pass this legislation and correct an unfairness which has been imposed upon my State.

By Mr. COATS:

S. 2614. A bill to amend chapter 96 of title 18, United States Code, to enhance the protection of first amendment rights; to the Committee on the Judiciary.

THE FIRST AMENDMENT FREEDOMS ACT OF 1998

Mr. COATS. Mr. President, in 1970, Congress passed provisions known as the Racketeer Influenced and Corrupt Organization Act, or RICO, as part of the larger Organized Crime Control Act of 1970. The bill was designed to help law enforcement officials better address the plague of organized crime, and has been a valuable tool in this effort.

During drafting of this legislation, concerns were raised by several members of this body, including my colleague from Massachusetts, Senator KENNEDY, that the bill was written so broadly that it might be used against organized civil disobedience, including anti-war demonstrators. This was at the height of the Vietnam War, and anti-war demonstrations were taking place across the country. Senator KENNEDY, along with Senator HART of Michigan, submitted their views as part of the Senate Judiciary Committee Report on the Organized Crime Control Act of 1969.

I think their words deserve our attention today. They recognized that, and I quote: ''To combat organized crime, as distinguished from other forms of criminal activity, requires procedures specifically designed for that purpose.'' They continued, ''The reach of this bill goes beyond organized criminal activity. Most of its features propose substantial changes in the general body of criminal procedures. Finally, their statement notes that, ''Amended to restrict its scope solely to organized criminal activity and to assure the protection of individual rights, the bill could contribute important and useful means of eradicating organized crime.'' Mr. President, I ask that a copy of this statement from the Judiciary Committee Report be included in the RECORD.

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

INDIVIDUAL VIEWS OF MESSRS. HART AND KENNEDY

To combat organized crime, as distinguished from other forms of criminal activity, requires procedures specifically designed for that purpose.

S. 30, the Organized Crime Control Act of 1969, is billed as a means of providing the procedures necessary to eradicate the disease of organized crime and its serious threat to our national security.

But the reach of this bill goes beyond organized criminal activity. Most of its features propose substantial changes in the general body of criminal procedures.

New rules of evidence and procedure applicable to all criminal jurisprudence are established.

Amended to restrict its scope solely to organized criminal activity and to assure the protection of individual rights, the bill could contribute important and useful means of eradicating organized crime.

Mr. COATS, in direct response to the legitimate concerns raised by Senator KENNEDY, Senator HART, the ACLU, and others, the language of the Organized Crime Control Act was modified to narrow the definition of racketeering activity. These modifications were seen as adequate, and debate moved on to other issues. It is clear from the record of congressional debate that nobody—not the bill's author, Senator MCCLELLAN, not the Judiciary Committee, not the House of Representatives, not my colleague from Massachusetts—nobody was interested in prosecuting civil disobedience as organized crime.

Mr. President, our country has a long and distinguished history of political free speech under the First Amendment. At times, political and social protesters have seen civil disobedience as the best manner to bring the message home. From abolitionists of the 18th and 19th centuries to the civil rights demonstrations of Dr. Martin Luther King, non-violent civil disobedience has played a major role in shaping this nation. While civil disobedience is inherently ''disobedient'' to the law, and while such violations of the law have consequences, there is a vast difference between organized crime and organized political protest.

Today, this difference is becoming much less noticeable As many of us know, on April 20, 1998, a U.S. District Court jury ruled that anti-abortion leaders had violated federal anti-racketeering statutes by engineering a nationwide conspiracy that involved 21 acts of extortion, mostly the formation of barricades that prevented the use of clinics performing abortions. The defendants were ordered to pay nearly $86,000 in damages. That penalty was automatically tripled under RICO. We are not talking about abortion protesters being charged with political violence—murder, bombing of abortion clinics, or physical violence against patients or employees of the clinics involved. Rather, we are talking about these protesters being charged as racketeers for non-violent forms of civil disobedience.

This is not an isolated decision, but rather followed on the heels of a 1994 Supreme Court opinion regarding the scope of RICO. In the case of NOW v. Scheidler, the Supreme Court ruled that the National Orgnaization for Women could bring suit under RICO against a coalition of anti-abortion groups, alleging the defendants were members of a nationwide conspiracy to shut down abortion clinics through a pattern of racketeering activity. Both the U.S. District Court and Court of Appeals had dismissed the suit on grounds that RICO implied an ''economic motive'' for the racketeering activity. The Supreme Court reversed the lower court decisions in finding that the letter of the law in RICO did not require proof that either racketeering enterprise or predicate acts of racketeering be motivated by economic purpose. The Supreme Court then remanded the case to the District Court.

The Supreme Court ruling and the subsequent U.S. District Court decision have radically expanded the scope of federal anti-racketeering statues in direct contradiction to the clear intent of Congress in the creation of RICO. The result of the rulings is that civil disobedience is now open to prosecution as organized crime. This is already having a chilling effect on free speech in this country.

Mr. President, before going further on this matter, let me make several things very clear. First, this is not an abortion issue. The Senate must continue to wrestle with the morality of the legality of abortion in this country, and my colleagues are well aware of my deep convictions on this matter, but that is not what I am here to discuss. The application of federal anti-racketeering statues to political protest and civil disobedience is not an abortion issue—it is a First Amendment issue. While the catalyst for the expansion of RICO was its application to pro-life demonstrators, the case could just as easily could have involved civil rights advocates, animal rights activities, anti-war demonstrators, or AIDS activists. The issue is not abortion, it is political speech.

Let me also make clear that the issue is not whether civil disobedience should be punished: it is, and it should be. This country has a proud history of both the rule of law and the practice of civil disobedience. In a nation under the rule of law, civil disobedience has legal consequences. I am not here to debate whether abortion protesters, AIDS activists, or animal rights demonstrators should abide by the law, or, when they break the law, they should be accountable. There are federal and state laws on the books dealing with trespassing, vandalism, and many other crimes commonly associated with civil disobedience. However, the punishment ought to fit the crime. What we have, in the expansion of RICO, is the application of the heavy rod intended for organized crime, being turned against organized political protest.

Finally, let me emphasize that I am not here to debate political violence. Murder, arson, death threats, physical harm—these are not acts of civil disobedience, but of terrorism, and RICO specifically applies to a pattern of such activities. I am not concerned with protecting these actions, whether engaged in by anti-abortion demonstrators or environmental activists.

What does concern me deeply, is the prosecution of non-violent civil disobedience as racketeering activity. Under RICO, whoever participates in a commercial ''enterprise'' or an ''enterprise'' which has an impact on commerce, through a pattern of specific criminal ''racketeering'' activity, can be penalized. Typical ''racketeering'' activity includes murder, kidnapping, robbery, arson, bribery, loan-sharking, mail fraud, wire fraud, obstruction of justice, witness retaliation, or extortion. Also included as racketeering activity is violation of the Hobbs Act, which modified the Anti-Racketeering Act of 1934. The Hobbs Act includes a provision which prohibits affecting commerce by ''extortion'' using ''wrongful or threatened force, violence, or fear.''

It is this final provision which has been expanded by the Courts to apply to those engaged in civil disobedience. While under common law understanding, ''extortion'' requires the actual trespatory taking of property, the term is now being interpreted as ''coercion,'' which involves compulsion of action. Political and social protest by its very nature attempts to compel a change of actions, whether it be the actions of a logging company cutting old growth forests, a restaurant that will not serve minorities, a business that will not promote women, or a health clinic performing abortions. Such organized efforts to compel action, inherent in civil disobedience, are now captured in the net of RICO.

As I stated earlier, Congress did not envision, and could not conceive, of this application of the law, especially in the wake of the modifications undertaken at the time. In its original draft, RICO specified, and I quote, ''any act dangerous to life, limb, or property,'' as predicate offenses. In direct response to concerns raised by several members of Congress, including the Senator from Massachusetts, that this wording could put civil disobedience into jeopardy, the language was redrafted to clearly define RICO's predicate offenses, specifying particular state and federal offenses. No offense remotely related to rioting, trespass, vandalism, or any other aspect of a demonstration that might stray beyond constitutional limits was included as racketeering activity. While state and federal law continues to apply to many of these violations, these were intentionally excluded from the scope of anti-racketeering laws and the increased punishments these entailed.

Mr. President, in response to recent Court rulings which have grossly expanded the scope of federal anti-racketeering laws to cover non-violent political protest, I am introducing the First Amendment Freedoms Act today. This legislation restores RICO to its originally intended application of organized criminal activity, and codifies Supreme court opinion regarding the protection of First Amendment rights.

Specifically, the bill does two things. First, it narrows the judicially expanded definition of ''extortion'' under RICO, which has allowed for the erroneous prosecution of civil disobedience under this statute. Second, it assures that, in any civil action brought under RICO or any other legal theory, the litigation is conducted consistent with the First Amendment guidelines of the Supreme Court.

Our nation has a long and distinguished history of non-violent civil disobedience as a legitimate form of political and social protest. Such activity has legal consequences. However, such activity is not the equivalent of organized crime. The prosecution of political and social protest under federal anti-racketeering statutes is entirely contrary to anything Congress foresaw in enacting RICO. Congress should act expeditiously to correct this obvious misapplication of the law.

Martin Luther king, Jr., in his acceptance of the Nobel Peace Prize in 1964, said that: ''Nonviolence is the answer to the crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence.'' Those who engage in non-violent civil disobedience should not, and it was never the intent of Congress that they would be, prosecuted as criminal racketeers. If the current interpretation of the law had been in effect in the 1950's and 60's, the civil rights movement could easily have been quashed. I trust that Congress will take steps to address this matter in a timely manner.

Mr. President, I send my bill to the desk, and I yield the floor.

By Mr. MURKOWSKI:

S. 2615. A bill to study options to improve and enhance the protection, management, and interpretation of the significant natural and other resources of certain units of the National Park System in northwest Alaska, to implement a pilot program to better accomplish the purposes for which those units were established by providing greater involvement by Alaska Native communities, and for other purposes; to the Committee on Energy and Natural Resources.

ALASKA NATIONAL INTEREST LEGISLATION

● Mr. MURKOWSKI. Mr. President, the legislation that I have introduced today will require the Secretary of the Interior to report on what he has done, or not done, to implement the requirements of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act. Those provisions sought to mitigate the effect of the designation of over 100 million acres of land in Alaska for permanent preservation on the Alaska Natives who have lived in the areas for centuries. Those provisions required the Secretary to allow those who were already providing visitor services to continue to provide such services and also provided a preference in hiring at those conservation units for local residents.

Those provisions were intended to accomplish several objectives. First and foremost, they were designed to ensure that local residents who would assume the costs attendant to the establishment of these conservation units as a result of future limitations on economic opportunities received some of the benefits from whatever jobs were created. The provisions also ensured that the rich history and knowledge of the area that the local native population possessed was made available to visitors. For a change, Washington could learn from those in the surrounding communities. There would also be an incidental benefit from hiring local residents to the budget of the National Park Service since they would not have to pay employees to relocate to Alaska.

Mr. President, while speaking to the issue of benefits, I have been told by several of the residents of Kotzebue that they have assisted in the rescue of Park Service personnel on a number of occasions. It makes little sense to me to bring someone to the Northwest parks from the lower forty-eight who is unfamiliar with the rugged terrain and treacherous weather. It makes better sense to hire an individual who stands little chance of getting lost or stranded.

This is not a new concept. In various other units of the National Park System we have made provisions to take advantage of local communities, especially where the resource has particular historic or religious significance. At Zuni-Cibola Historical Park, for example, section 4 of Public Law 100-567 specifically authorizes the Secretary to enter into cooperative agreements with the Zuni Tribe and individual tribal members to provide training for the interpretation, management, protection, and preservation of archaeological and historical properties and in the provision of public services on the Zuni Indian Reservation to accomplish the purposes for which that unit of the Park System was established.

At the National Park of American Samoa, the Secretary has been directed to establish a program to train native American Samoan personnel to function as professional park service employees and to provide services to visitors and operate and maintain park facilities. The law establishing the park also provided a preference for the hiring of local Samoans both as employees and under any contract. The general management plan for the park is to be developed in cooperation with the Governor of American Samoa. It is also conceivable, under the legislation, that after fifty years, sole authority to administer the park could be turned over to the Governor of American Samoa from the Secretary.

There are other examples, but I think the time is long overdue for this philosophy to be realized at conservation units in Alaska. The Department of the Interior, in my view, has been dragging its feet and has failed to take advantage of the rich human resources present in the Alaska Native communities that lie in proximity to National Parks and Refuges. These units are remarkable and this Nation is not well served when the Secretary fails to take advantage of the local population.

In particular, the four northwest Alaska units of the National Park System would be a good place for the Secretary to begin complying with section 1307 and 1308 of ANILCA and start contracting with the local people for the management of these park units.

Bering Land Bridge National Preserve is a remnant of the land bridge that connected Asia with North America more than 13,000 years ago. The land bridge itself is now overlain by the Chukchi Sea and the Bering Sea. During the glacial epoch, this area was part of a migration route for people, animals, and plants whenever ocean levels fell enough to expose the land bridge. Scientists find it one of the most likely regions where prehistoric Asian hunters entered the New World.

Today Eskimos from neighboring villages pursue subsistence lifestyles and manage their reindeer herds in and around the preserve. Some 112 migratory bird species may be seen in the Preserve, along with occasional seals, walrus, and whales. Grizzly bears, fox, wolf, and moose also inhabit the Preserve. Other interesting features are rimless volcanoes called Maar craters, Serpentine Hot Springs, and seabird colonies at Sullivan Bluffs.

Cape Krusenstern National Monument is comprised of 659,807 acres of land and water—a coastal plain dotted with sizable lagoons and backed by gently rolling, limestone hills. The Cape Krusenstern area has been designated an Archeological District in the National Register of Historic Places, and a National Historic Landmark. The core of the archeologic district is made up of approximately 114 marine beach ridges. These beach ridges, formed of gravel deposited by major storms and regular wind and wave action, record in horizontal succession the major cultural periods of the last 4,500 years. The prehistoric inhabitants of northwest Alaska occupied the cape seasonally to hunt marine mammals, especially seals. As new beach ridges were formed, camps were made on the ridges closest to the water. Thus, over centuries, a chronological horizontal stratigraphy was laid down in which the oldest cultural remains were found on the beach ridges farthest from the ocean. The discoveries made at Cape Krusenstern National Monument provided a definite, datable outline of cultural succession and development in northwest Alaska.

The park contains approximately 1,726,500 acres of federal lands and encompasses a nearly enclosed mountain basin in the middle section of the Kobuk River in the Northwest Alaska Areas. Trees approach their northern limit in the Kobuk Valley, where forest and tundra meet. Today's dry, cold climate of the Kobuk Valley still approximates that of late Pleistocene times, supporting a remnant flora once covering the vast Arctic steppe tundra bridging Alaska and Asia. Sand created by the grinding of glaciers has been carried to the Kobuk Valley by winds and water. The great Kobuk Sand Dunes—25 square miles of shifting dunes—is the largest active dune field in the arctic latitudes.

Native people have lived in the Kobuk Valley for at least 12,500 years. This human use is best recorded at the extensive archeological sites at Onion Portage. The Kobuk Valley remains an important area for traditional subsistence harvest of caribou, moose, bears, fish, waterfowl, and many edible and medicinal plants. The slow-moving, gentle Kobuk River is tremendous for fishing and canoeing or kayaking.

Noatak National Preserve lies in northwestern Alaska, in the western Brooks Range, and encompasses more than 250 miles of the Noatak River. The preserve protects the largest untouched mountain-ringed river basin in the United States. The river basin provides an outstanding resource for scientific research, environmental education, and subsistence and recreational opportunities.

Above the Arctic Circle, the Noatak River flows from glacial melt atop Mount Igikpak in the Brooks Range out to Kotzebue Sound. Along its 425-mile course, the river has carved out the Grand Canyon of the Noatak. The preserve is in a transition zone between the northern coniferous forests and tundra biomes. The river basin contains most types of arctic habitat, as well as one of the finest arrays of flora and fauna. Among the Preserve's large mammals are brown bears, moose, caribou, wolves, lynx, and Dall sheep. Birdlife also is plentiful in the area because of the migrations from Asia and the tip of South America. The Noatak River supports arctic char, whitefish, grayling, and salmon and is an important resource for fishing, canoeing, and kayaking.

Mr. President, these are the human and natural resources of Northwest Alaska. This legislation will direct the Secretary to finally bring the two together for the benefit of both Alaska Natives and the nation.●

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2616. A bill to amend title XVIII of the Social Security Act to make revisions in the per beneficiary and per visit payment limits on payment for health services under the Medicare program; to the Committee on Finance.

HEALTH SERVICES LEGISLATION

Mr. MOYNIHAN. Mr. President, I am pleased to join my distinguished Chairman, Senator ROTH, and other colleagues in introducing a bill to improve the home health interim payment system.

Prior to the Balanced Budget Act of 1997 (BBA), home health agencies were reimbursed on a cost basis for all their costs, as long as they maintained average costs below certain limits. That payment system provided incentives for home health agencies to increase the volume of services delivered to patients, and it attracted many new agencies to the program. From 1989 to 1996, Medicare home health payments grew at an average annual rate of 33 percent, while the number of home health agencies increased from about 5,700 in 1989 to more than 10,000 in 1997.

In order to constrain the growth in costs and usage of home care, the BBA included provisions that would establish a Prospective Payment System (PPS) for home health care, a method of paying health care providers whereby rates are established in advance. An interim payment system (IPS) was also established while the Health Care Financing Administration works to develop the PPS for home health care agencies.

The home health care industry is dissatisfied with the IPS. The resulting concern expressed by many Members of Congress prompted us to ask the General Accounting Office (GAO) to examine the question of beneficiary access to home care. While the GAO found that neither agency closures nor the interim payment system significantly affected beneficiary access to care, I remain concerned that the potential closure of many more home health agencies might ultimately affect the care that beneficiaries receive, particularly beneficiaries with chronic illness.

The bill we are introducing today adjusts the interim payment system to achieve equity and fairness in payments to home health agencies. It would reduce extreme variations in payment limits applicable to old agencies within states and across states and would reduce artificial payment level differences between ''old'' and ''new'' agencies. The bill would provide all agencies a longer transition period in which to adjust to changed payment limits.

Clearly, since the bill may not address all the concerns raised by Medicare beneficiaries and by home health agencies, we should revisit this issue next year. A thorough review is needed to determine whether the funding mechanism for home health is sufficient, fair and appropriate, and whether the benefit is meeting the needs of Medicare beneficiaries.

America's home health agencies provide invaluable services that have given many Medicare beneficiaries the ability to stay home while receiving medical care. An adjustment to the interim payment system and delay in further payment reductions will enable home health agencies to survive the transition into the prospective payment system while continuing to provide essential care for beneficiaries.

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 35, a bill to amend the Reclamation Reform Act of 1982 to clarify the acreage limitations and incorporate a means test for certain farm operations, and for other purposes.

S. 1459

At the request of Mr. GRASSLEY, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 1557

At the request of Mr. TORRICELLI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1557, a bill to end the use of steel jaw leghold traps on animals in the United States.

S. 1855

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1855, a bill to require the Occupational safety and Health Administration to recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies.

S. 1868

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 2024

At the request of Mr. ASHCROFT, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2024, a bill to increase the penalties for trafficking in methamphetamine in order to equalize those penalties with the penalties for trafficking in crack cocaine.

S. 2078

At the request of Mr. GRASSLEY, the names of the Senator from Washington (Mr. GORTON), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2078, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 2110

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2110, a bill to authorize the Federal programs to prevent violence against women, and for other purposes.

S. 2182

At the request of Mr. GORTON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2182, a bill to amend the Internal Revenue Code of 1986 to provide tax-exempt bond financing of certain electric facilities.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2213

At the request of Mr. FRIST, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2213, a bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act.

S. 2292

At the request of Ms. COLLINS, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 2292, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of insulin pumps as items of durable medical equipment.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2412

At the request of Mr. BURNS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2412, a bill to create employment opportunities and to promote economic growth establishing a public-private partnership between the United States travel and tourism industry and every level of government to work to make the United States the premiere travel and tourism destination in the world, and for other purposes.

S. 2494

At the request of Mr. MCCAIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 2494, a bill to amend the Communications Act of 1934 (47 U.S.C. 151 et seq.) to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes.rposes.

S. 2562

At the request of Mr. DODD, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2562, a bill to amend title XVIII of the Social Security Act to extend for 6 months the contracts of certain managed care organizations under the medicare program.

S. 2563

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2563, a bill to amend title 10, United States Code, to restore military retirement benefits that were reduced by the Military Retirement Reform Act of 1986.

S. 2565

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 2565, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such Act, and for other purposes.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Mississippi (Mr. LOTT), the Senator from Idaho (Mr. KEMPTHORNE), the Senator from Idaho (Mr. CRAIG), the Senator from Alabama (Mr. SHELBY), the Senator from Tennessee (Mr. FRIST), the Senator from Indiana (Mr. COATS), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

SENATE CONCURRENT RESOLUTION 124

At the request of Mr. LAUTENBERG, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of Senate Concurrent Resolution 124, a concurrent resolution expressing the sense of Congress regarding the denial of benefits under the Generalized System of Preferences to developing countries that violate the intellectual property rights of United States persons, particularly those that have not implemented their obligations under the Agreement on Trade-Related Aspects of Intellectual Property.

SENATE CONCURRENT RESOLUTION 125

At the request of Mr. INHOFE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Concurrent Resolution 125, a concurrent resolution expressing the opposition of Congress to any deployment of United States ground forces in Kosovo, a province in southern Serbia, for peacemaking or peacekeeping purposes.

SENATE RESOLUTION 199

At the request of Mr. TORRICELLI, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of Senate Resolution 199, a resolution designating the last week of April of each calendar year as ''National Youth Fitness Week.''

SENATE CONCURRENT RESOLUTION 127—RECOGNIZING THE 50TH ANNIVERSARY OF THE NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES, AND FOR OTHER PURPOSES

Mr. DURBIN (for himself and Mr. MACK) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 127

Whereas November 1998 marks the 50th anniversary of the creation of the National Microbiological Institute (referred to in this resolution as the ''Institute'') under authority of section 202 of the Public Health Service Act;

Whereas the Institute was formed through the combination of the Rocky Mountain Laboratory, the Biologics Control Laboratory, the Division of Infectious Diseases and the Division of Tropical Diseases of the National Institutes of Health;

Whereas in 1955 Congress renamed the Institute as the National Instituteof Allergy and Infectious Diseases (referred to in this resolution as ''NIAID'') under the authority of the Omnibus Medical Research Act, recognizing the need for a coordinated scientific research program on infectious, allergic and immunologic diseases;

Whereas the research portfolio of NIAID encompasses infectious diseases such as acquired immunodeficiency syndrome (AIDS), tuberculosis, sexually transmitted diseases, malaria and influenza, immunologic diseases including asthma, allergies and primary immune deficiency diseases, transplantation immunology, and development of new diagnostic therapies and vaccines forinfectious diseases;

Whereas research supported by NIAID continues to yield promising advances including the development of vaccines against the human immunodeficiency virus (HIV), and in the identification of effective treatment regimens for childhood asthma;

Whereas the continued threat of emerging and re-emerging infectious diseases, like tuberculosis, poses a risk to the health worldwide, NIAID-supported research provides the necessary tools to develop diagnostic tests, new and improved treatments, vaccines and other means to combat the microbial threats of today and those of the future;

Whereas NIAID-supported research is making significant progress in understanding the immune system and its disorders including the mechanisms of immune tolerance, which refers to the ability of the immune system to distinguish between cells and tissues that are ''self'' and those that are foreign or ''non-self,'' such as a pathogen, tumor, ortransplanted organ;

Whereas such advances are vital to the field of organ transplantation and may prove useful in treating autoimmune diseases, such as rheumatoid arthritis and multiple sclerosis;

Whereas Congress intends that NIAID continue its innovative leadership in delineating pathogenesis, improving diagnosis and treatment, and developing vaccines to prevent infectious and immunologic diseases, thereby contributing to the overall health of the American public and the people of the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that Congress—

(1) recognizes the historic significance of the 50th anniversary of theestablishment of the National Microbiological Institute and the creation ofthe Institute that became the National Institute of Allergy and Infectious Diseases;

(2) recognizes the research scientists, administrative staff, professional societies, and patient groups for their active participation in support of the research programs and goals of the NIAID; and

(3) reaffirms its support of the National Institute of Allergy and Infectious Diseases and its commitment to advance knowledge and improve health.

● Mr. DURBIN. Mr. President, I am pleased to submit a Senate Concurrent Resolution recognizing and honoring the 50th anniversary of the National Institute of Allergy and Infectious Diseases. An identical resolution is being introduced in the House by my distinguished colleague, Representative NORTHUP.

As you know I am an ardent supporter of biomedical research and the National Institutes of Health. In this century, great strides have been made in the control of such killer infectious diseases such as polio, rubella, measles, cholera, typhoid fever, and diphtheria. Small pox has been eradicated. We continue to benefit from the development of new drugs and vaccines that contribute enormously to the betterment of the public health.

At the forefront of these advances stands the National Institute of Allergy and Infectious Diseases. NIAID began as the National Microbiological Institute, formed through the union of the Rocky Mountain Laboratory, the Biologics Control Laboratory, the Division of Infectious Diseases, and the Division of Tropical Disease of the NIH. In 1955, Congress renamed the Institute as the National Institute of Allergy and Infectious Diseases, recognizing the need for a coordinated scientific research program on infectious, allergic, and immunologic diseases.

Research supported by the Institute has led to important advances, including: the development of vaccines against infectious diseases such as meningitis, hepatitis A, whopping cough and the rotavirus diarrhea; new treatments to fight against the human immunodeficiency virus (HIV); and novel interventions to treat childhood asthma.

However, despite significant progress, infectious diseases remain the world's leading cause of death, and the third leading cause of death in the United States, and immune-mediated diseases continue to exact a considerable toll. NIAID-supported research will continue to provide the necessary tools to develop diagnostic tests, new and improved treatments, vaccines, and other means to combat the microbial threats of today and those of the future, and to address diseases of the immune system.

I am submitting this resolution today to demonstrate the support of the United States Senate for the NIAID, the NIH and all of the dedicated professionals who have devoted their lives to improving the quality of the nation's health.●

SENATE CONCURRENT RESOLUTION 128—EXPRESSING THE SENSE OF CONGRESS REGARDING MEASURES TO ACHIEVE A PEACEFUL RESOLUTION OF THE CONFLICT IN THE STATE OF CHIAPAS, MEXICO

Mr. LEAHY (for himself, Mr. DODD, Mrs. FEINSTEIN, Mr. KERRY, Mrs. MURRAY, Mr. DURBIN, Mr. BINGAMAN, Mr. FEINGOLD, Mr. HARKIN, Mr. BUMPERS, Mr. WELLSTONE, Mr. JEFFORDS, Mrs. BOXER, Mr. KENNEDY, Mr. WYDEN, and Ms. MIKULSKI) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 128

Whereas the United States and Mexico have a long history of close relations and share many economic and security interests;

Whereas the democratic and prosperous Mexico is in the interest of the United States;

Whereas the United States is providing assistance and licensing exports of military equipment to Mexican security forces for counter-narcotics purposes;

Whereas the Department of State has documented human rights violations by Mexican security forces and paramilitary groups;

Whereas the conflict in Chiapas, Mexico has resulted in the deaths and disappearance of innocent civilians;

Whereas the lack of progress in implementing a preliminary peace agreement signed in 1996 and the presence of tens of thousands of Mexican soldiers, as well as paramilitary and other groups, have contributed to increased political tension and violence in Chiapas and the absence of basic human rights protections;

Whereas the persistence of political tension and violence has exacerbated the impoverished conditions of indigenous people in Chiapas;

Whereas thousands of indigenous people in Chiapas have fled their homes as a result of the violence and are living in deplorable conditions;

Whereas despite President Zedillo's calls for negotiations and repeated visits to chiapas, efforts to negotiate a peaceful resolution of the conflict have been unsuccessful and the National Mediation Commission was dissolved after the resignation of its President, Bishop Samuel Ruiz, due to the lack of progress in the peace process; and

Whereas the summary expulsions of United States citizens and human rights monitors from Mexico raise concerns about the commitment of the Government of Mexico to freedom of movement, association and expression. Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of State should—

(1) take effective measures to ensure that United States assistance and exports of equipment to Mexican security forces—

(A) are used primarily for counter-narcotics purposes; and

(B) do not contribute to human rights violations;

(2) encourage the Government of Mexico to reduce political tension and violence in Chiapas by disarming paramilitary groups and decreasing its military presence there;

(3) commend the Government of Mexico for inviting the United Nations High Commissioner for Human Rights to visit Mexico to discuss the Chiapas conflict;

(4) encourage the Government of Mexico and the Zapatista National Liberation Army to take steps to create conditions for good faith negotiations that address the social, economic and political causes of the conflict to achieve a peaceful and lasting resolution of the conflict, and to vigorously pursue such negotiations;

(5) support efforts to provide relief assistance to displaced persons in Chiapas and adequate monitoring of such assistance; and

(6) seek a commitment from the Government of Mexico to respect the rights of United States citizens and human rights monitors in Mexico in accordance with Mexican law and international law.

Mr. LEAHY. Mr. President, I am today submitting a Concurrent Resolution expressing the sense of Congress regarding measures to achieve a peaceful resolution of the conflict in the state of Chiapas, Mexico.

This resolution is cosponsored by Senator DODD, who is the ranking member of the Western Hemisphere subcommittee and among the most knowledgeable Members of Congress on Mexican affairs, Senator FEINSTEIN, Senator BINGAMAN, Senator JEFFORDS, Senator FEINGOLD, Senator KERRY of Massachusetts, Senator WELLSTONE, Senator BUMPERS, Senator BOXER, Senator KENNEDY, Senator DURBIN, Senator MURRAY, Senator WYDEN, Senator HARKIN, and Senator MIKULSKI.

Congresswoman NANCY PELOSI is today introducing an identical resolution in the House of Representatives.

Mr. President, the purpose of this resolution is to convey our support for a peaceful resolution of the conflict in Chiapas that has been simmering since the Zapatista uprising in 1994. Since then, and despite attempts at negotiations, the situation remains explosive. Scores of innocent people, mostly impoverished Indians, have been killed. Thousands have fled their homes and are living in squalid conditions, made unbearable by the recent flooding.

This resolution does not attempt to take sides or to dictate an outcome. The situation in Chiapas is a complex one that has social, ethnic, economic and political dimensions. It is a manifestation of years of Mexican history. It is for the Mexican people to resolve.

But despite its complexities, there is no doubt that the indigenous people of Chiapas have been the victims of centuries of injustice. Most do not own any land and they live—as their parents and grandparents did—in abject poverty. The Zapatista uprising was a reflection of that injustice and despair, and the political tension and violence of recent years has only exacerbated their plight.

To his credit, President Zedillo has called for a resumption of negotiations and has visited Chiapas several times. Recently, his government invited Mary Robinson, the U.N. High Commissioner for Human Rights, to visit Mexico to discuss the Chiapas situation. I welcome that. But there remains a deep distrust between the two sides, and no sign that the government's strategy is working. This resolution calls on our Secretary of State to encourage the Mexican Government and the

Zapatistas to support negotiations that address the underlying causes of the conflict, to achieve lasting peace.

Mr. President, this resolution is not meant to embarrass or interfere. It is to convey our concern about the people of Chiapas, and the urgent need for concrete progress to resolve a conflict that has cost many innocent lives and which threatens the economic and political development of our southern neighbor.

Many Senators may not know the history of the Chiapas conflict. After the 1994 uprising, the Zapatistas and the government tried to resolve the conflict peacefully. Those negotiations collapsed in 1996 when the Mexican Government walked away from a partial agreement which would have given the inhabitants of Chiapas greater rights.

Since then the situation has gotten worse. Last December, Mexican paramilitary forces killed 45 unarmed civilians in the village of Acteal. In June, two police officers and eight villagers died when Mexican soldiers and police clashed with Zapatista supporters. There are now tens of thousands of Mexican soldiers who patrol the roads in and out of Chiapas in armored vehicles. They patrol the skies in low flying helicopters. They surround the impoverished communities of Zapatista supporters, who, not surprisingly, see the government as their enemy. On top of that, there are armed paramilitary groups who have been responsible for some of the worst atrocities.

The dissolution of the National Mediation Commission after the resignation of its President, Bishop Samuel Ruiz, has further impeded efforts to resolve the conflict peacefully.

I regularly receive reports of violence or harassment directed against human rights monitors, including American citizens, who have been summarily expelled from Mexico for activities that amount to nothing more than criticizing the policies of the Mexican Government.

One case I have followed closely involves an American priest who lived in Chiapas for some 19 years. He was arrested, driven to the airport, accused of engaging in illegal political activity on the basis of anonymous, unsubstantiated allegations, and summarily expelled. Efforts by myself, the American Ambassador, and the Department of State to correct this injustice have been entirely unsuccessful. The Mexican Government has consistently misrepresented the facts in his case.

Despite President Zedillo's repeated calls for renewed dialogue with the Zapatistas and their supporters, and despite the fact that the Zapatistas do not pose a credible threat to the Mexican Government, the Mexican Government's actions have not improved the situation. The government seems to believe that it can solve the problem by simultaneously threatening and holding out promises to Zapatista supporters, even though they live in the same miserable conditions as their parents, their parents' parents, and their grandparents' grandparents, and they deeply distrust the government.

Mr. President, the United States and Mexico share many interests. We have worked together to address concerns on both sides of the border. I have no doubt that the government and the Zapatistas can solve this problem, if they want to. But we must also recognize that violence and instability in Mexico directly affect United States economic and security interests, and human rights abuses, wherever and however they occur, deserve our attention.

This Resolution reflects a balanced approach. Neither side in the conflict is blameless. To resolve it peacefully, both must want peace and be willing to take steps to create the conditions that make it possible for good faith negotiations to succeed, and then sit down at the table together.

The Resolution urges the Secretary of State to ensure that the United States is not contributing to the political violence, by reaffirming current law which limits assistance and exports of equipment only to Mexican security forces who are primarily involved in counter-narcotics activities and who do not commit human rights abuses.

It calls on the Mexican Government to respect the rights of American citizens and human rights monitors in Mexico.

Mr. President, some may ask why we are submitting this Resolution today, when this conflict has been simmering for years. One reason is that after all this time the problem is no closer to being solved. It has gotten worse, not better. The recent flooding has caused an urgent, humanitarian crisis among displaced people in Chiapas who are struggling to survive. And last week's elections showed, not surprisingly, that fully half the people in Chiapas have no faith in the political process.

In short, the status quo is unacceptable. The violence is unacceptable. The lack of any meaningful peace process is unacceptable. There is no reason why so many civilians have died. There is no reason why the causes of the conflict cannot be openly discussed and effectively addressed.

This Resolution sends a message to the Mexican Government, the Zapatistas, our own administration and the international community that an intensified effort is needed urgently to resolve the conflict peacefully.

Mr. President, I want to thank the other Senators who have cosponsored this resolution

SENATE RESOLUTION 294 EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO DEVELOPMENTS IN MALAYSIA AND THE ARREST OF DATO SERI ANWAR IBRAHIM

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

S. RES. 294

Whereas on September 2, 1998, Malaysia's Prime Minister Mahathir Mohamad dismissed Deputy Prim Minister Dato Seri Anwar Ibrahim;

Whereas over the past year, Dato Seri Anwar has advocated adopting meaningful economic structural reforms to combat an increasingly deteriorating economy—a view which runs counter to those of Dr. Mahathir;

Whereas after being dismissed, Dato Seri Anwar began touring the country and publicly criticizing Dr. Mahathir and the policies of the ruling United Malays Organization Baru (UMNO) party;

Whereas in apparent reaction to this criticism Dato Seri Anwar was arrested on September 20, 1998, and held under the provisions of the Malaysian Internal Security Act (ISA);

Whereas the ISA removes arrested individuals from the protections afforded criminal defendants under Malaysia's constitution and statutes, and consequently Dato Seri Anwar was held in an undisclosed location without any formal charges being lodged against him;

Whereas on September 29, 1998, Dato Seri Anwar was formally charged with nine counts of corruption and sexual misconduct, including four sodomy counts, to which another count was later added;

Whereas the vague nature of the charges, as well as the fact that two of the government's ''witnesses'' have already recanted, could reasonably lead to a conclusion that the charges were manufactured by the government for maximum shock value to discredit Dato Seri Anwar and silence him;

Whereas when Dato Seri Anwar appeared at his arraignment, he had been beaten by police while in custody; and told the judge that on his first night of detention, while handcuffed and blindfolded, that he was ''boxed very hard on my head and lower jaw and left eye . . . I was then slapped very hard, left and right, until blood came out from my nose and my lips cracked. Because of this I could not walk or see properly'';

Whereas to substantiate his claims, Dato Seri Anwar showed the court a large bruise on his arm; his swollen black eye was evident to everyone in the courtroom;

Whereas Dr. Mahathir suggested that Dato Seri Anwar inflicted the injuries to himself in order to gain public sympathy;

Whereas since its independence Malaysia has been transformed from a divided multiracial developing nation into a modern, cosmopolitan, economically sophisticated country; and

Whereas the government's actions in case of Dato Seri Anwar seriously damage the reputation of Malaysia in the eyes of the rest of the world; Now therefore be it

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

(1) the Malaysian government should take every step to safeguard the rights of Dato Seri Anwar, ensure that any charges brought against him are not spurious, afford him a fair and open trial, and fully investigate and prosecute those responsible for his mistreatment while in detention; and that

(2) all Malaysians should be permitted to express their political views in a peaceful and orderly fashion without fear of arrest or intimidation.

SENATE RESOLUTION 295 TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE DEVELOPMENT OF EFFECTIVE METHODS FOR ELIMINATING THE USE OF HEROIN

Mr. COATS (for himself, Mr. MCCAIN, and Mr. COVERDELL) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 295

Whereas heroin use in the United States continues to increase;

Whereas drug use among teenagers in the United States is increasing and the number of teenagers that are using heroin for the first time is higher than any other number previously determined;

Whereas between 1992 and 1996, heroin use among college-age students increased an estimated 10 percent;

Whereas an estimated 810,000 chronic heroin addicts live in the United States;

Whereas an estimated 115,000 heroin addicts in the United States are currently participating in methadone programs;

Whereas methadone is a synthetic opiate and the use of methadone in treatment for heroin addiction results in the transfer of addiction from one drug to another drug;

Whereas heroin addicts and methadone addicts are unable to function as self-sufficient, productive members of society;

Whereas methadone addicts who attempt to become drug free experience the same difficult withdrawal process as that experienced by heroin addicts;

Whereas the Clinton Administration, through the Office of National Drug Control Policy, is directing the drug policy of the United States toward the wrong goals by announcing a new heroin policy;

Whereas that heroin policy would double the number of heroin addicts transferred to methadone addiction, loosen controls with respect to the licensing of methadone dispensers, and promote methadone addiction as the principal means of ending heroin addiction;

Whereas no official responsible for that policy has consulted with Congress concerning that policy and the Clinton Administration lacks sufficient statutory and budgetary authority to carry out that policy; and

Whereas in promoting methadone addiction as the preferred treatment for heroin addiction, the Clinton Administration has abandoned heroin addicts to a lifetime of Government-sponsored drug dependency: Now, therefore, be it

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

(1) the Federal Government should adopt a zero-tolerance drug-free policy that has as its principal objective the elimination of drug abuse and addiction, including both methadone and heroin;

(2) Congress should conduct a thorough examination of the national drug control policy of the United States to determine the reasons for the failure of methadone and methadone maintenance programs to eliminate heroin addiction;

(3) Congress should carefully examine alternative approaches to curing heroin addiction, and focus on treatments that eliminate dependence on, or addiction to, any substance or drug; and

(4) Congress should work with the Clinton Administration to develop an effective drug control policy that—

(A) includes a clear and comprehensive strategy to provide for a transition to a zero-tolerance, drug-free program that is based on detoxification and the comprehensive treatment of the pathology of drug addiction;

(B) addresses other human needs that contribute to recidivism among recovering heroin addicts; and

(C) provides opportunities for former addicts to become self-sufficient, productive members of society.

Mr. MCCAIN. Mr. President, I am here today with my colleagues, Senator COATS and Senator COVERDELL, to submit a resolution providing much needed direction to our nation's battle against heroin addiction.

Drug abuse continues to plague our society, destroying families, futures and opportunities for millions of Americans each year. Addiction to drugs, particularly devastating drugs like heroin, endangers the well-being of all citizens, particularly our children, and thus the future of this nation.

Recent statistics show dramatic increases in drug use among children and pain a chilling image of the obstacles facing our nation before we can claim victory in the battle against drugs. In a 1997 study, almost 12 percent of children between the ages of 12 and 17 report using an illicit drug in the preceding 30 days. The number of children using heroin for the first time is at its highest level in 30 years, and today there are over 810,000 heroin addicts in our country.

Clearly, we are still quite far from winning the war drugs.

This is why I am concerned and, honestly, frustrated by the policies which are being promoted by the Office of National Drug Control Policy (ONDCP) to combat heroin addiction. Under the direction of General McCaffrey, the ONDCP and the Administration have announced their decision to spend $3.7 billion to double the number of heroin addicts in methadone maintenance programs, which ONDCP has unilaterally chosen as the preferred treatment for heroin addicts.

Mr. President, I have serious concerns about this recently announced policy.

First, methadone treatment programs simply transfer addiction from one drug, heroin, to another drug, methadone. Methadone treatment merely transfers dependency. It does nothing to provide addicts with the training and support necessary to function as self-sufficient, productive members of society. Methadone maintenance programs alone force individuals into a life of government-sponsored drug dependency.

Second, ONDCP did not consult with Congress about this significant and expensive policy decision. The simple fact is that ONDCP has neither the statutory nor budget authority to implement this policy without Congressional approval. And it is not clear that spending nearly $4 billion on expanded methadone maintenance programs is a wise or effective use of the resources available to combat drug abuse and addiction in this country.

Mr. President, eradicating heroin use is a difficult issue which must be addressed with careful deliberation, extensive dialogue and a thorough examination. Our policies and programs must be designed to free heroin addicts from their addition, not hook them on another government-condoned drug.

The resolution we are submitting today calls on Congress to focus on developing effective policies and program for ending heroin addiction. We should be looking at all alternatives to methadone treatment, especially those that do not involve transferring addiction or dependence on substances. We should also include programs to provide training and support to former addicts to help them become productive members of our society. And we should be working to develop drug strategies that will further our goal of a drug-free America.

Let me take a moment to thank my dear friend, DAN COATS, for his work in putting together this resolution. His thoughtful and caring devotion to improving the lives of children and the less fortunate in our society will be sorely missed.

Mr. President, I realize that time is short in this Congress, but I strongly believe that eliminating drug abuse and addiction in America should be a high priority for the Administration and Congress. I urge my colleagues to give careful consideration to this issue and join in working toward that goal in the 106th Congress.

Mr. COVERDELL. Mr. President, today I join Senator COATS and Senator MCCAIN in submitting a Senate Resolution renouncing the recent proposal by the Administration to expand methadone maintenance programs. Methadone is a so-called ''treatment'' for heroin addiction. Heroin is a highly addictive opiate which leads its users down a path of crime and self-destruction, and the prescription of methadone is simply a means to sustain addiction. My colleagues and I do realize the need for help, but do not believe the answer is exchanging one addiction for another.

The Administration has failed to consult Congress of its plan to increase the number of methadone maintenance programs and to loosen regulations of licensed methadone dispensers. We frown upon the idea of paying for drug addiction. Our Resolution states the need for Congressional hearings in order to compare the Administration's proposal with alternative drug-free treatment programs.

Alternatives such as the Ready, Willing and Able program have been extremely successful in helping Americans who are addicted to drugs, homeless, or in many cases, both. This program is based on community. It provides wages earned from community based jobs in exchange for room, board and positive reinforcement in a drug-free environment. I believe comprehensive treatment programs such as this are a positive step in our war against drugs.

America will have achieved nothing in the fight against drugs if we keep

funding programs that allow us to look the other way without looking at the facts. We need to hear from those who are methadone users, those who are previous methadone users, and those who administer methadone. We need to look at statistics, look at current funding, and look at current problems within the programs. I don't believe we have solved anyone's drug addiction if we can still call them an addict. Methadone users are addicts and they face the same withdrawals as those on heroin. Let's find solutions to our Nation's drug problems, not follow the Administration's example, which further feeds and funds drug addiction.

SENATE RESOLUTION 296—EXPRESSING THE SENATE REGARDING THE COMPLETION OF CONSTRUCTION OF A WWII MEMORIAL

MR. KERREY submitted the following resolution; which was considered and agreed to:

S. RES. 296

Whereas World War II is the defining event of the 20th century;

Whereas in World War II, over 16,000,000 American men and women served the Nation, of which nearly 300,000 were killed and over 670,000 were wounded;

Whereas in Public Law 103–422 (108 Stat. 4356), Congress approved the location of a memorial to this epic event in Area I of the District of Columbia and its environs, as described in the Act entitled ''An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes'', approved November 14, 1986 (40 U.S.C. 1001 et seq.); and

Whereas Congress has traditionally provided funding for the memorials commemorating President Thomas Jefferson and President Abraham Lincoln, the monument to President George Washington, and the Korean War Veterans Memorial: Now, therefore, be it

Resolved,

SECTION 1. FUNDING OF A WORLD WAR II MEMORIAL.

It is the sense of the Senate that, on completion of construction of a World War II Memorial in Area I of the District of Columbia and its environs, as described in that Act, Congress should provide funding for the maintenance, security, and custodial and long-term care of the memorial by the National Park Service.

Mr. KERRY. Mr. President, I have a very simple proposition for the Senate. Let's close an accidental tax loophole for the heirs of people who leave estates worth more than $17 million and use the savings to help self-employed Americans—like the thousands of entrepreneurs on Nebraska's farms and ranches—afford the soaring cost of health care.

Today I am submitting legislation to accomplish that purpose.

The facts are very simple. Prior to 1997, when we passed the 1997 Balanced Budget Agreement, the first $600,000 of an estate was excluded from taxes. The old law gradually phased out this exclusion once an estate reached $17 million. The 1997 Act increases the value of an estate not subject to taxes. But a drafting error in the 1997 Balanced Budget Agreement failed to include the accompanying phase out of the exclusion on estates over $17 million.

Clearly this error needs to be fixed. Letting this mistake stand uncorrected will cost the American taxpayers nearly $900 million over the next ten years. To give you an idea of how much this provision does to benefit the few, consider that in 1995, the Internal Revenue Service estimates that just 300 tax returns were filed on estates over $20 million.

Congress had the opportunity to correct this error during consideration of the IRS Reform bill this year. Regrettably, the objections of a few to making this right overcame the support of the many for doing so.

Meanwhile, Mr. President, self-employed Americans are struggling to cope with the rising cost of health insurance, which they—unlike Americans employed by others—cannot fully deduct from their taxable income. The face of their struggle is most evident on farms and ranches. In Nebraska, producers are facing plunging commodity prices at the same time they face soaring costs of living, especially for health insurance. Today they can deduct 40 percent of the cost of their insurance. Under current law, they cannot fully deduct that cost until 2007.

So, my proposal is simple. Let's close the loophole that everyone admits was an accident, and use that money to accelerate the full deductibility of health insurance for the self-employed. It's a clear choice between a loophole that nobody wanted to exist and entrepreneurs who—especially those on our farms and ranches—may not exist much longer if we don't get them some help.

While I recognize time is short for passing this bill this year, I urge my colleagues to join me in supporting this legislation and in pursuing this goal next year.

SENATE RESOLUTIONS 297—AUTHORIZING TESTIMONY AND REPRESENTATION OF FORMER AND CURRENT SENATE EMPLOYEES AND REPRESENTATION OF A SENATOR

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

S. RES. 297

Whereas, in the case of *Student Loan Fund of Idaho, Inc.* v. *Riley, et al.,* Case No. CV 94–0413–S–LMB, pending in the United States District Court for the District of Idaho, testimony has been requested from Elizabeth Criner, a former employee of Senator LARRY CRAIG;

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

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

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

Resolved, That Elizabeth Criner, and any other former or current Senate employee from whom testimony may be required, are authorized to testify in the case of *Student Loan Funding of Idaho, Inc.* v. *Riley, et al.,* except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Senator LARRY CRAIG, Elizabeth Criner, and any other Member or employee of the Senate in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION 298—CONDEMNING THE TERROR, VENGEANCE, AND HUMAN RIGHTS ABUSES AGAINST THE CIVILIAN POPULATION OF SIERRA LEONE

Mr. ABRAHAM submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 298

Whereas the ousted Armed Forces Revolutionary Council (AFRC) military junta and the rebel fighters of the Revolutionary United Front (RUF) have mounted a campaign of terror, vengeance, and human rights abuses on the civilian population of Sierra Leone;

Whereas the AFRC and RUF violence against civilians continues with at least 1,200 persons having hands or feet amputated by rebels;

Whereas the International Committee of the Red Cross estimates that only 1 in 4 victims of mutilation actually makes it to medical help;

Whereas the AFRC and RUF continue to abduct children and forcibly train them as combatants;

Whereas UNICEF estimates the number of children forcibly abducted since March 1998 exceeds 3,000;

Whereas the consequences of this campaign have been the flight of more than 250,000 refugees to Guinea and Liberia in the last 6 months and the increase of over 250,000 displaced Sierra Leoneans in camps and towns in the north and east;

Whereas the Governments of Guinea and Liberia are having great difficulty caring for the huge number of refugees, now totaling 600,000 in Guinea and Liberia, and emergency appeals have been issued by the United Nations High Commission for Refugees for $7,300,000 for emergency food, shelter, and sanitation, and medical, educational, psychological, and social services;

Whereas starvation and hunger-related deaths have begun in the north where more than 500 people have died since August 1, 1998, a situation that will only get worse in the next months;

Whereas the humanitarian community is unable, because of continuing security concerns, to deliver food and medicine to the vulnerable groups within the north and east of Sierra Leone;

Whereas the Economic Community of West African States and its peacekeeping arm, the Economic Community of West African States Military Observer Group (ECOMOG), are doing their best, but are still lacking in the logistic support needed to either bring this AFRC and RUF rebel war to a conclusion or force a negotiated settlement;

Whereas arms and weapons continue to be supplied to the AFRC and RUF in direct violation of a United Nations arms embargo;

Whereas the United Nations Under Secretary for Humanitarian Affairs and Emergency Relief Coordinator, Amnesty International, Human Rights Watch, and Refugees International, following visits to Sierra Leone in May and June 1998, condemned, in the strongest terms, the terrible human rights violations done to civilians by the AFRC and RUF rebels; and

Whereas the Special Representative of the United Nations Secretary General for Children and Armed Conflict, following a May 1998 visit to Sierra Leone, called upon the United Nations to make Sierra Leone one of the pilot projects for the rehabilitation of child combatants: Now, therefore, be it

Resolved, That the Senate—

(1) urges the President and the Secretary of State to give high priority to solving the conflict in Sierra Leone and to bring stability to West Africa in general;

(2) urges the Department of State to give the needed logistical support to ECOMOG and the Government of Sierra Leone to bring this conflict to a rapid conclusion;

(3) condemns the use of children as combatants in the conflict in Sierra Leone;

(4) urges the establishment of a secure humanitarian corridor to strategic areas in the north and east of Sierra Leone for the safe delivery of food and medicines by the Government of Sierra Leone and humanitarian agencies already in the country mandated to deliver this aid;

(5) urges the President and the Secretary of State to strictly enforce the United Nations arms embargo on the Armed Forces Revolutionary Council and Revolutionary United Front;

(6) urges the President and the Secretary of State to work with the Economic Community of West African States to ensure there are sufficient African forces and arms provided to its peacekeeping arm, ECOMOG;

(7) urges the President and the Secretary of State to support the United Nations High Commission for Refugees appeal for aid to the Sierra Leonean refugees in Guinea, Liberia, and other countries;

(8) urges the President and the Secretary of State to support the United Nations agencies and nongovernmental organizations working in Sierra Leone to bring humanitarian relief and peace to the country;

(9) urges the President and the Secretary of State to support the Government of Sierra Leone in its demobilization, disarmament, and reconstruction plan for the country as peace becomes a reality; and

(10) encourages and supports the United Nations Special Representative of the Secretary General for Children and Armed Conflict, to continue in the efforts to work in Sierra Leone to establish programs designed to rehabilitate child combatants.

AMENDMENTS SUBMITTED

UNITED STATES ROUTE 66

CHAFEE (AND OTHERS) AMENDMENT NO. 3800

Mr. LOTT (for Mr. CHAFEE for himself, Mr. DOMENICI, Mr. BINGAMAN, and Mr. WARNER) proposed an amendment to the bill (S. 2133) to designate former United States Route 66 as ''America's Main Street'' and authorize the Secretary of the Interior to provide assistance; as follows:

On page 6, strike lines 12 through 18 and insert the following:

(1) ROUTE 66 CORRIDOR.—The term ''Route 66 corridor'' means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

On page 6, lines 22 and 23, strike ''cultural resources related to Route 66'' and insert ''preservation of the Route 66 corridor''.

On page 7, strike lines 1 through 9 and insert the following:

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term ''preservation of the Route 66 corridor'' means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the study prepared by the National Park Service and entitled ''Special Resource Study of Route 66'', dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

On page 7, line 15, strike ''Route 66'' and insert ''the Route 66 corridor''.

On page 7, strike lines 16 through 18.

On page 7, line 19, strike ''**sec. 3.**'' and insert ''**sec. 2.**''.

On page 7, lines 23 and 24, strike ''preservation of Route 66'' and insert ''preservation of the Route 66 corridor''.

On page 8, line 9, strike ''to preserve Route 66'' and insert ''for the preservation of the Route 66 corridor''.

On page 8, line 15, strike ''historic'' and insert ''Historic''.

On page 8, line 16, strike ''preservation of Route 66;'' and insert ''preservation of the Route 66 corridor;''.

On page 9, strike lines 1 through 11.

On page 9, line 12, strike ''(2)'' and insert ''(1)''.

On page 9, line 15, strike ''(3)'' and insert ''(2)''.

On page 9, line 16, strike ''(4)'' and insert ''(3)''.

On page 9, line 17, strike ''(5)'' and insert ''(4)''.

On page 9, line 19, strike ''(6)'' and insert ''(5)''.

On page 9, strike lines 20 through 22.

On page 9, line 23, strike ''(f)'' and insert ''(e)''.

On page 9, line 25, strike ''preservation of Route 66'' and insert ''preservation of the Route 66 corridor''.

On page 10, line 2, strike ''highway'' and insert ''Route 66 corridor''.

On page 10, line 5, strike ''Route 66'' and insert ''the Route 66 corridor''.

On page 10, line 11, strike ''Route 66'' and insert ''the Route 66 corridor''.

On page 10, line 12, strike ''**sec. 4.**'' and insert ''**sec. 3.**''.

On page 10, line 16, strike ''Route 66'' and insert ''the Route 66 corridor''.

On page 11, strike lines 1 and 2 and insert the following:

needs for preservation of the Route 66 corridor.

On page 11, line 7, strike ''histories of Route 66'' and insert ''histories of events that occurred along the Route 66 corridor''.

On page 11, line 14, strike ''Route 66'' and insert ''the Route 66 corridor''.

On page 11, line 18, strike ''**sec. 5.**'' and insert ''**sec. 4.**''.

Amend the title so as to read: ''A bill to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.''.

VALLEY FORGE NATIONAL HISTORICAL PARK

MURKOWSKI AMENDMENT NO. 3801

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 2401) to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historical Park; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ADDITION OF THE PAOLI BATTLEFIELD SITE TO THE VALLEY FORGE NATIONAL HISTORICAL PARK.

Section 2(a) of Public Law 94–337 (16 U.S.C. 410aa–1(a)) is amended in the first sentence by striking ''which shall'' and inserting ''and the area known as the 'Paoli Battlefield', located in the borough of Malvern, Pennsylvania, described as the ''Proposed Addition to Paoli Battlefield'' on the map numbered 71572 and dated 2–17–98, (referred to in this Act as the 'Paoli Battlefield') which map shall''.

SEC. 2. COOPERATIVE MANAGEMENT OF PAOLI BATTLEFIELD.

Section 3 of Public Law 94–337 (16 U.S.C. 410aa–2), is amended by adding at the end the following: ''The Secretary may enter into a cooperative agreement with the borough of Malvern, Pennsylvania for the management by the borough of the Paoli Battlefield.''.

SEC. 3. ACQUISITION OF LAND FOR PAOLI BATTLEFIELD.

Section 4(a) of Public Law 94–337 (16 U.S.C. 410aa–3) is amended by striking ''not more than $13,895,000 for the acquisition of lands and interests in lands'' and inserting ''not more than—

''(1) $13,895,000 for the acquisition of land and interests in land; and

''(2) if non-Federal funds in the amount of not less than $1,000,000 are available for the acquisition and donation to the National Park Service of land and interests in land within the Paoli Battlefield, $2,500,000 for the acquisition of land interests in land within the Paoli Battlefield''.

OREGON PUBLIC LAND TRANSFER AND PROTECTION ACT OF 1998

WYDEN (AND SMITH) AMENDMENT NO. 3802

Mr. LOTT (for Mr. WYDEN for himself and Mr. SMITH of Oregon) proposed an

amendment to the bill (S. 2513) to transfer administrative jurisdiction over certain Federal land located within or adjacent Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon; as follows:

On page 2, before line 3, insert the following:

TITLE III—CONVEYANCE TO DESCHUTES COUNTY, OREGON

Sec. 301. Conveyance to Deschutes County, Oregon.

On page 2, strike lines 11 through 13 and insert the following:

depicted on the map entitled ''BLM/Rogue River NF Administrative Jurisdiction Transfer, North Half'' and dated April 28, 1998, and the map entitled ''BLM/Rogue River NF Administrative Jurisdiction Transfer, South Half'' and dated April 28, 1998, consisting of approximately

On page 3, strike lines 13 through 16 and insert the following:

(1) LAND TRANSFER.—The Federal land depicted on the maps described in subsection (a)(1), consisting of approximately 1,632

On page 4, strike lines 9 through 11 and insert the following:

Federal land depicted on the maps described in subsection (a)(1), consisting of

On page 5, strike lines 9 through 11 and insert the following:

maps described in subsection (a)(1), consisting of approximately 960 acres within

On page 6, strike lines 15 and 16 and insert the following:

on the map entitled ''BLM/Rogue River NF Boundary Adjustment, North Half'' and dated April 28, 1998, and the map entitled ''BLM/Rogue River NF Boundary Adjustment, South Half'' and dated April 28, 1998.

On page 10, after line 3, add the following:

TITLE III—CONVEYANCE TO DESCHUTES COUNTY, OREGON

SEC. 301. CONVEYANCE TO DESCHUTES COUNTY, OREGON.

(a) PURPOSES.—The purposes of this section are to authorize the Secretary of the Interior to sell at fair market value to Deschutes County, Oregon, certain land to be used to protect the public's interest in clean water in the aquifer that provides drinking water for residents and to promote the public interest in the efficient delivery of social services and public amenities in southern Deschutes County, Oregon, by—

(1) providing land for private residential development to compensate for development prohibitions on private land currently zoned for residential development the development of which would cause increased pollution of ground and surface water;

(2) providing for the streamlined and low-cost acquisition of land by nonprofit and governmental social service entities that offer needed community services to residents of the area;

(3) allowing the County to provide land for community amenities and services such as open space, parks, roads, and other public spaces and uses to area residents at little or no cost to the public; and

(4) otherwise assist in the implementation of the Deschutes County Regional Problem Solving Project.

(b) SALE OF LAND.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the ''Secretary'') may make available for sale at fair market value to Deschutes County, Oregon, the land in Deschutes County, Oregon (referred to in this section as the ''County''), comprising approximately 544 acres and lying in Township 22, S., Range 10 E. Willamette Meridian, described as follows:

(A) Sec. 1:

(i) Government Lot 3, the portion west of Highway 97;

(ii) Government Lot 4;

(iii) SENW, the portion west of Highway 97; SWNW, the portion west of Highway 97, NWSW, the portion west of Highway 97; SWSW, the portion west of Highway 97;

(B) Sec. 2:

(i) Government Lot 1;

(ii) SENE, SESW, the portion east of Huntington Road; NESE; NWSE; SWSE; SESE, the portion west of Highway 97;

(C) Sec. 11:

(i) Government Lot 10;

(ii) NENE, the portion west of Highway 97; NWNE; SWNE, the portion west of Highway 97; NENW, the portion east of Huntington Road; SWNW, the portion east of Huntington Road; SENW.

(2) SUITABILITY FOR SALE.—The Secretary shall convey the land under paragraph (1) only if the Secretary determines that the land is suitable for sale through the land use planning process.

(c) SPECIAL ACCOUNT.—The amount paid by the County for the conveyance of land under subsection (b)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) may be used by the Secretary for the purchase of environmentally sensitive land east of Range Nine East in the State of Oregon that is consistent with the goals and objectives of the land use planning process of the Bureau of Land Management.

WATER RESOURCES DEVELOPMENT ACT OF 1998

CHAFEE AMENDMENT NO. 3803

Mr. LOTT (for Mr. CHAFEE) proposed an amendment to the bill (S. 2131) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 1998''.

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

TITLE II—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

TITLE I—WATER RESOURCES DEVELOPMENT

SEC. 101. DEFINITION.

In this title, the term ''Secretary'' means the Secretary of the Army.

SEC. 102. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) RIO SALADO (SALT RIVER), ARIZONA.—The project for environmental restoration, Rio Salado (Salt River), Arizona: Report of the Chief of Engineers, dated August 20, 1998, at a total cost of $85,900,000, with an estimated Federal cost of $54,980,000 and an estimated non-Federal cost of $30,920,000.

(2) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction described as the Folsom Stepped Release Plan in the United States Army Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $464,600,000, with an estimated Federal cost of $302,000,000 and an estimated non-Federal cost of $162,600,000.

(B) IMPLEMENTATION.—

(i) IN GENERAL.—Implementation of the measures by the Secretary pursuant to subparagraph (A) shall be undertaken after completion of the levee stabilization and strengthening and flood warning features authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662).

(ii) FOLSOM DAM AND RESERVOIR.—The Secretary may undertake measures at the Folsom Dam and Reservoir authorized under subparagraph (A) only after reviewing the design of such measures to determine if modifications are necessary to account for changed hydrologic conditions and any other changed conditions in the project area, including operational and construction impacts that have occurred since completion of the report referred to in subparagraph (A). The Secretary shall conduct the review and develop the modifications to the Folsom Dam and Reservoir with the full participation of the Secretary of the Interior.

(iii) REMAINING DOWNSTREAM ELEMENTS.—

(I) IN GENERAL.—Implementation of the remaining downstream elements authorized pursuant to subparagraph (A) may be undertaken only after the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed the elements to determine if modifications are necessary to address changes in the hydrologic conditions, any other changed conditions in the project area that have occurred since completion of the report referred to in subparagraph (A) and any design modifications for the Folsom Dam and Reservoir made by the Secretary in implementing the measures referred to in clause (ii), and has issued a report on the review.

(II) PRINCIPLES AND GUIDELINES.—The review shall be prepared in accordance with the economic and environmental principles and guidelines for water and related land resources implementation studies, and no construction may be initiated unless the Secretary determines that the remaining downstream elements are technically sound, environmentally acceptable, and economically justified.

(3) LLAGAS CREEK, CALIFORNIA.—The project for completion of the remaining reaches of the Natural Resources Conservation Service flood control project at Llagas Creek, California, undertaken pursuant to section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), substantially in accordance with the requirements of local cooperation as specified in section 4 of that Act (16 U.S.C. 1004) at a total cost of $34,300,000, with an estimated Federal cost of $16,600,000 and an estimated non-Federal share of $17,700,000.

(4) UPPER GUADALUPE RIVER, CALIFORNIA.—The Secretary may construct the locally preferred plan for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 18, 1998, at a total cost of $132,836,000, with an estimated Federal cost of $42,869,000 and an estimated non-Federal cost of $89,967,000.

(5) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—

(A) IN GENERAL.—The shore protection project for hurricane and storm damage reduction, Delaware Bay Coastline: Delaware and New Jersey-Broadkill Beach, Delaware, Report of the Chief of Engineers dated August 17, 1998, at a total cost of $8,871,000, with an estimated Federal cost of $5,593,000 and an estimated non-Federal cost of $3,278,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $651,000, with an estimated annual Federal cost of $410,000 and an estimated annual non-Federal cost of $241,000.

(6) HILLSBORO AND OKEECHOBEE AQUIFER STORAGE AND RECOVERY PROJECT, FLORIDA.—The project for aquifer storage and recovery described in the United States Army Corps of Engineers Central and Southern Florida Water Supply Study, Florida, dated April 1989, and in House Document 369, dated July 30, 1968, at a total cost of $27,000,000, with an estimated Federal cost of $13,500,000 and an estimated non-Federal cost of $13,500,000.

(7) INDIAN RIVER COUNTY, FLORIDA.—Notwithstanding section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)), the project for shoreline protection, Indian River County, Florida, authorized by section 501(a) of that Act (100 Stat. 4134), shall remain authorized for construction through December 31, 2002.

(8) LIDO KEY BEACH, SARASOTA, FLORIDA.—

(A) IN GENERAL.—The project for shore protection at Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819) and deauthorized by operation of section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary at a total cost of $5,200,000, with an estimated Federal cost of $3,380,000 and an estimated non-Federal cost of $1,820,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $602,000, with an estimated annual Federal cost of $391,000 and an estimated annual non-Federal cost of $211,000.

(9) AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.—The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed: Report of the Chief of Engineers, dated December 23, 1996, at a total cost of $110,045,000, with an estimated Federal cost of $71,343,000 and an estimated non-Federal cost of $38,702,000.

(10) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—The project for navigation, Baltimore Harbor Anchorages and Channels, Maryland and Virginia: Report of the Chief of Engineers, dated June 8, 1998, at a total cost of $27,692,000, with an estimated Federal cost of $18,510,000 and an estimated non-Federal cost of $9,182,000.

(11) RED LAKE RIVER AT CROOKSTON, MINNESOTA.—The project for flood damage reduction, Red Lake River at Crookston, Minnesota: Report of the Chief of Engineers, dated April 20, 1998, at a total cost of $8,720,000, with an estimated Federal cost of $5,567,000 and an estimated non-Federal cost of $3,153,000.

(12) PARK RIVER, NORTH DAKOTA.—

(A) IN GENERAL.—Subject to the condition stated in subparagraph (B), the project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized under section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), at a total cost of $27,300,000, with an estimated Federal cost of $17,745,000 and an estimated non-Federal cost of $9,555,000.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions recommended in a final report of the Chief of Engineers as approved by the Secretary, if the report of the Chief is completed not later than December 31, 1998:

(1) NOME HARBOR IMPROVEMENTS, ALASKA.—The project for navigation, Nome Harbor Improvements, Alaska, at a total cost of $24,280,000, with an estimated first Federal cost of $19,162,000 and an estimated first non-Federal cost of $5,118,000.

(2) SAND POINT HARBOR, ALASKA.—The project for navigation, Sand Point Harbor, Alaska, at a total cost of $11,463,000, with an estimated Federal cost of $6,718,000 and an estimated first non-Federal cost of $4,745,000.

(3) SEWARD HARBOR, ALASKA.—The project for navigation, Seward Harbor, Alaska, at a total cost of $11,930,000, with an estimated first Federal cost of $3,816,000 and an estimated first non-Federal cost of $8,114,000.

(4) HAMILTON AIRFIELD WETLAND RESTORATION, CALIFORNIA.—The project for environmental restoration at Hamilton Airfield, California, at a total cost of $55,100,000, with an estimated Federal cost of $41,300,000 and an estimated non-Federal cost of $13,800,000.

(5) OAKLAND, CALIFORNIA.—

(A) IN GENERAL.—The project for navigation and environmental restoration, Oakland, California, at a total cost of $214,900,000, with an estimated Federal cost of $128,600,000 and an estimated non-Federal cost of $86,300,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $38,200,000.

(6) SOUTH SACRAMENTO COUNTY STREAMS, CALIFORNIA.—The project for flood damage reduction, environmental restoration, and recreation, South Sacramento County Streams, California at a total cost of $65,410,000, with an estimated Federal cost of $39,104,000 and an estimated non-Federal cost of $26,306,000.

(7) YUBA RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Yuba River Basin, California, at a total cost of $25,850,000, with an estimated Federal cost of $16,775,000 and an estimated non-Federal cost of $9,075,000.

(8) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-PORT MAHON, DELAWARE.—

(A) IN GENERAL.—The shore protection project for ecosystem restoration, Delaware Bay Coastline: Delaware and New Jersey-Port Mahon, Delaware, at a total cost of $7,563,000, with an estimated Federal cost of $4,916,000 and an estimated non-Federal cost of $2,647,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $238,000, with an estimated annual Federal cost of $155,000 and an estimated annual non-Federal cost of $83,000.

(9) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—

(A) IN GENERAL.—The shore protection project for navigation mitigation and hurricane and storm damage reduction, Delaware Bay Coastline: Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware, at a total cost of $3,326,000, with an estimated Federal cost of $2,569,000 and an estimated non-Federal cost of $757,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $207,000, with an estimated annual Federal cost of $159,000 and an estimated annual non-Federal cost of $48,000.

(10) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—

(A) IN GENERAL.—The shore protection project for hurricane storm damage reduction, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware, at a total cost of $22,094,000, with an estimated Federal cost of $14,361,000 and an estimated non-Federal cost of $7,733,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,573,000, with an estimated annual Federal cost of $1,022,000 and an estimated annual non-Federal cost of $551,000.

(11) JACKSONVILLE HARBOR, FLORIDA.—The project for navigation, Jacksonville Harbor, Florida, at a total cost of $27,758,000, with an estimated Federal cost of $9,632,000 and an estimated non-Federal cost of $18,126,000.

(12) LITTLE TALBOT ISLAND, DUVAL COUNTY, FLORIDA.—The shore protection project for hurricane and storm damage prevention, Little Talbot Island, Duval County, Florida, at a total cost of $5,802,000, with an estimated Federal cost of $3,771,000 and an estimated non-Federal cost of $2,031,000.

(13) PONCE DE LEON INLET, VOLUSIA COUNTY, FLORIDA.—The project for navigation and recreation, Ponce de Leon Inlet, Volusia County, Florida, at a total cost of $5,533,000, with an estimated Federal cost of $3,408,000 and an estimated non-Federal cost of $2,125,000.

(14) TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.—The project for navigation, Tampa Harbor-Big Bend Channel, Florida, at a total cost of $11,348,000, with an estimated Federal cost of $5,747,000 and an estimated non-Federal cost of $5,601,000.

(15) BRUNSWICK HARBOR DEEPENING, GEORGIA.—The project for navigation, Brunswick Harbor deepening, Georgia, at a total cost of $49,433,000, with an estimated Federal cost of $32,083,000 and an estimated non-Federal cost of $17,350,000.

(16) SAVANNAH HARBOR EXPANSION, GEORGIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may carry out the project for navigation, Savannah Harbor expansion, Georgia, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, with such modifications as the Secretary deems appropriate, at a total cost of $223,887,000 (of which amount a portion is authorized for implementation of the mitigation plan), with an estimated Federal cost of $141,482,000 and an estimated non-Federal cost of $82,405,000, if the final report of the Chief of Engineers is completed by December 31, 1998.

(B) CONDITIONS.—The project authorized by subparagraph (A) may be carried out only after—

(i) the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed and approved an Environmental Impact Statement that includes—

(I) an analysis of the impacts of project depth alternatives ranging from 42 feet through 48 feet; and

(II) a selected plan for navigation and associated mitigation plan as required by section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283); and

(ii) the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, with the Secretary, have approved the selected plan and have determined that the mitigation plan adequately addresses the potential environmental impacts of the project.

(C) MITIGATION REQUIREMENTS.—The mitigation plan shall be implemented in advance of or concurrently with construction of the project.

(17) GRAND FORKS, NORTH DAKOTA, AND EAST GRAND FORKS, MINNESOTA.—The project for flood damage reduction and recreation, Grand Forks, North Dakota, and East Grand Forks, Minnesota, at a total cost of $307,750,000, with an estimated Federal cost of $154,360,000 and an estimated non-Federal cost of $153,390,000.

(18) BAYOU CASSOTTE EXTENSION, PASCAGOULA HARBOR, PASCAGOULA, MISSISSIPPI.—The project for navigation, Bayou Cassotte extension, Pascagoula Harbor, Pascagoula, Mississippi, at a total cost of $5,700,000, with an estimated Federal cost of $3,705,000 and an estimated non-Federal cost of $1,995,000.

(19) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, at a total cost of $43,288,000 with an estimated Federal cost of $28,840,000 and an estimated non-Federal cost of $17,448,000.

(20) LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.—

(A) IN GENERAL.—The shore protection project for navigation mitigation, ecosystem restoration, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, at a total cost of $14,885,000, with an estimated Federal cost of $11,390,000 and an estimated non-Federal cost of $3,495,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $4,565,000, with an estimated annual Federal cost of $3,674,000 and an estimated annual non-Federal cost of $891,000.

(21) NEW JERSEY SHORE PROTECTION, BRIGANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE ISLAND, NEW JERSEY.—

(A) IN GENERAL.—The shore protection project for hurricane and storm damage reduction, New Jersey Shore protection, Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, at a total cost of $4,861,000, with an estimated Federal cost of $3,160,000 and an estimated non-Federal cost of $1,701,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $454,000, with an estimated annual Federal cost of $295,000 and an estimated annual non-Federal cost of $159,000.

(22) NEW JERSEY SHORE PROTECTION, TOWNSENDS INLET TO CAPE MAY INLET, NEW JERSEY.—

(A) IN GENERAL.—The shore protection project for hurricane and storm damage reduction and ecosystem restoration, New Jersey Shore protection, Townsends Inlet to Cape May Inlet, New Jersey, at a total cost of $55,204,000, with an estimated Federal cost of $35,883,000 and an estimated non-Federal cost of $19,321,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $6,319,000, with an estimated annual Federal cost of $4,107,000 and an estimated annual non-Federal cost of $2,212,000.

(23) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—

(A) IN GENERAL.—Subject to subparagraph (B), the project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145) and deauthorized under section 1001(a) of that Act (33 U.S.C. 579a(a)) is authorized to be carried out by the Secretary.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(24) METRO CENTER LEVEE, CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—The project for flood damage reduction and recreation, Metro Certer Levee, Cumberland River, Nashville, Tennessee, at a total cost of $5,931,000, with an estimated Federal cost of $3,753,000 and an estimated non-Federal cost of $2,178,000.

(25) HOWARD HANSON DAM, WASHINGTON.—The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, at a total cost of $74,908,000, with an estimated Federal cost of $36,284,000 and an estimated non-Federal cost of $38,624,000.

SEC. 103. PROJECT MODIFICATIONS.

(a) PROJECTS WITH REPORTS.—

(1) GLENN-COLUSA, CALIFORNIA.—The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled ''An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes'', approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), and further modified by section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3709), is further modified to authorize the

Secretary to carry out the portion of the project in Glenn-Colusa, California, in accordance with the Corps of Engineers report dated May 22, 1998, at a total cost of $20,700,000, with an estimated Federal cost of $15,570,000 and an estimated non-Federal cost of $5,130,000.

(2) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to authorize the Secretary to include as a part of the project streambank erosion control measures to be undertaken substantially in accordance with the report entitled ''Bank Stabilization Concept, Laurel Street Extension'', dated April 23, 1998, at a total cost of $4,000,000, with an estimated Federal cost of $2,600,000 and an estimated non-Federal cost of $1,400,000.

(3) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska, authorized by section 101(a)(19) of the Water Resources Development Act of 1996 (110 Stat. 3665) is modified to authorize the Secretary to construct the project in accordance with the Corps of Engineers report dated June 29, 1998, at a total cost of $16,632,000, with an estimated Federal cost of $9,508,000 and an estimated non-Federal cost of $7,124,000.

(4) ABSECON ISLAND, NEW JERSEY.—The project for Absecon Island, New Jersey, authorized by section 101(b)(13) of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended to authorize the Secretary to reimburse the non-Federal interests for all work performed, consistent with the authorized project.

(5) WAURIKA LAKE, OKLAHOMA, WATER CONVEYANCE FACILITIES.—The requirement for the Waurika Project Master Conservancy District to repay the $2,900,000 in costs (including interest) resulting from the October 1991 settlement of the claim of the Travelers Insurance Company before the United States Claims Court related to construction of the water conveyance facilities authorized by the first section of Public Law 88–253 (77 Stat. 841) is waived.

(b) PROJECTS SUBJECT TO REPORTS.—The following projects are modified as follows, except that no funds may be obligated to carry out work under such modifications until completion of a final report by the Chief of Engineers, as approved by the Secretary, finding that such work is technically sound, environmentally acceptable, and economically justified, as applicable:

(1) SACRAMENTO METRO AREA, CALIFORNIA.—The project for flood control, Sacramento Metro Area, California, authorized by section 101(4) of the Water Resources Development Act of 1992 (106 Stat. 4801) is modified to authorize the Secretary to construct the project at a total cost of $32,600,000, with an estimated Federal cost of $24,500,000 and an estimated non-Federal cost of $8,100,000.

(2) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—

(A) IN GENERAL.—The Thornton Reservoir project, an element of the project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to include additional permanent flood control storage attributable to the Thorn Creek Reservoir project, Little Calumet River Watershed, Illinois, approved under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.).

(B) COST SHARING.—Costs for the Thornton Reservoir project shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(C) TRANSITIONAL STORAGE.—The Secretary of Agriculture may cooperate with non-Federal interests to provide, on a transitional basis, flood control storage for the Thorn Creek Reservoir project in the west lobe of the Thornton quarry.

(D) CREDITING.—The Secretary may credit against the non-Federal share of the Thornton Reservoir project all design and construction costs incurred by the non-Federal interests before the date of enactment of this Act.

(E) REEVALUATION REPORT.—The Secretary shall determine the credits authorized by subparagraph (D) that are integral to the Thornton Reservoir project and the current total project costs based on a limited reevaluation report.

(3) WELLS HARBOR, WELLS, MAINE.—

(A) IN GENERAL.—The project for navigation, Wells Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is modified to authorize the Secretary to realign the channel and anchorage areas based on a harbor design capacity of 150 craft.

(B) DEAUTHORIZATION OF CERTAIN PORTIONS.—The following portions of the project are not authorized after the date of enactment of this Act:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,992.00, E394,831.00, thence running south 83 degrees 58 minutes 14.8 seconds west 10.38 feet to a point N177,990.91, E394,820.68, thence running south 11 degrees 46 minutes 47.7 seconds west 991.76 feet to a point N177,020.04, E394,618.21, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,018.00, E394,628.00, thence running north 11 degrees 46 minutes 22.8 seconds east 994.93 feet to the point of origin.

(ii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N177,778.07, E394,336.96, thence running south 51 degrees 58 minutes 32.7 seconds west 15.49 feet to a point N177,768.53, E394,324.76, thence running south 11 degrees 46 minutes 26.5 seconds west 672.87 feet to a point N177,109.82, E394,187.46, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,107.78, E394,197.25, thence running north 11 degrees 46 minutes 25.4 seconds east 684.70 feet to the point of origin.

(iii) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,107.78, E394,197.25, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,109.82, E394,187.46, thence running south 11 degrees 46 minutes 15.7 seconds west 300.00 feet to a point N176,816.13, E394,126.26, thence running south 78 degrees 12 minutes 21.4 seconds east 9.98 feet to a point N176,814.09, E394,136.03, thence running north 11 degrees 46 minutes 29.1 seconds east 300.00 feet to the point of origin.

(iv) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,018.00, E394,628.00, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,020.04, E394,618.21, thence running south 11 degrees 46 minutes 44.0 seconds west 300.00 feet to a point N176,726.36, E394,556.97, thence running south 78 degrees 12 minutes 30.3 seconds east 10.03 feet to a point N176,724.31, E394,566.79, thence running north 11 degrees 46 minutes 22.4 seconds east 300.00 feet to the point of origin.

(C) REDESIGNATIONS.—The following portions of the project shall be redesignated as part of the 6-foot anchorage:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,990.91, E394,820.68, thence running south 83 degrees 58 minutes 40.8 seconds west 94.65 feet to a point N177,980.98, E394,726.55, thence running south 11 degrees 46 minutes 22.4 seconds west 962.83 feet to a point N177,038.40, E394,530.10, thence running south 78 degrees 13 minutes 45.7 seconds east 90.00 feet to a point N177,020.04, E394,618.21, thence running north 11 degrees 46 minutes 47.7 seconds east 991.76 feet to the point of origin.

(ii) The portion of the 10-foot inner harbor settling basin the boundaries of which begin at a point with coordinates N177,020.04, E394,618.21, thence running north 78 degrees 13 minutes 30.5 seconds west 160.00 feet to a point N177,052.69, E394,461.58, thence running south 11 degrees 46 minutes 45.4 seconds west 299.99 feet to a point N176,759.02, E394,400.34, thence running south 78 degrees 13 minutes 17.9 seconds east 160 feet to a point N176,726.36, E394,556.97, thence running north 11 degrees 46 minutes 44.0 seconds east 300.00 feet to the point of origin.

(iii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N178,102.26, E394,751.83, thence running south 51 degrees 59 minutes 42.1 seconds west 526.51 feet to a point N177,778.07, E394,336.96, thence running south 11 degrees 46 minutes 26.6 seconds west 511.83 feet to a point N177,277.01, E394,232.52, thence running south 78 degrees 13 minutes 17.9 seconds east 80.00 feet to a point N177,260.68, E394,310.84, thence running north 11 degrees 46 minutes 24.8 seconds east 482.54 feet to a point N177,733.07, E394,409.30, thence running north 51 degrees 59 minutes 41.0 seconds east 402.63 feet to a point N177,980.98, E394,726.55, thence running north 11 degrees 46 minutes 27.6 seconds east 123.89 feet to the point of origin.

(D) REALIGNMENT.—The 6-foot anchorage area described in subparagraph (C)(iii) shall be realigned to include the area located south of the inner harbor settling basin in existence on the date of enactment of this Act beginning at a point with coordinates N176,726.36, E394,556.97, thence running north 78 degrees 13 minutes 17.9 seconds west 160.00 feet to a point N176,759.02, E394,400.34, thence running south 11 degrees 47 minutes 03.8 seconds west 45 feet to a point N176,714.97, E394,391.15, thence running south 78 degrees 13 minutes 17.9 seconds 160.00 feet to a point N176,682.31, E394,547.78, thence running north 11 degrees 47 minutes 03.8 seconds east 45 feet to the point of origin.

(E) RELOCATION.—The Secretary may relocate the settling basin feature of the project to the outer harbor between the jetties.

(4) NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.—The project for navigation, New York Harbor and Adjacent Channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to construct the project at a total cost of $100,689,000, with an estimated Federal cost of $74,998,000 and an estimated non-Federal cost of $25,701,000.

(5) ARTHUR KILL, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 301(b)(11) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to construct the project at a total cost of $269,672,000, with an estimated Federal cost of $178,400,000 and an estimated non-Federal cost of $91,272,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other

local service facilities necessary for the project at an estimated cost of $37,936,000.

(c) BEAVER LAKE, ARKANSAS, WATER SUPPLY STORAGE REALLOCATION.—The Secretary shall reallocate approximately 31,000 additional acre-feet at Beaver Lake, Arkansas, to water supply storage at no cost to the Beaver Water District or the Carroll-Boone Water District, except that at no time shall the bottom of the conservation pool be at an elevation that is less than 1,076 feet, NGVD.

(d) TOLCHESTER CHANNEL S-TURN, BALTIMORE, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to direct the Secretary to straighten the Tolchester Channel S-turn as part of project maintenance.

(e) TROPICANA WASH AND FLAMINGO WASH, NEVADA.—Any Federal costs associated with the Tropicana and Flamingo Washes, Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803), incurred by the non-Federal interest to accelerate or modify construction of the project, in cooperation with the Corps of Engineers, shall be considered to be eligible for reimbursement by the Secretary.

(f) REDIVERSION PROJECT, COOPER RIVER, CHARLESTON HARBOR, SOUTH CAROLINA.—

(1) IN GENERAL.—The rediversion project, Cooper River, Charleston Harbor, South Carolina, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) and modified by title I of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 517), is modified to authorize the Secretary to pay the State of South Carolina not more than $3,750,000, if the State enters into an agreement with the Secretary providing that the State shall perform all future operation of the St. Stephen, South Carolina, fish lift (including associated studies to assess the efficacy of the fish lift).

(2) CONTENTS.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Secretary to recover all or a portion of the payment if the State suspends or terminates operation of the fish lift or fails to perform the operation in a manner satisfactory to the Secretary.

(3) MAINTENANCE.—Maintenance of the fish lift shall remain a Federal responsibility.

(g) FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.—

(1) IN GENERAL.—

(A) LAND ACQUISITION.—To provide full operational capability to carry out the authorized purposes of the Missouri River Main Stem dams that are part of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'' approved December 22, 1944 (58 Stat. 891), the Secretary may acquire from willing sellers such land and property in the vicinity of Pierre, South Dakota, or floodproof or relocate such property within the project area, as the Secretary determines is adversely affected by the full wintertime Oahe Powerplant releases.

(B) OWNERSHIP AND USE.—Any land that is acquired under subparagraph (A) shall be kept in public ownership and shall be dedicated and maintained in perpetuity for a use that is compatible with any remaining flood threat.

(C) REPORT.—

(i) IN GENERAL.—The Secretary shall not obligate funds to implement this paragraph until the Secretary has completed a report addressing the criteria for selecting which properties are to be acquired, relocated, or floodproofed, and a plan for implementing such measures, and has made a determination that the measures are economically justified.

(ii) DEADLINE.—The report shall be completed not later than 180 days after funding is made available.

(D) COORDINATION AND COOPERATION.—The report and implementation plan—

(i) shall be coordinated with the Federal Emergency Management Agency; and

(ii) shall be prepared in consultation with other Federal agencies, State and local officials, and residents.

(E) CONSIDERATIONS.—The report should take into account information from prior and ongoing studies.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $35,000,000.

(h) TRINITY RIVER AND TRIBUTARIES, TEXAS.—The project for flood control and navigation, Trinity River and tributaries, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to add environmental restoration as a project purpose.

(i) BEACH EROSION CONTROL AND HURRICANE PROTECTION, VIRGINIA BEACH, VIRGINIA.—

(1) ACCEPTANCE OF FUNDS.—In any fiscal year that the Corps of Engineers does not receive appropriations sufficient to meet expected project expenditures for that year, the Secretary shall accept from the city of Virginia Beach, Virginia, for purposes of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), such funds as the city may advance for the project.

(2) REPAYMENT.—Subject to the availability of appropriations, the Secretary shall repay, without interest, the amount of any advance made under paragraph (1), from appropriations that may be provided by Congress for river and harbor, flood control, shore protection, and related projects.

(j) ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.—Notwithstanding any other provision of law, after the date of enactment of this Act, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of Elizabeth River, Chesapeake, Virginia.

(k) PAYMENT OPTION, MOOREFIELD, WEST VIRGINIA.—The Secretary may permit the non-Federal interests for the project for flood control, Moorefield, West Virginia, to pay without interest the remaining non-Federal cost over a period not to exceed 30 years, to be determined by the Secretary.

(l) MIAMI DADE AGRICULTURAL AND RURAL LAND RETENTION PLAN AND SOUTH BISCAYNE, FLORIDA.—Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768) is amended by adding at the end the following:

''(D) CREDIT AND REIMBURSEMENT OF PAST AND FUTURE ACTIVITIES.—The Secretary may afford credit to or reimburse the non-Federal sponsors (using funds authorized by subparagraph (C)) for the reasonable costs of any work that has been performed or will be performed in connection with a study or activity meeting the requirements of subparagraph (A) if—

''(i) the Secretary determines that—

''(I) the work performed by the non-Federal sponsors will substantially expedite completion of a critical restoration project; and

''(II) the work is necessary for a critical restoration project; and

''(ii) the credit or reimbursement is granted pursuant to a project-specific agreement that prescribes the terms and conditions of the credit or reimbursement.''.

(m) LAKE MICHIGAN, ILLINOIS.—

(1) IN GENERAL.—The project for storm damage reduction and shoreline protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to provide for reimbursement for additional project work undertaken by the non-Federal interest.

(2) CREDIT OR REIMBURSEMENT.—The Secretary shall credit or reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in designing, constructing, or reconstructing reach 2F (700 feet south of Fullerton Avenue and 500 feet north of Fullerton Avenue), reach 3M (Meigs Field), and segments 7 and 8 of reach 4 (43rd Street to 57th Street), if the non-Federal interest carries out the work in accordance with plans approved by the Secretary, at an estimated total cost of $83,300,000.

(3) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, before the signing of the project cooperation agreement, at an estimated total cost of $7,600,000.

(n) MEASUREMENTS OF LAKE MICHIGAN DIVERSIONS, ILLINOIS.—Section 1142(b) of the Water Resources Development Act of 1986 (100 Stat. 4253) is amended by striking ''$250,000 per fiscal year for each fiscal year beginning after September 30, 1986'' and inserting ''a total of $1,250,000 for each of fiscal years 1999 through 2003''.

(o) PROJECT FOR NAVIGATION, DUBUQUE, IOWA.—The project for navigation at Dubuque, Iowa, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is modified to authorize the development of a wetland demonstration area of approximately 1.5 acres to be developed and operated by the Dubuque County Historical Society or a successor nonprofit organization.

(p) LOUISIANA STATE PENITENTIARY LEVEE.—The Secretary may credit against the non-Federal share work performed in the project area of the Louisiana State Penitentiary Levee, Mississippi River, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117).

(q) JACKSON COUNTY, MISSISSIPPI.—The project for environmental infrastructure, Jackson County, Mississippi, authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835) and modified by section 504 of the Water Resources Development Act of 1996 (110 Stat. 3757), is modified to direct the Secretary to provide a credit, not to exceed $5,000,000, against the non-Federal share of the cost of the project for the costs incurred by the Jackson County Board of Supervisors since February 8, 1994, in constructing the project, if the Secretary determines that such costs are for work that the Secretary determines was compatible with and integral to the project.

(r) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—Except as otherwise provided in this paragraph, the Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in the parcels of land described in subparagraph (B) that are currently being managed by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by the Flood Control Act of 1966 and modified

by the Water Resources Development Act of 1986.

(2) LAND DESCRIPTION.—

(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21–1–93–0910 and associated supplemental agreements or are designated in red in Exhibit A of Army License No. DACW21–3–85–1904, excluding all designated parcels in the license that are below elevation 346 feet mean sea level or that are less than 300 feet measured horizontally from the top of the power pool.

(B) MANAGEMENT OF EXCLUDED PARCELS.—Management of the excluded parcels shall continue in accordance with the terms of Army License No. DACW21–3–85–1904 until the Secretary and the State enter into an agreement under subparagraph (F).

(C) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) PERPETUAL STATUS.—

(A) IN GENERAL.—All land conveyed under this paragraph shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with such plan, title to the parcel shall revert to the United States.

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

(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

(A) IN GENERAL.—The Secretary may pay the State of South Carolina not more than $4,850,000 subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the lands conveyed under this paragraph and excluded parcels designated in Exhibit A of Army License No. DACW21–3–85–1904.

(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.

(s) LAND CONVEYANCE, CLARKSTON, WASHINGTON.—

(1) IN GENERAL.—The Secretary shall convey to the Port of Clarkston, Washington, all right, title, and interest of the United States in and to a portion of the land described in the Department of the Army lease No. DACW68–1–97–22, consisting of approximately 31 acres, the exact boundaries of which shall be determined by the Secretary and the Port of Clarkston.

(2) The Secretary may convey to the Port of Clarkston, Washington, at fair market value as determined by the Secretary, such additional land located in the vicinity of Clarkston, Washington, as the Secretary determines to be excess to the needs of the Columbia River Project and appropriate for conveyance.

(3) TERMS AND CONDITIONS.—The conveyances made under subsections (a) and (b) shall be subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States, including a requirement that the Port of Clarkston pay all administrative costs associated with the conveyances, including the cost of land surveys and appraisals and costs associated with compliance with applicable environmental laws and regulations.

(4) USE OF LAND.—The Port of Clarkston shall be required to pay the fair market value, as determined by the Secretary, of any land conveyed pursuant to subsection (a) that is not retained in public ownership or is used for other than public park or recreation purposes, except that the Secretary shall have a right of reverter to reclaim possession and title to any such land.

(t) WHITE RIVER, INDIANA.—The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved June 22, 1936 (49 Stat. 1586, chapter 688), as modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), is modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Canal Development (Upper Canal feature) and the Beveridge Paper feature, at a total cost not to exceed $25,000,000, of which $12,500,000 is the estimated Federal cost and $12,500,000 is the estimated non-Federal cost, except that no such alterations may be undertaken unless the Secretary determines that the alterations authorized by this subsection, in combination with the alterations undertaken under section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), are economically justified.

(u) FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.—The project for hurricane-flood protection, Fox Point, Providence, Rhode Island, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 306) is modified to direct the Secretary to undertake the necessary repairs to the barrier, as identified in the Condition Survey and Technical Assessment dated April 1998 with Supplement dated August 1998, at a total cost of $3,000,000, with an estimated Federal cost of $1,950,000 and an estimated non-Federal cost of $1,050,000.

SEC. 104. PROJECT DEAUTHORIZATIONS.

(a) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-acre anchorage area 9 feet deep and an adjacent 0.60-acre anchorage area 6 feet deep, located on the west side of Johnsons River, Connecticut, is not authorized after the date of enactment of this Act.

(b) BASS HARBOR, MAINE.—

(1) DEAUTHORIZATION.—The portions of the project for navigation, Bass Harbor, Maine, authorized on May 7, 1962, under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) described in paragraph (2) are not authorized after the date of enactment of this Act.

(2) DESCRIPTION.—The portions of the project referred to in paragraph (1) are described as follows:

(A) Beginning at a bend in the project, N149040.00, E538505.00, thence running easterly about 50.00 feet along the northern limit of the project to a point, N149061.55, E538550.11, thence running southerly about 642.08 feet to a point, N148477.64, E538817.18, thence running southwesterly about 156.27 feet to a point on the westerly limit of the project, N148348.50, E538737.02, thence running northerly about 149.00 feet along the westerly limit of the project to a bend in the project, N148489.22, E538768.09, thence running northwesterly about 610.39 feet along the westerly limit of the project to the point of origin.

(B) Beginning at a point on the westerly limit of the project, N148118.55, E538689.05, thence running southeasterly about 91.92 feet to a point, N148041.43, E538739.07, thence running southerly about 65.00 feet to a point, N147977.86, E538725.51, thence running southwesterly about 91.92 feet to a point on the westerly limit of the project, N147927.84, E538648.39, thence running northerly about 195.00 feet along the westerly limit of the project to the point of origin.

(c) BOOTHBAY HARBOR, MAINE.—The project for navigation, Boothbay Harbor, Maine, authorized by the Act of July 25, 1912 (37 Stat. 201, chapter 253), is not authorized after the date of enactment of this Act.

(d) EAST BOOTHBAY HARBOR, MAINE.—Section 364 of the Water Resources Development Act of 1996 (110 Stat. 3731) is amended by striking paragraph (9) and inserting the following:

''(9) EAST BOOTHBAY HARBOR, MAINE.—The project for navigation, East Boothbay Harbor, Maine, authorized by the first section of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved June 25, 1910 (36 Stat. 657).''.

SEC. 105. STUDIES.

(a) BALDWIN COUNTY, ALABAMA, WATERSHEDS.—The Secretary of the Army shall review the report of the Chief of Engineers on the Alabama Coast published as House Document 108, 90th Congress, 1st Session, and other pertinent reports, with a view to determining whether modifications of the recommendations contained in the House Document are advisable at this time in the interest of flood damage reduction, environmental restoration and protection, water quality, and other purposes, with a special emphasis on determining the advisability of developing a comprehensive coordinated watershed management plan for the development, conservation, and utilization of water and related land resources in the watersheds in Baldwin County, Alabama.

(b) ESCAMBIA RIVER, ALABAMA AND FLORIDA.—

(1) IN GENERAL.—The Secretary shall review the report of the Chief of Engineers on the Escambia River, Alabama and Florida, published as House Document 350, 71st Congress, 2d Session, and other pertinent reports, to determine whether modifications of any of the recommendations contained in the House Document are advisable at this time with particular reference to Burnt Corn Creek and Murder Creek in the vicinity of Brewton, and East Brewton, Alabama, and the need for flood control, floodplain evacuation, flood warning and preparedness, environmental restoration and protection, and bank stabilization in those areas.

(2) COORDINATION.—The review shall be coordinated with plans of other local and Federal agencies.

(c) CADDO LEVEE, RED RIVER BELOW DENISON DAM, ARIZONA, LOUISIANA, OKLAHOMA, AND TEXAS.—The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood control, Caddo Levee, Red River Below Denison Dam, Arizona, Louisiana, Oklahoma, and Texas, including incorporating the existing levee, along Twelve Mile Bayou from its juncture with the existing Red River Below Denison Dam Levee approximately 26 miles upstream to its terminus at high ground in the vicinity of Black Bayou, Louisiana.

(d) FIELDS LANDING CHANNEL, HUMBOLDT HARBOR, CALIFORNIA.—The Secretary—

(1) shall conduct a study for the project for navigation, Fields Landing Channel, Humboldt Harbor and Bay, California, to a depth of minus 35 feet (MLLW), and for that purpose may use any feasibility report prepared by the non-Federal sponsor under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) for which reimbursement of the Federal share of the study is authorized subject to the availability of appropriations; and

(2) may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), if the Secretary determines that the project is feasible.

(e) STRAWBERRY CREEK, BERKELEY, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of restoring Strawberry Creek, Berkeley, California, and the Federal interest in environmental restoration, conservation of fish and wildlife resources, recreation, and water quality.

(f) WEST SIDE STORM WATER RETENTION FACILITY, CITY OF LANCASTER, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to construct the West Side Storm Water Retention Facility in the city of Lancaster, California.

(g) APALACHICOLA RIVER, FLORIDA.—The Secretary shall conduct a study for the purpose of identifying—

(1) alternatives for the management of material dredged in connection with operation and maintenance of the Apalachicola River Navigation Project; and

(2) alternatives that reduce the requirements for such dredging.

(h) BROWARD COUNTY, SAND BYPASSING AT PORT EVERGLADES, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of constructing a sand bypassing project at the Port Everglades Inlet, Florida.

(i) CITY OF DESTIN-NORIEGA POINT BREAKWATER, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of—

(1) restoring Noriega Point, Florida, to serve as a breakwater for Destin Harbor; and

(2) including Noriega Point as part of the East Pass, Florida, navigation project.

(j) GATEWAY TRIANGLE REDEVELOPMENT AREA, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to reduce the flooding problems in the vicinity of Gateway Triangle Redevelopment Area, Florida.

(2) STUDIES AND REPORTS.—The study shall include a review and consideration of studies and reports completed by the non-Federal interests.

(k) HILLSBOROUGH RIVER, WITHLACOOCHEE RIVER BASINS, FLORIDA.—The Secretary shall conduct a study to identify appropriate measures that can be undertaken in the Green Swamp, Withlacoochee River, and the Hillsborough River, the Water Triangle of west central Florida, to address comprehensive watershed planning for water conservation, water supply, restoration and protection of environmental resources, and other water resource-related problems in the area.

(l) CITY OF PLANT CITY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a flood control project in the city of Plant City, Florida.

(2) STUDIES AND REPORTS.—In conducting the study, the Secretary shall review and consider studies and reports completed by the non-Federal interests.

(m) ST. LUCIE COUNTY, FLORIDA, SHORE PROTECTION.—The Secretary shall conduct a study to determine the feasibility of a shore protection and hurricane and storm damage reduction project to the shoreline areas in St. Lucie County from the current project for Fort Pierce Beach, Florida, southward to the Martin County line.

(n) SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.—The Secretary shall conduct a study to determine the feasibility of undertaking erosion control, bank stabilization, and flood control along the Saint Joseph River, Indiana, including the South Bend Dam and the banks of the East Bank and Island Park.

(o) ACADIANA NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of assuming operations and maintenance for the Acadiana Navigation Channel located in Iberia and Vermillion Parishes, Louisiana.

(p) CAMERON PARISH WEST OF CALCASIEU RIVER, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of a storm damage reduction and ecosystem restoration project for Cameron Parish west of Calcasieu River, Louisiana.

(q) BENEFICIAL USE OF DREDGED MATERIAL, COASTAL LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of using dredged material from maintenance activities at Federal navigation projects in coastal Louisiana to benefit coastal areas in the State.

(r) CONTRABAND BAYOU NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of assuming the maintenance at Contraband Bayou, Calcasieu River Ship Canal, Louisiana.

(s) GOLDEN MEADOW LOCK, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of converting the Golden Meadow floodgate into a navigation lock to be included in the Larose to Golden Meadow Hurricane Protection Project, Louisiana.

(t) GULF INTRACOASTAL WATERWAY ECOSYSTEM PROTECTION, CHEF MENTEUR TO SABINE RIVER, LOUISIANA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and protection measures along the Gulf Intracoastal Waterway from Chef Menteur to Sabine River, Louisiana.

(2) MATTERS TO BE ADDRESSED.—The study shall address saltwater intrusion, tidal scour, erosion, and other water resources related problems in that area.

(u) LAKE PONTCHARTRAIN, LOUISIANA, AND VICINITY, ST. CHARLES PARISH PUMPS.—The Secretary shall conduct a study to determine the feasibility of modifying the Lake Pontchartrain Hurricane Protection Project to include the St. Charles Parish Pumps and the modification of the seawall fronting protection along Lake Pontchartrain in Orleans Parish, from New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

(v) LAKE PONTCHARTRAIN AND VICINITY SEAWALL RESTORATION, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of undertaking structural modifications of that portion of the seawall fronting protection along the south shore of Lake Pontchartrain in Orleans Parish, Louisiana, extending approximately 5 miles from the new basin Canal on the west to the Inner Harbor Navigation Canal on the east as a part of the Lake Pontchartrain and Vicinity Hurricane Protection Project, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077).

(w) LOUISIANA STATE PENITENTIARY LEVEE.—The Secretary shall conduct a study of the impacts of crediting the non-Federal interests for work performed in the project area of the Louisiana State Penitentiary Levee.

(x) DETROIT RIVER, MICHIGAN, GREENWAY CORRIDOR STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a project for shoreline protection, frontal erosion, and associated purposes in the Detroit River shoreline area from the Belle Isle Bridge to the Ambassador Bridge in Detroit, Michigan.

(2) POTENTIAL MODIFICATIONS.—As a part of the study, the Secretary shall review potential project modifications to any existing Corps projects within the same area.

(y) ST. CLAIR SHORES FLOOD CONTROL, MICHIGAN.—The Secretary shall conduct a study to determine the feasibility of constructing a flood control project at St. Clair Shores, Michigan.

(z) TUNICA LAKE WEIR, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing an outlet weir at Tunica Lake, Tunica County, Mississippi, and Lee County, Arkansas, for the purpose of stabilizing water levels in the Lake.

(2) ECONOMIC ANALYSIS.—In carrying out the study, the Secretary shall include as a part of the economic analysis the benefits derived from recreation uses at the Lake and economic benefits associated with restoration of fish and wildlife habitat.

(aa) PROTECTIVE FACILITIES FOR THE ST. LOUIS, MISSOURI, RIVERFRONT AREA.—

(1) STUDY.—The Secretary shall conduct a study to determine the optimal plan to protect facilities that are located on the Mississippi River riverfront within the boundaries of St. Louis, Missouri.

(2) REQUIREMENTS.—In conducting the study, the Secretary shall—

(A) evaluate alternatives to offer safety and security to facilities; and

(B) use state-of-the-art techniques to best evaluate the current situation, probable solutions, and estimated costs.

(3) REPORT.—Not later than April 15, 1999, the Secretary shall submit to Congress a report on the results of the study.

(bb) YELLOWSTONE RIVER, MONTANA.—

(1) STUDY.—The Secretary shall conduct a comprehensive study of the Yellowstone River from Gardiner, Montana to the confluence of the Missouri River to determine the hydrologic, biological, and socioeconomic cumulative impacts on the river.

(2) CONSULTATION AND COORDINATION.—The Secretary shall conduct the study in consultation with the United States Fish and Wildlife Service, the United States Geological Survey, and the Natural Resources Conservation Service and with the full participation of the State of Montana and tribal and local entities, and provide for public participation.

(3) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the results of the study.

(cc) LAS VEGAS VALLEY, NEVADA.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study of water resources located in the Las Vegas Valley, Nevada.

(2) OBJECTIVES.—The study shall identify problems and opportunities related to ecosystem restoration, water quality, particularly the quality of surface runoff, water supply, and flood control.

(dd) CAMDEN AND GLOUCESTER COUNTIES, NEW JERSEY, STREAMS AND WATERSHEDS.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration, floodplain management, flood control, water quality control, comprehensive watershed management, and other allied purposes along tributaries of the Delaware River, Camden County and Gloucester County, New Jersey.

(ee) OSWEGO RIVER BASIN, NEW YORK.—The Secretary shall conduct a study to determine the feasibility of establishing a flood forecasting system within the Oswego River basin, New York.

(ff) PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY AND ENVIRONMENTAL RESTORATION STUDY.—

(1) NAVIGATION STUDY.—The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

(2) ENVIRONMENTAL RESTORATION STUDY.—The Secretary, acting through the Chief of Engineers, shall review the report of the Chief of Engineers on the New York Harbor, printed in the House Management Plan of the Harbor Estuary Program, and other pertinent reports concerning the New York Harbor Region and the Port of New York-New Jersey, to determine the Federal interest in advancing harbor environmental restoration.

(3) REPORT.—The Secretary may use funds from the ongoing navigation study for New York and New Jersey Harbor to complete a reconnaissance report for environmental restoration by December 31, 1999. The navigation study to deepen New York and New Jersey Harbor shall consider beneficial use of dredged material.

(gg) BANK STABILIZATION, MISSOURI RIVER, NORTH DAKOTA.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of bank stabilization on the Missouri River between the Garrison Dam and Lake Oahe in North Dakota.

(B) ELEMENTS.—In conducting the study, the Secretary shall study—

(i) options for stabilizing the erosion sites on the banks of the Missouri River between the Garrison Dam and Lake Oahe identified in the report developed by the North Dakota State Water Commission, dated December 1997, including stabilization through nontraditional measures;

(ii) the cumulative impact of bank stabilization measures between the Garrison Dam and Lake Oahe on fish and wildlife habitat and the potential impact of additional stabilization measures, including the impact of nontraditional stabilization measures;

(iii) the current and future effects, including economic and fish and wildlife habitat effects, that bank erosion is having on creating the delta at the beginning of Lake Oahe; and

(iv) the impact of taking no additional measures to stabilize the banks of the Missouri River between the Garrison Dam and Lake Oahe.

(C) INTERESTED PARTIES.—In conducting the study, the Secretary shall, to the maximum extent practicable, seek the participation and views of interested Federal, State, and local agencies, landowners, conservation organizations, and other persons.

(D) REPORT.—

(i) IN GENERAL.—The Secretary shall report to Congress on the results of the study not later than 1 year after the date of enactment of this Act.

(ii) STATUS.—If the Secretary cannot complete the study and report to Congress by the day that is 1 year after the date of enactment of this Act, the Secretary shall, by that day, report to Congress on the status of the study and report, including an estimate of the date of completion.

(2) EFFECT ON EXISTING PROJECTS.—This subsection does not preclude the Secretary from establishing or carrying out a stabilization project that is authorized by law.

(hh) SANTEE DELTA WETLAND HABITAT, SOUTH CAROLINA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall complete a comprehensive study of the ecosystem in the Santee Delta focus area of South Carolina to determine the feasibility of undertaking measures to enhance the wetland habitat in the area.

(ii) WACCAMAW RIVER, SOUTH CAROLINA.—The Secretary shall conduct a study to determine the feasibility of a flood control project for the Waccamaw River in Horry County, South Carolina.

(jj) UPPER SUSQUEHANNA-LACKAWANNA, PENNSYLVANIA, WATERSHED MANAGEMENT AND RESTORATION STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a comprehensive flood plain management and watershed restoration project for the Upper Susquehanna-Lackawanna Watershed, Pennsylvania.

(2) GEOGRAPHIC INFORMATION SYSTEM.—In conducting the study, the Secretary shall use a geographic information system.

(3) PLANS.—The study shall formulate plans for comprehensive flood plain management and environmental restoration.

(4) CREDITING.—Non-Federal interests may receive credit for in-kind services and materials that contribute to the study. The Secretary may credit non-Corps Federal assistance provided to the non-Federal interest toward the non-Federal share of study costs to the maximum extent authorized by law.

(kk) NIOBRARA RIVER AND MISSOURI RIVER SEDIMENTATION STUDY, SOUTH DAKOTA.—The Secretary shall conduct a study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River to determine the feasibility of alleviating the bank erosion, sedimentation, and related problems in the lower Niobrara River and the Missouri River below Fort Randall Dam.

(ll) SANTA CLARA RIVER, UTAH.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to alleviate damage caused by flooding, bank erosion, and sedimentation along the watershed of the Santa Clara River, Utah, above the Gunlock Reservoir.

(2) CONTENTS.—The study shall include an analysis of watershed conditions and water quality, as related to flooding and bank erosion, along the Santa Clara River in the vicinity of the town of Gunlock, Utah.

(mm) CITY OF OCEAN SHORES SHORE PROTECTION PROJECT, WASHINGTON.—The Secretary shall conduct a study to determine the feasibility of undertaking a project for beach erosion and flood control, including relocation of a primary dune and periodic nourishment, at Ocean Shores, Washington.

(nn) AGAT SMALL BOAT HARBOR, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking the repair and reconstruction of Agat Small Boat Harbor, Guam, including the repair of existing shore protection measures and construction or a revetment of the breakwater seawall.

(oo) APRA HARBOR SEAWALL, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to repair, upgrade, and extend the seawall protecting Apra Harbor, Guam, and to ensure continued access to the harbor via Route 11B.

(pp) APRA HARBOR FUEL PIERS, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to upgrade the piers and fuel transmission lines at the fuel piers in the Apra Harbor, Guam, and measures to provide for erosion control and protection against storm damage.

(qq) MAINTENANCE DREDGING OF HARBOR PIERS, GUAM.—The Secretary shall conduct a study to determine the feasibility of Federal maintenance of areas adjacent to piers at harbors in Guam, including Apra Harbor, Agat Harbor, and Agana Marina.

(rr) ALTERNATIVE WATER SOURCES STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct a study of the water supply needs of States that are not currently eligible for assistance under title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

(2) REQUIREMENTS.—The study shall—

(A) identify the water supply needs (including potable, commercial, industrial, recreational and agricultural needs) of each State described in paragraph (1) through 2020, making use of such State, regional, and local plans, studies, and reports as are available;

(B) evaluate the feasibility of various alternative water source technologies such as reuse and reclamation of wastewater and stormwater (including indirect potable reuse), aquifer storage and recovery, and desalination to meet the anticipated water supply needs of the States; and

(C) assess how alternative water sources technologies can be utilized to meet the identified needs.

(3) REPORT.—The Administrator shall report to Congress on the results of the study not more than 180 days after the date of enactment of this Act.

SEC. 106. FLOOD HAZARD MITIGATION AND RIVERINE ECOSYSTEM RESTORATION PROGRAM.

(a) IN GENERAL.—

(1) AUTHORIZATION.—The Secretary may carry out a program to reduce flood hazards and restore the natural functions and values of riverine ecosystems throughout the United States.

(2) STUDIES.—In carrying out the program, the Secretary shall conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement watershed management and restoration projects.

(3) PARTICIPATION.—The studies and projects carried out under the program shall be conducted, to the extent practicable, with the full participation of the appropriate Federal agencies, including the Department of Agriculture, the Federal Emergency Management Agency, the Department of the Interior, the Environmental Protection Agency, and the Department of Commerce.

(4) NONSTRUCTURAL APPROACHES.—The studies and projects shall, to the extent practicable, emphasize nonstructural approaches to preventing or reducing flood damages.

(b) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—The cost of studies conducted under subsection (a) shall be shared in accordance with section 105 of the Water Resources Development Act of 1986 (33 Stat. 2215).

(2) PROJECTS.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(3) IN-KIND CONTRIBUTIONS.—The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the projects. The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this subsection.

(4) RESPONSIBILITIES OF THE NON-FEDERAL INTERESTS.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(c) PROJECT JUSTIFICATION.—

(1) IN GENERAL.—The Secretary may implement a project under this section if the Secretary determines that the project—

(A) will significantly reduce potential flood damages;

(B) will improve the quality of the environment; and

(C) is justified considering all costs and beneficial outputs of the project.

(2) SELECTION CRITERIA; POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) develop criteria for selecting and rating the projects to be carried out as part of the program authorized by this section; and

(B) establish policies and procedures for carrying out the studies and projects undertaken under this section.

(d) REPORTING REQUIREMENT.—The Secretary may not implement a project under this section until—

(1) the Secretary provides to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (c); and

(2) a period of 21 calendar days has expired following the date on which the notification was received by the Committees.

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine the potential for flood damage reductions at appropriate locations, including—

(1) Le May, Missouri;

(2) upper Delaware River basin, New York;

(3) Tillamook County, Oregon;

(4) Providence County, Rhode Island; and

(5) Willamette River basin, Oregon.

(f) PER-PROJECT LIMITATION.—Not more than $25,000,000 in Army Civil Works appropriations may be expended on any single project undertaken under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $75,000,000 for the period of fiscal years 2000 and 2001.

(2) PROGRAM FUNDING LEVELS.—All studies and projects undertaken under this authority from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.

SEC. 107. SHORE PROTECTION.

Section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)) is amended—

(1) by striking ''Costs of constructing'' and inserting the following:

''(1) CONSTRUCTION.—Costs of constructing''; and

(2) by adding at the end the following:

''(2) PERIODIC NOURISHMENT.—In the case of a project authorized for construction after December 31, 1998, or for which a feasibility study is completed after that date, the non-Federal cost of the periodic nourishment of projects or measures for shore protection or beach erosion control shall be 50 percent, except that—

''(A) all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by non-Federal interests; and

''(B) all costs assigned to the protection of federally owned shores shall be borne by the United States.''.

SEC. 108. SMALL FLOOD CONTROL AUTHORITY.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—

(1) in the first sentence, by striking ''construction of small projects'' and inserting ''implementation of small structural and nonstructural projects''; and

(2) in the third sentence, by striking ''$5,000,000'' and inserting ''$7,000,000''.

SEC. 109. USE OF NON-FEDERAL FUNDS FOR COMPILING AND DISSEMINATING INFORMATION ON FLOODS AND FLOOD DAMAGES.

Section 206(b) of the Flood Control Act of 1960 (33 U.S.C. 709a(b)) is amended in the third sentence by inserting before the period at the end the following: '', but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities''.

SEC. 110. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

Subparagraphs (B) and (C)(i) of section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769) are amended by striking ''1999'' and inserting ''2000''.

SEC. 111. AQUATIC ECOSYSTEM RESTORATION.

Section 206(c) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(c)) is amended—

(1) by striking ''Construction'' and inserting the following:

''(1) IN GENERAL.—Construction''; and

(2) by adding at the end the following:

''(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 112. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by adding at the end the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 113. VOLUNTARY CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS.

Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting ''or environmental restoration'' after ''flood control''.

SEC. 114. RECREATION USER FEES.

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—During fiscal years 1999 through 2002, the Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of $34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 460*l*–6a(b)).

(2) USE.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

(3) AVAILABILITY.—The amounts withheld shall remain available until September 30, 2005.

(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

(1) repair and maintenance projects (including projects relating to health and safety);

(2) interpretation;

(3) signage;

(4) habitat or facility enhancement;

(5) resource preservation;

(6) annual operation (including fee collection);

(7) maintenance; and

(8) law enforcement related to public use.

(c) AVAILABILITY.—Each amount withheld by the Secretary shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.

SEC. 115. WATER RESOURCES DEVELOPMENT STUDIES FOR THE PACIFIC REGION.

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended by striking ''interest of navigation'' and inserting ''interests of water resources development (including navigation, flood damage reduction, and environmental restoration)''.

SEC. 116. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

(a) DEFINITIONS.—In this section:

(1) MIDDLE MISSISSIPPI RIVER.—The term ''middle Mississippi River'' means the reach of the Mississippi River from the mouth of the Ohio River (river mile 0, upper Mississippi River) to the mouth of the Missouri River (river mile 195).

(2) MISSOURI RIVER.—The term ''Missouri River'' means the main stem and floodplain of the Missouri River (including reservoirs) from its confluence with the Mississippi River at St. Louis, Missouri, to its headwaters near Three Forks, Montana.

(3) PROJECT.—The term ''project'' means the project authorized by this section.

(b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

(1) PLAN.—

(A) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan for a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

(B) ACTIVITIES.—

(i) IN GENERAL.—The plan shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(I) the water-related needs of the region surrounding the Missouri River and the middle Mississippi River, including flood control, navigation, recreation, and enhancement of water supply; and

(II) private property rights.

(ii) REQUIRED ACTIVITIES.—The plan shall include—

(I) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

(II) modification and creation of side channels to protect and enhance fish and wildlife habitat;

(III) restoration and creation of island fish and wildlife habitat;

(IV) creation of riverine fish and wildlife habitat;

(V) establishment of criteria for prioritizing the type and sequencing of activities based on cost-effectiveness and likelihood of success; and

(VI) physical and biological monitoring for evaluating the success of the project, to be performed by the River Studies Center of the United States Geological Survey in Columbia, Missouri.

(2) IMPLEMENTATION OF ACTIVITIES.—

(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall carry out the activities described in the plan.

(B) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED FEATURES OF THE PROJECT.—Using funds made available to the Secretary under other law, the Secretary shall design and construct any feature of the project that may be carried out using the authority of

the Secretary to modify an authorized project, if the Secretary determines that the design and construction will—

(i) accelerate the completion of activities to protect and enhance fish and wildlife habitat of the Missouri River or the middle Mississippi River; and

(ii) be compatible with the project purposes described in this section.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out the activities described in subsection (b), the Secretary shall integrate the activities with other Federal, State, and tribal activities.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) PUBLIC PARTICIPATION.—In developing and carrying out the plan and the activities described in subsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

(1) providing advance notice of meetings;

(2) providing adequate opportunity for public input and comment;

(3) maintaining appropriate records; and

(4) compiling a record of the proceedings of meetings.

(e) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in subsections (b) and (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project shall be 35 percent.

(2) FEDERAL SHARE.—The Federal share of the cost of any 1 activity described in subsection (b) shall not exceed $5,000,000.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of the project shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $30,000,000 for the period of fiscal years 2000 and 2001.

SEC. 117. OUTER CONTINENTAL SHELF.

(a) SAND, GRAVEL, AND SHELL.—Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended in the second sentence by inserting before the period at the end the following: ''or any other non-Federal interest subject to an agreement entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b)''.

(b) REIMBURSEMENT FOR LOCAL INTERESTS AT SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.—Any amounts paid by the non-Federal interests for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, as a result of an assessment under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

SEC. 118. ENVIRONMENTAL DREDGING.

Section 312(f) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)) is amended by adding at the end the following:

''(6) Snake Creek, Bixby, Oklahoma.''.

SEC. 119. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED INCLUDED IN BENEFIT-COST ANALYSIS.

Section 308 of the Water Resources Development Act of 1990 (33 U.S.C. 2318) is amended—

(1) in the heading of subsection (a), by striking ''BENEFIT-COST ANALYSIS'' and inserting ''ELEMENTS EXCLUDED FROM COST-BENEFIT ANALYSIS'';

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

(3) by inserting after subsection (a) the following:

''(b) ELEMENTS INCLUDED IN COST-BENEFIT ANALYSIS.—The Secretary shall include primary flood damages avoided in the benefit base for justifying Federal nonstructural flood damage reduction projects.''; and

(4) in the first sentence of subsection (e) (as redesignated by paragraph (2)), by striking ''(b)'' and inserting ''(d)''.

SEC. 120. CONTROL OF AQUATIC PLANT GROWTH.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended—

(1) by inserting ''Arundo dona,'' after ''water-hyacinth,''; and

(2) by inserting ''tarmarix'' after ''melaleuca''.

SEC. 121. ENVIRONMENTAL INFRASTRUCTURE.

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835) is amended by adding at the end the following:

''(19) LAKE TAHOE, CALIFORNIA AND NEVADA.—Regional water system for Lake Tahoe, California and Nevada.

''(20) LANCASTER, CALIFORNIA.—Fox Field Industrial Corridor water facilities, Lancaster, California.

''(21) SAN RAMON, CALIFORNIA.—San Ramon Valley recycled water project, San Ramon, California.''.

SEC. 122. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended—

(1) in subsection (d)—

(A) by striking paragraph (10) and inserting the following:

''(10) Regional Atlanta Watershed, Atlanta, Georgia, and Lake Lanier of Forsyth and Hall Counties, Georgia.''; and

(B) by adding at the end the following:

''(14) Clear Lake watershed, California.

''(15) Fresno Slough watershed, California.

''(16) Hayward Marsh, Southern San Francisco Bay watershed, California.

''(17) Kaweah River watershed, California.

''(18) Lake Tahoe watershed, California and Nevada.

''(19) Malibu Creek watershed, California.

''(20) Truckee River basin, Nevada.

''(21) Walker River basin, Nevada.

''(22) Bronx River watershed, New York.

''(23) Catawba River watershed, North Carolina.'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, with the consent of the affected local government, a non-Federal interest may include a nonprofit entity.''.

SEC. 123. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148) is amended—

(1) in paragraph (15), by striking ''and'' at the end;

(2) in paragraph (16), by striking the period at the end; and

(3) by adding at the end the following:

''(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and development of a sustainable weed and algae management program;

''(18) Flints Pond, Hollis, New Hampshire, removal of excessive aquatic vegetation; and

''(19) Osgood Pond, Milford, New Hampshire, removal of excessive aquatic vegetation.''.

SEC. 124. DREDGING OF SALT PONDS IN THE STATE OF RHODE ISLAND.

The Secretary may acquire for the State of Rhode Island a dredge and associated equipment with the capacity to dredge approximately 100 cubic yards per hour for use by the State in dredging salt ponds in the State.

SEC. 125. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended by adding at the end the following:

''(3) The Chemung River watershed, New York, at an estimated Federal cost of $5,000,000.''.

SEC. 126. SMALL FLOOD CONTROL PROJECTS.

Section 102 of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended—

(1) by redesignating paragraphs (15) through (22) as paragraphs (16) through (23), respectively;

(2) by inserting after paragraph (14) the following:

''(15) REPAUPO CREEK AND DELAWARE RIVER, GLOUCESTER COUNTY, NEW JERSEY.—Project for tidegate and levee improvements for Repaupo Creek and the Delaware River, Gloucester County, New Jersey.''; and

(3) by adding at the end the following:

''(24) IRONDEQUOIT CREEK, NEW YORK.—Project for flood control, Irondequoit Creek watershed, New York.

''(25) TIOGA COUNTY, PENNSYLVANIA.—Project for flood control, Tioga River and Cowanesque River and their tributaries, Tioga County, Pennsylvania.''.

SEC. 127. SMALL NAVIGATION PROJECTS.

Section 104 of the Water Resources Development Act of 1996 (110 Stat. 3669) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively; and

(2) by inserting after paragraph (8) the following:

''(9) FORTESCUE INLET, DELAWARE BAY, NEW JERSEY.—Project for navigation for Fortescue Inlet, Delaware Bay, New Jersey.''.

SEC. 128. STREAMBANK PROTECTION PROJECTS.

(a) ARCTIC OCEAN, BARROW, ALASKA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out storm damage reduction and coastal erosion measures at the town of Barrow, Alaska.

(b) SAGINAW RIVER, BAY CITY, MICHIGAN.—The Secretary may construct appropriate control structures in areas along the Saginaw River in the city of Bay City, Michigan, under authority of section 14 of the Flood Control Act of 1946 (33 Stat. 701s).

(c) YELLOWSTONE RIVER, BILLINGS, MONTANA.—The streambank protection project at Coulson Park, along the Yellowstone River, Billings, Montana, shall be eligible for assistance under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(d) MONONGAHELA RIVER, POINT MARION, PENNSYLVANIA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out streambank erosion control measures along the Monongahela River at the borough of Point Marion, Pennsylvania.

SEC. 129. AQUATIC ECOSYSTEM RESTORATION, SPRINGFIELD, OREGON.

(a) IN GENERAL.—Under section 1135 of the Water Resources Development Act of 1990 (33 Stat. 2309a) or other applicable authority, the Secretary shall conduct measures to address water quality, water flows and fish habitat restoration in the historic Springfield, Oregon, millrace through the reconfiguration of the existing millpond, if the Secretary determines that harmful impacts have occurred as the result of a previously constructed flood control project by the Corps of Engineers.

(b) NON-FEDERAL SHARE.—The non-Federal share, excluding lands, easements, rights-of-

way, dredged material disposal areas, and relocations, shall be 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 130. GUILFORD AND NEW HAVEN, CONNECTICUT.

The Secretary shall expeditiously complete the activities authorized under section 346 of the Water Resources Development Act of 1992 (106 Stat. 4858), including activities associated with Sluice Creek in Guilford, Connecticut, and Lighthouse Point Park in New Haven, Connecticut.

SEC. 131. FRANCIS BLAND FLOODWAY DITCH.

(a) REDESIGNATION.—The project for flood control, Eight Mile Creek, Paragould, Arkansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112) and known as ''Eight Mile Creek, Paragould, Arkansas'', shall be known and designated as the ''Francis Bland Floodway Ditch''.

(b) LEGAL REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the project and creek referred to in subsection (a) shall be deemed to be a reference to the Francis Bland Floodway Ditch.

SEC. 132. CALOOSAHATCHEE RIVER BASIN, FLORIDA.

Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended in the first sentence by inserting before the period at the end the following: '', including potential land acquisition in the Caloosahatchee River basin or other areas''.

SEC. 133. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.

(a) IN GENERAL.—The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936 (commonly known as the ''Flood Control Act of 1936'') (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of $15,000,000, with an estimated Federal cost of $9,750,000 and an estimated non-Federal cost of $5,250,000.

(b) IN-KIND SERVICES.—The non-Federal interest for the restoration project under subsection (a)—

(1) may provide all or a portion of the non-Federal share of project costs in the form of in-kind services; and

(2) shall receive credit toward the non-Federal share of project costs for design and construction work performed by the non-Federal interest before execution of a project cooperation agreement and for land, easements, and rights-of-way required for the restoration and acquired by the non-Federal interest before execution of such an agreement.

(c) OPERATION AND MAINTENANCE.—The operation and maintenance of the restoration project under subsection (a) shall be the full responsibility of the National Park Service.

SEC. 134. SEDIMENTS DECONTAMINATION POLICY.

Section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; Public Law 102–580) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) PRACTICAL END-USE PRODUCTS.—Technologies selected for demonstration at the pilot scale shall result in practical end-use products.

''(5) ASSISTANCE BY THE SECRETARY.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity.''; and

(2) in subsection (c), by striking the first sentence and inserting the following: ''There is authorized to be appropriated to carry out this section a total of $22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey Harbor.''.

SEC. 135. CITY OF MIAMI BEACH, FLORIDA.

Section 5(b)(3)(C)(i) of the Act of August 13, 1946 (33 U.S.C. 426h), is amended by inserting before the semicolon the following: '', including the city of Miami Beach, Florida''.

SEC. 136. SMALL STORM DAMAGE REDUCTION PROJECTS.

Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), is amended by striking ''$2,000,000'' and inserting ''$3,000,000''.

SEC. 137. SARDIS RESERVOIR, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall accept from the State of Oklahoma or an agent of the State an amount, as determined under subsection (b), as prepayment of 100 percent of the water supply cost obligation of the State under Contract No. DACW56–74–JC–0314 for water supply storage at Sardis Reservoir, Oklahoma.

(b) DETERMINATION OF AMOUNT.—The amount to be paid by the State of Oklahoma under subsection (a) shall be subject to adjustment in accordance with accepted discount purchase methods for Government properties as determined by an independent accounting firm designated by the Director of the Office of Management and Budget.

(c) EFFECT.—Nothing in this section shall otherwise affect any of the rights or obligations of the parties to the contract referred to in subsection (a).

SEC. 138. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM NAVIGATION MODERNIZATION.

(a) FINDINGS.—Congress finds that—

(1) exports are necessary to ensure job creation and an improved standard of living for the people of the United States;

(2) the ability of producers of goods in the United States to compete in the international marketplace depends on a modern and efficient transportation network;

(3) a modern and efficient waterway system is a transportation option necessary to provide United States shippers a safe, reliable, and competitive means to win foreign markets in an increasingly competitive international marketplace;

(4) the need to modernize is heightened because the United States is at risk of losing its competitive edge as a result of the priority that foreign competitors are placing on modernizing their own waterway systems;

(5) growing export demand projected over the coming decades will force greater demands on the waterway system of the United States and increase the cost to the economy if the system proves inadequate to satisfy growing export opportunities;

(6) the locks and dams on the upper Mississippi River and Illinois River waterway system were built in the 1930s and have some of the highest average delays to commercial tows in the country;

(7) inland barges carry freight at the lowest unit cost while offering an alternative to truck and rail transportation that is environmentally sound, is energy efficient, is safe, causes little congestion, produces little air or noise pollution, and has minimal social impact; and

(8) it should be the policy of the Corps of Engineers to pursue aggressively modernization of the waterway system authorized by Congress to promote the relative competitive position of the United States in the international marketplace.

(b) PRECONSTRUCTION ENGINEERING AND DESIGN.—In accordance with the Upper Mississippi River-Illinois Waterway System Navigation Study, the Secretary shall proceed immediately to prepare engineering design, plans, and specifications for extension of locks 20, 21, 22, 24, 25 on the Mississippi River and the LaGrange and Peoria Locks on the Illinois River, to provide lock chambers 110 feet in width and 1,200 feet in length, so that construction can proceed immediately upon completion of studies and authorization of projects by Congress.

SEC. 139. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended in the first sentence by striking ''50'' and inserting ''35''.

SEC. 140. FISH AND WILDLIFE MITIGATION.

Section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting after the second sentence the following: ''Not more than 80 percent of the non-Federal share of such first costs may be in kind, including a facility, supply, or service that is necessary to carry out the enhancement project.''.

SEC. 141. UPPER MISSISSIPPI RIVER MANAGEMENT.

Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (e)—

(A) by striking ''(e)'' and all that follows through the end of paragraph (2) and inserting the following:

''(e) UNDERTAKINGS.—

''(1) IN GENERAL.—

''(A) AUTHORITY.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake—

''(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

''(ii) implementation of a program of long-term resource monitoring, computerized data inventory and analysis, and applied research.

''(B) REQUIREMENTS FOR PROJECTS.—Each project carried out under subparagraph (A)(i) shall—

''(i) to the maximum extent practicable, simulate natural river processes;

''(ii) include an outreach and education component; and

''(iii) on completion of the assessment under subparagraph (D), address identified habitat and natural resource needs.

''(C) ADVISORY COMMITTEE.—In carrying out subparagraph (A), the Secretary shall create an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.

''(D) HABITAT AND NATURAL RESOURCE NEEDS ASSESSMENT.—

''(i) AUTHORITY.—The Secretary is authorized to undertake a systemic, river reach, and pool scale assessment of habitat and natural resource needs to serve as a blueprint to guide habitat rehabilitation and long-term resource monitoring.

''(ii) DATA.—The habitat and natural resource needs assessment shall, to the maximum extent practicable, use data in existence at the time of the assessment.

''(iii) TIMING.—The Secretary shall complete a habitat and natural resource needs assessment not later than 3 years after the date of enactment of this subparagraph.

''(2) REPORTS.—On December 31, 2005, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, the Secretary shall prepare and submit to Congress a report that—

''(A) contains an evaluation of the programs described in paragraph (1);

''(B) describes the accomplishments of each program;

''(C) includes results of a habitat and natural resource needs assessment; and

''(D) identifies any needed adjustments in the authorization under paragraph (1) or the authorized appropriations under paragraphs (3), (4), and (5).'';

(B) in paragraph (3)—

(i) by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)(A)(i)''; and

(ii) by striking ''Secretary not to exceed'' and all that follows and inserting ''Secretary not to exceed $22,750,000 for each of fiscal years 1999 through 2009.'';

(C) in paragraph (4)—

(i) by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)(ii)''; and

(ii) by striking ''$7,680,000'' and all that follows and inserting ''$10,420,000 for each of fiscal years 1999 through 2009.'';

(D) by striking paragraphs (5) and (6) and inserting the following:

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(C) not to exceed $350,000 for each of fiscal years 1999 through 2009.

''(6) TRANSFER OF AMOUNTS.—

''(A) IN GENERAL.—For each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer appropriated amounts between the programs under clauses (i) and (ii) of paragraph (1)(A) and paragraph (1)(C).

''(B) APPORTIONMENT OF COSTS.—In carrying out paragraph (1)(D), the Secretary may apportion the costs equally between the programs authorized by paragraph (1)(A).''; and

(E) in paragraph (7)—

(i) in subparagraph (A)—

(I) by inserting ''(i)'' after ''paragraph (1)(A)''; and

(II) by inserting before the period at the end the following: ''and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent''; and

(ii) in subparagraph (B), by striking ''paragraphs (1)(B) and (1)(C) of this subsection'' and inserting ''paragraph (1)(A)(ii)'';

(2) in subsection (f)(2)—

(A) in subparagraph (A), by striking ''(A)''; and

(B) by striking subparagraph (B); and

(3) by adding at the end the following:

''(k) ST. LOUIS AREA URBAN WILDLIFE HABITAT.—The Secretary shall investigate and, if appropriate, carry out restoration of urban wildlife habitat, with a special emphasis on the establishment of greenways in the St. Louis, Missouri, area and surrounding communities.''.

SEC. 142. REIMBURSEMENT OF NON-FEDERAL INTEREST.

Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)(A)) is amended by striking ''subject to amounts being made available in advance in appropriations Acts'' and inserting ''subject to the availability of appropriations''.

SEC. 143. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; Public Law 104–303) is amended by striking subsection (a) and all that follows and inserting the following:

''(a) SALMON SURVIVAL ACTIVITIES.—

''(1) IN GENERAL.—In conjunction with the Secretary of Commerce and Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

''(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

''(A) impacts from water resources projects and other impacts on salmon life cycles;

''(B) juvenile and adult salmon passage;

''(C) light and sound guidance systems;

''(D) surface-oriented collector systems;

''(E) transportation mechanisms; and

''(F) dissolved gas monitoring and abatement.

''(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

''(A) studies of juvenile salmon survival in spawning and rearing areas;

''(B) estuary and near-ocean juvenile and adult salmon survival;

''(C) impacts on salmon life cycles from sources other than water resources projects;

''(D) cryopreservation of fish gametes and formation of a germ plasm repository for threatened and endangered populations of native fish; and

''(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

''(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

''(5) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out research and development activities under paragraph (3).

''(b) ADVANCED TURBINE DEVELOPMENT.—

''(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $35,000,000 to carry out this subsection.

''(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

''(1) NESTING AVIAN PREDATORS.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out research and development activities under this subsection.

''(d) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.''.

SEC. 144. NINE MILE RUN HABITAT RESTORATION, PENNSYLVANIA.

The Secretary may credit against the non-Federal share such costs as are incurred by the non-Federal interests in preparing environmental and other preconstruction documentation for the habitat restoration project, Nine Mile Run, Pennsylvania, if the Secretary determines that the documentation is integral to the project.

SEC. 145. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426(i)) is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting ''(a) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The costs'' and inserting the following:

''(b) COST SHARING.—The costs'';

(3) in the third sentence—

(A) by striking ''No such'' and inserting the following:

''(c) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—No such''; and

(B) by striking ''$2,000,000'' and inserting ''$5,000,000''; and

(4) by adding at the end the following:

''(d) COORDINATION.—The Secretary shall—

''(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

''(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.''.

SEC. 146. LARKSPUR FERRY CHANNEL, CALIFORNIA.

The Secretary shall work with the Secretary of Transportation on a proposed solution to carry out the project to maintain the Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148).

SEC. 147. COMPREHENSIVE FLOOD IMPACT-RESPONSE MODELING SYSTEM.

(a) IN GENERAL.—The Secretary may study and implement a Comprehensive Flood Impact-Response Modeling System for the Coralville Reservoir and the Iowa River watershed, Iowa.

(b) STUDY.—The study shall include—

(1) an evaluation of the combined hydrologic, geomorphic, environmental, economic, social, and recreational impacts of operating strategies within the watershed;

(2) creation of an integrated, dynamic flood impact model; and

(3) the development of a rapid response system to be used during flood and emergency situations.

(c) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress on the results of the study and modeling system and such recommendations as the Secretary determines to be appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated a total of $2,250,000 to carry out this section.

SEC. 148. STUDY REGARDING INNOVATIVE FINANCING FOR SMALL AND MEDIUM-SIZED PORTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of various alternatives for innovative financing of future construction, operation, and maintenance of projects in small and medium-sized ports.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives and the results of the study and any related legislative recommendations for consideration by Congress.

SEC. 149. CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.

(a) DEFINITIONS.—In this section:

(1) FAIR MARKET VALUE.—The term ''fair market value'' means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.

(2) PREVIOUS OWNER OF LAND.—The term ''previous owner of land'' means a person (including a corporation) that conveyed, or a descendant of a deceased individual who conveyed, land to the Army Corps of Engineers for use in the Candy Lake project in Osage County, Oklahoma.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(b) LAND CONVEYANCES.—

(1) IN GENERAL.—The Secretary shall convey, in accordance with this section, all right, title, and interest of the United States in and to the land acquired by the United States for the Candy Lake project in Osage County, Oklahoma.

(2) PREVIOUS OWNERS OF LAND.—

(A) IN GENERAL.—The Secretary shall give a previous owner of land first option to purchase the land described in paragraph (1).

(B) APPLICATION.—

(i) IN GENERAL.—A previous owner of land that desires to purchase the land described in paragraph (1) that was owned by the previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under subsection (c).

(ii) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed for a parcel of land described in paragraph (1), first options to purchase the parcel of land shall be allotted in the order in which applications for the parcel of land were filed.

(C) IDENTIFICATION OF PREVIOUS OWNERS OF LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(D) CONSIDERATION.—Consideration for land conveyed under this subsection shall be the fair market value of the land.

(3) DISPOSAL.—Any land described in paragraph (1) for which an application has not been filed under paragraph (2)(B) within the applicable time period shall be disposed of in accordance with law.

(4) EXTINGUISHMENT OF EASEMENTS.—All flowage easements acquired by the United States for use in the Candy Lake project in Osage County, Oklahoma, are extinguished.

(c) NOTICE.—

(1) IN GENERAL.—The Secretary shall notify—

(A) each person identified as a previous owner of land under subsection (b)(2)(C), not later than 90 days after identification, by United States mail; and

(B) the general public, not later than 90 days after the date of enactment of this Act, by publication in the Federal Register.

(2) CONTENTS OF NOTICE.—Notice under this subsection shall include—

(A) a copy of this section;

(B) information sufficient to separately identify each parcel of land subject to this section; and

(C) specification of the fair market value of each parcel of land subject to this section.

(3) OFFICIAL DATE OF NOTICE.—The official date of notice under this subsection shall be the later of—

(A) the date on which actual notice is mailed; or

(B) the date of publication of the notice in the Federal Register.

SEC. 150. SALCHA RIVER AND PILEDRIVER SLOUGH, FAIRBANKS, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the lower Salcha River and on Piledriver Slough, from its headwaters at the mouth of the Salcha River to the Chena Lakes Flood Control Project, in the vicinity of Fairbanks, Alaska, to protect against surface water flooding.

SEC. 151. EYAK RIVER, CORDOVA, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the Eyak River at the town of Cordova, Alaska.

SEC. 152. NORTH PADRE ISLAND STORM DAMAGE REDUCTION AND ENVIRONMENTAL RESTORATION PROJECT.

The Secretary shall carry out a project for ecosystem restoration and storm damage reduction at North Padre Island, Corpus Christi Bay, Texas, at a total estimated cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000, if the Secretary finds that the work is technically sound, environmentally acceptable, and economically justified.

SEC. 153. KANOPOLIS LAKE, KANSAS.

(a) WATER SUPPLY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the State of Kansas or another non-Federal interest, shall complete a water supply reallocation study at the project for flood control, Kanopolis Lake, Kansas, as a basis on which the Secretary shall enter into negotiations with the State of Kansas or another non-Federal interest for the terms and conditions of a reallocation of the water supply.

(2) OPTIONS.—The negotiations for storage reallocation shall include the following options for evaluation by all parties:

(A) Financial terms of storage reallocation.

(B) Protection of future Federal water releases from Kanopolis Dam, consistent with State water law, to ensure that the benefits expected from releases are provided.

(C) Potential establishment of a water assurance district consistent with other such districts established by the State of Kansas.

(D) Protection of existing project purposes at Kanopolis Dam to include flood control, recreation, and fish and wildlife.

(b) IN-KIND CREDIT.—

(1) IN GENERAL.—The Secretary may negotiate a credit for a portion of the financial repayment to the Federal Government for work performed by the State of Kansas, or another non-Federal interest, on land adjacent or in close proximity to the project, if the work provides a benefit to the project.

(2) WORK INCLUDED.—The work for which credit may be granted may include watershed protection and enhancement, including wetland construction and ecosystem restoration.

SEC. 154. NEW YORK CITY WATERSHED.

Section 552(d) of the Water Resources Development Act of 1996 (110 Stat. 3780) is amended by striking ''for the project to be carried out with such assistance'' and inserting '', or a public entity designated by the State director, to carry out the project with such assistance, subject to the project's meeting the certification requirement of subsection (c)(1)''.

SEC. 155. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

SEC. 156. HAMILTON DAM FLOOD CONTROL PROJECT, MICHIGAN.

The Secretary may construct the Hamilton Dam flood control project, Michigan, under authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 157. NATIONAL CONTAMINATED SEDIMENT TASK FORCE.

(a) DEFINITION OF TASK FORCE.—In this section, the term ''Task Force'' means the National Contaminated Sediment Task Force established by section 502 of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271 note; Public Law 102–580).

(b) CONVENING.—The Secretary and the Administrator shall convene the Task Force not later than 90 days after the date of enactment of this Act.

(c) REPORTING ON REMEDIAL ACTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit to Congress a report on the status of remedial actions at aquatic sites in the areas described in paragraph (2).

(2) AREAS.—The report under paragraph (1) shall address remedial actions in—

(A) areas of probable concern identified in the survey of data regarding aquatic sediment quality required by section 503(a) of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271);

(B) areas of concern within the Great Lakes, as identified under section 118(f) of the Federal Water Pollution Control Act (33 U.S.C. 1268(f));

(C) estuaries of national significance identified under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(D) areas for which remedial action has been authorized under any of the Water Resources Development Acts; and

(E) as appropriate, any other areas where sediment contamination is identified by the Task Force.

(3) ACTIVITIES.—Remedial actions subject to reporting under this subsection include remedial actions under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other Federal or State law containing environmental remediation authority;

(B) any of the Water Resources Development Acts;

(C) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); or

(D) section 10 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425).

(4) CONTENTS.—The report under paragraph (1) shall provide, with respect to each remedial action described in the report, a description of—

(A) the authorities and sources of funding for conducting the remedial action;

(B) the nature and sources of the sediment contamination, including volume and concentration, where appropriate;

(C) the testing conducted to determine the nature and extent of sediment contamination and to determine whether the remedial action is necessary;

(D) the action levels or other factors used to determine that the remedial action is necessary;

(E) the nature of the remedial action planned or undertaken, including the levels

of protection of public health and the environment to be achieved by the remedial action;

(F) the ultimate disposition of any material dredged as part of the remedial action;

(G) the status of projects and the obstacles or barriers to prompt conduct of the remedial action; and

(H) contacts and sources of further information concerning the remedial action.

SEC. 158. GREAT LAKES BASIN PROGRAM.

(a) STRATEGIC PLANS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall report to Congress on a plan for programs of the Army Corps of Engineers in the Great Lakes basin.

(2) CONTENTS.—The plan shall include details of the projected environmental and navigational projects in the Great Lakes basin, including—

(A) navigational maintenance and operations for commercial and recreational vessels;

(B) environmental restoration activities;

(C) water level maintenance activities;

(D) technical and planning assistance to States and remedial action planning committees;

(E) sediment transport analysis, sediment management planning, and activities to support prevention of excess sediment loadings;

(F) flood damage reduction and shoreline erosion prevention;

(G) all other activities of the Army Corps of Engineers; and

(H) an analysis of factors limiting use of programs and authorities of the Army Corps of Engineers in existence on the date of enactment of this Act in the Great Lakes basin, including the need for new or modified authorities.

(b) GREAT LAKES BIOHYDROLOGICAL INFORMATION.—

(1) INVENTORY.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall request each Federal agency that may possess information relevant to the Great Lakes biohydrological system to provide an inventory of all such information in the possession of the agency.

(B) RELEVANT INFORMATION.—For the purpose of subparagraph (A), relevant information includes information on—

(i) ground and surface water hydrology;

(ii) natural and altered tributary dynamics;

(iii) biological aspects of the system influenced by and influencing water quantity and water movement;

(iv) meteorological projections and weather impacts on Great Lakes water levels; and

(v) other Great Lakes biohydrological system data relevant to sustainable water use management.

(2) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the States, Indian tribes, and Federal agencies, and after requesting information from the provinces and the federal government of Canada, shall—

(i) compile the inventories of information;

(ii) analyze the information for consistency and gaps; and

(iii) submit to Congress, the International Joint Commission, and the Great Lakes States a report that includes recommendations on ways to improve the information base on the biohydrological dynamics of the Great Lakes ecosystem as a whole, so as to support environmentally sound decisions regarding diversions and consumptive uses of Great Lakes water.

(B) RECOMMENDATIONS.—The recommendations in the report under subparagraph (A) shall include recommendations relating to the resources and funds necessary for implementing improvement of the information base.

(C) CONSIDERATIONS.—In developing the report under subparagraph (A), the Secretary, in cooperation with the Secretary of State, the Secretary of Transportation, and other relevant agencies as appropriate, shall consider and report on the status of the issues described and recommendations made in—

(i) the Report of the International Joint Commission to the Governments of the United States and Canada under the 1977 reference issued in 1985; and

(ii) the 1993 Report of the International Joint Commission to the Governments of Canada and the United States on Methods of Alleviating Adverse Consequences of Fluctuating Water Levels in the Great Lakes St. Lawrence Basin.

(c) GREAT LAKES RECREATIONAL BOATING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, using information and studies in existence on the date of enactment of this Act to the maximum extent practicable, and in cooperation with the Great Lakes States, submit to Congress a report detailing the economic benefits of recreational boating in the Great Lakes basin, particularly at harbors benefiting from operation and maintenance projects of the Army Corps of Engineers.

(d) COOPERATION.—In undertaking activities under this section, the Secretary shall—

(1) encourage public participation; and

(2) cooperate, and, as appropriate, collaborate, with Great Lakes States, tribal governments, and Canadian federal, provincial, tribal governments.

(e) WATER USE ACTIVITIES AND POLICIES.—The Secretary may provide technical assistance to the Great Lakes States to develop interstate guidelines to improve the consistency and efficiency of State-level water use activities and policies in the Great Lakes basin.

(f) COST SHARING.—The Secretary may seek and accept funds from non-Federal entities to be used to pay up to 25 percent of the cost of carrying out subsections (b), (c), (d), and (e).

SEC. 159. PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

Section 1135(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(c)) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary''; and

(2) by adding at the end the following:

''(2) CONTROL OF SEA LAMPREY.—Congress finds that—

''(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts to its fishery; and

''(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.''.

SEC. 160. WATER QUALITY, ENVIRONMENTAL QUALITY, RECREATION, FISH AND WILDLIFE, FLOOD CONTROL, AND NAVIGATION.

(a) IN GENERAL.—The Secretary may investigate, study, evaluate, and report on—

(1) water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie watershed, including the watersheds of the Maumee River, Ottawa River, and Portage River in the States of Indiana, Ohio, and Michigan; and

(2) measures to improve water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie basin.

(b) COOPERATION.—In carrying out studies and investigations under subsection (a), the Secretary shall cooperate with Federal, State, and local agencies and nongovernmental organizations to ensure full consideration of all views and requirements of all interrelated programs that those agencies may develop independently or in coordination with the Army Corps of Engineers.

SEC. 161. IRRIGATION DIVERSION PROTECTION AND FISHERIES ENHANCEMENT ASSISTANCE.

The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering into irrigation systems. Measures shall be developed in cooperation with Federal and State resource agencies and not impair the continued withdrawal of water for irrigation purposes. In providing such assistance priority shall be given based on the objectives of the Endangered Species Act, cost-effectiveness, and the potential for reducing fish mortality. Non-Federal interests shall agree by contract to contribute 50 percent of the cost of such assistance. Not more than one-half of such non-Federal contribution may be made by the provision of services, materials, supplies, or other in-kind services. No construction activities are authorized by this section. Not later than 2 years after the date of enactment of this section, the Secretary shall report to Congress on fish mortality caused by irrigation water intake devices, appropriate measures to reduce mortality, the extent to which such measures are currently being employed in the arid States, the construction costs associated with such measures, and the appropriate Federal role, if any, to encourage the use of such measures.

TITLE II—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

SEC. 201. DEFINITIONS.

In this title:

(1) RESTORATION.—The term ''restoration'' means mitigation of the habitat of wildlife.

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

(3) TERRESTRIAL WILDLIFE HABITAT.—The term ''terrestrial wildlife habitat'' means a habitat for a wildlife species (including game and nongame species) that existed or exists on an upland habitat (including a prairie grassland, woodland, bottom land forest, scrub, or shrub) or an emergent wetland habitat.

(4) WILDLIFE.—The term ''wildlife'' has the meaning given the term in section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b).

SEC. 202. TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION PLANS.—

(1) IN GENERAL.—In accordance with this subsection and in consultation with the Secretary and the Secretary of the Interior, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall, as a condition of the receipt of funds under this title, each develop a plan for the restoration of terrestrial wildlife habitat loss that occurred as a result of flooding related to the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

(2) SUBMISSION OF PLAN TO SECRETARY.—On completion of a plan for terrestrial wildlife habitat restoration, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall submit the plan to the Secretary.

(3) REVIEW BY SECRETARY AND SUBMISSION TO COMMITTEES.—The Secretary shall review the plan and submit the plan, with any comments, to the appropriate committees of the Senate and the House of Representatives.

(4) FUNDING FOR CARRYING OUT PLANS.—

(A) STATE OF SOUTH DAKOTA.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota, each of the Committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of the plan.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 203, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, each of the Committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of each of the plans.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 204, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively.

(C) TRANSITION PERIOD.—

(i) IN GENERAL.—During the period described in clause (ii), the Secretary shall—

(I) fund the terrestrial wildlife habitat restoration programs being carried out on the date of enactment of this Act on Oahe and Big Bend project land and the plans established under this section at a level that does not exceed the highest amount of funding that was provided for the programs during a previous fiscal year; and

(II) implement the programs.

(ii) PERIOD.—Clause (i) shall apply during the period—

(I) beginning on the date of enactment of this Act; and

(II) ending on the earlier of—

(aa) the date on which funds are made available for use from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund under section 203(d)(3)(A)(i) and the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund under section 204(d)(3)(A)(i); or

(bb) the date that is 4 years after the date of enactment of this Act.

(b) PROGRAMS FOR THE PURCHASE OF WILDLIFE HABITAT LEASES.—

(1) IN GENERAL.—The State of South Dakota may use funds made available under section 203(d)(3)(A)(iii) to develop a program for the purchase of wildlife habitat leases that meets the requirements of this subsection.

(2) DEVELOPMENT OF A PLAN.—

(A) IN GENERAL.—If the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe elects to conduct a program under this subsection, the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe (in consultation with the United States Fish and Wildlife Service and the Secretary and with an opportunity for public comment) shall develop a plan to lease land for the protection and development of wildlife habitat, including habitat for threatened and endangered species, associated with the Missouri River ecosystem.

(B) USE FOR PROGRAM.—The plan shall be used by the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe in carrying out the program carried out under paragraph (1).

(3) CONDITIONS OF LEASES.—Each lease covered under a program carried out under paragraph (1) shall specify that the owner of the property that is subject to the lease shall provide—

(A) public access for sportsmen during hunting season; and

(B) public access for other outdoor uses covered under the lease, as negotiated by the landowner and the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe.

(4) USE OF ASSISTANCE.—

(A) STATE OF SOUTH DAKOTA.—If the State of South Dakota conducts a program under this subsection, the State may use funds made available under section 203(d)(3)(A)(iii) to—

(i) acquire easements, rights-of-way, or leases for management and protection of wildlife habitat, including habitat for threatened and endangered species, and public access to wildlife on private property in the State of South Dakota;

(ii) create public access to Federal or State land through the purchase of easements or rights-of-way that traverse such private property; or

(iii) lease land for the creation or restoration of a wetland on such private property.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—If the Cheyenne River Sioux Tribe or the Lower Brule Sioux Tribe conducts a program under this subsection, the Tribe may use funds made available under section 204(d)(3)(A)(iii) for the purposes described in subparagraph (A).

(c) FEDERAL OBLIGATION FOR TERRESTRIAL WILDLIFE HABITAT MITIGATION FOR THE BIG BEND AND OAHE PROJECTS IN SOUTH DAKOTA.—The establishment of the trust funds under sections 203 and 204 and the development and implementation of plans for terrestrial wildlife habitat restoration developed by the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe in accordance with this section shall be considered to satisfy the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) for terrestrial wildlife habitat mitigation for the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe for the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

SEC. 203. SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund'' (referred to in this section as the ''Fund'').

(b) FUNDING.—For the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Fund under this subsection is equal to at least $108,000,000, the Secretary of the Treasury shall deposit in the Fund an amount equal to 15 percent of the receipts from the deposits in the Treasury of the United States for the preceding fiscal year from the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the State of South Dakota for use in accordance with paragraph (3).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 202(a)(4)(A), the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of South Dakota for use as State funds in accordance with paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the State of South Dakota shall use the amounts transferred under paragraph (2) only to—

(i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the State developed under section 202(a); and

(ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the State;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the State of South Dakota by the Secretary;

(III) purchase and administer wildlife habitat leases under section 202(b);

(IV) carry out other activities described in section 202; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 204. CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.

(a) ESTABLISHMENT.—There are established in the Treasury of the United States 2 funds to be known as the ''Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund'' and the ''Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund'' (each of which is referred to in this section as a ''Fund'').

(b) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), for the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Funds under this subsection is equal to at least $57,400,000, the Secretary of the Treasury shall deposit in the Funds an amount equal to 10 percent of the receipts from the deposits in the Treasury of the United States for the preceding fiscal year from the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(2) ALLOCATION.—Of the total amount of funds deposited into the Funds for a fiscal

year, the Secretary of the Treasury shall deposit—

(A) 74 percent of the funds into the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund; and

(B) 26 percent of the funds into the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for their use in accordance with paragraph (3).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 202(a)(4)(B), the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for use in accordance with paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall use the amounts transferred under paragraph (2) only to—

(i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the respective Tribe developed under section 202(a); and

(ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the respective Tribe;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the respective Tribe by the Secretary;

(III) purchase and administer wildlife habitat leases under section 202(b);

(IV) carry out other activities described in section 202; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 205. TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.

(a) IN GENERAL.—

(1) TRANSFER.—

(A) IN GENERAL.—The Secretary of the Army shall transfer to the Department of Game, Fish and Parks of the State of South Dakota (referred to in this section as the ''Department'') the land and recreation areas described in subsections (b) and (c) for fish and wildlife purposes, or public recreation uses, in perpetuity.

(B) PERMITS, RIGHTS-OF-WAY, AND EASEMENTS.—All permits, rights-of-way, and easements granted by the Secretary of the Army to the Oglala Sioux Tribe for land on the west side of the Missouri River between the Oahe Dam and Highway 14, and all permits, rights-of-way, and easements on any other land administered by the Secretary and used by the Oglala Sioux Rural Water Supply System, are granted to the Oglala Sioux Tribe in perpetuity to be held in trust under section 3(e) of the Mni Wiconi Project Act of 1988 (102 Stat. 2568).

(2) USES.—The Department shall maintain and develop the land outside the recreation areas for fish and wildlife purposes in accordance with—

(A) fish and wildlife purposes in effect on the date of enactment of this Act; or

(B) a plan developed under section 202.

(3) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), or other applicable law.

(4) SECRETARY OF THE ARMY.—The Secretary of the Army shall retain the right to inundate with water the land transferred to the Department under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Oahe, Big Bend, Fort Randall, and Gavin's Point projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program;

(3) is located outside the external boundaries of a reservation of an Indian Tribe; and

(4) is located within the State of South Dakota.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and waters within a recreation area that—

(1) the Secretary of the Army determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located outside the external boundaries of a reservation of an Indian Tribe;

(3) is located within the State of South Dakota;

(4) is not the recreation area known as ''Cottonwood'', ''Training Dike'', or ''Tailwaters''; and

(5) is located below Gavin's Point Dam in the State of South Dakota in accordance with boundary agreements and reciprocal fishing agreements between the State of South Dakota and the State of Nebraska in effect on the date of enactment of this Act, which agreements shall continue to be honored by the State of South Dakota as the agreements apply to any land or recreation areas transferred under this title to the State of South Dakota below Gavin's Point Dam and on the waters of the Missouri River.

(d) MAP.—

(1) IN GENERAL.—The Secretary of the Army, in consultation with the Department, shall prepare a map of the land and recreation areas transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures;

which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary of the Army.

(e) SCHEDULE FOR TRANSFER.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army and the Secretary of the Department shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the Trust Fund described in section 203.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred in fee title to the Department on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary of the Army shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—The Department shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(g) HUNTING AND FISHING.—

(1) IN GENERAL.—Nothing in this title affects jurisdiction over the land and water below the exclusive flood pool of the Missouri River within the State of South Dakota, including affected Indian reservations. The State of South Dakota, the Lower Brule Sioux Tribe, and the Cheyenne River Sioux Tribe shall continue in perpetuity to exercise the jurisdiction the State and Tribes possess on the date of enactment of this Act.

(2) NO EFFECT ON RESPECTIVE JURISDICTIONS.—The Secretary may not adopt any regulation or otherwise affect the respective jurisdictions of the State of South Dakota, the Lower Brule River Sioux Tribe, or the Cheyenne River Sioux Tribe described in paragraph (1).

(h) APPLICABILITY OF LAW.—Notwithstanding any other provision of this Act, the following provisions of law shall apply to land transferred under this section:

(1) The National Historic Preservation Act (16 U.S.C. 470 et seq.), including sections 106 and 304 of that Act (16 U.S.C. 470f, 470w–3).

(2) The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), including sections 4, 6, 7, and 9 of that Act (16 U.S.C. 470cc, 470ee, 470ff, 470hh).

(3) The Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.), including subsections (a) and (d) of section 3 of that Act (25 U.S.C. 3003).

SEC. 206. TRANSFER OF CORPS OF ENGINEERS LAND FOR INDIAN TRIBES.

(a) IN GENERAL.—

(1) TRANSFER.—The Secretary of the Army shall transfer to the Secretary of the Interior the land and recreation areas described in subsections (b) and (c).

(2) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), or other applicable law.

(3) SECRETARY OF THE ARMY.—The Secretary of the Army shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(4) TRUST.—The Secretary of the Interior shall hold in trust for the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe the land transferred under this section that is located within the external boundaries of the reservation of the Indian Tribes.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Big Bend and Oahe projects

of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program; and

(3) is located within the external boundaries of the reservation of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and waters within a recreation area that—

(1) the Secretary of the Army determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located within the external boundaries of a reservation of an Indian Tribe; and

(3) is located within the State of South Dakota.

(d) MAP.—

(1) IN GENERAL.—The Secretary of the Army, in consultation with the governing bodies of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, shall prepare a map of the land transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures;

which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary of the Army.

(e) SCHEDULE FOR TRANSFER.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army and the Chairmen of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the State and tribal Trust Fund described in section 204.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred to, and held in trust by, the Secretary of the Interior on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary of the Army shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) HUNTING AND FISHING.—Nothing in this title affects jurisdiction over the land and waters below the exclusive flood pool and within the external boundaries of the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe reservations. The State of South Dakota, the Lower Brule Sioux Tribe, and the Cheyenne River Sioux Tribe shall continue to exercise, in perpetuity, the jurisdiction they possess on the date of enactment of this Act with regard to those lands and waters. The Secretary may not adopt any regulation or otherwise affect the respective jurisdictions of the State of South Dakota, the Lower Brule River Sioux Tribe, or the Cheyenne River Sioux Tribe described in the preceding sentence. Jurisdiction over the land transferred under this section shall be the same as that over other land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Tribe reservation and the Lower Brule Sioux Tribe reservation.

(3) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—

(A) MAINTENANCE.—The Secretary of the Interior shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(B) PAYMENTS TO COUNTY.—The Secretary of the Interior shall pay any affected county 100 percent of the receipts from the easements, rights-of-way, leases, and cost-sharing agreements described in subparagraph (A).

SEC. 207. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian Tribe;

(2) any other right of an Indian Tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian Tribe;

(5) any authority of the State of South Dakota that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (commonly known as the ''Clean Water Act'') (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) POWER RATES.—No payment made under this title shall affect any power rate under the Pick-Sloan Missouri River Basin program.

(c) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private land caused by the operation of the Pick-Sloan Missouri River Basin program.

(d) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan Missouri River Basin program for purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

SEC. 208. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army shall arrange for the United States Geological Survey, in consultation with the Bureau of Indian Affairs and other appropriate Federal agencies, to conduct a comprehensive study of the potential impacts of the transfer of land under sections 205(b) and 206(b), including potential impacts on South Dakota Sioux Tribes having water claims within the Missouri River Basin, on water flows in the Missouri River.

(b) NO TRANSFER PENDING DETERMINATION.—No transfer of land under section 205(b) or 206(b) shall occur until the Secretary determines, based on the study, that the transfer of land under either section will not significantly reduce the amount of water flow to the downstream States of the Missouri River.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) SECRETARY.—There are authorized to be appropriated to the Secretary such sums as are necessary—

(1) to pay the administrative expenses incurred by the Secretary in carrying out this title; and

(2) to fund the implementation of terrestrial wildlife habitat restoration plans under section 202(a).

(b) SECRETARY OF THE INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to pay the administrative expenses incurred by the Secretary of the Interior in carrying out this title.

FINANCIAL SERVICES COMPETITION ACT OF 1998

LOTT AMENDMENT NO. 3804

Mr. LOTT proposed an amendment to the motion to recommit proposed by him to the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT TO 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Parent and Student Savings Account PLUS Act''.

(b) AMENDMENT TO 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

TITLE I—TAX INCENTIVES FOR EDUCATION

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

''(2) QUALIFIED EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified education expenses' means—

''(i) qualified higher education expenses (as defined in section 529(e)(3)), and

''(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

''(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account.''

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

''(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

''(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

''(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

''(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.''

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

''(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

''(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

''(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

''(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i).''

(4) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking ''higher'' each place it appears in the text and heading thereof.

(b) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

''(5) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).''

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(B) Section 4973(e)(1)(A) is amended by striking ''$500'' and inserting ''the contribution limit (as defined in section 530(b)(5)) for such taxable year''.

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

''The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).''

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking ''The maximum amount which a contributor'' and inserting ''In the case of a contributor who is an individual, the maximum amount the contributor''.

(e) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

''(E) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.''

(f) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

''(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.''

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

''(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.''

(2)(A) Section 530(d)(1) is amended by striking ''section 72(b)'' and inserting ''section 72''.

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

''(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.''

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by adding at the end the following new clause:

''(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year.''

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

SEC. 102. EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED STATE TUITION PROGRAMS.

(a) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

''(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—

''(i) IN GENERAL.—No amount shall be includible in gross income under subparagraph (A) if the qualified higher education expenses of the designated beneficiary during the taxable year are not less than the aggregate distributions during the taxable year.

''(ii) DISTRIBUTIONS IN EXCESS OF EXPENSES.—If such aggregate distributions exceed such expenses during the taxable year, the amount otherwise includible in gross income under subparagraph (A) shall be reduced by the amount which bears the same ratio to the amount so includible (without regard to this subparagraph) as such expenses bear to such aggregate distributions.

''(iii) ELECTION TO WAIVE EXCLUSION.—A taxpayer may elect to waive the application of this subparagraph for any taxable year.

''(iv) IN-KIND DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified State tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

''(v) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified higher education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.''

(b) DEFINITION OF QUALIFIED HIGHER EDUCATION EXPENSES.—Section 529(e)(3)(A) (defining qualified higher education expenses) is amended to read as follows:

''(A) IN GENERAL.—The term 'qualified higher education expenses' means expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary at an eligible educational institution.''

(c) COORDINATION WITH EDUCATION CREDITS.—Section 25A(e)(2) (relating to coordination with exclusions) is amended—

(1) by inserting ''a qualified State tuition program or'' before ''an education individual retirement account'', and

(2) by striking ''section 530(d)(2)'' and inserting ''section 529(c)(3)(B) or 530(d)(2)''.

(d) TECHNICAL CORRECTION.—Section 529(c)(3)(A) is amended by striking ''section 72(b)'' and inserting ''section 72''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTION.—The amendment made by subsection (d) shall take effect as if included in the amendments made by section 211 of the Taxpayer Relief Act of 1997.

SEC. 103. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127(d) (relating to termination of exclusion for educational assistance programs) is amended by striking ''May 31, 2000'' and inserting ''December 31, 2002''.

(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—The last sentence of section 127(c)(1) (defining educational assistance) is amended by striking '', and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to expenses paid with respect to courses beginning after May 31, 2000.

(2) GRADUATE EDUCATION.—The amendment made by subsection (b) shall apply to expenses paid with respect to courses beginning after December 31, 1997.

SEC. 104. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATION FACILITIES.

(a) IN GENERAL.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking ''$5,000,000'' the second place it appears and inserting ''$10,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 1998.

SEC. 105. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH CORPS SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking ''Subsections (a)'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a)''; and

(2) by adding at the end the following new paragraph:

''(2) NATIONAL HEALTH CORPS SCHOLARSHIP PROGRAM.—Paragraph (1) shall not apply to any amount received by an individual under the National Health Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act.''

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

TITLE II—REVENUE

SEC. 201. CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION.

(a) IN GENERAL.—Section 404(a) (relating to deduction for contributions of an employer to an employee's trust or annuity plan and compensation under a deferred-payment plan) is amended by adding at the end the following new paragraph:

''(11) DETERMINATIONS RELATING TO DEFERRED COMPENSATION.—

''(A) IN GENERAL.—For purposes of determining under this section—

''(i) whether compensation of an employee is deferred compensation, and

''(ii) when deferred compensation is paid,

no amount shall be treated as received by the employee, or paid, until it is actually received by the employee.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to severance pay.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by subsection (a) to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

SEC. 202. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) (relating to limitation on credit) is amended—

(1) by striking ''in the second preceding taxable year,'', and

(2) by striking ''or fifth'' and inserting ''fifth, sixth, or seventh''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 1999.

LOTT AMENDMENT NO. 3805

Mr. LOTT proposed an amendment to amendment No. 3804 proposed by him to the bill, H.R. 10, supra; as follows:

At the end of the Instructions, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marriage Tax Elimination Act''.

SEC. 2. COMBINED RETURN TO WHICH UNMARRIED RATES APPLY.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to income tax returns) is amended by inserting after section 6013 the following new section:

''SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.

''(a) GENERAL RULE.—A husband and wife may make a combined return of income taxes under subtitle A under which—

''(1) a separate taxable income is determined for each spouse by applying the rules provided in this section, and

''(2) the tax imposed by section 1 is the aggregate amount resulting from applying the separate rates set forth in section 1(c) to each such taxable income.

''(b) TREATMENT OF INCOME.—For purposes of this section—

''(1) earned income (within the meaning of section 911(d)), and any income received as a pension or annuity which arises from an employer-employee relationship, shall be treated as the income of the spouse who rendered the services, and

''(2) income from property shall be divided between the spouses in accordance with their respective ownership rights in such property.

''(c) TREATMENT OF DEDUCTIONS.—For purposes of this section—

''(1) except as otherwise provided in this subsection, the deductions allowed by section 62(a) shall be allowed to the spouse treated as having the income to which such deductions relate,

''(2) the deduction for retirement savings described in paragraph (7) of section 62(a) shall be allowed to the spouse for whose benefit the savings are maintained,

''(3) the deduction for alimony described in paragraph (10) of section 62(a) shall be allowed to the spouse who has the liability to pay the alimony,

''(4) the deduction referred to in paragraph (16) of section 62(a) (relating to contributions to medical savings accounts) shall be allowed to the spouse with respect to whose employment or self-employment such account relates,

''(5) the deductions allowable by section 151 (relating to personal exemptions) shall be determined by requiring each spouse to claim 1 personal exemption,

''(6) section 63 shall be applied as if such spouses were not married, and

''(7) each spouse's share of all other deductions (including the deduction for personal exemptions under section 151(c)) shall be determined by multiplying the aggregate amount thereof by the fraction—

''(A) the numerator of which is such spouse's adjusted gross income, and

''(B) the denominator of which is the combined adjusted gross incomes of the 2 spouses.

Any fraction determined under paragraph (7) shall be rounded to the nearest percentage point.

''(d) TREATMENT OF CREDITS.—Credits shall be determined (and applied against the joint liability of the couple for tax) as if the spouses had filed a joint return.

''(e) TREATMENT AS JOINT RETURN.—Except as otherwise provided in this section or in the regulations prescribed hereunder, for purposes of this title (other than sections 1 and 63(c)) a combined return under this section shall be treated as a joint return.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section.''.

(b) UNMARRIED RATE MADE APPLICABLE.—So much of subsection (c) of section 1 of such Code as precedes the table is amended to read as follows:

''(c) SEPARATE OR UNMARRIED RETURN RATE.—There is hereby imposed on the taxable income of every individual (other than a married individual (as defined in section 7703) filing a joint return or a separate return, a surviving spouse as defined in section 2(a), or a head of household as defined in section 2(b)) a tax determined in accordance with the following table:''.

(c) BASIC STANDARD DEDUCTION FOR UNMARRIED INDIVIDUALS MADE APPLICABLE.—Subparagraph (C) of section 63(c)(2) of such Code is amended to read as follows:

''(C) $3,000 in the case of an individual who is not—

''(i) a married individual filing a joint return or a separate return,

''(ii) a surviving spouse, or

''(iii) a head of household, or''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6013 the following:

''Sec. 6013A. Combined return with separate rates.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning January 1, 2000.

LOTT AMENDMENT NO. 3806

Mr. LOTT proposed an amendment to amendment No. 3805 proposed by him to the bill, H.R. 10, supra; as follows:

Strike all after the first word and insert the following:

SHORT TITLE.

This Act may be cited as the ''Marriage Tax Elimination Act''.

SEC. 2. COMBINED RETURN TO WHICH UNMARRIED RATES APPLY.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to income tax returns) is amended by inserting after section 6013 the following new section:

''SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.

''(a) GENERAL RULE.—A husband and wife may make a combined return of income taxes under subtitle A under which—

''(1) a separate taxable income is determined for each spouse by applying the rules provided in this section, and

''(2) the tax imposed by section 1 is the aggregate amount resulting from applying the separate rates set forth in section 1(c) to each such taxable income.

''(b) TREATMENT OF INCOME.—For purposes of this section—

''(1) earned income (within the meaning of section 911(d)), and any income received as a pension or annuity which arises from an employer-employee relationship, shall be treated as the income of the spouse who rendered the services, and

''(2) income from property shall be divided between the spouses in accordance with their respective ownership rights in such property.

''(c) TREATMENT OF DEDUCTIONS.—For purposes of this section—

''(1) except as otherwise provided in this subsection, the deductions allowed by section 62(a) shall be allowed to the spouse treated as having the income to which such deductions relate,

''(2) the deduction for retirement savings described in paragraph (7) of section 62(a) shall be allowed to the spouse for whose benefit the savings are maintained,

''(3) the deduction for alimony described in paragraph (10) of section 62(a) shall be allowed to the spouse who has the liability to pay the alimony,

''(4) the deduction referred to in paragraph (16) of section 62(a) (relating to contributions to medical savings accounts) shall be allowed to the spouse with respect to whose employment or self-employment such account relates,

''(5) the deductions allowable by section 151 (relating to personal exemptions) shall be determined by requiring each spouse to claim 1 personal exemption,

''(6) section 63 shall be applied as if such spouses were not married, and

''(7) each spouse's share of all other deductions (including the deduction for personal exemptions under section 151(c)) shall be determined by multiplying the aggregate amount thereof by the fraction—

''(A) the numerator of which is such spouse's adjusted gross income, and

''(B) the denominator of which is the combined adjusted gross incomes of the 2 spouses.

Any fraction determined under paragraph (7) shall be rounded to the nearest percentage point.

''(d) TREATMENT OF CREDITS.—Credits shall be determined (and applied against the joint liability of the couple for tax) as if the spouses had filed a joint return.

''(e) TREATMENT AS JOINT RETURN.—Except as otherwise provided in this section or in the regulations prescribed hereunder, for purposes of this title (other than sections 1 and 63(c)) a combined return under this section shall be treated as a joint return.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section.''.

(b) UNMARRIED RATE MADE APPLICABLE.—So much of subsection (c) of section 1 of such Code as precedes the table is amended to read as follows:

''(c) SEPARATE OR UNMARRIED RETURN RATE.—There is hereby imposed on the taxable income of every individual (other than a married individual (as defined in section 7703) filing a joint return or a separate return, a surviving spouse as defined in section 2(a), or a head of household as defined in section 2(b)) a tax determined in accordance with the following table:''.

(c) BASIC STANDARD DEDUCTION FOR UNMARRIED INDIVIDUALS MADE APPLICABLE.—Subparagraph (C) of section 63(c)(2) of such Code is amended to read as follows:

''(C) $3,000 in the case of an individual who is not—

''(i) a married individual filing a joint return or a separate return,

''(ii) a surviving spouse, or

''(iii) a head of household, or''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6013 the following:

''Sec. 6013A. Combined return with separate rates.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

GLACIER BAY MANAGEMENT AND PROTECTION ACT OF 1998

MURKOWSKI AMENDMENT NO. 3807

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill (S. 1064) to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Glacier Bay Fisheries Act'.

''SEC. 2. FISHERIES MANAGEMENT.

''Hereafter, commercial fishing shall be allowed to occur in the marine waters of Glacier Bay National Park, except that—

''(1) fishing in Glacier Bay north of a line drawn from Point Carolus to Point Gustavus may be limited to the use of longlining for halibut, the use of pots and ring nets for crab, and troll gear for salmon;

''(2) the waters of Rendu Inlet, Adams Inlet, and the Scidmore Bay-Hugh Miller Inlet-Charpentier Inlet complex shall be closed to commercial fishing; and,

''(3) fishing for Dungeness crab shall be permitted in the Beardslee Islands and in upper Dundas Bay, but may be limited to the number of individuals who harvested Dungeness crab in either the Beardslee Islands or upper Dundas Bay in 1995, 1986 or 1997.

''SEC. 3 EFFECT ON TIDAL AND SUBMERGED LAND.

''(a) Nothing in this Act invalidates, or in any other ways affects any claim of the State of Alaska to title to any tidal or submerged land.

''(b) No action taken pursuant to or in accordance with this Act shall bar the State of Alaska from asserting at any time its claim of title to any tidal or submerged land.

''(c) Nothing in this Act, and no action taken pursuant to this Act, shall expand or diminish Federal or State jurisdiction, responsibility, interests, or rights in the management, regulation, or control of waters or tidal or submerged land of the State of Alaska.''

Mr. MURKOWSKI. Mr. President, I am both throwing down a gauntlet and laying down a marker on this subject of fishing in Glacier Bay.

Native Alaskans have used Glacier Bay to obtain fish and other foodstuffs essential to them for many thousands of years, and not long after the United States acquired Alaska, commercial fishing started there also. In all the time since, fishing has caused absolutely no harm to the values that make this area one of America's premier national parks.

Parts of Glacier Bay were declared as a national monument in 1925, to promote the study of flora, fauna and geology of post-glacial terrain. Glacier Bay was ideal for this purpose. When visited by Capt. George Vancouver in the late 18th century it was closed by a geologically recent glacial advance, but by the time John Muir visited in the 1880's, Native fishermen had resumed their age-old practice of fishing here every summer.

In 1939, the national monument was expanded. In 1980, it was expanded again, and most of it was redesignated as a national park.

Mr. President, just as the Federal Government spoke with a ''forked tongue'' to Native Americans throughout much of our history, so it has spoken to the Tlingits and to the other local residents who rely on Glacier Bay for their livelihoods and for their sustenance. Throughout the history of government proclamations, local Natives and commercial fishermen have been promised that their activities would be respected—yet a few years ago, the government decided to ignore its promises and began a concerted effort to banish both commercial and subsistence fishing.

It has been aided and abetted by some of the sleaziest tactics I have ever seen—a network of half-truths and outright lies about the fisheries, the fishermen, and about our efforts to save them.

Mr. President, this is just plain wrong. It is an affront to every American who believes the government's promises should be worth something, and there are still a few of us left, despite everything.

I had hopes that reasonable people could work this issue out. Indeed, earlier this year I delayed further action on my own efforts to craft compromise legislation in order to allow additional time to the fishermen, State of Alaska representatives and others who have been trying to develop a consensus.

Unfotunately, these efforts have been stymied by the refusal of the national environmental organizations to agree to fair treatment of these historical users. For that reason, I supported putting a one-year regulatory moratorium into the Interior appropriation, so as to allow additional time to work on this issue at the local level.

Regrettably, the Department of the Interior and its allies are not willing to continue working toward a consensus. Instead, they refused to accept the moratorium language, and insisted on going forward with regulations to put the fishermen out of business.

There is a real inconsistency here; in the same bays and inlets where they insist fishing is an unacceptable commercial activity, they are only too happy to allow tour vessels with thousands of visitors.

Soon, perhaps within hours, perhaps within a few days, we will pass an omnibus appropriation measure that makes one of Washington's insider ''deals'' on this issue. Under the deal, a minimum payment will be made to get some fishermen to disappear altogether, and a handful of others will be told that they will be allowed to fish, but that their current right to sell or bequeath their fishing permits to their children has just evaporated forever.

I repeat, Mr. President, what is happening here is just plain wrong.

For that reason, I am today offering an amendment to my earlier bill. I will introduce another such a bill in January of next year, and In intend to introduce such a bill every January hereafter until justice is done. I will also welcome the assistance of the State of Alaska in asserting its right of jurisdiction over the management of these fisheries.

Come what may, I will not stand by and allow these existing small fishing operators to be lost in Glacier Bay.

GAYLORD NELSON APOSTLE ISLANDS STEWARDSHIP ACT OF 1998

FEINGOLD AMENDMENT NO. 3808

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill (S. 1966) to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; as follows:

On page 4, after line 24, insert the following:

(g) TRANSFER OF APPROPRIATED FUNDS.—

(1) IN GENERAL.—All amounts made available to the Denali Commission for fiscal year 1999 shall be transferred to the Secretary of the Interior for use in carrying out subsections (c) and (d).

(2) UNEXPENDED BALANCE.—Any balance of amounts transferred under paragraph (1) that remain unexpended at the end of fiscal year 1999 shall be returned to the general fund of the Treasury of the United States.

● Mr. FEINGOLD. Mr. President, today I am submitting an amendment to S. 1966, Gaylord Nelson Apostle Islands Stewardship Act of 1988, a bill that I introduced on April 22, 1988. In keeping with my belief that progress toward a balanced budget should be maintained, I am proposing that a section be added to the bill which offsets the $4.1 million in authorized spending for the Apostle Islands contained in my original bill, with the $20 million in funds appropriated in FY 99 to the Denali Commission. The Secretary of the Interior would be required to transfer $15.9 million above the money that it needs to take actions at the Apostle Islands back to the Treasury.

Mr. President, the Denali Commission is not currently authorized. Authorization for this new commission was included in the Senate version of the FY 99 Energy and Water Appropriations bill, but was removed in conference. Nevertheless, the appropriators decided to set aside $20 million in funds pending the authorization of the Commission. Whatever the merits of this proposed commission may be, Mr. President, I am concerned that we have set aside such a large amount of money when we have acute appropriations needs at places like the Apostle Islands National Lakeshore, for an unauthorized program.

I am further concerned, Mr. President, about creating a new Federal commission to address economic development and other State specific issues when Congress is seeking to back away from such commitments. For example, in the same bill that provides funds for the Denali Commission, the Congress terminates appropriated funds for the Tennessee Valley Authority, known as TVA, an action I have had legislation to accomplish since I became a Member of the Senate. I applaud congress for acting to end appropriated funds for TVA, but I fear we may take a step backward if we create a new entity that we now need to fund.

I look forward to Senate Energy Committee consideration of the Gaylord Nelson Apostle Islands Stewardship Act of 1988, and its eventual passage.●

SONNY BONO MEMORIAL SALTON SEA RECLAMATION ACT

KYL AMENDMENT NO. 3809

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea; as follows:

Strike all after enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Salton Sea Reclamation Act of 1998''.

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

SEC. 2. DEFINITIONS.

In this Act:—

(1) the term ''Committees'' means the Committee on Resources and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environmental and Public Works of the Senate;

(2) the term ''Salton Sea Authority'' means the Joint Powers Authority by that name established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993; and

(3) the term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE I—SALTON SEA FEASIBILITY STUDY

SEC. 101. SALTON SEA FEASIBILITY STUDY AUTHORIZATION.

(a) IN GENERAL.—No later than January 1, 2000, the Secretary, in accordance with this section, shall complete all feasibility studies and cost analyses for the options set forth in subsection (b)(2)(A) necessary for Congress to fully evaluate such options.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—

(A) The Secretary shall complete all studies, including, but not limited to environmental and other views, of the feasibility and benefit-cost of various options that permit the continued use of the Salton Sea as a reservoir for irrigation drainage and (1) reduce and stabilize the overall salinity of the Salton Sea, (2) stabilize the surface elevation of the Salton Sea, (3) reclaim, in the long term, healthy fish and wildlife resources and their habitats, and (4) enhance the potential for recreational uses and economic development of the Salton Sea.

(B) Based solely on whatever information is available at the time of submission of the report, the Secretary shall (1) identify any options he deems economically feasible and cost effective, (2) identify any additional information necessary to develop construction specifications, and (3) submit any recommendations, along with the results of the study to the Committees no later than January 1, 2000.

(i) The Secretary shall carry out the feasibility study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(ii) The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under subparagraph (2)(A), including criteria for determining benefit and the magnitude and practicability of costs of construction, operation, and maintenance of each option evaluated.

(2) OPTIONS TO BE CONSIDERED.—Options considered in the feasibility study—

(A) shall consist of, but need not be limited to—

(i) use of impoundments to segregate a portion of the waters of the Salton Sea in one or more evaporation ponds located in the Salton Sea basin;

(ii) pumping water out of the Salton Sea;

(iii) augmented flows of water into the Salton Sea;

(iv) a combination of the options referred to in clauses (i), (ii), and (iii); and

(v) any other economically feasible remediation option the Secretary considers appropriate and for which feasibility analyses and cost estimates can be completed by January 1, 2000;

(B) shall be limited to proven technologies; and

(C) shall not include any option that—

(i) relies on the importation of any new or additional water from the Colorado River; or

(ii) is inconsistent with the provisions of subsection (c).

(3) ASSUMPTIONS.—In evaluating options, the Secretary shall apply assumptions regarding water inflows into the Salton Sea

Basin that encourage water conservation, account for transfers of water out of the Salton Sea Basin, and are based on a maximum likely reduction in inflows into the Salton Sea Basin which could be 800,000 acre-feet or less per year.

(4) CONSIDERATION OF COSTS.—In evaluating the feasibility of options, the Secretary shall consider the ability of Federal, tribal, State and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs and shall set forth the basis for any cost sharing allocations as well as anticipated repayment, if any, of federal contributions.

(c) RELATIONSHIP TO OTHER LAW.—

(1) RECLAMATION LAWS.—Activities authorized by this Act shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. et seq.), and Acts amendatory thereof and supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable for purposes of those laws and shall not be considered to be a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

(2) PRESERVATION OF RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLORADO RIVER.—This Act shall not be considered to supersede or otherwise affect any treaty, law, decree, contract, or agreement governing use of water from the Colorado River. All activities taken under this Act must be carried out in a manner consistent with rights and obligations of persons under those treaties, laws, decrees, contracts, and agreements.

SEC. 102. CONCURRENT WILDLIFE RESOURCES STUDIES.

(a) IN GENERAL.—The Secretary shall provide for the conduct, concurrently with the feasibility study under section 101(b), of studies of hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea by Federal and non-Federal entities.

(b) SELECTION OF TOPICS AND MANAGEMENT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall establish a committee to be known as the 'Salton Sea Research Management Committee'. The committee shall select the topics of studies under this section and manage those studies.

(2) MEMBERSHIP.—The committee shall consist of the following five members:

(A) The Secretary.

(B) The Governor of California.

(C) The Executive Director of the Salton Sea Authority.

(D) The Chairman of the Torres Martinez Desert Cahuilla Tribal Government.

(E) The Director of the California Water Resources Center.

(c) COORDINATION.—The Secretary shall require that studies under this section are coordinated through the Science Subcommittee which reports to the Salton Sea Research Management Committee. In addition to the membership provided for by the Science Subcommittee's charter, representatives shall be invited from the University of California, Riverside; the University of Redlands; San Diego State University; the Imperial Valley College; and Los Alamos National Laboratory.

(d) PEER REVIEW.—The Secretary shall require that studies under this section are subjected to peer review.

(e) AUTHORIZATION OF APPROPRIATIONS.—For wildlife resources studies under this section there are authorized to be appropriated to the Secretary, through accounts within the Fish and Wildlife Service Exclusively, $5,000,000.

(f) ADVISORY COMMITTEE ACT.—The committee, and its activities, are not subject to the Federal Advisory Commission Act (5 U.S.C. app.).

SEC. 103. SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The Salton Sea National Wildlife Refuge, located in Imperial County, California, is hereby renamed and shall be known as the 'Sonny Bono Salton Sea National Wildlife Refuge'.

(b) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, or paper or other document of the United States to the Salton Sea National Wildlife Refuge is deemed to refer to the Sonny Bono Salton Sea National Wildlife Refuge.

TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER

SEC. 201. ALAMO RIVER AND NEW RIVER IRRIGATION DRAINAGE WATER.

(a) RIVER ENHANCEMENT.—

(1) IN GENERAL.—The Secretary is authorized and directed to promptly conduct research and construct river reclamation and wetlands projects to improve water quality in the Alamo River and New River, Imperial County, California, by treating water in those rivers and irrigation drainage water that flows into those rivers.

(2) ACQUISITIONS.—The Secretary may acquire equipment, real property from willing sellers, and interests in real property (including site access) from willing sellers as needed to implement actions under this section if the State of California, a political subdivision of the State, or Desert Wildlife Unlimited has entered into an agreement with the Secretary under which the State, subdivision, or Desert Wildlife Unlimited, respectively, will, effective 1 year after the date that systems for which the acquisitions are made are operational and functional—

(A) accept all right, title, and interest in and to the equipment, property, or interests; and

(B) assume responsibility for operation and maintenance of the equipment, property, or interests.

(3) TRANSFER OF TITLE.—Not later than 1 year after the date a system developed under this section is operational and functional, the Secretary shall transfer all right, title, and interest of the United States in and to all equipment, property, and interests acquired for the system in accordance with the applicable agreement under paragraph (2).

(4) MONITORING AND OTHER ACTIONS.—The Secretary shall establish a long-term monitoring program to maximize the effectiveness of any wetlands developed under this title and may implement other actions to improve the efficacy of actions implemented pursuant to this section.

(b) COOPERATION.—The Secretary shall implement subsection (a) in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, California, and other interested persons.

(c) FEDERAL WATER POLLUTION CONTROL.—Water withdrawn solely for the purpose of a wetlands project to improve water quality under subsection (a)(1), when returned to the Alamo River or New River, shall not be required to meet water quality standards under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(d) AUTHORIZATION OF APPROPRIATIONS.—For river reclamation and other irrigation drainage water treatment actions under this section, there are authorized to be appropriated to the Secretary $3,000,000.

Amend the title to read as follows: ''To direct the Secretary of the Interior, acting through the Bureau of Reclamation, to complete a feasibility study relating to the Salton Sea, and for other purposes.''.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AUTHORIZATION ACT OF 1998

FRIST (AND ROCKEFELLER) AMENDMENT NO. 3810

Mr. COATS (for Mr. FRIST for himself and Mr. ROCKEFELLER) proposed an amendment to the bill to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Technology Administration Act of 1998''.

SEC. 2. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM CENTER EXTENSION.

Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by striking '', which are designed'' and all that follows through ''operation of a Center,'' and inserting in lieu thereof ''. After the sixth year, a Center may receive additional financial support under this section if it has received a positive evaluation through an independent review, under procedures established by the Institute. Such an independent review shall be required at least every two years after the sixth year of operation. Funding received for a fiscal year under this section after the sixth year of operation shall not exceed one third of the capital and annual operating and maintenance costs of the Center under the program.''.

SEC. 3. MALCOLM BALDRIGE QUALITY AWARD.

(a) ADDITIONAL AWARDS.—Section 17(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(3)) is amended by inserting '', unless the Secretary determines that a third award is merited and can be given at no additional cost to the Federal Government'' after ''in any year''.

(b) CATEGORIES.—Section 17(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(1)) is amended by adding at the end the following:

''(D) Health care providers.

''(E) Education providers.''.

SEC. 4. NOTICE.

(a) REDESIGNATION.—Section 31 of the National Institute of Standards and Technology Act is redesignated as section 32.

(b) NOTICE.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 30 the following new section:

''NOTICE

''SEC. 31. (a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(b) NOTICE OF REORGANIZATION.—

''(1) REQUIREMENT.—The Secretary shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Institute.

''(2) DEFINITION.—For purposes of this subsection, the term ''major reorganization'' means any reorganization of the Institute that involves the reassignment of more than 25 percent of the employees of the Institute.''.

SEC. 5. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the National Institute of Standards and Technology should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond; and

(2) develop contingency plans for those systems that the Institute is unable to correct in time.

SEC. 6. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term ''educationally useful Federal equipment'' means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) SCHOOL.—The term ''school'' means a public or private education institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the Director of the National Institute of Standards and Technology should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the National Institute of Standards and Technology shall prepare and submit to the President a report. The President shall submit the report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Director under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 7. TEACHER SCIENCE AND TECHNOLOGY ENHANCEMENT INSTITUTE PROGRAM.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 19 the following:

''SEC. 19A. (a) The Director shall establish within the Institute a teacher science and technology enhancement program to provide for professional development of mathematics and science teachers of elementary, middle, and secondary schools (as those terms are defined by the Director), including providing for the improvement of those teachers with respect to the understanding of science and the impacts of science on commerce.

''(b) In carrying out the program under this section, the Director shall focus on the areas of—

''(1) scientific measurements;

''(2) tests and standards development;

''(3) industrial competitiveness and quality;

''(4) manufacturing;

''(5) technology transfer; and

''(6) any other area of expertise of the Institute that the Director determines to be appropriate.

''(c) The Director shall develop and issue procedures and selection criteria for participants in the program.

''(d) The program under this section shall be conducted on an annual basis during the summer months, during the period of time when a majority of elementary, middle, and secondary schools have not commenced a school year.

''(e) The program shall provide for teachers' participation in activities at the laboratory facilities of the Institute, or shall utilize other means of accomplishing the goals of the program as determined by the Director, which may include the Internet, video conferencing and recording, and workshops and conference.''.

SEC. 8. OFFICE OF SPACE COMMERCIALIZATION.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commercialization (referred to in this section as the ''Office'').

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be a senior executive and shall be compensated at a level in the Senior Executive Service under section 5382 of title 5, United States Code, as determined by the Secretary of Commerce.

(c) FUNCTIONS OF THE OFFICE; DUTIES OF THE DIRECTOR.—The Office shall be the principal unit for the coordination of space-related issues, programs, and initiative within the Department of Commerce. The primary responsibilities of the Director, in carrying out the functions of the Office, shall include—

(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in the efforts of those providers to conduct business with the United States Government;

(3) acting as an industry advocate within the executive branch of the Federal Government to ensure that the Federal Government meets the space-related requirements of the Federal Government, to the fullest extent feasible, using commercially available space goods and services;

(4) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;

(5) promoting the export of space-related goods and services;

(6) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(7) seeking the removal of legal, policy, and institutional impediments to space commerce.

SEC. 9. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.

Section 5 of the Stevenson Wydler Technology Innovation Act of 1980 (15 U.S.C. 3705) is amended by adding at the end the following:

''(f) EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.—

''(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish for fiscal year 1999 a program to be known as the Experimental Program to Stimulate Competitive Technology (referred to in this subsection as the 'program'). The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than those received by a majority of the States.

''(2) ARRANGEMENTS.—In carrying out the program, the Secretary, acting through the Under Secretary, shall—

''(A) enter into such arrangements as may be necessary to provide for the coordination of the program through the State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation; and

''(B) cooperate with—

''(i) any State science and technology council established under the program under subparagraph (A); and

''(ii) representatives of small business firms and other appropriate technology-based businesses.

''(3) GRANTS AND COOPERATIVE AGREEMENTS.—In carrying out the program, the Secretary, acting though the Under Secretary, may make grants or enter into cooperative agreements to provide for—

''(A) technology research and development;

''(B) technology transfer from university research;

''(C) technology deployment and diffusion; and

''(D) the strengthening of technological capabilities through consortia comprised of—

''(i) technology-based small business firms;

''(ii) industries and emerging companies;

''(iii) universities; and

''(iv) State and local development agencies and entities.

''(4) REQUIREMENTS FOR MAKING AWARDS.—

''(a) IN GENERAL.—In making awards under this subsection, the Secretary, acting through the Under Secretary, shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award.

''(B) MATCHING REQUIREMENT.—The non-Federal share of the activities (other than planning activities) carried out under an award under this subsection shall be not less than 25 percent of the cost of those activities.

''(5) CRITERIA FOR STATES.—The Secretary, acting through the Under Secretary, shall establish criteria for achievement by each State that participates in the program. Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

''(6) COORDINATION.—To the extent practicable, in carrying out this subsection, the Secretary, acting through the Under Secretary, shall coordinate the program with other programs of the Department of Commence.

''(7) REPORT.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Technology Administration Act of 1998, the Under Secretary shall prepare and submit a report that meets the requirements of this paragraph to the Secretary. Upon receipt of the report, the Secretary shall transmit a copy of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

''(B) REQUIREMENTS FOR REPORT.—The report prepared under this paragraph shall contain with respect to the program—

''(i) a description of the structure and procedures of the program;

''(ii) a management plan for the program;

''(iii) a description of the merit-based review process to be used in the program;

''(iv) milestones for the evaluation of activities to be assisted under the program in fiscal year 1999;

''(v) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive

Research of the National Science Foundation to participate in the program under this subsection; and

''(iv) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated.''.

SEC. 10. NATIONAL TECHNOLOGY MEDAL FOR ENVIRONMENTAL TECHNOLOGY.

In the administration of section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711), Environmental Technology shall be established as a separate nomination category with appropriate unique criteria for that category.

SEC. 11. INTERNATIONAL ARCTIC RESEARCH CENTER.

The Congress finds that the International Arctic Research Center is an internationally-supported effort to conduct important weather and climate studies, and other research projects of benefit to the United States. It is, therefore, the scene of the Congress that, as with similar research conducted in the Antarctic, the United States should provide similar support for this important effort.

CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

HATCH (AND OTHERS) AMENDMENT NO. 3811

Mr. COATS (for Mr. HATCH for himself, Mr. LEAHY, and Mr. DEWINE) proposed an amendment to the bill (H.R. 3494) to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes; as follows:

On page 116, lines 22 and 23, strike ''territory'' and insert ''commonwealth, territory,''.

On page 118, strike lines 1 through 3, and insert the following:

''(2) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United''.

On page 132, lines 9 and 10, strike ''that provide probable cause to believe that'' and insert ''from which''.

On page 132, line 13, strike ''has occurred'' and insert ''is apparent,''.

HATCH (AND OTHERS) AMENDMENT NO. 3812

Mr. COATS (for Mr. HATCH for himself, Mr. LEAHY, Mr. DEWINE, and Mr. SESSIONS) proposed an amendment to the bill, H.R. 3494, supra; as follows:

On page 121, between lines 6 and 7, insert the following:

SEC. 203. ''ZERO TOLERANCE'' FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by striking ''3 or more'' each place that term appears and inserting ''1 or more''; and

(2) by adding at the end the following:

''(c) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating paragraph (4) of subsection (a) that the defendant—

''(1) possessed less than 3 matters containing any visual depiction proscribed by that paragraph; and

''(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof—

''(A) took reasonable steps to destroy each such visual depiction; or

''(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.''.

(b) MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)(5), by striking ''3 or more images'' each place that term appears and inserting ''an image''; and

(2) by adding at the end the following:

''(d) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (a)(5) that the defendant—

''(1) possessed less than 3 images of child pornography; and

''(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

''(A) took reasonable steps to destroy each such image; or

''(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Friday, October 9, 1998, at 10:30 a.m. for a markup of pending committee nominations.

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

ADDITIONAL STATEMENTS

MICHAEL ''MICK'' BIRD THE TRANS-OCEANIC ROWING EXPEDITION

● Mr. INOUYE. Mr. President, I rise today to bring my colleagues' attention to a very exciting expedition. Last month, Mr. Michael ''Mick'' Bird completed the second leg of an unprecedented 24,000 mile voyage around the world. On August 19, 1997, Mick Bird started rowing out to sea from Fort Bragg, California in his vessel *Reach*. After 66 days of rowing, on October 23, 1997, Mick arrived in Hilo Bay on the Big Island of Hawaii.

After putting the *Reach* in drydock in Hawaii, Mick returned to his home base in California to raise support and prepare for the next leg of his historic journey. Mick returned to Hawaii this Summer and put to sea in *Reach* on July 18, 1998 rowing for the Gilbert Islands, about 2,500 miles southwest of Hawaii and the halfway point between Hawaii and Australia. On September 22, 1998, 66 days and more than 2,200 miles from Hawaii, Mick made land fall on Majuro in the Marshall Islands, a bit north of his intended destination in the Gilberts. Mick is now happily home in California with his family preparing for his next leg to the north central coast of Australia; another 2,500 mile row.

Mick Bird, a former U.S. Air Force officer, is of Pacific Island descent and has family ties to the State of Hawaii. His voyage is more formally known as Trans-Oceanic, which is the name of the non-profit organization sponsoring this attempt at the world's first solo circumnavigation of the globe by a rowing vessel. The goals of this expedition are, among others, to explore the limits of the human spirit, to raise awareness about ocean ecosystems, to be an example of individual achievement as well as teamwork, and to generate support for The National Tuberous Sclerosis Association. The expedition is also using its World Wide Web sites (www.naau.com and www.goals.com/transrow) to create a direct link between Mick's vessel *Reach* and educators and students to share experiences and practical applications of math, science and geography.

I would like to congratulate Mr. Bird on his very impressive accomplishments to this point, and to express my good wishes for the safety and success of the rest of this voyage around the world. I also wish to commend him and Trans-Oceanic for enhancing public awareness and education. I encourage my colleagues to have a look at Trans-Oceanic's web sites and share them with educators at home to follow along with this amazing journey.●

TRIBUTE TO JUDGE ROBERT I.H. HAMMERMAN

● Mr. SARBANES. Mr. President, I rise to acknowledge the unique and extraordinary contributions made to Baltimore and the State of Maryland by Judge Robert I.H. Hammerman who, this past summer, retired after thirty-seven years of distinguished service to our citizens and legal system. During his career on the bench, Judge Hammerman was a leader in court reform and the efforts to establish an effective yet caring system of juvenile criminal justice. These efforts were directed not only at changing the system, but also at exerting every effort possible to give young men in need the opportunity for academic and athletic development.

His remarkable commitment to the youth of Baltimore is most exemplified by the Lancers Boys Club which he founded 50 years ago and which greatly affected the lives of approximately 3,000 young men of all different backgrounds and races. Through his remarkable commitment, Judge Hammerman influenced several generations of young men whose leadership has affected every facet of State and national life. ''Bobby'' Hammerman, as he is known by his fellow Baltimoreans, served his community with exceptional dedication as a jurist but also, even more importantly, as a good and caring citizen. I want to take this occasion to express my own appreciation for his life of service and ask to have printed in the RECORD several articles from the Baltimore Sun and the Baltimore Jewish Times which chronicle his accomplishments.

The articles follow:

[From the Baltimore Sun, July 16, 1998]

WITH CLOSING ARGUMENT, JUDGE ENDS 37-YEAR TERM

MD.'S HAMMERMAN QUESTIONS BEING FORCED TO PUT DOWN GAVEL AT 70

By Dennis O'Brien)

The longest-serving trial judge in Maryland history hangs up his robes today—and he is not happy about it.

''I'm not retiring. They're retiring me,'' says Baltimore Circuit Chief Judge Robert I.H. Hammerman.

After 37 years of deciding other people's fates and distputes, Hammerman says this choice is being made for him: He will turn 70 tomorrow, the mandatory retirement age for judges under Maryland law.

He sees little sense to being forced out because of his age, especially since he is fit enough to walk up the five fights of stairs to his countroom two or three times each day, he still needs only four hours of sleep each night, can beat 20-year-old opponents at tennis and plays an hours of squash five times a week.

He loves the work routine that begins at 5:30 a.m. and involves listening to hours of arcane legal arguments.

''I feel like every day is a new day, and every day is different. I've never felt tired, or bored at this job,'' he says.

Hammerman has asked Court of Appeals Chief Judge Robert Mack Bell to allow him to serve in retirement as much as possible as a part-time judge, a position that would mean ''specially assigning'' him to any courthouse in Maryland where judges are short-handed.

Bell says he intends to take Hammerman up on his offer. ''I think he's been a great judge,'' said Bell, who served with Hammerman on the Baltimore Circuit Court in the 1980s before Bell was appointed the state's top judge.

It upsets Hammerman that Maryland law will allow him to serve as a part-time judge for only one-third of any calendar year.

Hammerman, who is single, gives the impression of being willing to go just about anywhere to hear a case.

''I've always said that when my time is up in this world, I want it to be one of three courts: a court of law, a tennis court or a squash court,'' Hammerman said.

FROM THE BEGINNING

Robert Israel Harold Hammerman was born in Baltimore, the son of Herman Hammerman, a lawyer who did mostly real estate work for his older brother, S.L. Hammerman, a prominent Baltimore developer.

A graduate of City College, the Johns Hopkins University and Harvard Law School, Hammerman was appointed in 1961 by Gov. J. Millard Tawes to be a judge on the old Baltimore Municipal Court to decide traffic cases, neighborhood disputes and misdemeanor offenses. He was appointed six years later to the Supreme Bench of Baltimore, which became the Baltimore Circuit Court in 1983.

He spent his first eight years on the Supreme Bench presiding over the city's Juvenile Court and is credited with bringing the court into compliance with a landmark 1967 Supreme Court case, In Re Gault, that guaranteed juvenile offenders the same right to an attorney as adults.

IN THE SPOTLIGHT

Over the years, Hammerman has presided over some of the city's most publicized trials, including the 1995 jury trial for John Joseph Merzbacher, then 53, a former Catholic Community Middle School teacher accused of sexually abusing 14 students and other teen-agers between 1972 and 1979.

Hammerman sentenced the former teacher to four life terms for raping one of the students.

In recent years, Hammerman said, the courts have been flooded with criminal cases—particularly drug cases. When he was appointed to the Supreme Bench there were 15 judges, he said. These days there are twice that many judges—and the courts are still swamped, he said.

''The drug culture just permeates everything we do here,'' he said.

BE ON TIME, OR ELSE

In court, Hammerman developed a reputation as a strict, uncompromising no-nonsense judge, who appeared each morning on the bench at exactly 9 a.m. and expected lawyers to be just as punctual.

''He's very big on punctuality,'' said David Moore, a former law clerk who is now a Baltimore assistant state's attorney.

Many lawyers also say that Hammerman is prone to lose his temper, is often quick to make up his mind on a case and will dress down lawyers who either try to argue him out of his position or fail to show proper respect.

''He's never held me in contempt, but he's chewed me out.'' said Curt Anderson, a criminal defense lawyer, former state delegate and a longtime friend. ''It reminded me of being 17 again and being chewed out—it was that bad.''

Lewis A. Noonberg, another lawyer and longtime friend, attributes Hammerman's legendary short fuse to his work ethic and his competitive edge.

''He loves sports, and he loves to beat the pants off people half his age. He doesn't get any thrill out of beating me 'cause I'm only 10 years younger than him,'' said Noonberg, 60.

REPUTATION FOR HONESTY

Hammerman admits to being competitive and to insisting on civility in his courtroom.

But more than anything, he says, he values his reputation for honesty. So he says it offended him when he was charged with leaving the scene of an accident after a fender-bender outside the Pikesville library on Reisterstown Road on April 5, 1997.

The driver of the car who reported the accident, Ronnie N. Albom, said publicly after Hammerman was cleared of the charge on Sept. 22, 1997, that his position as a judge helped him win the acquittal in Baltimore County District Court, a charge that Hammerman vehemently denies.

Hammerman said that there was no accident and no damages, that he did not know the judge who acquitted him and that he turned down an offer to have the case dismissed if he would pay the $77 in damages to Albom.

''For one thing, there was no accident. Second, I didn't leave the scene; that's how they got the information that they later used to file these false charges,'' Hammerman said.

LEGACY OF THE LANCERS

Although as a judge he has often been in the public eye, Hammerman may be best known throughout the city for his work as adviser to the Lancers Boys Club, a high-profile civic organization for teen-age boys established by three childhood friends in 1946. The club, which boasts Mayor Kurt L. Schmoke and numerous other prominent people as members, has been the judge's pet project ever since.

Hammerman has used the club to steer 3,000 boys to civic activism through activities such as tutoring in schools, working in soup kitchens and participating in community cleanup drives. The club encourages members to study in school, play sports and strive for success and rewards them with overseas trips, dinners and lectures that have included celebrity guest speakers.

In retirement, Hammerman says, he probably will spend more time on club activities, lining up speakers, corresponding with members and making arrangements for trips, dinners and other events.

Anderson, who joined the Lancers when he and Schmoke were students at City College, praises Hammerman for his club work.

''You've got to hand it to him,'' Anderson said. ''He's probably touched thousands of lives.''

[From the Baltimore Jewish Times, July 10, 1998]

A GOOD WAY TO LEAVE—BALTIMORE'S CHIEF JUDGE ROBERT I.H. HAMMERMAN MIGHT BE RETIRING, BUT HE'LL NEVER STOP WORKING

(By Christine Stutz)

One can only imagine how crestfallen Chief Judge Robert I.H. Hammerman will feel when his alarm goes off at 3:52 a.m. on July 17, and he remembers he's not due in court.

For July 17 is his 70th birthday, which means it's also the first day of his retirement, a status he finds about as appealing as a dip in a frozen lake.

''I'm not retiring,'' Judge Hammerman says, indignantly. ''They're retiring me.''

With 37 years of service to the city of Baltimore, Judge Hammerman has the longest tenure of any judge in the Maryland court system. For a man who lives by a strict work ethic and personifies the core values associated with that ethic, every day off the bench will carry a certain emptiness.

That's why he's offering to hear cases as a retired ''recall judge'' in whatever local jurisdiction needs him, 12 months a year—even though by law he can only be paid for four months of service.

''I don't know anyone who has tried, and continues to try, harder than he does simply to be a good judge,'' says Baltimore Circuit Court Judge David Ross, a longtime colleague and friend of Judge Hammerman's who retired voluntarily two years ago.

''He gives a lot and he expects a lot,'' says David L. Palmer, a former Baltimore assistant state's attorney who now works in the law offices of Peter Angelos. ''He takes a lot of pride in the courtroom.''

At the luncheons and dinners planned in his honor in the coming weeks, the vigorous, whitehaired jurist will be lauded as a man of intellect, industry and integrity. No doubt he also will be teased about his tennis game, his fondness for iced tea and Rold Gold pretzels, and his fastidious nature.

On the bench, he is Chief Judge Robert I.H. Hammerman, a stickler for detail and a force to be reckoned with. The first week on the job, every trial lawyer in town learns two cardinal rules about the Hammerman court: be on time and be prepared. Those who have incurred his wrath are probably still smarting from it.

In his private life, though, he is Bob Hammerman, a sports enthusiast who attends Smashing Pumpkins concerts and shares his cluttered den with a giant Mickey Mouse doll. At 11:25 every evening, the Harvard Law School graduate opens a pint of Baskin Robbins ice cream and sits down to watch the sports segment on the Channel 2 evening news. About halfway through ''Nightline,'' he reaches the bottom of the container and calls it a night.

At precisely 3:52 a.m., his alarm goes off, and he begins another day. He's at the courthouse by 5:30, when even the pigeons are still sleeping.

A lifelong member of Reform Har Sinai Congregation in Upper Park Heights, Judge Hammerman blows the shofar, or ram's horn, every Rosh Hashanah. For the past 25 years

he also has blown the shofar during Ash Wednesday services at Immaculate Heart of Mary, a Catholic church in Towson.

Although he says he never set out to be a role model, Judge Hammerman takes pride in exemplifying certain character traits he holds dear:punctuality, diligence, honesty, respectfulness and generosity. As founder of the Lancers Boys Club in 1946, he has influenced more than 3,000 young men to strive for excellence.

A doting father figure to many current and former Lancers, he cheers them on at ballgames, follows their academic progress, and is always available for late-night phone calls when advice or encouragement is needed.

With his guidance, countless Lancers have attended prestigious colleges and professional schools and become outstanding business and community leaders. Baltimore Mayor Kurt L. Schmoke, state Del. Samuel I. ''Sandy'' Rosenberg and former Alex. Brown chairman Alvin ''Buzzy'' Krongard are Lancers alumni.

''I believe in discipline everywhere. Discipline is something we haven't enough of in our society,'' says the judge, who graduated Phi Beta Kappa from Johns Hopkins University in 1950.

''It isn't enough to do something that will simply pass muster, that is adequate,'' he tells his protégés. ''You must do it to the very best of your ability.''

In his first assignment, to the juvenile court, he took great pains to find something a young offender was interested in and ''use that as a building block,'' he says. One boy, who had brought a loaded gun to school, loved football, but there were no organized teams in his Southwest Baltimore neighborhood.

The judge arranged for him to play with the Randallstown Rams, and made attending practices a condition of his probation. The youth became a star of the team, and then—with the judge's help—attended Baltimore Polytechnic Institute and went on to college.

DEMANDING, BUT FAIR

It's difficult to imagine a profession for which Judge Hammerman is better suited. As a judge, he can use his brilliant mind to serve mankind, but in a secure, controlled environment where he's very much in charge.

''It has allowed me to use the habits I believe in, in constructive ways,'' he says.

David Rosenberg, a litigation partner with the Washington, D.C., law firm of Wright, Robinson, Osthimer & Tatum, clerked for Judge Hammerman in 1985–86.

''He really influenced me and had a profound effect on my career,'' says Mr. Rosenberg. ''I was always amazed. He never took the bench without looking at the file completely. And I was always struck by the fact that he let the lawyers have their say.''

Even though the judge has been very demanding of his law clerks, they praise him for teaching them what it takes to be a successful lawyer.

''His demands were not so much that Robert I.H. Hammerman was an important person, but the people who went into that courtroom were important people,'' says state Del. Robert L. Frank of Reisterstown, who clerked for the judge in 1984–85. ''In a society of me-first people, he has given far more than he'll ever get.''

Judge Hammerman, who never married, lives in the same Park Heights apartment he shared with his mother, the late Belle Greenblatt Hammerman. Every item in the home has a history he's eager to share, and which he recalls in great detail.

He opens the glass doors of a secretary to reveal the complete works of Tolstoy, Hugo, Dickens and Hawthorne—classics he says his father, whose family could not afford to send him to college, devoured each night before retiring. Filed among the yellowed pages of those books are all of Judge Hammerman's school report cards.

In the same way that he recalls his happy childhood, Judge Hammerman looks back with pride on a stellar career as one of the city's most prominent public figures.

''I feel I have been very privileged, very fortunate, very lucky to have had this job,'' he says. ''I have no regrets. None.

''And it's a good way to leave.''●

REAUTHORIZATION OF THE ENVIRONMENTAL MANAGEMENT PROGRAM IN THE WATER RESOURCES DEVELOPMENT ACT OF 1998

● Mr. FEINGOLD. Mr. President, last night, the Senate passed the Water Resources Development Act of 1998. I wanted to voice my support for this bill. In particular, I appreciate the section that reauthorizes the Army Corps' Upper Mississippi River Environmental Management Program, known as EMP. I wish to commend the hard work of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Montana (Mr. BAUCUS) and their staff members, Dan Delich and Jo Ellen Darcy, in order to complete a WRDA bill prior to the adjournment of the 105th Congress. I appreciate the time and attention they have paid to ensuring that EMP is reauthorized in this bill.

I also want to extend my sincere thanks to the Senior Senator from Missouri (Mr. BOND), who shepherded the EMP provisions through the Committee. I have enjoyed working with him on the reauthorization of this important program. He and his staff have worked along with me and my staff to make sure this section was well crafted and met the needs of the Upper Mississippi states and the Mississippi River environment. The manager's amendment makes the necessary changes to the Committee language to meet the needs of all interested parties.

From its inception, the EMP has been a program that enjoys bipartisan support. Initially conceived and sponsored in the House by my former colleague from Wisconsin (Mr. Gunderson) and the Congressman from Minnesota (Mr. OBERSTAR), the EMP was originally authorized in the Water Resources Act of 1986. At the same time, Congress designated the Upper Mississippi River ''a nationally significant ecosystem and a nationally significant commercial navigation system.''

Since its inception, the EMP has been a cooperative effort between the Corps, the Upper Mississippi states, conservationists, and commercial shipping and other economic interests. The program's purpose is to regain and protect significant areas of diverse, productive fish and wildlife habitat, to establish long-term resource monitoring which gauges dynamic changes and impacts of future developments, and to improve and assess recreational uses so vital in our nation's midsection. The EMP involves extensive federal-state planning, coordination, and cost-sharing.

I am pleased that this legislation will prevent termination of this program in 2001, as provided in the earlier authorizing legislation. This bill will ensure that necessary funding, and approved habitat rehabilitation and enhancement projects will continue. I also recognize, with a total ten year authorization of $350 million, that it is among the largest program authorizations contained in the bill.

I am very pleased that the collegial spirit surrounding work on EMP is also well-rooted on the House side. My colleague in the Wisconsin delegation (Representative KIND) is working with Representative OBERSTAR in steadfastly pursuing this reauthorization this year.

The manager's amendment reauthorizes EMP through 2009 at an increased total funding level of $33.5 million per year. It also makes some important changes to the program. It creates an independent technical advisory committee to review habitat projects and monitoring plans. It authorizes the Corps to complete a habitat and natural resource needs assessment of the Upper Mississippi Basin within three years of WRDA enactment. And, it provides Congress with another comprehensive assessment of the program, its projects and effectiveness, by 2005.

I believe these to be positive changes to the program. I look forward to the Conference on this matter, and I urge my colleagues in the other body to act quickly on this legislation.●

ANNIVERSARY OF IMPORTANT MILESTONES TOWARD ENDING NUCLEAR WEAPONS TESTING

● Mr. HARKIN. Mr. President, today I want to recognize the anniversaries of some important milestones along the road to ending nuclear weapons testing. This month marks some major steps we have taken toward an international ban on nuclear weapons tests, a cornerstone of our Nation's nuclear weapons non-proliferation policy. These anniversaries also remind us how much more remains to be done if we are to honor the vision of those who have worked to reduce the threat of nuclear war.

On October 11, 1963, the Limited Test Ban Treaty entered into force after being ratified by the Senate in an overwhelming, bipartisan vote of 80–14 just a few weeks earlier. This treaty paved the way for future nuclear weapons testing agreements by prohibiting tests in the atmosphere, in outer space, and underwater. This treaty was signed by 108 countries.

Our Nation's agreement to the Limited Test Ban Treaty marked the end of our Nation's aboveground testing of nuclear weapons, including those at the U.S. test site in Nevada. We now

know, all too well, the terrible impact of exploding nuclear weapons over the Nevada desert. Among other consequences, these tests in the 1950's exposed millions of Americans to large amounts of radioactive Iodine-131, which accumulates in the thyroid gland and has been linked to thyroid cancer. ''Hot Spots,'' where the Iodine-131 fallout was the greatest, were identified by a National Cancer Institute report as receiving 5–16 rads of Iodine-131. The ''Hot Spots'' included many areas far away from Nevada, including New York, Massachusetts and Iowa. Outside reviewers have shown that the 5–16 rad level is only an average, with many people having received much higher exposure levels, especially those who were children at the time.

To put that in perspective, federal standards for nuclear power plants require that protective action be taken for 15 rads. To further understand the enormity of the potential exposure, consider this: 150 million curies of Iodine-131 were released by the above ground nuclear weapons testing in the United States, about three times more than from the Chernobyl nuclear power plant disaster in the former Soviet Union.

It is all too clear that outlawing above-ground tests were in the interest of our Nation. I strongly believe that banning all nuclear tests is also in our interests.

October also marked some key steps the Comprehensive Test Ban Treaty or CTBT. On October 2, 1992, President Bush signed into law the U.S. moratorium on all nuclear tests. The moratorium was internationalized when, just a few year later, on September 24, 1996, a second step was taken—the Comprehensive Test Ban Treaty, or CTBT, was opened for signature. The United States was the first to sign this landmark treaty.

Mr. President, a little more than a year ago, President Clinton took a third important step in abolishing nuclear weapons tests by transmitting the CTBT to the United States Senate for ratification. Unfortunately, the Senate has yet to take the additional step of ratifying the CTBT. I am hopeful that we in the Senate will debate and vote on ratification of the Treaty, and continue the momentum toward the important goal of a worldwide ban on nuclear weapons testing.

Many believed we had conquered the dangerous specter of nuclear war after the Cold War came to an end and many former Soviet states became our allies. Unfortunately, recent developments in South Asia remind us that we need to be vigilant in our cooperative international efforts to reduce the dangers of nuclear weapons.

It is especially important that the Senate act before the September 1999 deadline for ratification by 44 countries. If the United States fails to ratify the CTBT, then we will not have a voice in the special international conference which will negotiate how to accelerate the treaty into force. Yet, as a signatory, we will still be bound by its provisions.

The CTBT is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent ban on all nuclear explosions in all environments for any purpose. Its ''zero-yield'' prohibition on nuclear tests would help to halt the development and deployment of new nuclear weapons. The Treaty would also establish a far-reaching verification regime that includes a global network of sophisticated seismic, hydro-acoustic and radionuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

It is vital to our national security for the nuclear arms race to come to an end, and the American people recognize this. In a recent poll commissioned by the Coalition to Reduce Nuclear dangers, nearly 50 percent of voters supported ''eliminating nuclear weapons worldwide'' and an additional third support ''reducing the number of nuclear weapons worldwide''. In addition, a 1997 poll by the Mellman Group for the Henry J. Stimson Center found that 69 percent of voters believe the goal of the United States should be to reduce or eliminate nuclear weapons.

It is heartening to know that the American people understand the risks of a world with nuclear weapons. It is now time for policymakers to recognize this as well. There is no better way to honor the hard work and dedication of those who developed the LTBT and the CTBT than for the U.S. Senate to immediately ratify the CTBT. Our Nation's role as the world's only remaining superpower demands no less.●

AWARD OF EXCELLENCE FOR DR. LINDA ERWIN

● Mr. WYDEN. Mr. President, I rise today to recognize Dr. Linda Erwin of Portland, Oregon, for her career as both a gifted medical professional and as a tireless and dedicated educator. As one of the first healthcare professionals in the Pacific Northwest to recognize that gun violence is a public health issue, Dr. Erwin has just been awarded the National Crime Prevention Council's Ameritech Award of Excellence in Crime Prevention. She is one of only seven people throughout the Nation to receive this honor.

Dr. Erwin is currently the Assistant Director of Trauma Services at Legacy Emanuel Hospital, and it was through her experiences as a trauma surgeon that she first became aware of the need for increased education about violence—especially gun violence. Dr. Erwin has taken advantage of her position, education, and talents to reach beyond the trauma room to educate young people throughout the Pacific Northwest.

While working in England for two years, Dr. Erwin treated a total of two patients for gunshot wounds. Upon returning to Portland, she was struck by the high numbers of gunshot wound patients being treated each year at Emanuel Hospital. After speaking with victims and their families and friends, she realized that most young people did not recognize or understand the consequences of their risky behavior. Since then, Dr. Erwin has worked as a leading advocate for gun violence prevention, intervention and education.

One of the keys to Dr. Erwin's success has been her ability to create partnerships. Many of the programs that she has initiated bring together and combine the efforts of the medical, legal, law enforcement, and education communities as well as non-profit organizations and committed volunteers.

Dr. Erwin has successfully spread her message throughout the Portland community with such programs as ''Save Our Youth,'' ''Safe Schools Safe Lives,'' ''Firearms as a Public Health Crisis'' and ''American Epidemic Programs.'' She has also lectured throughout the Pacific Northwest, taking her educational presentations to peer and youth groups throughout the states of Oregon, Washington, and Idaho.

Dr. Linda Erwin is an outstanding example of a professional who has given her time, resources, and knowledge to the community for the betterment of all. For these reasons, Dr. Erwin has received Ameritech's Award of Excellence in Crime Prevention. I would like to thank her on behalf of all those whose lives she lives she has touched.

NATIONAL FIRE PREVENTION WEEK

● Mr. SARBANES. Mr. President, this week the nation joins in marking National Fire Prevention Week, a time set aside not only to remember those who were injured and those who tragically lost their lives due to fire, but also to acknowledge the heroic efforts of those men and women who work so hard to prevent and protect us against such tragedies.

Every year, more than 5,000 Americans die in fires and another 25,000 sustain fire-related injuries. The majority of these fires, around 80%, occur in the home. Fortunately, many of these deaths and injuries can be prevented by simply planning ahead.

The most important function of National Fire Prevention Week is that of raising awareness about the dangers of fire and the relatively simple steps we can take to prevent fire-related tragedies.

The theme of this year's National Fire Prevention Week, ''Fire Drills: The Great Escape,'' serves to encourage the public to practice and plan a home escape plan. This involves a number of steps and I want to touch on them briefly. According to officials at the United States Fire Administration (USFA), the first step in developing a home escape plan is the installation of smoke alarms on every floor. It is estimated that working smoke alarms can

actually double your chances of survival in the event of fire.

Smoke alarms, though, are not the only element of a home escape plan. It is vital that every individual in a household knows and practices at least two escape routes from every room in that home. If confronted by a fire, one should first escape the burning house and then meet at a previously designated family meeting place outside of the home. Then, the fire department should be notified. Finally, by no means should anyone attempt to reenter a burning home.

Mr. President, I rise today in support of the theme of this year's National Fire Protection Week and to encourage the development of as many home escape plans as possible. The fact is that no one is immune to the dangers of fire, but if they develop a plan similar to the USFA's their chances of survival are significantly increased.

Today, on the anniversary of one of our nation's worst fires, the Great Chicago Fire of 1871, I want to commend the National Fire Protection Association for sponsoring National Fire Protection Week and to urge my colleagues and all citizens to pay careful attention to the theme and message of this year's National Fire Protection Week, so that we may continue to reduce such preventable losses.●

TRIBUTE TO JENNIFER WARDREP

● Mr. CLELAND. Mr. President, I rise today to pay tribute to Jennifer Wardrep, one of my finest employees who has worked for me, in one capacity or another, for five years. Jennifer came to work for my press office when I was the Secretary of State of Georgia. She had recently graduated from East Carolina University where she studied journalism and political science. Jennifer had a successful career in college, working for the student newspaper and rising to become its editor.

In the Secretary of State's office, Jennifer quickly won my respect and that of her coworkers for her hard work and writing skills. She spent many long nights working in the Georgia Capitol to make it possible for the people of Georgia to receive the news of State elections, the new Motor Voter laws and all of the important work handled by that office. Her dedication to me, and that office, is something for which I am deeply in her debt.

In December of 1995, Jennifer left the safety of her ''good government job'' for the exciting but temporary life of a political campaign. Once again, Jennifer came to work for me, on my longshot attempt to become a United States Senator. If there ever was a time when I needed a good press person, it was then. Jennifer was a huge part of a successful media campaign that let the voters of Georgia decide for themselves who was best suited to represent them in the U.S. Senate.

I remember one time in particular when we were traveling through South Georgia talking to several newspapers and many more voters. It was late in the campaign and we were all tired and ready for the election. Jennifer kept me on message as much as humanly possible and rewarded me with candy. This creative thinking is typical of Jennifer. As she and I will both affirm, it sometimes takes innovative approaches to confine me to one message.

I went to bed on election night not knowing for certain if I had won the race. Early the next morning, my phone rang and woke me up. It was Jennifer and she said ''Good morning, Senator.'' The people of Georgia had heard our message of hope and opportunity, several news organizations wanted to interview me and this was my wake-up call. Jennifer was the first person to call me ''Senator.'' I will never forget that moment and I want to thank her very much for that.

After the election, I asked Jennifer to come to Washington with me where she became my Press Secretary. The tenacious media in Washington was no match for her. Although the southern hospitality of Atlanta was nothing like the rough and tumble of Washington, Jennifer's experience paid off. Jennifer quickly established good relationships with the media and helped me share with the people of Georgia the work we were doing on campaign finance reform, Georgia's defense operations and many, many more things.

Although I have said it many times, I truly believe that I have the best staff on Capitol Hill. And I truly believe I have the best Press Secretary on Capitol Hill as well. Jennifer has decided to move on to other things and I wish her the best of luck at whatever she does, although I doubt she will need it. Jennifer has served the people of Georgia well and served me extraordinarily well. Whether it was setting up press conferences, sending out news releases, writing PSA's, or recording Internet messages, Jennifer Wardrep is an irreplaceable part of my staff and will always be my ''Tiger'' in the press office.●

THE BUDGET SURPLUS

● Mr. KYL. Mr. President, September 30 marked the end of fiscal year 1998, and, for the first time since 1969, the news is written in black ink, not red. Although the final numbers will not be available for a few more weeks, it appears that the federal government will end the year with a unified budget surplus of about $70 billion.

Mr. President, this is truly a dramatic turnaround. After all, it was only three years ago that President Clinton submitted a budget plotting $200 billion deficits well into the next century. I recall that skeptics back then often derided a balanced budget as a risky idea, something that could even threaten Social Security. Now, however, the skeptics seem to concede what many of us have been saying all along—that a balanced budget is good for America and good for Social Security.

What does a balanced budget mean for hard-working Americans? For one thing, it means lower interest rates. The rate on a 30-year fixed-rate mortgage might be as high as 9.5 percent, instead of the current average of about 6.6 percent, had Washington continued to rack up deficits as large as those experienced in the early 1990s.

The savings from lower interest rates can be substantial. Just a one point drop on a $100,000 mortgage amounts to monthly savings of $67, or more than $24,000 over the 30-year term of a mortgage. We are talking here, not about just a one point drop, but rates that are two to three points lower than just a few years ago.

Lower interest rates on student loans make a college education more affordable for young people, and lower rates on car loans mean that hard-working men and women all around the country can stretch their budgets a little farther. A balanced budget literally means money in people's pockets.

The first thing we should do at the beginning of this new fiscal year is commit that we will maintain a balanced federal budget for the American people. We can certainly debate what to do with emerging budget surpluses, but there should be no longer be any debate that our national policy ought to be to keep the budget in balance.

Mr. President, now that the budget is finally in balance, we have the unique opportunity to consider other issues without the cloud of big deficits hanging overhead. For example, we ought to consider whether tax rates are at their optimal level, or whether they are too high. By definition, a budget surplus means that our government is collecting more than is necessary for current operations. People are paying simply paying more than they need to.

Perhaps, instead of keeping tax rates higher than they need to be, we ought to reduce income-tax rates across the board—for single people and married couples, people with children and those without, young people just getting a start and seniors trying to make ends meet on fixed incomes. It seems to me that every taxpaying American deserves a break.

We could also reduce taxes on savings and investment—lower the tax on capital gains and eliminate the death tax—two things that would help keep the already lengthy economic expansion from petering out. If we have learned anything from recent experience, it is that a strong economy, more than tax-rate increases or modest spending cuts, is what it takes to turn budget deficits into surpluses. The booming economy has been pouring billions of extra tax dollars into the Treasury. If we want that revenue flow to continue, we need to be sure that tax policy is conducive to sustained economic growth.

But the fact is, tax relief is not going to pass this year. President Clinton has

already indicated he will veto the modest tax-relief bill approved by the House, and we do not have the votes to reach the two-thirds majority that it would take to override a veto. So discussion of tax relief is really academic this year.

Aside from tax relief, the surplus gives us a chance to pay down the national debt. Less federal borrowing frees up funds for businesses and consumers, and as I indicated earlier in my remarks, that has already led to lower interest rates. Further reductions in the debt would continue that virtuous cycle. Moreover, it seems to me that we have a moral obligation to relieve our children and grandchildren of some of the burden of paying off the debt that our generation has accrued.

Another option is to use the budget surplus for Social Security. We all recognize the huge costs that will be associated with getting back to what most people thought Social Security was supposed to be—a safe and secure account where their contributions could be deposited and where they could grow to produce a nest egg for retirement. Applying the budget surplus toward those transition costs will make it much easier to make the required changes and ensure that Social Security is there for our children and grandchildren.

And of course, the surplus we have in the unified federal budget really exists only as a result of the surplus that Social Security generates anyway. Take Social Security out of the calculation and the federal budget would show not a surplus of $70 billion, but a deficit somewhere in the range of $30 billion.

Mr. President, there is some merit in each of these ideas: tax relief, debt repayment, and Social Security reform. The problem is, before we can even begin the debate about which of these options is best, the budget surplus is being steadily frittered away.

Earlier this year, Congress, at the Clinton administration's behest, dipped into the surplus, spending about $6 billion on a variety of programs. Within the next day or two, action is expected on another Clinton request to draw down the surplus by at least another $14 billion—with not a dime going to Social Security. We are talking about the President's request to spend billions of dollars of the surplus on Bosnia, embassy security, farm aid, and the Year 2000 computer problem.

Of course, funding requirements for Bosnia and these other needs were certainly foreseeable and could have been accounted for when the President sent his budget to Congress eight months ago. After all, troops have been deployed in Bosnia since 1995, and last year, the President extended their deployment there indefinitely. The need to beef up embassy security was brought up months ago, and we have known about the Year 2000 computer problem for some time. None of these things should have come as a surprise to the White House or anyone else.

But by failing to account for them when he submitted his original budget in February, President Clinton was able to inflate spending on other programs and claim that his budget still fell within the constraints of last year's budget agreement. Now, the President wants all of this declared emergency spending so that it does not have to be offset elsewhere in the budget. The reality is that he wants to raid the Social Security surplus to pay for these other things.

Many Americans will ask what happened to the pledge President Clinton made in his State of the Union Address earlier this year. That was when he looked the American people squarely in the eye and said:

> I propose that we reserve 100 percent of the surplus—that is every penny of any surplus—until we have taken all the necessary measures to strengthen the Social Security system for the 21st century.

Eight months have passed, and the President has yet to send us any plan to protect Social Security. Worse yet, while publicly claiming to try to protect the surplus for Social Security, he has already been out drawing it down for other programs. The House-approved tax-relief bill that the President has criticized would use only $6.6 billion of the budget surplus for tax relief next year. That compares to the $20 billion or more of the surplus that the President wants to spend on other programs.

If it is wrong to use part of the surplus for tax relief, is it not wrong to spend at least three times as much on government programs? It seems to me that this is just another example of the President trying to have it both ways.

Mr. President, it is too bad we did not achieve any consensus about what to do with the budget surplus this year, because, by default, as of October 1, any surplus automatically went to reduce the national debt. If we are really serious about protecting Social Security, as to future surpluses, we should wall off the Social Security surplus so that it cannot be spent on other programs—not by the President, not by Congress.

The Senator from Texas, Senator GRAMM, has one idea about how to do that. As I understand it, funds would be invested in genuine assets, not just government IOUs, under the supervision of the Federal Reserve. The money would be off-limits to Congress and the President, and when Congress and the President agree on a plan to save Social Security, it could be put to use for the purpose for which it was collected.

In addition to protecting the Social Security surplus, in my opinion, we should provide broad-based tax relief to the American people with any other surplus. It is, after all, their hard work and their tax payments that have created the surplus we enjoy today. We ought to return any excess revenue to the people who earned it and paid it.●

THE PROCLAMATION OF SEPTEMBER 18, 1998 AS POW/MIA RECOGNITION DAY FOR THE STATE OF NEVADA

● Mr. REID. Mr. President, recently, Governor Miller of Nevada, in support of the National League of Families of American Prisoners and Missing in Southeast Asia, proclaimed September 18, 1998 as POW/MIA Recognition Day in the state of Nevada. I am pleased to declare before the Senate my strong support for this proclamation.

The proclamation reads as follows:

Whereas today there are 2,118 Americans still missing and unaccounted for from Southeast Asia, including 3 from the State of Nevada, and their families, friends, and fellow veterans still endure uncertainty concerning their fate; and

Whereas we as Americans believe that freedom is precious because it has been won and preserved for all at a very great cost; and

Whereas few Americans can more fully appreciate the value of liberty and self-government than those Americans who were interned in enemy prison camps as POWs and those who remain missing in action; and

Whereas the courage, commitment, and devotion to duty demonstrated by those servicemen and women who risked their lives for our sake has moved the hearts of all Nevadans; and

Whereas, their dignity, faith, and valor reminds us of the allegiance we owe to our nation and its defenders as well as the compassion we owe to those families of the MIAs who daily demonstrate heroic courage and fortitude in the face of uncertainty;

Now, therefore, I, Bob Miller, Governor of the State of Nevada, do hereby proclaim September 18, 1998, as POW/MIA Recognition Day.

Mr. President, it is of paramount importance that we continue to demand a full accounting of our servicemen and women in foreign countries, in full respect and acknowledgment of their unremitting courage and dedication in placing their lives on the line as members of the United States Armed Forces.

The importance of this issue cannot be overstated. The sacrifices of these brave men and women must never be forgotten, and we must continue to strive to account for every one of our missing service members. A full accounting of our missing Americans is absolutely essential, not only for our armed services personnel but for their families and our nation. Similarly, we must see that they, like all our other veterans, are forever recognized for the duty they performed so valiantly when our country needed them.

It is with these convictions that I support this proclamation, establishing a Recognition Day for those who so fully deserve our reciprocal dedication.●

HONORING ALEXANDER C. SCHLEHR

● Mr. D'AMATO. Mr. President, I rise to pay tribute to the young men and women that served bravely in the United States military during WWI, and to one veteran in particular, Alexander C. Schlehr. Mr. Schlehr, of Buffalo, NY, is one of only 1,800 living veterans of this war. He courageously lived through the perils of European trench warfare and served his country honorably.

Due to his strong desire to assist his country in the war effort, Alexander

enlisted in the army at the young age of 19. Immediately, he was incorporated into 59th Pioneer Infantry, later to be known as the Corps of Engineers. Even before Alex's infantry landed in France, the boat on which he was traveling was attacked by enemy torpedoes. Thus, he has experienced all aspects of warfare, both on the sea and in the trenches of France and in the Argonne forest. For his patriotic and heroic service, Schlehr has been awarded a WWI medal with three Battle Stars and is currently being reviewed for the French ''Legion of Honor'' medal. He is also considered a local hero. His service has been exalted in his local newspaper, the Amherst Bee, and has been recognized by local and top government officials, all of whom contacted him on his 100th birthday.

Yet, Alexander Schlehr's desire to serve his country did not end at the close of the war. When the war ended, Schlehr graciously helped in handling the personal belongings of discharged officers. He has raised four children, one of which has served the United States in wartime as well, and prospered as a successful business man. Furthermore, he has received numerous awards and recognitions denoting his sixty years of service in the American Legion and the Commandeers.

I feel it is my duty to recognize the outstanding service Alexander Schlehr has given to this country during his 101 years of life. He is an example for all Americans through his selfless and courageous actions. I thank him for his dedication to our country and wish him a Happy 102nd Birthday this coming spring.●

TRIBUTE TO SAM LACY

● Mr. SARBANES. Mr. President, it is a singular privilege for me to rise and acknowledge that this past summer Sam Lacy, one of the giants of American sports journalism, was inducted into the Baseball Hall of Fame in Cooperstown, New York on July 26. Sam Lacy, like Baltimore's great civil rights leaders Thurgood Marshall and Clarence Mitchell, Jr., was a pioneer in the great struggle to expand the participation of all Americans in our national life. The path he chose, however, was not the corridors of legal or political power, nor the streets and sidewalks of protest, but rather the silent and eloquent power of his pen.

His career in journalism, which spanned over 50 years, began in the throes of a segregated society which deprived talented athletes of color the right to give their best in the field of competition. Sam Lacy, using his gift of writing combined with a pleasant but persistent demeanor, helped to break down these barriers thereby enriching immeasurably the quality and equality of our revered ''National Pastime.''

It is a tribute to the talent and determination of Sam Lacy and that of baseball pioneers Jackie Robinson and Larry Doby, and the essential fairness of our American spirit, that at age 94, Sam Lacy was recognized for his unique contribution to journalism and baseball. Mr. President, I am most pleased to take this opportunity to congratulate Sam Lacy personally for his induction into the Hall of Fame and for his distinguished and exceptional contribution to sports journalism. In honoring him, we also pay tribute to those great players of the past and present who have given so much to the sport of baseball.

I ask that several articles from the Baltimore Afro-American, which provided the forum for Sam's journalistic offerings, and the Baltimore Sun be printed in the RECORD.

The articles follow:

[From the Baltimore Sun, July 27, 1998]

DIVERSE PATHS CROSS AT HALL

PIONEERS DOBY, LACY SHARE DAIS WITH SUTTON ON INDUCTION DAY

(By Peter Schmuck)

COOPERSTOWN, N.Y.—They came from different places. Different backgrounds. Different eras.

Don Sutton, the son of a tenant farmer, won 324 games and was one of the most steady and consistent pitchers of his generation.

Larry Doby, the brilliant young Negro leagues outfielder who followed closely in the footsteps of Jackie Robinson, hit 253 major-league home runs, but is better known as the first black player in the American League.

Sam Lacy, the sports editor and columnist for the Baltimore Afro-American these past 54 years, crusaded for the inclusion of black players in the major leagues and, yesterday, was included in the large class that was inducted into Baseball's Hall of Fame.

The Class of '98 also included longtime baseball executive Lee MacPhail, turn-of-the-century star George Davis, Negro leagues pitcher Joe Rogan and Spanish-language broadcaster Jaime Jarrin, all of them honored during an emotional 1½-hour induction ceremony on the lawn of the Clark Sports Center on the outskirts of Cooperstown.

It was Sutton who tugged hardest on the heartstrings of the estimated crowd of 6,000 with an elegant 20-minute acceptance speech that traced his career from the uncut baseball fields of the rural South to the stage where he stood in front of 33 past Hall of Fame inductees to see his plaque unveiled.

''I've wanted this for over 40 years,'' he said, ''so why am I standing here shaking like a leaf? Probably because I'm standing in front of these wonderful artists of our game. If you can't feel the aura when you walk through the Hall of Fame, check tomorrow's obituary column . . . because you're in it.''

Sutton thanked his father for the work ethic that carried him through 23 major-league seasons. He lovingly acknowledged his late mother, Lillian, his wife, Mary, and his children.

He thanked Hall of Fame teammates Sandy Koufax and the late Don Drysdale, who inadvertently ushered him into the major leagues with their dual contract holdout in 1966, then guided him through his first season. He thanked the late Dodgers manager Walter Alston, who took a chance on him in his youth, and former Angels manager Gene Mauch, who stuck with him in the latter stages of his career.

But he saved the most credit for his eventual Hall of Fame induction for longtime Dodgers pitching coach Red Adams, who fashioned him into the durable and skillful pitcher who would win 15 or more games 12 times and finish his career ranked fifth all-time with 3,574 strikeouts.

''No person ever meant more to my career than Red Adams,'' Sutton said. ''Without him, I would not be standing in Cooperstown today.''

There weren't a lot of dry eyes when Sutton finally pointed out his 20-month-old daughter Jacqueline, who was born 16 weeks premature and given little chance to survive, and credited her with bringing his life and career into perspective.

''Thanks, little girl, for sticking around to be part of this. You make it perfect,'' said Sutton, 53. ''I'm a very blessed man. I have my health. I'm part of a family that I love to be a part of. I've had a dream come true that is a validation of what my father taught me a long time ago. You can have a dream and if you're willing to work for it, it can come true. With apologies to Lou Gehrig, I'm the luckiest man on the face of the earth. I have everything in life I ever wanted.''

The makeup of the group of honorees clearly reflected the great progress that baseball—and society—has made during the half-century since Robinson broke through baseball's color barrier in 1947.

Doby would soon join Robinson in the major leagues, helping fulfill the dream that Lacy had articulated in countless newspaper columns in the 1930s and early 1940s—a dream that sill seemed very distant when Rogan ended his playing career in 1938. Jarrin would forge a link to the Latino community in Los Angeles a decade later and emerge as the voice of baseball to millions of Hispanic baseball fans in the United States and Latin America.

Lacy, 94, gave the crowd a start when he stumbled and fell on his way to the podium, but he collected himself and delivered a poignant, humorous speech that included a call to more fully acknowledge the history and contributions of the black press.

''I hope that my presence here . . . will impress on the American public that the Negro press has a role that is recognized and honored,'' Lacy said.

Doby also gave a stirring acceptance speech, recounting a career that began with the four years he spent with the Newark Eagles of the Negro leagues and took a historic turn when Cleveland Indians owner Bill Veeck purchased his contract and brought him right to the majors on July 5, 1947.

''Everything I have and my family has got has come from baseball,'' he said. ''If someone had told me 50 years ago that I would be here today, I would not have believed it.''

Pressed later for details of indignities he suffered as one of the pioneer black players, he responded without rancor or bitterness.

''It's a tough thing to look back and think about things that were probably negative,'' said Doby. ''You put those things on the back burner. You're proud to have played a part in the integration of baseball. I feel this is the proof that we all can work together, live together and be successful together.''

[From the Baltimore Afro-American, Aug. 1, 1998]

LACY: A MAN WHO STANDS FOR SOMETHING AND FALLS FOR NOTHING

(By Tony White)

There's an old saying that goes: ''If you don't stand for something, you'll fall for anything.'' Sam Lacy has literally made a career out of taking stands.

Over the course of his writing career that spans seven decades, Mr. Lacy has taken one stand after another. Some were popular, others met staunch opposition. As a tribute to

an historic stand he took against baseball's segregated major leagues almost 60 years ago, Mr. Lacy stood at the podium in Cooperstown, N.Y., July 26, where he was officially inducted to the Baseball Hall of Fame.

As the 49th recipient of the J.G. Taylor Spink Award, a picture of Mr. Lacy will hang in the baseball writers' wing of the Baseball Hall of Fame Museum but the picture would have to speak more than a thousand words to tell his story.

Mr. Lacy has garnered a reputation as a writer of integrity and principle, willing to make a sacrifice for another's cause. Even as he accepted the Spink Award, his mind was on the family members, numerous friends and supporters who had made the trip to upstate New York, to witness his moment of glory. In his acceptance speech, the 94-year-old deflected attention from himself toward the Black press.

''It was a very pleasant experience because of the recognition it gave the Black press,'' said Mr. Lacy. ''The response I got from friends was tremendous. There were about 50–60 people who were in Cooperstown last weekend, who would not have been there otherwise.''

Along with late Pittsburgh Courier writer Wendell Smith, Mr. Lacy is credited with facilitating the integration of the league that showcased America's favorite pass-time. Mr. Smith, however, joined in a fight that Mr. Lacy had picked with the majors late in the 1930s. Feisty and unabashed, the Washington D.C. native began a writing campaign that drew the nation's attention to the separatism practiced in the league, which earned him significant sayso when the time came for skin color to take a back seat to talent.

A decade after Mr. Lacy had written his first column criticizing the segregated majors, Jackie Robinson took the field as a Brooklyn Dodger. Though now highly acclaimed, the break through was not painless for Mr. Lacy.

The suggestion of integration coupled with the agitation of Mr. Lacy's writing, drew the ire of White baseball club owners. When he approached Washington Nationals' owner Clark Griffith about hiring Black players for his team, the club executive told Mr. Lacy integrating the majors would kill the institution of Negro Baseball.

''I told him Negro Baseball may have been an institution but it was also a symbol of segregation. The sacrifice would be worth it,'' said Mr. Lacy.

That position was less than popular with Black baseball club owners. Mr. Lacy, as usual held his ground but things didn't get any easier. The selection of Mr. Robinson as the first Black player to compete in the major leagues was not based totally upon skill. Mr. Lacy, Mr. Smith and Brooklyn Dodgers owner Branch Rickey knew the player chosen would have to be composed enough to endure the racist flack that would be heaped upon him.

Fittingly, Larry Body, a player whom Mr. Lacy had also considered along with Mr. Robinson, was also inducted during Sunday's ceremony. Mr. Doby was the first Black to play in the American League. He acknowledged the significance of following Mr. Robinson into the big leagues.

''We proved that Black and Whites could work together, play together, live together and be successful,'' said Mr. Doby, who played for the Newark Eagles of the Negro Leagues.

There were other Negro League players who felt they should have been chosen before Mr. Robinson and Mr. Doby. Pitching sensation Satchel Paige, slugger Josh ''The Big Man'' Gibson, Buck Leonard, who was known as the ''Black Lou Gehrig'', Oscar Charleston and Sam Bankhead were some of the players many felt should have been moved up first.

Lacy stood his ground.

As Mr. Robinson and Mr. Doby began to experience success in the majors, Negro League attendance begin to fall off. Some players and club owners blamed Mr. Lacy for their misfortune.

Meanwhile, Mr. Doby, Mr. Robinson and Mr. Lacy caught hell in the White baseball world. Fans jeered Mr. Robinson and Mr. Doby and players tried to injure them. Lacy was barred from press boxes and they all were barred from fields in certain states. With criticism coming from White and Black quarters and players, Lacy was catching it from all directions.

The stand he took on behalf of Black inclusion in major league baseball, was misunderstood and had turned some his fellow African Americans bitterly against him.

''They were a little resentful. They saw the deterioration of their (Negro League) attendance. Black newspapers were easing off coverage of the Negro Leagues and the (Black) stars in the majors were getting the press,'' said Mr. Lacy.

''At the time you had to wonder why they would be jealous of their former teammates. If they (Robinson and Doby) go up and are successful, why couldn't they (other Negro League players) just follow them?''

At Sunday's induction ceremony, Mr. Lacy took a tumble on the way to the podium, then in classic fashion, rose to the occasion to make a poignant speech. Those gathered showed they understood and appreciated Mr. Lacy's stand for multicultural baseball. They gave him one standing ovation, then stood and gave him another.

HALL OF FAME LACY

There seems to be no end to the forms of recognitions being conveyed upon Sam Lacy, our illustrious sports editor. There is, however, no denying that his recent induction into the Baseball Hall of Fame at Cooperstown, N.Y. must rank among Mr. Lacy's highest honors.

There have been many expressions of adoration used to described Mr. Lacy's invaluable contributions to baseball and sports. The one which seems most often repeated relates to Mr. Lacy's persistance in reminding major league baseball of the atrocity it was committing by continuously excluding African-American athletes.

There seem to be a fair number of African Americans who have been enshrined at the Hall of Fame in Cooperstown. Most of them participated in baseball well after Mr. Lacy's efforts helped break down the barriers to Jackie Robinson being admitted into the 'big leagues.'

The importance of Mr. Lacy's contribution has not diminished one bit as demonstrated in Cooperstown last weekend, when the 'ole timers' all stepped back to give Mr. Lacy his long overdue recognition. For a brief moment, everyone remembered what it was like in the old days and in the process applauded Mr. Lacy's contribution to making it better.

A bigger job now appears to loom in getting the current major league stars to remember that their arrival in the bright lights of today's big leagues is due to the efforts of the 'ole guard,' which now forever includes our Sam Lacy.●

TRIBUTE TO FONTBONNE COLLEGE ON ITS 75TH ANNIVERSARY

● Mr. BOND. Mr. President, I rise today to pay tribute to Fontbonne College in St. Louis, Missouri. On October 15, 1998, Fontbonne College will celebrate its 75th anniversary.

Fontbonne has served more than 10,000 graduates in pursuit of academic excellence. As Fontbonne moves toward the 21st century, it is looking to continue the ministry of higher education begun by the sisters of St. Joseph of Carondelet.

Fontbonne's history goes back to seventeenth century France, the beginning of the Sisters of St. Joseph. In LePuy, France in 1647, six women under the direction of Jesuit priest Father Jean Pierre Medaille were brought together to dedicate their lives to the spiritual and material needs of the people. The order was publicly recognized as the Sisters of St. Joseph on October 15, 1650.

Around 1778, Jeanne Fontbonne entered the congregation, received the name of Sister St. John Fontbonne, and later became the Mother Superior at Monistrol. With the violence of the French Revolution, the sisters were forced to disband. Several were imprisoned and executed. After the death of Robespierre, the day before Mother St. John was to be executed, she was released and asked to reform the congregation. In 1807, 12 women celebrated the rebirth of the Sisters of St. Joseph.

Bishop Joseph Rosati of St. Louis asked Mother St. John to send sisters to the area to teach the deaf. Six sisters set sail for America and established its current home in Carondelet, on the southern border of St. Louis. A log cabin built on a bluff overlooking the Mississippi River became the ''cradle of the congregation of the Sisters of St. Joseph of Carondelet.''

The sisters opened a day school in the area, a school for deaf and a girl's high school. With these successes, the sisters discussed a new twentieth century idea—higher education of women.

Fontbonne College was chartered on April 17, 1917, but the entrance of the United States in World War I in that year precluded the beginning of classes. Construction at the Clayton location started in 1924. The first Fontbonne class began in 1923 at St. Joseph's Academy. New buildings were ready for the fall term of 1925. On June 18, 1927, Fontbonne conferred its first bachelor of arts degree on eight women.

Since its beginnings in 1923, Fontbonne has changed with and been ahead of the times, but has also kept its identity. Fontbonne admitted African American students in 1947, eight years before the Supreme Court's school desegregation decision. Male students were admitted in selective majors in 1971, then in 1974 all classes were opened to men and women. In the 1980s, Fontbonne created degree programs with flexible scheduling to meet the needs of working students. Now Fontbonne has its first male president.

Today Fontbonne is deeply rooted in the tradition and values—quality, respect, diversity, community, justice, service, faith and Catholic presence—of the Sisters of St. Joseph of Carondelet.

I commend Fontbonne College staff and students for their dedication and perseverance throughout the college's many years of existence and hope they

continue to enrich the St. Louis community for years to come.●

INTERNET TAX FREEDOM ACT

● Mr. CLELAND. Mr. President, the Internet, as an growing form of communication, commerce, and information exchange, is a powerful medium for all who are able to take advantage of the opportunities it presents. The initial version of S. 442, the Internet Tax Freedom Act, would, in my opinion, have provided this already powerful tool with even more competitive advantages. Frankly, I believed that the original version was too one-sided in aiding Internet-based businesses at the expense of other interests. However, I was very pleased with the willingness of the authors of this bill to address the concerns raised by state and local governments as well as ''Main Street'' business owners in such a way that I was able to support the final bill.

The final version of S. 442 contains several positive features. Among those is the inclusion of the Hutchinson amendment, which will allow the Commission created by S. 442 to examine the impact of all types of remote sales. Every year states lose billions of dollars in revenue from remote sales, most recently via the Internet but also in catalog sales. The Hutchinson amendment, which is faithful to the recommendation of the Finance Committee, makes a proper and relevant expansion of the mandate of the Commission.

Not all states and municipalities have imposed taxes on the Internet. However, those that have should not have their Constitutional right to impose these taxes stripped away by Congress. The grandfathering of existing taxes on electronic commerce contained in the final version of S. 442, is consistent with our federalist system and balances the needs of interstate commerce with the proper role of states and municipalities.

Although these and other positive provisions in S. 442 allowed me to support the overall bill, I am hopeful that the initial concerns I had with S. 442 will not arise again when the three year moratorium established by the bill expires. The purpose of this temporary moratorium is to allow government and industry representatives time to work together to decide the rules for electronic commerce. However, S. 442 offers no guarantee that the moratorium will not be extended after the three year period. I supported Senator GRAHAM's amendment that would have required a super majority to extend the moratorium, but unfortunately, it was defeated.

There is a precedent of another ''temporary'' moratorium that never expired. In 1959, Congress enacted Public Law 86–272, which limited state corporate income tax collection on out-of-state corporations. Like the goal of the Commission created by S. 442, a moratorium was imposed to try to negotiate a uniform standard with regard to the tax treatment of out-of-state corporations. The results of P.L. 86–272 was an increase in litigation and a decrease in state and local tax revenue. This precedent explains state and local leaders' skepticism about a temporary Internet tax moratorium. It is my hope that when the three year moratorium expires, Congress will not extend the moratorium. The experience of P.L. 86–272 does not need to be repeated.

I fear that a continuation of the moratorium would tilt the scales heavily in favor electronic commerce at the expense of local ''Main Street'' businesses. Internet sales should not receive any privileges that are not available to other forms of commerce. Business competitors of Internet-based firms should not have to experience such legalized discrimination.

Although the use of computers will certainly continue to grow, there will always be consumers who will not have access to the Internet. If attempts are made to extend the three year moratorium, Congress will, in effect, be offering a tax break to those who can afford a computer and Internet access to the detriment of those who cannot.

I wanted to take this opportunity to applaud the efforts that have been made to address this rapidly emerging form of trade, and I believe that the compromise version of S. 442 is an appropriate balance that will give the Commission time to make a recommendation while not greatly interfering with interstate commerce. However, I urge caution by my colleagues, when we revisit this issue in three years, that in our zeal to encourage the growth of the Internet and all the promise it offers we should not compromise the needs of our states, cities, towns, and local merchants. I pledge my efforts to achieve that goal.●

AUTO CHOICE REFORM ACT

● Mr. SHELBY. Mr. President, while I know that the Senate will not take up consideration of S. 625, The Auto Choice Reform Act of 1997, during the 105th Congress, I wanted to put my views regarding this legislation on the record.

S. 625 creates a federally mandated two-tracked automobile insurance system under which car owners would have the option to enroll in a ''personal protection system'' or the traditional ''tort maintenance system.'' Those who select the personal protection system are promised ''prompt recovery'' of economic loss, regardless of fault. However, they forfeit the right to recover damages for pain and suffering while being exempted from liability for such damages themselves.

I have some strong concerns regarding this type of so-called ''reform'' legislation.

First and foremost, I believe that the argument that ''Auto Choice'' will reduce insurance premiums is unfounded. Over the last few years, the numerous states that have adopted no-fault insurance programs similar to those in this legislation have had the highest premiums in the country. In fact, in 1995, 6 out of the 10 states with the highest average liability premiums were no-fault systems. In light of the failure of auto choice to lower premium costs, I cannot understand why we are seeking to put such a system into place across the country.

I am also greatly troubled by the fact that this bill involves an attempt by the federal government to impose a one-size-fits-all solution on the states. While I recognize that some reforms are necessary, I do not believe that federalizing our tort system, is, or should be the solution.

For more than 200 years, states have had the power to develop and refine their own tort systems. Supreme Court Justice Powell wisely observed: ''Our 50 states have developed a complicated and effective system of tort laws and where there have been problems, the states have acted to fix those problems.'' Mr. President, federally directed reform efforts such as those contained in S. 625 detract from the states' abilities to fashion their own initiatives and deny them the opportunity to provide solutions to meet their own particularized needs.

Furthermore, I am troubled by the fact that this bill allows people to waive their right to recover for non-economic damages. Mr. President, such a provision could lead to a lifetime of pain and suffering for those who suffer massive injury in a car accident. In fact, that possibility is so high, no state, not one, allows its citizens to choose to waive their right of recovery for pain and suffering.

Consider the fact that in all likelihood people would ''choose'' to waive these rights when they are sitting in their den, filling out their insurance forms. Mr. President, I would argue that the timing of such a choice precludes the possibility of informed consent on the part of the consumer. No one can predict the future, people cannot say whether they will need to pursue recovery for some accident. I predict that, many of those who so choose will one day find that they guessed wrong. Mr. President, checking off a box on a form could forever cost someone the ability to seek damages for loss of a limb, blindness, loss of a child or permanent disfigurement. This legislation does not provide a choice, it opens people up to take an unnecessary chance.

This legislation contains another flaw in that it does not fully protect the rights of those who choose traditional tort protection. Someone who chooses tort law coverage can only seek complete access to the courts if the at-fault driver has also selected traditional tort law coverage. Thus, a victim in an accident has to hope to be lucky enough that the person that hits him has selected the ''right'' type of coverage. Again, what appear to be

''choices'' in this bill are in effect risky chances.

Mr. President, if we revisit this issue in the future, I believe we must closely consider these factors. Ultimately, we must also note that we cannot advance reform without taking our federal system into consideration. What is right in Alabama, may not be proper for California, or North Dakota or Connecticut. States must play the preeminent role in setting the course for tort law reform. Common sense demands it, our legal traditions demand it, and our Constitution demands it.●

THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT

● Mr. ROCKEFELLER. Mr. President, I rise today to join Mr. DEWINE in his introduction of the Strengthening Abuse and Neglect Courts Act. I would like to thank Mr. DEWINE of this leadership on this bill, another example of his ongoing commitment to our Nation's most vulnerable children and families. I would also like to thank my good friends Ms. LANDRIEU and Mr. CHAFEE for their support of and input on this legislation.

Last year at this time, Congress passed and President Clinton signed into law the Adoption and Safe Families Act, the most sweeping piece of child welfare legislation in more than two decades. For the first time, this law establishes that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the abuse and neglect system. The law promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes. More specifically, the law requires a State to move to terminate the parental right of any parent whose child has been in foster care for 15 out of the last 22 months. While essential to protect children, these accelerated time lines increase the pressure on the Nation's already overburdened abuse and neglect courts.

Our courts play a vital role in the Nation's abuse and neglect system. Through my discussions with judges in my state of West Virginia and across the country, I have learned that abuse and neglect judges make some of the most difficult decisions made by any members of the judiciary. Adjudications of abuse and neglect, terminations of parental rights, approval of adoptions, and life-changing determinations are not made without careful and sometimes painful deliberation. Despite the courts' commitment to the fair and efficient administration of justice in these cases, staggering increases in the number of children in the abuse and neglect system, have placed a tremendous burden on our abuse and neglect courts.

Many abuse and neglect courts have found creative and effective new ways to eliminate their backlogs and move children more efficiently and safely through the court system. In West Virginia, Supreme Court Justice Margaret Workman and a dedicated group of judges and attorneys have developed a comprehensive plan to increase the accountability and efficient administration of abuse and neglect cases. In Cincinnati, Ohio, Judge Grossman's abuse and neglect courts have implemented state-of-the-art computer tracking systems which help them smooth the legal paths of children in foster care.

The purpose of the Strengthening Abuse and Neglect Courts Act is to help remove the burdens on an even greater number of abuse and neglect courts by increasing their administrative efficiency and effectiveness. The bill establishes a program which will provide grants to state and local courts for the creation and implementation of computerized casetracking systems, similar to the one that has seen such incredible success in Ohio. Through the establishment of such systems, courts are able to more easily track how long a child spends in foster care and the status of their cases. Such easy-to-access information will allow courts to move children more quickly and efficiently through the foster care system and into adoptive homes and other permanent placements. This grant program will also enable state and local courts to design and use similar computer systems and to allow for the replication of similar models in other jurisdictions. The technical assistance provision in this bill provides additional funds to aid these courts in the design and implementation of their new computer programs.

Throughout the debate on the Adoption and Safe Families Act, we heard from dozens of judges who said that the biggest problems facing their courts was the overwhelming backlog of abuse and neglect cases. Without creative ways to eliminate such backlogs, the judges argued, new cases will never move smoothly through the court system. That is why this bill also authorizes a grant program to provide State courts with the funds they need to eliminate current backlogs once and for all. For some courts, that might involve the temporary hiring of an additional judge, a temporary extension of court hours, or restructuring the duties of court personnel. This program will provide grants to those court projects that will result in the effective and rapid elimination of current backlogs to smooth the way for a more efficient courts in the future.

The Strengthening the Abuse and Neglect Courts also recognizes the need to improve training, continuing education opportunities, and model practice standards for judges, attorneys and other court personnel who work in the abuse and neglect courts. More specifically, the bill requires that abuse and neglect agencies design and encourage the implementation of ''best practice'' standards for those attorneys representing the agencies in abuse and neglect cases. The Act also extends the federal reimbursement for training currently provided to agency representatives to judges, court personnel, law enforcement representatives, guardians-ad-litem, and the other attorneys who practice in abuse and neglect proceedings. For the first time, such reimbursement would help fund specialized cross-trainings between agency and court personnel and trainings that focus on vital subjects such as new research on child development.

In addition to the judges, guardians-ad-litem and attorneys in the abuse and neglect courts, volunteers for the Court-Appointed Special Advocate (CASA) Program also play a key role in helping abused and neglected children in the court system. CASA volunteers are the eyes and the ears of the courts, spending time with abused and neglected children, interviewing the adults involved in their lives, and helping to give judges a better understanding of the needs of each individual child. Despite the incredible success of the CASA programs, thousands of abused and neglected children do not have the benefit of CASA representation. The Strengthening Abuse and Neglect Courts Act provides CASA with a $5 million grant to expand its programs into under-served areas and to improve its ability to recruit, train and supervise volunteers in already existing programs.

When we talk about child welfare in this country, abuse and neglect courts are too often left out of the discussion. This is an unacceptable mistake, since our courts play a central role in the well-being of our nation's abused and neglected children. I am confident that the Strengthening Abuse and Neglect Courts Act will be valuable first step in making these courts stronger and more efficient than ever, and I ask my colleagues to join us in this important effort.●

RECOGNITION OF MS. VERONICA CALVILLO

● Mr. GORTON. Mr. President, I speak today in recognition of a young woman from my home state of Washington, Ms. Veronica Calvillo. Ms. Calvillo, a sophomore at Seattle University, is the recipient of a scholarship from the Hispanic College Fund. While I did not have the good fortune of attending the recent awards dinner at which Ms. Calvillo spoke, I have heard from many who did attend that she made a remarkable impression. After reading the remarks she made at that dinner, I can certainly understand why. Through her remarks, Ms. Calvillo shows herself to be an intelligent, mature and centered young woman. Ms. Calvillo and her family are truly an example of what is best about America. I ask that Ms. Calvillo's remarks be printed in the CONGRESSIONAL RECORD.

The remarks follow.

REMARKS BY VERONICA CALVILLO

[Veronica Calvillo is a sophomore majoring in business and engineering at Seattle University]

Good Evening, I am very honored to have been selected as a scholarship recipient by the Hispanic College Fund. I am especially pleased to have been asked to speak on behalf of this year's scholarship recipients.

I wish to begin by thanking American Airlines for making it possible for ten of us to travel from various parts of the country to be here tonight. I also wish to express my gratitude and appreciation to all the individuals and companies, in particular Eddie Bauer, for making our scholarships possible. This support will enable me and the other recipients to begin or continue our pursuit of a higher education.

This evening, I would like to share with you my story, a little piece of history about who I am and why it means so much to me that I am here standing on this podium as a scholarship recipient. The best place for me to begin is by telling you what I do almost every weekend.

Every weekend when I drive to the city where I grew up, I feel like the most privileged Hispanic on the planet. Why do I feel this way? Well, every weekend I am able to witness two individuals that optimize Hispanic Business Leadership and I am able to learn from them firsthand. You are probably wondering who these people are. The two Hispanic leaders have no education, not even elementary education, and they live in a low-income neighborhood—they are my parents, Angel and Lupe Calvillo are their names, and in my opinion they are the two most successful Hispanic business leaders. I base this opinion on the description of what I believe ''Hispanic Business Leadership'' is. I believe that a Hispanic leader in business should have the characteristics that are common in the mother and father family figures in Hispanic families. I believe this because running a business is like managing a big family, where the children are the employees and you are there to manage them into becoming successful individuals for their benefit as well as the family, which is a sort of business. My parents were extremely successful in managing their children, or their ''employees,'' into becoming successful individuals. How, you may ask? First of all, I don't think many could argue that Hispanic parents, with their strict and religious way of raising their families, are the most successful at running any kind of family. This is why many Hispanic businesses that are family owned, for instance the explosion of family restaurants, are so successful. The Hispanic businesses are managed with the same leadership skills that my parents had as they were raising their children. The skills my parents embody and that they taught me, in preparation for becoming successful, are summed up in three words; integrity, dignity and faith. Integrity—doing what you say you're going to do, Dignity—meaning your daily actions should bring honor and humility, and Faith—having loyalty to God's teachings and confidence in God's plan for you. Three characteristics needed to be a successful business leader in any community, whether it be Hispanic or not.

My parent's climb to success with their own family happened because they are living every day those three characteristics they taught my brothers, sisters and me.

My parents came to America in 1963 with hopes of a better future for themselves and their children. They have no education whatsoever and to this day, many years later, barely utter the English language. They were migrant workers in California and Washington. My older siblings vividly remember their childhood when they, too, had to work in the fields, alongside my parents. When my parents first arrived in America, they made a pact with each other that the life they lived was not going to be the destiny of their children. They had arrived in the ''land of opportunity,'' and they would do anything to give their children the best education available to them.

This is exactly what they did. My Dad eventually obtained a job as a welder and my Mom as a motel housekeeper. Although together they averaged a meager income, they were able to send all five of my siblings and me to private schools. I know this seems unimaginably hard to do, but my family succeeded because of my parents' immense faith in God, family, and in this country. My siblings and I obtained jobs at young ages so we could help out financially; we understood and accepted why we couldn't go see a movie on weekends, or why in winter we would double layer our clothes and sleep with our jackets on. Yes, we were poor, but I never really knew my family was poor until I went to Bellarmine Prep. High School and visited my friends elegant homes and saw how they lived. However, I still never felt the negative associations that are usually paired with being poor. I was happy, because God gave me more blessings than money could ever give me. God gave me two extraordinary parents who instilled Christian morals in their children and taught us how to live with integrity and dignity in the eyes of God. Because God is guiding my family, He made our experiences make my family strong and united—truly engulfed in love for one another.

My parents worked hard, harder than any human being should ever have to. They have gone without, so that we wouldn't . . . the most unselfish human act possible . . . and this is why under all my extreme circumstances I prevail. Looking at my father's leathered hands alone send me soaring. Now it is my turn to help them. I have responsibilities after school that few others have. I must fill out forms, pay bills, send letters, read letters, make phone calls for appointments, go to appointments to translate and much more. I do all of this for my parents because they do not speak English, read or write. Sometimes, I feel like I am the parent. It is frustrating at times when I have a test to study for, but can't because I have to translate for my parents somewhere, at some meeting, or appointment, etc. However, I do it because I love them and like I mentioned before, I know their hands are thick and knotted because of the lifetime of work they have done for their children. This is why I am going to college—to further my education and make myself and my parents proud. I have concluded that all of my parents' dreams and hopes live in their children. When we succeed, they have succeeded.

My parents' hard work and the values they instilled in us started to pay-off with my eldest sister—Lorena. She was the first person in my family to even attempt to go to college. She left my parents' home with just her clothes and my parents' blessing. She eventually graduated from Seattle University. I will never forget how my parents felt when they heard my sister's name called out at the graduation. They cried and my Dad cheered wildly, this is something he rarely does. It had been a struggle for her, but finally a Calvillo made it. My sister also set an example for the rest of the family. My twenty-one year old brother is in his second year at Seattle University, my first cousin, Aida Calvillo (whom worked alongside my sister, Lorena, in the fields with her parents), in 1996 graduated from the University of Washington medical school, and the list continues as more Calvillos are graduating from college. This is my second week attending Seattle University and I am relishing every moment of it.

My sister utilized her education for others, and preached to her younger siblings the importance of a higher education. She told me my junior year of high school, as I was contemplating college, ''Veronica, you can't determine what you are born into, but you can determine what you will become with the leadership skills our parents gave us.'' I took her advice and have kept, and will keep, moving forward until I become what I have determined I will become: a successful Hispanic business leader.

With the help of the Hispanic College Fund Board of Trustees and the generous financial support of Eddie Bauer, I am on my way.

Once again, thank you and good evening.●

WHITE HOUSE'S CEREMONY HONORING EIGHT NEW YORK CITY POLICE OFFICERS FOR BEING AMONG THE NATION'S TOP COPS

● Mr. MOYNIHAN. Mr. President, today this nation takes time to honor the deeds of some of our bravest public servants, the men and women who make up this country's federal, state, and local law enforcement agencies and departments. These officers are the guardians of our safety, the protectors of our hearths and homes. Often in harm's way, they are the ever-vigilant heroes of our communities, towns and cities.

These words particularly ring true when they are applied to the eight New York City Police Department officers who are among those honored here today. In July 1997, Officers Joseph Dolan, Michael Keenan, David Marinez, Mario Zorovic, Sergeant John English, Jr., Lieutenant Owen McCaffrey, Deputy Inspector Raymond McDermott, and Captain Ralph Pascullo prevented two men from attempting to blow up a portion of New York City's subway system with homemade pipe bombs.

These eight officers spearheaded a team that entered the apartment where these two men lived. Once inside, the officers disabled these men and recovered four unexploded pipe bombs. Their bravery and professionalism undoubtedly saved countless lives and prevented a bloody catastrophs.

I am extremely proud of these men and take great pride in calling them New York City's finest.●

COMMENDING JUDY LEWIS

● Mr. COCHRAN. Mr. President, I bring to the Senate's attention that October 16 is World Food Day. As the largest international food aid organization in the world, the United Nations World Food Program feeds 52.9 million people in 84 countries and deserves special recognition.

Millions of people have survived civil unrest, famine and other disasters because of a project called Food-for-Life which makes emergency operations the primary focus of the World Food Program. Other projects include Food-for-Work which uses food as a tool to encourage people to work within their communities in order to become self reliant and Food-for-Growth which distributes food aid at schools, clinics and hospitals to help children and pregnant women.

I am proud to say that Judy Lewis, a native of Scott County, Mississippi, and past Director of Organization of my 1978 campaign staff, has been named the World Food Program's Country Director for Ethiopia. Since 1992, Ms. Lewis has many times endured dangerous conditions to participate first-hand in helping to bring food to starving people whose lives were threatened by natural disasters or armed conflicts. She has played a key role in many of the World Food Program's biggest emergency and development projects around the world in places like Kenya, Rwanda, Tanzania, and Somalia. As Country Director for Ethiopia, Ms. Lewis will be managing a $30 million emergency and development operation aiming to help over 800,000 people, focusing on refugees, famine relief and urban poverty.

I commend Ms. Lewis for her strength and diligence. And I congratulate the World Food Program for all of its good work.●

$RENO_X$ '98

● Mr. REID. Mr. President, I am pleased to announce today the release of findings from an important environmental conference held in my home State this summer. $RENO_X$ '98 gathered together experts from across the country to focus on the issue of oxides of nitrogen (NO_X) pollution. NO_X is a hazardous pollutant that is produced primarily by internal combustion engines and power generation boilers and furnaces.

In 1996, more than 23 million tons of NO_X were released into the atmosphere in the U.S. alone. NO_X is a key component in the formation of ground-level ozone and urban smog. The health effects of ground-level ozone are well-documented. It contributes to respiratory diseases that cause premature death. It is harmful to children who play actively outdoors and damages agricultural crops and natural vegetation.

$RENO_X$ '98 explored all of these effects and identified strategies and solution for the control of NO_X pollution. The U.S. Environmental Protection Agency has some NO_X reduction programs under way in both the transportation and power generation sectors. However, one of the messages of $RENO_X$ '98 is that more needs to be done and it needs to be done more quickly if we are to make our cities more livable for children and the elderly, who are the most vulnerable to the effects of NO_X emissions.

For these reasons, I hope that all Members of the Senate and their staff will take some time to read the copy of the $RENO_X$ '98 proceedings that was mailed to each office last week. After reading it, I believe you will see the urgency of this issue. I know the Gunnerman Foundation, the lead sponsor of $RENO_X$ '98 intends to aggressively pursue legislation and policy changes that will make NO_X emissions reductions a higher national priority. Dr. Jack Gibbons, formerly Science Advisory to the President and one of the keynote speakers and $RENO_X$ '98, said: ''We must move the NO_X problem, which has languished, toward the front of the line.''

This is an issue worthy of our attention and I urge you to give it a closer look.●

NATIONAL DAY FOR THE REPUBLIC OF CHINA ON TAIWAN

● Mr. MURKOWSKI. Mr. President, as Americans prepare to celebrate Columbus Day, I notice that there are other celebrations going on around Washington, including ''National Day'' celebrations in Chinatown. October 10, 1998 marks the 87th anniversary of the founding of modern China. This is a very special day for Chinese people around the world, and especially in Taiwan where October 10 is celebrated as National Day in the Republic of China on Taiwan.

Dr. Sun Yat-sen is the father of modern China, and is widely regarded and revered both in mainland China and in Taiwan. On October 10, 1911, Dr. Sun's Revolutionary Alliance succeeded in putting an end to imperial rule in China, a date which also marked the formal planting of the seeds of democracy which continue to flourish in Taiwan today.

People often speculate as to the real reasons for the ''Taiwan Miracle'' and how Taiwan continues to defy the odds today; how this island nation continues to expand economically when nations all around her are at an economic standstill or contracting; and they speculate as to how Taiwan not only survives politically, but how she has evolved into such a strong democracy despite the pressures by the People's Republic of China (PRC) to isolate her from the international community.

While there is no easy answer to this question, Taiwan is a flourishing and successful society in every sense of the word, and is a source of optimism in an increasingly uncertain world. In this light, it gives me particularly great pleasure to wish everyone on Taiwan, and Chinese people around the world, a very special October 10 National Day. And so to all of you, congratulations.●

THE DRUG CURRENCY FORFEITURES ACT

● Mr. CLELAND. Mr. President, Mark Twain once said, ''Get your facts first, and then you can distort them as much as you please.'' There has been some distortion and misinformation about my bill, the Drug Currency Forfeitures Act, and I appreciate the opportunity to discuss the facts.

First of all, the purpose of my bill is to dismantle the fortunes of drug traffickers by helping law enforcement seize their drug profits. It is all about confiscating the money of drug dealers, drug traffickers, and drug kingpins. It is NOT about seizing the money of innocent, law-abiding citizens, as some have charged. Confiscating the money of innocent citizens violates the Fourth Amendment of the Constitution, and I would oppose such an attempt with every effort at my command. That is why this legislation includes constitutional safeguards which protect innocent Americans against illegal searches and seizures.

Mr. President, let me tell you why I introduced my bill. There have been a recent series of court cases which have handed down some very disturbing verdicts. In each case, despite overwhelming evidence to the contrary, the court ruled against seizing the assets of drug traffickers—one of our most effective weapons in the war against drugs. Let me give you just one example.

A traveler was stopped in an airport carrying almost $14,000 in cash. A trained drug dog responded positively to the presence of drugs on the money. When asked for an explanation, the drug courier produced a fake ID and lied about the money's source. He also had a previous drug arrest on his record. Yet despite the evidence, the court gave the money back to the trafficker. Why? The court ruled there was sufficient evidence to show that the money came from some kind of criminal activity. But the court held there was insufficient evidence to prove that the crime was drug trafficking. United States v. $13,570.00 in U.S. Currency, 1997 WL 722947 (E.D. La. 1997).

Every year drug sales in this country generate $60 billion in drug profits. Every day drug couriers move huge quantities of this multi-billion-dollar pot out of the U.S. in loads big enough to fill suitcases, trucks, and even airplanes. This movement of drug kingpins' cash crop is the most vulnerable part of their drug operation. Yet current law allows the drug trafficker and his couriers to say nothing at all when their money is seized. That's right, Mr. President. Under the law, the drug trafficker is obliged to give no explanation at all as to where his money came from. If the government can only show that the money was involved in a crime—but can't show that it was a drug crime—the drug dealer gets his money back.

My legislation proposes a presumption that the money is drug proceeds if certain clearly defined circumstances are present—circumstances which typically are found in drug trafficking cases: the presence of drugs or drug residue; a positive alert by a properly

trained dog; packaging of the money in a suspicious and highly unusual manner; false statements made to the police; previous drug trafficking convictions.

Let me take just a moment, Mr. President, to answer those critics who discount the positive alert by a properly trained dog. These critics say that so much of our currency is tainted with drug residue that a positive dog alert is meaningless. Yet these critics fail to take into account the scientific evidence that shows that the drug dogs are NOT alerting to the presence of cocaine—which may or may not contaminate a large fraction of all U.S. currency. Instead, the scientific evidence shows that the dogs are alerting to methyl benzoate, a highly volatile chemical by-product of the cocaine manufacturing process that remains on the currency only for a short period of time. The bottom line is that the dogs are alerting only to money that has recently, or just before packaging, been in close proximity to a significant amount of cocaine. This research explains why these dogs do not routinely alert to currency.

To repeat: These clearly defined circumstances in my bill are safeguards to protect the innocent. More important, my bill establishes only a presumption that the money is drug money. Individuals have every opportunity to rebut the government's claim and get their money back. Criminals, however, will no longer be able to play dumb and recover their drug money without having to provide an explanation of where that money came from.

To those critics who maintain that my bill violates the rights of innocent citizens, let me say loud and clear: My bill takes effect only AFTER a determination has been made that the money in question is from an illegal source. This is how the process works.

A police officer or federal agent assigned to an airport task force seizes the money of a traveler based on ''probable cause.'' The traveler, for example, has exhibited suspicious, counter-surveillance behavior, such as signaling to seemingly unrelated travelers who, in fact, are traveling with him. He has concealed a large quantity of money in his carry-on bag along with odor-disguising items like fabric softener sheets to throw off the drug dog. He produces a fake ID and offers a false explanation for the money. Someone whose name he doesn't remember packed the bag, and he had no idea there was any money in it.

Let me repeat: There must be probable cause for the government to seize the money. Once the money is seized, notice of the seizure must be published in the newspaper on three successive weeks and direct notice must be given, in writing, to the person from whom the money was seized as well as to any other person known to have a potential legal interest. The notice explains the procedure for filing a claim to the money. In 85 percent of all federal cases, no one files a claim. To my critics, let me repeat: In 85 percent of the cases, the individual never contests the seizure.

If an individual does file a claim, the agency which has seized the money must refer the case to the United States Attorney, who then makes an independent determination of the merits of the case. If the U.S. Attorney does not believe the government can establish that the money was drug proceeds, the case is rejected and the money is returned. On the other hand, if the U.S. Attorney believes the case has merit, he or she must file a civil forfeiture complaint in federal district court. The claimant is granted a certain number of days to renew his claim and file an answer to the government's complaint.

The case is then litigated in the district court. In each and every case, the burden of proof is on the government. In each and every case, the government has the burden of establishing—to the satisfaction of the district court—that there is probable cause to believe that the money is drug money and therefore subject to forfeiture. Only if the government successfully overcomes this hurdle is the case scheduled for a jury trial where the claimant is required to offer his explanation for the legitimate source of the money. If the jury accepts this explanation, and the government is unable to rebut it with admissible evidence, the claimant will prevail and will recover the money. Otherwise, the court will enter judgment for the government and order the forfeiture of the money.

Mr. President, the federal forfeiture laws are carefully written to provide due process to the innocent and the guilty alike. My bill conforms to these high standards while closing a legal loophole that benefits only the guilty. In the court cases which my bill addresses, the cases are dismissed before the claimant ever has to go before a jury to explain the source of the money. My bill addresses this problem by creating a presumption that if certain factors are present, the money is drug proceeds, and thereby allows the case to move forward to the next stage.

To those who have expressed concern with the concept of rebuttable presumption, let me emphasize this fact: The presumption does not lead inevitably to the forfeiture of the money. Its role is only to force the claimant to come forward with an explanation for a legitimate source of the money. Therefore, my bill in no way infringes upon a property owner's rights under law.

To those who have expressed concern over the possible impact of my bill, let me cite these facts. In fiscal year 1995—a time period prior to most of the court decisions which have limited the use of drug asset seizures—the FBI, the Drug Enforcement Administration, and the Immigration and Naturalization Service made 35,000 seizures of forfeitable property. Of the 35,000 cases, more than 85 percent were uncontested. Of the 5,250 contested cases, the U.S. Attorney declined to prosecute 3,057. Of the 2,193 complaints filed, the government lost in only 48 cases. These statistics are similar for the prior three years. There is therefore little evidence of actual abuses of drug asset forfeitures in the past, and there is even less likelihood of such abuses under the enhanced safeguards in my proposal.

In closing, let me state once again: The Drug Currency Forfeitures Act goes after drug money only. Drug trafficking is a business, and drug traffickers are in this business for one reason—money. Their multi-billion-dollar war chests allow drug lords to have some of the world's most sophisticated airplanes, boats, and communications equipment. Because of their war chests, drug cartels possess weapons in quantities that rival the capabilities of some legitimate governments. If we want to make our streets safer, if we hope to make our children's lives drug-free, it is not enough just to apprehend the drug trafficker. Throw the drug kingpin in jail, and he continues his drug operations from behind prison walls. As evidence, just look at the leaders of the most powerful international organized crime group in history—Colombia's notorious Cali cartel. Even now, the Rodriguez-Orejuela brothers are able to run their drug trafficking business from prison through the use of private quarters and telephones.

Critics of my proposal talk about the need to protect innocent victims. If we want to talk about innocent victims, look at the children who are being sold drugs at increasingly younger ages. Mr. President, I'm proud to be the sponsor of the Drug Currency Forfeitures Act. It hits the drug cartels where it hurts the most—their wallets. The ability of law enforcement to confiscate drug money hinges on the government's ability to prove that the money is drug proceeds, and not the proceeds of some other form of unlawful activity.

My bill is endorsed by the Fraternal Order of Police, the International Association of Chiefs of Police, the International Brotherhood of Police Officers, and the Federal Law Enforcement Officers Association. The Drug Currency Forfeitures Act closes a legal loophole that benefits only the guilty. At the same time, it upholds the Constitution's Fourth Amendment, which protects the innocent against unlawful searches and seizures. I worked very closely with the Department of Justice in crafting this legislation. It is a positive—and needed—step forward, and at the appropriate time I urge my colleagues to support this measure.●

SENATE QUARTERLY MAIL COSTS—THIRD QUARTER

● Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–510 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from

the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the third quarter of FY98 to be printed in the RECORD. The third quarter of FY98 covers the period of April 1, 1998 through June 30, 1998. The official mail allocations are available for frank mail costs, as stipulated in Public Law 105–55, the Legislative Branch Appropriations Act of 1998.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 06/30/98

Senators	FY98 Official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$112,359	850	0.00009	$217.88	$0.00002
Akaka	34,512	0		0.00	
Allard	62,250	0		0.00	
Ashcroft	76,766	0		0.00	
Baucus	33,725	0		0.00	
Bennett	40,632	0		0.00	
Biden	31,373	0		0.00	
Bingaman	41,065	0		0.00	
Bond	76,766	0		0.00	
Boxer	299,774	0		0.00	
Breaux	65,447	0		0.00	
Brownback	48,952	0		0.00	
Bryan	41,146	0		0.00	
Bumpers	50,032	0		0.00	
Burns	33,725	33,832	0.04106	30,597.92	0.03713
Byrd	42,197	0		0.00	
Campbell	62,260	0		0.00	
Chafee	33,982	0		0.00	
Cleland	93,914	0		0.00	
Coats	78,470	0		0.00	
Cochran	49,853	0		0.00	
Collins	37,296	0		0.00	
Conrad	30,599	0		0.00	
Coverdell	93,914	0		0.00	
Craig	35,335	1,275	0.00119	436.67	0.00041
D'Amato	182,405	0		0.00	
Daschle	31,250	0		0.00	
DeWine	129,502	0		0.00	
Dodd	55,328	0		0.00	
Domenici	41,065	0		0.00	
Dorgan	30,599	926	0.00146	220.39	0.00035
Durbin	127,523	1,540	0.00013	1,226.99	0.00011
Enzi	29,313	0		0.00	
Faircloth	98,546	0		0.00	
Feingold	72,344	0		0.00	
Feinstein	299,774	0		0.00	
Ford	62,013	0		0.00	
Frist	75,654	0		0.00	
Glenn	129,502	0		0.00	
Gorton	78,894	3,600	0.00070	734.26	0.00014
Graham	179,546	0		0.00	
Gramm	199,231	2,300	0.00013	813.63	0.00005
Grams	67,502	25,501	0.00569	10,164.43	0.00227
Grassley	51,340	0		0.00	
Gregg	35,844	0		0.00	
Hagel	40,141	0		0.00	
Harkin	51,340	0		0.00	
Hatch	40,632	0		0.00	
Helms	98,546	0		0.00	
Hollings	60,001	0		0.00	
Hutchinson	50,032	0		0.00	
Hutchison	199,231	0		0.00	
Inhofe	58,636	0		0.00	
Inouye	34,512	0		0.00	
Jeffords	30,350	0		0.00	
Johnson	31,250	0		0.00	
Kempthorne	35,335	0		0.00	
Kennedy	81,449	0		0.00	
Kerrey	40,161	0		0.00	
Kerry	81,449	635	0.00011	589.92	0.00010
Kohl	72,344	0		0.00	
Kyl	68,104	0		0.00	
Landrieu	65,447	0		0.00	
Lautenberg	95,810	0		0.00	
Leahy	30,350	7,316	0.01284	4,824.19	0.00846
Levin	112,359	0		0.00	
Lieberman	55,328	0		0.00	
Lott	49,853	0		0.00	
Lugar	78,470	0		0.00	
Mack	179,546	0		0.00	
McCain	68,104	3,949	0.00103	3,158.62	0.00082
McConnell	62,013	0		0.00	
Mikulski	72,320	0		0.00	
Moseley-Braun	127,523	0		0.00	
Moynihan	182,405	4,550	0.00025	1,053.92	0.00006
Murkowski	30,301	366,400	0.62419	56,009.25	0.09542
Murray	78,894	0		0.00	
Nickles	58,636	0		0.00	
Reed	33,982	0		0.00	
Reid	41,146	1,363	0.00103	1,070.03	0.00081
Robb	86,917	0		0.00	
Roberts	48,952	0		0.00	
Rockefeller	42,197	27,339	0.01509	6,395.34	0.00353
Roth	31,373	0		0.00	
Santorum	137,173	1,069	0.00009	901.69	0.00008
Sarbanes	72,320	0		0.00	
Sessions	66,267	0		0.00	
Shelby	66,267	0		0.00	

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 06/30/98—Continued

Senators	FY98 Official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Smith, Gordon	56,470	1,219	0.00041	1,123.92	0.00038
Smith, Robert	35,844	0		0.00	
Snowe	37,296	0		0.00	
Specter	137,173	0		0.00	
Stevens	30,301	0		0.00	
Thomas	29,313	0		0.00	
Thompson	75,654	0		0.00	
Thurmond	60,001	0		0.00	
Torricelli	95,810	0		0.00	
Warner	86,917	0		0.00	
Wellstone	67,502	0		0.00	
Wyden	56,470	655	0.00022	231.89	0.00008•

SENATE QUARTERLY MAIL COSTS—FOURTH QUARTER

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the fourth quarter of FY98 to be printed in the RECORD. The fourth quarter of FY98 covers the period of July 1, 1998, through September 30, 1998. The official mail allocations are available for frank mail costs, as stipulated in Public Law 105–55, the Legislative Branch Appropriations Act of 1998.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 09/30/98

Senators	FY98 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$112,359	0		$0.00	
Akaka	34,512	0		0.00	
Allard	62,250	0		0.00	
Ashcroft	76,766	0		0.00	
Baucus	33,725	1,113	0.00135	887.63	$0.00108
Bennett	40,632	0		0.00	
Biden	31,373	0		0.00	
Bingaman	41,065	0		0.00	
Bond	76,766	0		0.00	
Boxer	299,774	189,826	0.00615	152,219.40	0.00493
Breaux	65,447	0		0.00	
Brownback	48,952	0		0.00	
Bryan	41,146	60,000	0.04521	6,851.98	0.00516
Bumpers	50,032	0		0.00	
Burns	33,725	1,105	0.00134	879.25	0.00107
Byrd	42,197	0		0.00	
Campbell	62,250	0		0.00	
Chafee	33,982	0		0.00	
Cleland	93,914	0		0.00	
Coats	78,470	0		0.00	
Cochran	49,853	0		0.00	
Collins	37,296	0		0.00	
Conrad	30,599	0		0.00	
Coverdell	93,914	0		0.00	
Craig	35,335	735	0.00069	151.10	0.00014
D'Amato	182,405	0		0.00	
Daschle	31,250	0		0.00	
DeWine	129,502	0		0.00	
Dodd	55,328	0		0.00	
Domenici	41,065	0		0.00	
Dorgan	30,599	1,978	0.00311	1,402.19	0.00220
Durbin	127,523	0		0.00	
Enzi	29,313	0		0.00	
Faircloth	98,546	0		0.00	
Feingold	72,344	0		0.00	
Feinstein	299,774	0		0.00	
Ford	62,013	0		0.00	
Frist	75,654	0		0.00	
Glenn	129,502	0		0.00	
Gorton	78,894	321,320	0.06256	54,565.00	0.01062
Graham	179,546	0		0.00	
Gramm	199,231	0		0.00	
Grams	67,502	5,165	0.00115	4,074.66	0.00091
Grassley	51,340	282,160	0.10034	51,420.04	0.01829
Gregg	35,844	0		0.00	
Hagel	40,141	0		0.00	
Harkin	51,340	0		0.00	
Hatch	40,632	0		0.00	
Helms	98,546	0		0.00	
Hollings	60,001	0		0.00	
Hutchinson	50,032	0		0.00	
Hutchison	199,231	0		0.00	
Inhofe	58,636	0		0.00	
Inouye	34,512	0		0.00	
Jeffords	30,350	34,910	0.06125	6,977.43	0.01224
Johnson	31,250	50,480	0.07100	8,980.40	0.01263
Kempthorne	35,335	0		0.00	
Kennedy	81,449	0		0.00	
Kerrey	40,161	0		0.00	
Kerry	81,449	0		0.00	
Kohl	72,344	0		0.00	
Kyl	68,104	0		0.00	
Landrieu	65,447	0		0.00	
Lautenberg	95,810	0		0.00	
Leahy	30,350	0		0.00	
Levin	112,359	2,250	0.00024	434.15	0.00005
Lieberman	55,328	0		0.00	
Lott	49,853	0		0.00	
Lugar	78,470	0		0.00	
Mack	179,546	0		0.00	
McCain	68,104	23,222	0.00606	18,281.89	0.00477
McConnell	62,013	0		0.00	
Mikulski	72,320	12,600	0.00257	2,282.23	0.00047
Moseley-Braun	127,523	0		0.00	
Moynihan	182,405	0		0.00	
Murkowski	30,301	0		0.00	

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 09/30/98—Continued

Senators	FY98 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Murray	78,894	121,500	0.02366	21,864.80	0.00426
Nickles	58,636	0	.....	0.00	.....
Reed	33,982	0	.....	0.00	.....
Reid	41,146	60,000	0.04521	6,851.93	0.00516
Robb	86,917	0	.....	0.00	.....
Roberts	48,952	0	.....	0.00	.....
Rockefeller	42,197	132,476	0.07311	25,456.09	0.01405
Roth	31,373	0	.....	0.00	.....
Santorum	137,173	0	.....	0.00	.....
Sarbanes	72,320	0	.....	0.00	.....
Sessions	66,267	0	.....	0.00	.....
Shelby	66,267	0	.....	0.00	.....
Smith, Gordon	56,470	0	.....	0.00	.....
Smith, Robert	35,844	0	.....	0.00	.....
Snowe	37,296	3,757	0.00304	1,213.61	0.00098
Specter	137,173	0	.....	0.00	.....
Stevens	30,301	0	.....	0.00	.....
Thomas	29,313	5,209	0.01118	3,617.97	0.00776
Thompson	76,654	0	.....	0.00	.....
Thurmond	60,001	0	.....	0.00	.....
Torricelli	95,810	34,378	0.00441	31,463.88	0.00404
Warner	86,917	0	.....	0.00	.....
Wellstone	67,502	0	.....	0.00	.....
Wyden	56,470	0	.....	0.00	.....

VET CENTERS OF EXCELLENCE

● Mr. ROCKEFELLER. Mr. President, the Readjustment Counseling Service (RCS) within the Department of Veterans Affairs recently named five Vet Centers—from 206 across the country—as ''Vet Centers of Excellence.'' I note with great pride that the Morgantown Vet Center, in my State of West Virginia, was one of the Vet Centers selected for this distinguished award.

RCS Vet Centers, mandated by Congress in 1979, are community-based service centers staffed by highly qualified professionals. Vet Center services include individual and group counseling, family/marital counseling, sexual trauma counseling, substance abuse counseling, vocational and employment assistance, VA claims and benefits information, help for the homeless, and social service and health care referrals. They provide readjustment counseling to combat veterans and their families—veterans who served during Vietnam, Korea, and World War II—as well as veterans involved in combat hostilities in Panama, Grenada, Lebanon, Somalia, and the Persian Gulf.

Mr. President, many veterans suffer from psychological injuries as a result of their service in the Armed Forces, especially service in combat. But unlike those injuries that can be bandaged, sewn, or cast, psychological battle wounds are typically unseen and left untreated. Many veterans struggle for years to find peace within themselves, often turning to VA for help years after they've come home from war.

So, the work being done at our Vet Centers is enormously important. And Vet Center services become even more vital when they are the only VA presence for hundreds of miles, as is the case in some parts of the country.

The criteria used in selecting the ''Vet Centers of Excellence'' included quality of clinical care, administrative management, outreach to high-risk veteran populations, and cost effectiveness.

I am truly delighted that the Morgantown Vet Center has been recognized among those which best represent the spirit and mission of RCS. The Morgantown Vet Center catchment area is mostly rural, with a widely dispersed population covering 16 counties in North Central West Virginia and two counties in Pennsylvania. Since opening its doors in 1982, it has provided service to over 7,000 veterans. To the Morgantown Vet Center staff—Johnny Bragg, Melody Johns, Ronald Jones, and Sandra Calvert—I say thank you for a job well done, and for always going above and beyond what is required in your positions. I am very proud of you.

In addition, I congratulate the staff of the other Vet Centers selected as ''Vet Centers of Excellence''—Vista, California; Tucson, Arizona; Atlanta, Georgia; and White River Junction, Vermont.

But I also want to note my appreciation for the other Vet Centers in West Virginia, and those others around the country. All provide a vital service—in many cases, literally a lifeline to troubled vets. I am reminded of the many times my Senate staffers have contacted a Vet Center employee somewhere in the country after hearing from a veteran in crisis—or a family member—and been able to secure the help needed to avert an emergency. And I am reminded of the number of veterans and family members in my State of West Virginia who tell me how positively their lives have changed after contact with a Vet Center.

So, to all 206 Vet Centers and the dedicated staff who work there—your good deeds have not gone unnoticed. Keep up the good work. Our Nation's combat veterans are lucky to have you, and I am enormously proud of what you have been able to accomplish.●

TRIBUTE TO RICHARD K. BOYD

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Dick Boyd, who will retire at the end of October after 32 years of service to the Westvaco Corporation. For over thirty years, Dick has helped establish Westvaco and the Fine Papers mill into fixtures of Wickliffe, Kentucky. Though not originally from Kentucky, Dick became a valued member of the Wickliffe community, raised his family there and continues to have close ties to Kentucky.

In 1966, Dick joined Westvaco as the Assistant Public Relations Manager at the Fine Papers Division in Luke, Maryland. The next year, Westvaco announced that Wickliffe, Kentucky would be the site of a new $80 million mill. It was while assisting in the public relations details of this announcement that Dick began his long association with the community of Wickliffe. Later that year, Dick, his wife Malinda and their two daughters moved to Wickliffe. Dick became Public Relations Manager for Fine Papers in 1970.

Dick held that job until 1988. During that time, he played an integral role as the Fine Papers mill became the bedrock of the Wickliffe community. After a brief stint during 1988 in the Kentucky State Government as Deputy Secretary of the Cabinet for Economic Development, Dick returned to Westvaco as Regional Public Affairs Manager, a position he held until 1991. At that time he moved to Washington to become Westvaco's Director of Public Affairs, a position he continues to hold today.

Since the 1966 announcement that the plant would be built in Western Kentucky, Westvaco has spent more than half a billion dollars to create a state-of-the-art papermaking facility in Wickliffe. Today, Westvaco employs over 750 men and women in Kentucky, and makes an annual contribution of $134 million to the local economy. The growth of the mill and the company's great relationship with the community are a legacy of Dick's career at Westvaco and his 24 years in Kentucky.

Mr. President, I have worked closely with Dick on several issues of great importance to both Westvaco and my constituents in the Wickliffe area. His hard work and dedication have allowed Westvaco to become an important part of the Wickliffe community. I have enjoyed working with him, thank him for all his efforts on behalf of Westvaco

and the people of the Wickliffe community, and wish him the best wherever his future endeavors may take him.●

65TH ANNIVERSARY OF THE UKRAINIAN FAMINE OF 1932–33

● Mr. D'AMATO. Mr. President, I am pleased to cosponsor S.Con.Res. 122, introduced by my distinguished colleague, Senator LEVIN, commemorating the 65th anniversary of the Ukrainian Famine of 1932–33. It is timely once again for us to join together to call the world's attention to this cold act of mass murder, to remember its victims, and to pledge ourselves to prevent hunger from being used as a weapon of genocide. I urge my colleagues to join me in support of this resolution.

The Ukrainian Famine ranks among the most devastating human tragedies of all time, with an estimated loss of life exceeding 7 million men, women and children. Millions of Ukrainians died not from natural causes, but from policies designed to eradicate Ukraine's cultural and political identity and to punish the Ukrainian people for resisting the forced collectivization of agriculture. As such, the Famine is a dramatic testament to the brutality of the imperial Soviet system, responsible for the destruction of tens of millions of lives over the course of its 70-year existence.

The Ukrainian Famine was a crime of epic proportions. In the 1980's the U.S. Commission on the Ukraine Famine painstakingly documented every aspect of this genocide, collecting an impressive body of material documenting the tragedy inflicted upon Ukrainians by their Soviet masters. Members of the Famine Commission from this body and from the House of Representatives held hearings around the country in which elderly eyewitnesses recounted the consequences of Stalin's genocidal policies in starkly human terms, giving poignant and often gruesome accounts of the horrors they, their families, friends and fellow countrymen faced. The Famine Commission's final report to Congress confirmed the man-made nature of the Famine, specifically, the complicity of Joseph Stalin and those around him in its conception and execution.

Clearly, the Ukrainian Famine occurred within the context of a Soviet system which denied and vigorously opposed democratic values, the rule of law, and any respect for elementary human rights. Now that Ukraine is free from foreign domination and is moving towards full respect for human rights, democratic values and the rule of law, the likelihood of a similar catastrophe, at the present time, appears remote.

Nevertheless, I strongly agree with the resolution's assertion that it is essential that the United States continue to assist Ukraine as it proceeds towards democracy, a free-market economy, and full respect for human rights. It is imperative for America and for the West to support independence and democracy in Ukraine to ensure that Ukraine never again experiences domination by a foreign power hostile to Ukraine's very identity as a people and as a nation.

Mr. President, in closing, I once again urge my colleagues to join together in support of this important resolution.●

TRIBUTE TO ELIZABETH ''BETTIE'' MOHART FOR HER SERVICE TO THE UNITED STATES SENATE

● Mr. BOND. Mr. President, I rise today to pay tribute to Elizabeth ''Bettie'' Mohart for her outstanding service to the United States Senate. Bettie was the Chief Clerk on the Senate Committee on Small Business, of which I am Chair. In the three and a half years that she was with the Committee, she helped to make it run smoothly and efficiently.

When Sam Rayburn said ''you cannot be a leader, and ask other people to follow you, unless you know how to follow too,'' he could have been talking about Bettie Mohart. She started her service in 1969 with Senator Stuart Symington as a Staff Assistant, and then went to work for Senator ROBERT BYRD as a Staff Assistant in 1972. In 1974, Bettie left the Senate to pursue other endeavors, only to return in 1985 to work for Senator Jack Danforth. She was hired as a Staff Assistant for Senator Danforth's personal office and was later moved to the Senate Committee on Commerce, when he became Chair. He then asked Bettie to return to his personal office, as Office Manager, where she stayed until his retirement. In 1994, I was fortunate enough to be able to hire her for the Committee on Small Business where she remained until her departure.

By the time Bettie came to work for me she had worked in just about every capacity, in the Senate, with the exception of Chief of Staff and Senator, which no doubt she could have handled. This experience made her, not only an asset to my Committee, but it also gave her the wisdom to manage the Small Business Committee office with a just hand. I thank Bettie for her many years of service to myself and to the United States Senate, and wish her the best of luck in the future.●

IN RECOGNITION OF THE TENTH ANNIVERSARY OF THE WEST VIRGINIA COALITION AGAINST DOMESTIC VIOLENCE CENTRAL SERVICE OFFICE

● Mr. ROCKEFELLER. Mr. President, it is with great pride that I rise today to share my warmest congratulations to the West Virginia Coalition Against Domestic Violence Central Service Office on its 10th Anniversary celebration. Through its around the clock support, educational outreach and a network of safe shelters, the WVCADV Central Service Office providers mothers and children with the information and resources necessary to produce ''Peacemaking Partnerships''—statewide cooperation to eliminate domestic violence.

Offering support on a 24-hour basis with an exceptionally educated full time staff, corps of volunteers and Americorps workers, the WVCADV has been able to help prevent, and in many cases help heal the scar of domestic violence in the state of West Virginia. Such commitment is essential in the campaign to stop domestic violence which has grown in staggering proportions. Statistics reflect that a woman is assaulted by her husband or intimate partner every fifteen seconds in the United States. Without effective mechanisms for intervention, this number will only continue to grow.

The WVCADV plays a vital role in encouraging victims of domestic violence to come forward and tell their stories. Through community education, seminars and conferences designed to broaden public awareness of warning signs and other violence-related issues, the WVCADV is changing the past protocol of 'looking the other way' into empowerment, response and prevention.

Through the myriad of support services WVCADV has made available, the network of thirteen safe shelters in West Virginia provide a place for women and children as they begin the process of leaving violence-filled homes. With nearly seventy-five percent of fatal attacks occurring after separation, such safe shelters are essential to protect women and children from their abusers. These shelters not only provide a secure, stable environments with educational programs, but also offer direct contacts with legal advocates and law enforcement to ensure the safety of these women and children after they leave.

Furthermore, through their collaboration with advocates and policy makers, the WVCADV fosters legislation which is essential to counter domestic violence—setting up mechanisms not only to protect abuse victims but also to increase and provide accountability for abusive behavior. In 1994, I proudly cosponsored the Violence Against Women Act, the first comprehensive piece of Federal legislation to address this important issue. I will continue to work with my collegues in Congress and with the staff of the WVCADV to ensure that the most vulnerable families get the support that they need to remain safe, stable and free of violence.

Throughout the month of October, the WVCADV will hold events throughout the State to celebrate the progress they have made in fighting domestic violence. On November 6th a statewide event titled ''In Celebration of Peacemaking Partnerships: Looking Back and Moving Ahead'' will demonstrate the 10 years of success and goals. I cannot think of a more fitting title for this anniversary celebration which recognizes the West Virginia Coalition Against Domestic Violence Central

Service Office's leadership in forging model partnerships throughout West Virginia and across the nation.

Again, Mr. President, I want to express my sincerest congratulations to the West Virginia Coalition Against Domestic Violence Central Service Office for the work it has done and for all that it will continue to do in the future. Also, I would like to express my appreciation for all the WVCADV staff and volunteers. Such commitment and dedication that always inspires me in the work that I do on behalf of West Virginia children and families. I look forward to our future endeavors together as we continue to make great strides in creating ''peacemaking partnerships'' throughout West Virginia and across the country.●

THE AUTO CHOICE REFORM ACT

● Mr. ALLARD. Mr. President, I rise to make a few remarks concerning the Auto Choice Reform Act. I am a cosponsor of this legislation.

The Auto Choice Act proposes the development of a ''no fault compensation system'' to provide an option to drivers who do not want to pay for services they do not want and will not use. This legislation would allow for the recovery of economic losses, but not for the recovery of non-economic damages like pain and suffering. Those who choose to stay insured under the tort system would retain the right to sue and be sued for economic and non-economic losses, while those who choose the ''no fault'' system would be able to sue or be sued for economic damages only. And that is what the Auto Choice Act is really about, Mr. President. Choice for the driving public.

All drivers are currently insured through a system that requires them to pay for insurance on the assumption that if they are involved in an accident then they will sue or be sued for more than economic damages. The majority of drivers are never involved in a suit for pain and suffering, yet they pay for this coverage every single month.

Between 1987 and 1994 the cost of automobile insurance increased by 44%. This extraordinary increase was due in large part to excessive claims made by accident victims for pain and suffering, that is, for compensation beyond the costs of automobile damages and medical bills. For every $1 in actual economic loss generated by this system, $3 are paid out for non-economic damages. Rampant abuse of the insurance industry attempts to turn people's misfortune into a sweepstakes.

This sweepstakes is particularly beneficial for attorneys who collect 40 cents of every dollar paid for bodily injury. Twenty-eight cents from every premium dollar goes to attorneys. According to the Joint Economic Committee, lawyers earn between $15 and $17 billion a year under the current tort system and lawyers on both sides of a dispute make almost two times the amount of money that injured parties receive for actual economic loss. This is abuse of a system that exists to protect people from the genuine financial costs of misfortune and tragedy.

The Federal Bureau of Investigation estimates that such excessive legal and medical claims, combined with outright fraudulent claims, have added $200 in unnecessary premiums for every household in America. That's a $200 increase for every family—regardless of what type of coverage that family may want. That's $200 that will not be spent on groceries, clothing for children, or tucked away into savings for education.

This system becomes more inequitable when the burden on low-income and urban drivers is considered. These drivers pay a disproportionate amount of their income for auto insurance. In my home state of Colorado we have the 14th highest insurance rates in the nation. The effects of the high cost of driving in Colorado are particularly noticeable along the more densely populated front range. Last week Denver Mayor Wellington Webb testified before the Senate Commerce Committee concerning the effects of high premium costs on a large urban population. Mayor Webb testified that not only do the urban poor pay a premium disproportionate to their income, but high premium costs can also deter drivers from purchasing insurance at all. Dr. Robert Lee Maril testified to the disproportionate cost of insurance stating that nationally households spend 2% of their annual income on automobile insurance. The upper 50% of people living below the poverty line, however, spend a staggering 14% of their income on automobile insurance.

Mayor Webb also testified that this is not just an issue for the poor. Middle-income families spend on average 150% more on auto insurance than they do on education, and in the City of Denver alone residents would see their premiums reduced by as much as 40%.

In July the Joint Economic Committee released a report that demonstrates the benefits of Auto Choice for businesses. In addition to the relief this bill provides for individual drivers, the JEC reports that nearly 40% of all tort cases against businesses are auto-related. The incentives that drive the tort system increase the cost of doing business. In 1994 businesses spent $21 billion on auto liability insurance. Just as families are forced to spend money on high premiums that could be better spent on food or education, businesses are forced to dedicate resources to liability insurance instead of payroll and capital investments. The JEC report concluded that the Auto Choice Act would result in an average 27% savings on commercial auto insurance, potentially saving American businesses $41 billion over five years.

The Insurance Commissioner from my state of Colorado has endorsed this legislation, however, I realize that in spite of the expected benefits of this legislation, some states prefer their current system. Therefore, this bill provides a choice for the individual states. Under this legislation, state legislatures are able to opt-out of Auto Choice for any reason. Furthermore, the bill clearly states that it will not preclude a State or State Official from fully exercising their regulatory authority concerning policy rates, consumer protection or carrying out the requirements of this act. The Auto Choice Reform Act will leave the ultimate regulation of auto insurance to the states.

The implementation of The Auto Choice Act would cause the average insurance policy to decrease by $243 annually, saving drivers an estimated $45 billion nationwide. By providing greater choice to the driving public, without cost to the government, the driving public would save $246 billion over five years. That's an enormous savings for simply providing an option to the consumer. This is a bill about choice, it is a bill about savings, and it is a bill about equitable compensation for the American driver.

NIH EARMARKS

● Mr. COATS. Mr. President, I would like to speak today about a matter which concerns me greatly—the process by which funds are allocated at the National Institutes of Health (NIH).

The National Institutes of Health is one of the finest institutions of medical research in the World. A commitment to providing the best possible health care has driven the NIH's recruitment of preeminent physicians and medical researchers across the breadth of the medical disciplines.

Having created such an impressive resource, it is disheartening that Congress, through legislative earmarks and other mandates, often undertakes to second-guess the considered opinions of these experts.

The practice of earmarking disease-specific funds results mainly from lobbying pressure directed to Senators or our staffs. As a result of this pressure, Senator's introduce language which sets aside sums of money—often very large sums of money—to be used exclusively for one specific disease.

In September of last year, the Senate overwhelmingly approved the Department of Health and Human Services Appropriations Bill, which contained a provision for an in-depth study to examine the priority setting process at NIH. The amendment which incorporated this study was originally sponsored by myself and Senator Frist, and directed the Institute of Medicine (IOM) to conduct this study with utmost priority.

The intent of this research was to understand how priorities regarding specific research programs are determined, how levels of funding for these research programs are established, and how new organizational entities within the NIH are created.

This study grew out of Senator Frist and my concerns that Congress was unduly influencing the process by which priorities are set at NIH through the practice of the earmarking of funds for disease-specific research. We were concerned that the priority setting process at NIH was becoming less science-based and more politically drive. It was clear that our concern was shared by the majority of the Senate, as they voted to include this amendment in the appropriations bill.

In July of this year, IOM completed its work and reported its findings to Congress. The study cited the need for greater public involvement, specifically, and I quote, ''The director of NIH should establish and appropriately staff a Director's Council of Public Representatives, to facilitate interactions between NIH and the general public'' and that, ''* * * public membership of NIH policy and program advisory groups should be selected to represent a broad range of public constituencies.'' unquote. It is interesting to note that both these recommendations focus public input directly to NIH, rather than to Congress.

This is very much in line with another recommendation; quote, ''The U.S. Congress should use its authority to mandate specific research programs, establish level of funding for them, and implement new organizational entities only when other approaches have proven inadequate.'' unquote.

The findings of this study are clear. For the purpose of priority-setting, public input-including organized input via lobbying efforts—are most appropriately directed to NIH, where it can be evaluated by appropriate science-based criteria. Only when there is evidence that NIH is unable or unwilling to apply this input appropriately to their priority-setting process and criteria, should Congress influence the process through legislative mandates. It is my contention that if the litmus test were applied to all earmarks, most would be stripped from legislation.

The message is clear: Congress should avoid the practice of earmarking within NIH appropriations. The findings of the research conducted by the independent and impartial experts clearly indicates that the concern regarding the pricess of priority setting at NIH was warranted.

As the Senate considers the future appropriations and authorization legislation for NIH, I would urge my colleagues to consider, with a critical eye, any disease-specific earmarks. I would urge my colleagues to ask themselves whether there is evidence that NIH has somehow failed to appropriately consider and apply science-based priority-setting criteria. In the absence of such evidence, I would urge my colleagues to not impose earmerks or other legislative mandates on the NIH.●

A TRIBUTE TO JOSEPH PINGA

● Mr. CHAFEE. Mr. President, I would like to take this opportunity to pay tribute to the late Joseph Pinga, a community leader who passed away on September 1st, in West Warwick, Rhode Island. Mr. Pinga was best known for his community giving and his vigilance that helped to reform the West Warwick town government.

Mr. Pinga served honorably in the U.S. Navy and worked to establish his business, Westcott Baking Company, of which he was the owner and operator for over forty years. In this capacity, Mr. Pinga was regarded not only as a local pioneer, but also as a defender of rights for small business owners. In fact, in 1978, *Time Magazine* recognized Joe's perseverance in an article about his struggle with the Occupational Safety and Health Administration.

Joseph Pinga certainly was a believer in community involvement. Numerous charitable organizations could always count on Mr. Pinga's generosity without ever requesting any public acknowledgement. In addition, Joe ran for mayor of West Warwick in 1990 and was a member of the local Elks Lodge.

Mr. President, I join with all Rhode Islanders in extending to Mr. Pinga's family our sympathy and best wishes.●

HONORING WALTER SELLERS

● Mr. DEWINE. Mr. President, I rise today to pay tribute to the distinguished career of Walter G. Sellers of Wilberforce, Ohio—who has recently completed his term as president of Kiwanis International.

Mr. Sellers is the first African-American to serve as Kiwanis International President. For 32 years, he was a member of the Kiwanis Club in Xenia, Ohio. In 1990, he was elected to the Kiwanis International Board of Trustees. he served as Vice President and Treasurer before becoming President.

All Ohioans are proud of Mr. Sellers' outstanding stewardship of one of the largest service clubs in the world. But we also know that his service to our community extends beyond his work with the Kiwanis organization. He has served as President of the Xenia Board of Education and President of the Ohio School Boards Association. And he has done great work on many other public-service boards in Ohio.

Walter Sellers has dedicated his life to improving the lives of the people of Ohio, especially in the field of education. We are all extremely grateful for his efforts and I ask my colleagues to join me in wishing him all the best in his next endeavors.●

THE FUTURE OF FAMILY FARMING AND RANCHING

● Mr. JOHNSON. Mr. President, today I rise to express—in very stark terms—my deep and increasing concern for the future of family farming and ranching in this country. The truth is, our country's family farmers and ranchers are under increasing economic pressure from concentration in agriculture—concentration in meatpacking, concentration in food-retailing, concentration in rail and other forms of transportation, concentration in banking, concentration in the grain-trading companies, and concentration in production itself.

The strands of these varied concentrations are tightening around the throats of family farmers and ranchers, threatening not only the farmers and ranchers themselves, but also their families, the small-town businesses that depend on them, their schools, their churches, and the very social fabric that makes rural America such a special and wonderful place to live—the reasons why we should do whatever we can to preserve and promote our system of family farming and ranching.

But there is more at stake here than just our farmers and ranchers and their families, critically important as they are. What's also at stake is the very system that produces our food, that gives us life. Study after study shows that family agriculture is the most efficient way, the most environmentally safe way, to produce our food. And that is another reason why we should do whatever we can to preserve and promote our system of family farming and ranching.

But, frankly, there is a troubling movement in our country toward the corporatization of family agriculture. Look at the pork industry—it has become increasingly dominated by giant corporate hog factories, a fact which has gone hand-in-glove with lower and lower prices for hogs, to the point that many family pork producers can't make a living at it anymore, and have simply given up.

A case in point is the state of North Carolina, which has seen the biggest influx of corporate hog factories in the United States. In 1984, there were 24,000 hog farmers in that state, just before the growth of hog factories skyrocketed. Now, there are 7,000 hog farmers in North Carolina, almost all of them working on contract, little more than hired hands working for outside corporate investors. However, at the same time that independent family hog producers have almost disappeared in North Carolina, the number of hogs produced there has tripled, thus leading to enormous environmental problems—fish kills numbering in the tens of millions, rapidly rising nitrates in groundwater used for drinking, increasing levels in airborne ammonia, stench that makes the eyes water, and a corresponding and unsurprising drop in tourism. The North Carolina experiment has clearly not worked.

What has happened in North Carolina, and what is happening in many other states, is nothing less than a human tragedy. My ancestors, and the ancestors of many people here today, left Europe to escape the feudal system of agriculture, a system of inequality and unfairness where a baron controlled the land and the peasants worked for him as little better than slaves.

I do not want to return to a ''new feudalism'' in which the baron is replaced by out-of-state corporate investors, nor do I believe that the people of my state desire to do so, either. It is for that reason that I have opposed the concentration in agriculture at all levels, because it ultimately is fair to neither food producers nor food consumers.

And it is also the reason that I plan to vote for ''Amendment E,'' an initiated measure that will appear on the November 3rd, 1998 South Dakota general election ballot. This measure corresponds very closely to a similar measure in Nebraska, which has been deemed constitutional by the United States Supreme Court, and has allowed Nebraska to maintain both market share and number of producers much better than its neighboring states, including South Dakota. I'm not telling any South Dakotan how to vote on this or any other issue, but I do want to add my voice to those who believe the move toward the corporatization of our family farming system has gone too far. We have far too much at stake to simply sit silently by while the best food producing system ever devised by humankind is allowed to die a slow and painful death.●

THE VA HEALTH CARE SYSTEM AND DR. KENNETH W. KIZER

● Mr. SESSIONS. Mr. President, I rise to make a few remarks concerning the VA health care system, a system that is currently undergoing dramatic changes and reorganization. I would note that these changes, in turn, to include managerial reforms, facility consolidations, and reallocation of resources, all initiated by the Under Secretary for Health, Dr. Kenneth W. Kizer M.D., M.P.H., are having a dramatic impact on when, where, and how VA is providing for our veterans, many of whom are in my home state of Alabama.

The private health care sector is likewise undergoing massive managerial and resource changes. We saw evidence earlier this week of the erosion in care for elderly Americans, for instance, when a number of HMO's decided not to participate any further in Medicare+Choice. Over at the VA, using managed care models, Dr. Kizer also shifted inpatient care to outpatient care and heightened the focus of primary care at the expense of specialty care and specialized services. So elderly veterans, and those in speciality care programs around the country, are under the same stresses as their civilian neighbors.

Dr. Kizer apparently likes decentralized decision making, and I cannot say that I necessarily disagree with that style. It can be very effective at times and in certain organizations. He has given local VA managers incentives and authority to design and run their own health care operations independent of VA's National Headquarters. In many respects these reforms have been beneficial, even bold I am told, particularly at a time when the VA budget is under severe stress.

However, I expressed my personal concern to Dr. Kizer in a phone call earlier this week that there is one area where I believe decentralization and certainly the shifting of resources is having a very negative effect on one of the VA's core missions, and that is, the provision of specialized services for veterans with spinal cord injury and dysfunction.

Mr. President, the Congress mandated in P.L. 104–262 that the VA would maintain its capacity to provide specialized services, such as care given in VA's 23 Spinal Cord Injury (SCI) centers. Many have wondered, and rightly so I believe, that budget pressures, reorganization and decentralization of management have created the incentive for local managers to downgrade these expensive specialized programs, generally shifting resources and staff out of one area to make up for shortfalls in others areas. Costs are thereby reduced at the expense of the care for the veterans who need it the most.

Specialized programs, including blind rehabilitation, amputation care, specialized health programs, as well as spinal cord injury care, are core disciplines of the VA health care system. They, least of all, should be subject to re-engineering until all aspects of that care have been analyzed from a headquarters perspective. I don't think allowing numerous mangers to make that kind of decision is in the national interest or in the interest of our veterans.

Former Senator Alan Simpson from Wyoming, then Chairman of the Senate Committee on Veterans' Affairs, presided over the passage of the legislation protecting specialized services. Addressing this particular provision, he said: ''VA is required to maintain special programs (such as treatment of spinal cord dysfunction, blind rehabilitation, amputation and mental illness) at least at the current level. On a per capita basis, these services are expensive to provide and it is not the intent of the Committee to allow VA to reduce them in order to pay for other kinds of routine care.''

Mr. President, I am afraid what Senator Simpson and the Congress feared could happen to specialized programs in general and spinal cord injury programs specifically under VA's current reorganization initiatives is, in fact, happening.

Nearly a month ago, I had a visit from Mr. Aubrey L. Crockett, the President of the Mid-South Chapter of Paralyzed Veterans of America. Aubrey represents the health care interests of 1830 spinal cord dysfunctional veterans in Alabama. As he sat confined to his wheel chair, he raised serious concerns that the VA was not maintaining the quality and quantity of its specialized health care services for the over 120,000 veterans nationwide with spinal cord dysfunction.

Last month, Gordon Mansfield, the National Executive Director of the Paralyzed Veterans of America addressed the same subject from a national perspective during hearings on the Hill. PVA's leadership has expressed its concerns to me as well. Over 75 percent of their membership, a larger percentage than any other veterans service organization, rely on the VA for all or part of their specialized health care needs. For these individuals with chronic and catastrophic disabilities, any erosion in the care they require can be life threatening. Aubrey indicated that something as simple as a pad for a wheel chair can make a big difference for a veteran.

I have come to believe that PVA's concerns need to be addressed. I further believe that any erosion in staffing, bed availability or the quality of care at our nations VA Spinal Cord Injury Centers cannot stand without a review of the underlying reasons, and that the VA must direct the resources to fix the problems in order to comply with the intent of Congress as mandated in the statutes.

In an era of tight budgets, local hospital administrators and managers don't see these programs, such as the Spinal Cord Injury programs, as being ''National Programs.'' Ignoring the national mandates, local managers acting under Dr. Kizer's administrative decentralization guidelines have been left to do whatever they felt was warranted. We may disagree on the numbers of reported beds and staff in SCI centers, but even GAO has criticized the inaccuracy of VA data collection efforts. So, it should not be surprising that a number of Senators have questioned VA's procedures and policies as applied to managing its specialized programs. Paralyzed veterans, I think, are the only true judges of the state of the health care they receive. They are the reason the VA health care system exists. If paralyzed veterans have a concern then the Congress must listen, and more importantly, if warranted we must act on their behalf.

On September 29, 1998, I wrote to my colleague from Pennsylvania Veterans Committee Chairman ARLEN SPECTER expressing my concerns in this matter. I indicated that ''I will consider placing a hold on the re-nomination'' of Dr. Kenneth Kizer, ''until my concern regarding the maintenance of specialized services within the Veterans Health Administration is adequately addressed.''

Mr. President, I want to commend Senator SPECTER, and the Committee for its support in this matter. The Committee met every request I had in a timely fashion. Moreover, it helped coordinate a solution acceptable to all parties. America's veterans owe Senator SPECTER a debt of gratitude for his hard work on their behalf.

The solution I had in mind when I wrote to Dr. Kizer was to bring the reins of control for SCI programs back to the National Headquarters level and

in the process elevate the controls over policy and resources and restore a greater degree of national guidance and oversight. In doing so, I hoped we would be guaranteeing for some time to come that these changes would meet the needs of our paralyzed veterans and conform to the mandated statutes.

Mr. President, I am pleased to report that Dr. Kizer has responded to my concerns with a suggested list of administrative and policy changes that would bring additional control over the spinal cord injury program.

I request that my letter to Dr. Kizer dated October 5, 1998, and his letter of policy recommendations dated October 8, 1998 be printed in the RECORD immediately following this statement.

I believe I have Dr. Kizer's commitment to a series of positive improvements to our specialized programs. I look forward to seeing the fruits of his labor and those of the departments he supervises. Similarly, and with the help of the Senate Committee on Veterans' Affairs, I intend to keep a close watch on these policy changes and the Spinal Cord Injury Program in particular. I have no intention of letting Aubrey or the other 1830 Spinal Cord dysfunctional veterans in Alabama down. This body needs to make certain that the VA is maintaining its capacity to provide specialized health care services and that it is doing as much as it can to care for all our 26 million veterans—all the time. That has always been the intent of Congress and I am certain it always will be.

The letters follow:

UNITED STATES SENATE,
Washington, DC, October 5, 1998.

Dr. KENNETH W. KIZER, M.D.,
Special Assistant to the Secretary, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC.

DEAR DR. KIZER; I am glad we had a brief chance to speak this afternoon. As I told you, I am ready to remove my hold on your re-nomination for the position of Under Secretary for Health once you clarify for me in writing what action(s) you and the Department intend to take to comply with the statutory mandates for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputation and mental illness) identified in section 1706, Title 38 U.S.C. and staffing requirements in section 7306 (f), Title 38 U.S.C.

VA's massive reorganization efforts coupled with chronic budget pressures have placed great stress on management and patients alike. While many of my colleagues have complimented you on your management initiatives, Alabama's paralyzed veterans are concerned that in the VA's haste to re-engineer itself, managers are shifting vital resources and staff out of specialized programs. I think we would both agree that SCI, blind rehabilitation, amputation care, and special mental health programs are the core of the VA health care system. Alabama veterans over and over again have told me that this type of care cannot be matched anywhere outside VA. Hence, you can well understand why I am interceding on their behalf.

In order for me to release my hold on your re-nomination, I would appreciate your response as soon as possible. In addition to my overall compliance concerns, I would appreciate it if you would specifically address the establishment of a centralized operational authority for the SCI program; the resources and authority necessary to run that program office to include such oversight as treatment guidelines, staffing and bed modeling; relationship to local and regional managers, and compliance reporting procedures or other actions the Department deems necessary to comply with this management structure.

Sincerely,

JEFF SESSIONS,
U.S. Senator.

DEPARTMENT OF VETERANS AFFAIRS,
Washington, DC, October 8, 1998.

Hon. JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SESSIONS: I wanted to follow-up with you in writing to underscore my commitment to maintaining capacity, improving access, and enhancing coordination of care to meet the specialized needs of our most vulnerable veterans. I believe that we do not differ in our views that maintaining the Veterans Health Administration's (VHA) specialized programs is of paramount importance.

As I have said on several occasions, I believe VHA's programs and services for certain special disability groups are the heart of the Department of Veterans Affairs' (VA) health care program. These special VA programs include those for veterans with spinal cord injury, blindness, traumatic brain injury, amputations, serious mental illness and post traumatic stress disorder. It would be unthinkable for VHA to retreat from its commitment to the specialized needs of veterans who rely on VA for these services. Further, it is my intent to take advantage of opportunities to improve and provide better services, as science and new technologies advance.

I share your interest in ensuring that VA is in compliance with current laws related to specialized programs. It is my understanding that the Department currently is in compliance with the law, as outlined below. Additionally, I intend to implement additional measures should I be confirmed for a new 4-year term.

As required by legislation, the Department has submitted two reports to Congress on maintaining our capacity for these specialized programs—one in May 1997 and one in June 1998. Our reports to Congress document compliance with 38 U.S.C. §1706, which requires the maintenance of capacity for specialized services. Nationally, the number of veterans treated in the six programs was maintained or increased for all categories but amputation, which declined by 2%. (Of note, this latter statistic is, in fact, a positive finding since it reflects the greater emphasis that has been placed on preserving limbs, and better management of veterans at risk for amputation, which has resulted in fewer amputations per year.) Still, we recognize that VA's data gathering and validation can be improved and that the multiple data sources and different ways of interpreting data have given rise to several issues and concerns related to reporting capacity. In early December 1998, VA will convene a national data summit to review and find solutions to address these issues, and we are inviting to participate in this conference a wide array of stakeholders (e.g., veterans service organizations, Congress, and the Inspector General) who review our data to assess quality and system improvements.

I understand that you also are concerned about compliance with 38 U.S.C. §7306, which addresses the expertise of VHA Headquarters staff in specialized services. VHA Headquarters staff includes highly qualified representation in all specialized programs: Chief Consultant, Mental Health Strategic Healthcare Group; Chief Consultant, Prosthetics and Sensory Aids Strategic Healthcare Group; Clinical Program Manager, Spinal Cord Injury and Disorders Strategic Healthcare Group; and Director, Blind Rehabilitation Service. These individuals have substantive expertise and policy guidance and provide critical oversight of these specialized programs. In response to a wholly separate inquiry from that raised by your concerns, I have been advised that the VA's General Counsel confirmed VHA's compliance with 38 U.S.C. §7306 in an August 14, 1998, memorandum.

Effective management of our specialized programs is a VHA-wide responsibility. VHA has a management structure that physically places personnel in a decentralized manner, as appropriate. In our experience, we have found that we often get better program leadership when individuals remain clinically active. In the case of the Chief Consultant, Spinal Cord Injury and Disorders, Dr. Margaret Hammond, a national SCI expert, serves in this capacity from the Seattle VA Medical Center. Dr. Hammond's efforts have been widely praised, including by many members of the Paralyzed Veterans of America.

While VA is in compliance with current law, I believe that some additional measures could be taken to reinforce our ongoing commitment to SCI programs. Accordingly, I intend to take the following steps to strengthen Headquarters' role in these matters, should I be reconfirmed for a full term as Under Secretary for Health.

First, decision-making authority for any SCI-related mission changes, construction, staffing, or bed level proposals will be centralized to Headquarters. In the future, before a VISN will be allowed to make changes, it must have the approval of the Under Secretary for Health, following consultation with the Chief Consultant, SCI/D and Chief Officer, Patient Care Services. A directive to all network offices and facilities will be issued to effect this.

Second, national guidelines will be developed so that patient referral procedures are uniform across the VA healthcare system and to ensure that complex specialty care is provided at the appropriate site. Additionally, SCI health care Circular M2, Part 24 will be revised and updated. Dr. Margaret Hammond, Chief Consultant, SCI/D, will lead these efforts, which will involve the full range of stakeholders in the process.

Third, some weeks ago I directed VHA's Chief Officer, Patient Care Services to contract with an outside consultant to look at capacity and quality of VA care for veterans with spinal cord dysfunction. Until this study has been undertaken, reviewed, and evaluated, the expired directive related to nurse staffing levels for SCI units will be reissued. Additionally, to improve oversight and management, the SCI/D Strategic Healthcare Group staff will be increased. The Chief Network Officer will also be asked to identify a single individual among his Headquarters staff to coordinate local SCI issues with the Chief Consultant SCI/D and the Under Secretary for Health.

Finally, SCI operating beds will be removed from the performance measure for bed occupancy that is contained in network directors' performance contracts, or the measure will be dropped altogether. The following performance indicators related to SCI/D are already in place for fiscal year 1999, and the network directors' accountability for these will be closely scrutinized: admission within 24 hours for acute care; an appointment with a specialist in 7 days; and transfer of semi-emergent care to an SCI unit within two weeks.

In summary, I believe VA services for SCI are already second to none, but we continue to seek opportunities to improve. Currently, VA cares for veterans with spinal cord dysfunction in 23 SCI centers, 29 SCI support clinics, and 120 primary care teams at non-SCI center facilities. With respect to capacity, from fiscal year (FY) 1996 to FY 1997, VA treated 4% more SCI patients and applied 3% more dollars to SCI care, although the number of beds and staff were decreased. A notable improvement in timeliness from FY 1996 to FY 1997 also was achieved for SCI patients. For acute care, meeting the ''timeliness for admission' standard (one day) improved from 41% to 91%, and for routine care meeting the 'timeliness of appointments' standard improved from 87% to 100%. It is my intent that the new program enhancements will build upon these measures, resulting in improved clinical outcomes and enhanced quality of care.

Again, thank you for sharing your commitment to VA's services for special veteran populations—a commitment with which I fully concur. Please do not hesitate to contact me if you wish to meet or further discuss these matters.

Sincerely,

KENNETH W. KIZER.

A PLAN TO EDUCATE OUR CHILDREN

● Mr. KERRY. Mr. President, countless hours will be spent in this country, and even on this Senate floor, debating the issues that today fill the front pages of our newspapers. Some of the talk titillates, some of it disgusts—and Mr. President, it's clear that some of it requires the very serious attention of this Senate.

But the tribulations of public life in America today do not provide us sufficient excuses for inaction when it comes to addressing the crises in this country that don't make the front pages, but should. And there can be no excuses for any of us—or for anyone in this country—for our failure to do something to help the 50 million children in our public schools today—children whose reading scores show that of 2.6 million graduating high school students, one-third are below basic reading level, one-third are at basic, only one-third are proficient and only 100,000 are at a world class reading level; children who edge out only South Africa and Cyprus on international tests in science and math, with 29 percent of all college freshmen requiring remedial classes in basic skills.

Mr. President, we know that public education is in trouble—so much trouble that some argue it could implode from the weight and pressure of bloated bureaucracy, stagnant administration and inadequate classroom resources.

These statistics speak not just of a crisis—they speak of our collective failure to come together and do what it takes to give every child in this country a real chance at success. We are stuck both nationally and locally—unable or unwilling to answer the challenge, trapped in a debate that is little more than an echo of old and irrelevant positions with promising solutions stymied by ideology and interest groups—both on the right and on the left.

Nowhere more than in the venerable United States Senate, where we pride ourselves on our ability to work together across partisan lines, we have been stuck in a place where Democrats and Republicans seem to talk past each other. Democrats are perceived to be always ready to throw money at the problem but never for sufficient accountability or creativity; Republicans are perceived as always ready to give a voucher to go somewhere else but rarely supportive of investing sufficient resources to make the public schools work. It's the reason why we spent weeks debating a bill this past spring—the major elementary and secondary education legislation of this 105th Congress—that would put $7 into the pocket of the average public school student in this country—and we called that reform.

No wonder parents are losing faith in our ability to reform public education. No wonder they're looking elsewhere: in too many of our debates, whichever side wins, on whichever bill, our children continue to be the losers. We all need to change that outcome and I respectfully suggest there is a different road we can meet on to make it happen.

That is why I will be introducing in the next Senate the kind of comprehensive education reform legislation that I believe will provide us a chance to come together not as Democrats and Republicans, but as the true friends of parents, children, teachers, and principals—to come together as citizens—and help our schools reclaim the promise of public education in this country. We need to ask one question: ''What provides our children with the best education?'' And whether the answer is conservative, liberal, or simply practical, we need to commit ourselves to that course.

As we being to chart that new course, I would remind this body of a conviction shared by all of us: no one in America wants the federal government trespassing on a cherished local prerogative. But the federal government can and should leverage resources to schools everywhere; it can help teachers, parents, administrators, and community leaders take up the work they all agree is so badly needed. To say that there is no federal role in education is to call upon the federal government to abandon 50 million children.

I believe this Senate will reject that notion and accept instead legislation to help every school make a new start on their own, an invitation to all parties in the name of saving public education in America. My bill will be built on challenge grants for schools to pursue comprehensive reform and adopt the proven best practices of any other school funds to help every school become an accountable charter school within the public school system; the incentives to make choice and competition a hallmark of our school systems; and the resources to help schools fix their crumbling infrastructure, get serious about crime, end social promotion, restore a sense of community to our schools, and send children to school ready to learn.

My legislation will begin the Voluntary State Reform Incentive Grants so school districts that choose to finance and implement comprehensive reform based on proven high-performance models can bring forth change. We will target investments at school districts below the national or state median and leverage local dollars through matching grants. This component of the legislation will aim to make every public school in this country essentially a charter school within the public school system—giving them the chance to quickly and easily put in place the best of what works in any other school—private, parochial or public—with decentralized control, site-based management, parental engagement, and high levels of volunteerism—while at the same time meeting high standards of student achievement and public accountability. I believe public schools need to have the chance to make changes not tomorrow, not five years from now, not after another study—but now—today.

And my legislation will help us restore accountability to public education by injecting choice and competition into a public school system badly in need of both. We are not a country that believes in monopolies. We are a country that believes diversity raises quality. We wouldn't accept one source, one company, one choice of food, or clothing or cable television. It is time we end a system that restricts each child to an administrator's choice and not a parent's choice where possible. It is time we adopt a competitive system of public school choice with grants awarded to schools that meet parents' test of quality and assistance to schools that must catch up rapidly. That is why I'll be proposing that we create an incentive for schools all across the nation to adopt public school choice to the extent logistically feasible.

So if schools will embrace this new framework—every school a charter school in the public school system, choice, competition, and accountability—what then are the key ingredients of their excellence?

My legislation will allow our schools to strip away the bureaucracy that stifles creativity and remember that what counts in any public school is how our students fare academically. You don't identify a good school by the number of administrators you hire. In fact, we impose so many rules and regulations on our schools ''from above'' that we forget teaching happens ''on the ground''—in a school building, in a classroom. But you won't find accountability there because it's been fractured and scattered in hundreds of different offices and titles. We need to restore leadership and accountability and

put our faith in our principals—holding them accountable for the way their teachers teach and the way ultimately, their students learn.

That means we need to do better in guaranteeing that every one of our nation's 80,000 principals have the capacity to lead—the talents and the know-how to do the job; effective leadership skills; the vision to create an effective team—to recruit, hire, and transfer teachers and engage parents. Without those abilities, the title of principal and the freedom to lead means little. I'll be proposing an ''Excellent Principals Challenge Grant'' which would provide funds to local school districts to train principals in sound management skills and effective classroom practices. This bill helps our schools make being a principal the great calling of our time.

But as we set our sights on recruiting a new generation of effective principals, we must acknowledge what today's best principals know: principals can only produce results as good as the teachers with whom they must work. To get the best results, we need the best teachers. And we must act immediately to guarantee that we get the best as the United States hires 2 million new teachers in the next ten years, 60% of them in the next five years. I will be offering legislation that empowers our states and school districts to find new ways to hire and train outstanding teachers: a Teacher Recruitment Incentive Grant, to raise teachers' salaries and attract a larger group of qualified people into the teaching profession; a Ongoing Education Grant to provide continued training for our nation's teachers.

This legislation will allow states to reconfigure their certification policies and their teaching standards to address the reality that our standards for teachers are not high enough—and at the same time, they are too rigid in setting out irrelevant requirements that don't make teaching better; they make it harder for some who choose to teach. We know we need to streamline teacher certification rules in this country to recruit the best college graduates to teach in the United States. Today we hire almost exclusively education majors to teach, and liberal arts graduates are only welcomed in our country's top private schools. My legislation will allow states to rewrite the rules so every principal has the same right as headmasters at private schools—to hire liberal arts graduates as teachers and measure their competency; while at the same time allowing hundreds of thousands more teachers to achieve a more broad based meaningful certification—the National Board for Professional Teaching Standards certification with its rigorous test of subject matter knowledge and teaching ability.

My legislation will build a new teacher recruitment system for our public schools—providing college scholarships for our highest achieving high school graduates if they agree to come back and teach in our public schools.

I hope to build support for this legislation around the consensus that we share a common obligation to build a system where every principal and every teacher in every school can be held accountable. Every parent wants that; every child deserves it. And we should all be held accountable if we are unwilling to make those changes. But I also hope to build a consensus in this Senate that recognizes that you can't hold someone accountable if they don't have the tools to succeed.

I also want to help our schools close the resource gap in public education: helping to fix our crumbling schools with a federal tax credit so that 5,000 school districts can rebuild and modernize their buildings; helping to eliminate the crime that turns too many hallways and classrooms into areas of violence by giving school districts incentives to write discipline codes and create ''Second Chance'' schools with a range of alternatives for chronically disruptive and violent students—everything from short-term in-school crisis centers, to medium duration in-school suspension rooms, to high quality off-campus alternatives; helping every child come to school ready to learn by funding successful, local early childhood development efforts; and making schools the hubs of our communities once more by providing support for after school programs where students receive tutoring, mentoring, and values-based education—the kind of programs that are open to entire communities, making public schools truly public.

Mr. President, I am not just asking Democrats and Republicans to meet where our students are and where our children are educated. I will be offering legislation that helps us do it, that forces not just a debate, but a vote—yes or no, up or down, change or more of the same. Together we can embrace new rights and responsibilities on both sides of the ideological divide and admit that the answer to the crisis of public education is not found in one concept alone—in private school vouchers or bricks and mortar alone. We can find answers for our children by breaking with the past in every respect—breaking with the instinct for the symbolic, and especially the notion that a speech here and there will make education better in this country. It can't and won't. But our hard work together in the coming year—Democrats and Republicans together—can make a difference. Education reform can work in a bi-partisan way. We know that Congressman OBEY and PORTER in the House have succeeded in establishing promising demonstration projects on comprehensive reform—they know this isn't a partisan issue. And there is no shortage of good ideas or leadership here in the Senate—tireless leadership from Senator MOSELEY-BRAUN on the question of crumbling schools; bi-partisan creativity from Senator COATS and Senator LIEBERMAN with regard to charter schools; and the leadership and passion, of course, of the senior Senator from my state, Senator KENNEDY, who has led the fight in this Senate to reauthorize the Higher Education Act and has provided this body with over 30 years of unrivaled leadership and support for education. I have already begun talking about this legislation with colleagues from both sides of the aisle and the response thus far has been positive. Today I will release a detailed outline of the legislative proposals I am developing, and I look forward to working with all of my colleagues here in the Senate to shape legislation that we can all support—bold legislation that sends the message—finally—to parents and children struggling to find schools that work, and to teachers and principals struggling in schools simultaneously bloated with bureaucracy and starved for resources—to prove to them not just that we hear their cries for help, but that we will respond not with sound bites and salvos, but with real answers.

Mr. President, I ask a brief summary of my education plan be printed in the RECORD.

The summary follows:

A PLAN TO EDUCATE AMERICA'S CHILDREN

TITLE I—VOLUNTARY STATE REFORM INCENTIVE GRANTS

If education reform is to succeed in America's public schools, we must demand nothing less than a comprehensive reform effort. The best public school districts are simultaneously embracing a host of approaches to educating our children: high standards and accountability, sufficient resources, small class sizes, quality teachers, motivated students, effective principals, and engaged parents and community leaders. We must not be half-hearted in our efforts to make reform feasible for every school in this country. We cannot address only one challenge in education and ignore the rest. We must make available the tools for real comprehensive reform so that every aspect of public education functions better and every element of our system is stronger.

So let us now turn to a bold answer: Let's make every public school in this country essentially a charter school within the public school system. Let's give every school the chance to quickly and easily put in place the best of what works in any other school—private, parochial or public—with decentralized control, site-based management, parental engagement, and real accountability.

Several schools across the country have devised ways to accomplish this by raising standards to improve student achievement, lowering class size, improving on-going education for teachers, and reducing unnecessary middle-level bureaucracy. Numerous high-performance school designs have also been created such as the Modern Red Schoolhouse program, the Success for All program, and the new American Schools program. The results of extensive evaluations of these programs have shown that these designs are successful in raising student achievement. Studies show that these many of these successful programs cost less than the national median of basic education revenues per pupil for K–12 school districts. If we brought all schools up to the spending level of the national median, all schools could finance these high-performance school designs. Therefore, we should raise spending to the

state or the national median, whichever is higher, thereby allowing every school district to finance and implement comprehensive reform based on proven high-performance models and teach students to the highest standards (58 percent of school districts are below either the national or their state median). Although money alone will not solve the problems in poor school districts, it is impossible to solve without adequate resources. Rather than piecemeal, fragmented approaches to reform, the Comprehensive School Reform program is intended to foster coherent schoolwide improvements that cover virtually all aspects of a school's operations.

To ensure that the vast majority of school districts could engage in comprehensive school reform, Title I of the Elementary and Secondary Education Act (ESEA) should also be fully funded. Title I is the primary federal help for local districts to provide assistance to poor students in basic math and reading skills. Title I currently provides help to local school districts for additional staff and resources for reading and math, curriculum improvements, smaller classes, and training poor students' parents to help their children learn to read and do math. However, Title I only reaches two-thirds of poor students because of inadequate funding. Since 90 percent of school districts receive at least some Title I funds, fully funding Title I and allowing school districts to use these additional funds for comprehensive reforms would give schools the ability to implement comprehensive reforms so that all students reach the highest academic standards.

Most poor school districts lack the resources to meet the vital educational needs of all of their students. A well-crafted program with the federal and state governments working in close cooperation with one another could make major studies in closing these gaps and improving student performance.

Comprehensive school reform will help raise student achievement by assisting public schools across the country to implement effective, comprehensive school reforms that are based on proven, research-based models. No new federal bureaucracy would be established—the program would be implemented at the state level. Furthermore, no funds could be used to increase the school bureaucracy. School districts would implement a comprehensive school reform program and evaluate and measure results achieved. Schools would also provide high-quality and continuous teacher and staff professional development and training, have measurable goals for student performance and benchmarks for meeting those goals, provide for meaningful involvement of parents and the local community in planning and implementing school improvement, and identify how other available federal, state, local, or private resources will be utilized to coordinate services to support and sustain the school reform effort.

The funding for the program would move towards the goal of providing every school district in the country enough funds to implement a high quality, performance-based model of comprehensive school reform at a cost of $4,270. This would mean providing enough funds to bring every district up to the state or the national median, whichever is higher (it is estimated that $30 billion annually would be needed to bring the per-pupil expenditure of every school district up to the national or state average). To move towards this goal, the federal government would provide funds and states would match this money (states would provide 10 to 20 percent with poorer states providing a smaller match). To receive these funds, states would have to provide a minimum spending effort based on state and local school spending relative to the state's per capita income. Funding would be $250 million in FY99, $500 million in FY2000, $750 million in FY2001, $1 billion in FY2002 and $4 billion in FY2003.

Fully fund Title I so almost all school districts would receive some funds to implement compressive school reform (90 percent of all local school districts receive Title funds). Funding would be $200 million in FY99, $400 million in FY2000, $600 Million in FY2001, $1 billion in FY202, and $4 billion in FY2003.

TITLE II—ENSURE THAT CHILDREN BEGIN SCHOOL READY TO LEARN

Recent scientific evidence conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits. Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children. We must enhance private, local, and state early successful support programs for young children by providing resources to expand and/or initiate successful efforts for at-risk children from birth to age six.

Provide funds to States to make grants to local early childhood development collaboratives. States would fund parent education and home visiting classes and have great flexibility to decide whether to also support quality child care, helping schools stay open later for early childhood development activities, or health services for young children. Communities would be required to document their unmet needs and how they would use the funds to improve outcomes for young children so they begin school ready to learn. Funding would be $100 million in FY99, $200 million in FY2000, $300 million in FY2001, $400 million in FY2002, and $1 billion in FY2002.

TITLE III—EXCELLENT PRINCIPALS CHALLENGE GRANT

Principals face long hours, high stress, and too little pay. To overcome these obstacles, principals in successful schools must have effective leadership skills. However, too few principals get the training they need in management skills to ensure their school provides an excellent education for every child. Attracting, training, and retaining excellent principals is essential to helping every local school district become world class.

Establish a grant program to states to provide funds to local school districts to attract and to provide professional development for elementary and secondary school principals. Activities would include developing management and business skills, knowledge of effective instructional skills and practices, learning about educational technology, etc. Funding would be $20 million per year. States and local school districts would contribute 25 percent of the total although poor school districts would be exempt from the match.

TITLE IV—ESTABLISH ''SECOND CHANCE'' SCHOOLS FOR TROUBLED STUDENTS

Parents, students, and educators know that serious school reform cannot succeed without an orderly and safe learning environment. The few students who are unwilling or unable to comply with discipline codes and make learning impossible for the other students need behavior management programs and high quality alternative placements. Suspending or expelling chronically disruptive or violent students is not effective in the long run since these students will fall behind in school and may cause additional trouble since they are frequently completely unsupervised; these students need alternative placements that provide supervision, remediation of behavior and maintenance of academic progress. Although some may resist this program for fear that it will be used to isolate disabled students, the purpose is to provide additional interventions for troubled students, not to change disciplinary actions against disabled students.

Add a new title to the Elementary and Secondary Education Act (ESEA) to establish a competitive state grant program for school districts to establish ''Second Chance'' programs. To receive the funds school districts must enact district-wide discipline codes which use clear language with specific examples of behaviors that will result in disciplinary action and have every student and parent sign the code. Additionally, schools may use the funds to promote effective classroom management; provide training for school staff and administrators in enforcement of the code; implement programs to modify student behavior including hiring school counselors; and establish high quality alternative placements for chronically disruptive and violent students that include a continuum of alternatives from meeting with behavior management specialists, to short-term in-school crisis centers, to medium duration in-school suspension rooms, to off-campus alternatives. Funding would be $100 million per year and distributed to states through the Title I formula.

TITLE V—TEACHER RECRUITMENT AND ON-GOING EDUCATION INCENTIVE GRANT

Approximately 61,000 first-time teachers begin in our nation's public schools each year. Since the average starting salary for teachers is a little more than $21,000 per year, we need to raise their compensation to attract a larger group of qualified people into the teaching profession. Since the average student loan debt of students graduating college who borrowed money for college is $9,068, the most effective way to provide federal assistance to states to raise teachers' salaries is to provide loan forgiveness. In addition, scholarships ought to be available to the most talented high school students in every state in return for a commitment to teach in our public schools (North Carolina has successfully recruited future teachers from within public high schools with the lure of college scholarships).

States would be given funds to provide poor school districts the ability to raise teacher salaries to attract and retain the best teachers. Funding would be provided through the Title I ''targeted grant'' formula (the minimum threshold would be 20% poor children or 20,000 poor children). Funding would be $500 million for FY 99, $500 million in FY 2000, $1 billion in FY 2001, $1 billion in FY 2002, and $2 billion in FY 2003. Additionally, full-time state certified public school teachers who teach in low-income areas or who teach in areas with teacher shortages such as math, science, and special needs would have 20 percent of their student loans forgiven after two years of teaching, an additional 20 percent after three years, an additional 30 percent after four years, and the remaining 30 percent after five years. The program would be funded at $50 million each year. Finally, an additional $10 million would be provided as grants to states that wish to provide signing bonuses for first-time teachers who teach in low-income areas or areas with teacher shortages.

Provide $10 million in grants for states to establish a program to provide college scholarships to the top 20 percent of SAT achievers or grade point average in each state's high school graduating class in return for a commitment to become a state certified teacher for five years. States would contribute 20 percent of the funds for the scholarships. Five percent of the total funds could

be used by local school districts to hire staff to recruit at the top liberal arts, education, and technical colleges (districts would be encouraged to establish a central regional recruiting office to pool their resources). One percent of the total funds would be used by the Secretary of Education to create a national hotline for potential teachers to receive information on a career in teaching.

TITLE VI—TEACHER QUALITY ENHANCEMENT GRANTS

We need to provide on-going education in teaching skills and academic content knowledge, establish or expand alternative routes to state certification, and establish or expand mentoring programs for prospective teachers by veteran teachers (according to the National Commission on Teaching and America's Future, beginning teachers who have had the continuous support of a skilled mentor are more likely to stay in the profession).

Establish Teacher Quality Enhancement Grants, a competitive grant awarded to states to improve teaching. The grants would have a matching requirement and must be used to institute state-level reforms to ensure that current and future teachers possess the necessary teaching skills and academic content knowledge in the subject areas they are assigned to teach. In addition, establish Teacher Training Partnership Grants, designed to encourage reform at the local level to improve teacher training. One of the uses of these funds would be for states to establish, expand, or improve alternative routes to state certification for highly qualified individuals from other occupations such as business executives and recent college graduates with records of academic distinction. Another use would be to mentor prospective teachers by veteran teachers. Provide $100 million per year for these new teacher training programs so that states can improve teacher quality, establish or expand alternative routes to state certification for new teachers, and mentor new teachers by veteran teachers.

TITLE VII—INVEST IN COMMUNITY-BASED SCHOOLS AND COMMUNITY SERVICE

As many as five million children are home alone after school each week. Most juvenile involvement in crime—either committing crime or becoming victims themselves—occurs between 3 p.m. and 8 p.m. Children who attend quality after-school programs, however, tend to do better in school, get along better with their peers, and are less likely to engage in delinquent behavior. Expansion of both school-based and community-based after-school programs will provide safe, developmentally appropriate environments for children and help communities reduce the incidents of juvenile delinquency and crime. In addition, many states and localities such as Maryland and the Chicago public school system require high school students to perform community service to receive a high school diploma. The real world experience helps prepare students for work and instills a sense of civic duty.

Expand the 21st Century Learning Centers Act by providing $400 million each fiscal year to help communities provide after-school care. Grantees will be required to offer expanded learning opportunities for children and youth in the community. Funds could be used by school districts to provide: literacy programs; integrated education, health, social service, recreational or cultural programs; summer and weekend school programs; nutrition and health programs; expanded library services, telecommunications and technology education programs; services for individuals with disabilities; job skills assistance; mentoring; academic assistance; and drug, alcohol and gang prevention activities.

Provide $10 million in grants to states that have established or chose to establish a state-wide or a district-wide program that requires high school students to perform community service to receive a high school diploma. States would determine what constitutes community service, the number of hours required, and whether to exempt some low-income students who hold full-time jobs while attending school full-time. The grants would be matched dollar for dollar with half of the match coming from the state and local education agencies and half coming from the private sector.

TITLE VIII—EXPAND THE NATIONAL BOARD CERTIFICATION PROGRAM FOR TEACHERS

The National Board for Professional Teaching Standards, which is headed by Gov. Jim Hunt, established rigorous standards and assessments for certifyuing accomplished teaching. To pass the exam and be certified, teachers must demonstrate their knowledge and skills through a series of performance-based assessments which include teaching portfolios, student work samples, videotapes and rigorous analyses of their classroom teaching and student learning. Additionally, teachers must take written tests of their subject-matter knowledge and their understanding of how to teach those subjects to their students. The National Board certification is offered to teachers on a voluntary basis and complements but does not replace state licensing. The National Commission on Teaching for America's Future called for a goal of 105,000 board certified teachers by the year 2006 (since the exam began recently, only about 2,000 teachers are currently board certified). Since the exam costs $2,000, many teachers are currently unable to afford it.

Provide $189 million over five years so that states have enough money to provide a 90% subsidy for the National Board certification of 105,000 teachers across the country.

TITLE IX—HELP COMMUNITIES TO MODERNIZE AMERICA'S SCHOOLS

More than 14 million children in America attend schools in need of extensive repair or replacement. According to a comprehensive survey by the General Accounting Office (GAO) requested by Senator Moseley-Braun, Sentor Kerry and others, the repair backlog totals $112 billion. Researchers at Georgetown University found that the performance of students assigned to schools in poor condition fall by 10.9 percentage points below those in buildings in excellent condition.

To help rebuild modernize, and build over 5,000 public schools, provide federal tax credits to school districts to pay interest on nearly $22 billion in bonds at a cost of $5 billion over five years.

TITLE X—ENCOURAGE PUBLIC SCHOOL CHOICE

Many public schools have implemented public school choice programs where students may enroll at any public school in the public school system. In contrast to vouchers for private schools, public school choice increases options for students but does not use public funds to finance private schools which remain entirely unaccountable to taxpayers.

Provide $20 million annually in grants to states that choose to implement public school choice programs. School districts could spend the funds on transportation and other services to implement a successful public school choice program. Up to 10 percent of the funds may be spent by a school district to improve low performing school districts that lose students due to the public school choice program.●

CAMBODIA: WHERE DO WE GO FROM HERE?

● Mr. MCCONNELL. Mr. President, I rise today to discuss the latest developments in Cambodia and my thoughts on how the United States should respond to these developments.

Over the past decade the United States has contributed hundreds of millions of dollars towards peace in Cambodia. What benefit has been achieved as a result of this assistance? Is Cambodia better off now than it was 10 years ago? I would argue that recent political developments have undercut most gains this assistance may have provided—and worse, our own policies have contributed to the most recent deterioration considerably.

On July 26 of this year, the Cambodian people turned out in overwhelming numbers to vote in parliamentary elections. The ruling government pointed to this impressive turnout and claimed it was representative of a free and fair process. In fact, the election was termed by one American observer as the ''Miracle on the Mekong.'' With all due respect, I question how any informed observer could make that evaluation. For one to believe this appraisal, one must completely ignore the events dating from the 1997 coup.

In truth, the events which lead up to the July 26 balloting made the prospects for free and fair elections impossible. The opposition parties infrastructure had been completely dismantled following the July 1997 coup d'etat, orchestrated by Hun Sen and his Cambodian Peoples Party (CPP). As many as 100 opposition party members were reported killed, and those who remained in Cambodia were forced to campaign in fear if they dared speak out at all. The CPP controlled access to media and thereby prevented opposition candidates from effectively getting their message out. The National Election Commission (NEC), which had oversight of the election process, was stacked almost entirely with CPP party loyalists. Each of these factors on their own would be troubling, but when looked at collectively they are an outrageous example of a government which acts with impunity and has no regard for democratic principles.

Despite this reality, the Clinton Administration joined many in the international community, including the so-called ''Friends of Cambodia,'' in pushing the parties to participate in the July 26 elections. I thought then, and I continue to believe now, that this was a mistake. To use an old phrase—with ''Friends'' like these, who needs enemies? How could we ask these brave men and women to risk their lives and take part in a process which was doomed to failure? To make matters worse, the U.S. Government now seems bent on ignoring the reality of the flawed election. Rather, it is pushing opposition leaders to participate in a parliament at the mercy of a brutal dictator who has no regard for the rule

of law. So, in the end, the United States has invested hundreds of million of dollars and the Cambodian people have little to show for our efforts.

Mr. President, since July 26th, the environment has actually deteriorated rather than improved. Opposition leaders filed hundreds of protests with the National Election Commission, only to see each of these complaints dismissed without consideration. Legitimate claims of fraud have been ignored as the CPP seeks to cement its claim to so-called ''legitimate'' authority. Let's examine a few of these problems:

Prior to the July ballot, the NEC secretly and without debate changed the formula by which parliament seats would be assigned. Only after the votes were tabulated was this new formula announced. To no one's surprise, the result was an additional five seats for Hun Sen's party, thereby preventing CPP from being in the minority. Had the original formula been in place, the parties of Prince Ranariddh and Sam Rainsy could have combined their seats to form a majority of parliament.

Only July 27, as ballots were being processed, the NEC ordered the counting stopped. According to a senior member of the NEC, this halt in the proceedings occurred because the opposition parties had taken the lead. Not surprisingly, when counting was renewed, CPP regained control and went on to be credited with 41 percent of the total vote.

Finally, the violence continues. Immediately following the election, largely peaceful demonstrations broke out in downtown Phnom Phen. CPP armed thugs and soldiers broke up the demonstrations and dismantled the symbolic ''democracy square'' located near the National Assembly. Opposition leaders were subject to a travel ban and intimidation tactics. Finally, and most alarmingly, several Buddhist monks were murdered and reportedly tortured.

Mr. President, the question must be asked, how should the United States proceed in the face of these developments? I believe there are several concrete steps we can and must take to send the signal that we will not tolerate Hun Sen's brutal disregard for his own nation and people.

Number one, we must continue to withhold direct assistance to the Cambodian Government. This year's foreign operations appropriations bill will do just this. Only when each of the election disputes have been dealt with could aid be released.

Number two, we must not appoint an Ambassador to succeed Ambassador Quinn. Many in the opposition have already spoken out against the current nominee and I share their concerns. However, regardless of the nominee, we should send a strong signal to Hun Sen that we will not recognize his illegitimate government. Mr. President, I ask unanimous consent to insert a letter from Prince Norodom Ranariddh and Sam Rainsy, leaders of the two most active opposition parties. In this letter, they detail not only the election disputes, but their opposition to the current nominee to be ambassador to Cambodia.

Number three, the United States should identify Hun Sen for what he is, a criminal. Congressman ROHRABACHER has introduced a resolution in the House which calls on the United States to assist in the collection of information that would lead to trying Hun Sen before an international tribunal for violation of human rights. I think Congressman ROHRABACHER should be commended for his leadership, and I am hopeful similar legislation will pass in the Senate this year.

Finally, we should oppose the current Cambodian government being allowed a seat at the United Nations.

These steps are essential to staking out America's position as a defender of democracy and rule of law in Cambodia. Strong actions by the U.S. Government can give hope to the heroic members of the opposition as they continue to strive for democracy in the face of repression.

Before I yield the floor, I will ask unanimous consent that remarks from opposition leader Sam Rainsy be printed in the RECORD. Mr. Rainsy was invited and prepared to appear before the subcommittee on East Asian and Pacific Affairs of the Senate Foreign Relations Committee earlier this week, but at the last minute was not allowed to testify due to objections raised by some on the committee. Mr. President, this is a shame.

Sam Rainsy, along with Prince Ranariddh and Son Soubert represent the leaders of those who are working to establish democracy and respect for human rights and rule of law. Had this not been the final hectic week of our Congressional session I would have welcomed the opportunity to host Sam Rainsy before the Foreign Operations Committee. Absent that opportunity, I believe it is important that the Senate have the ability to review Mr. Rainsy's statement, and accordingly I renew my request that his remarks be printed in the RECORD.

The remarks follow:

DEAR SENATOR HELMS: This letter is an appeal to you and your Committee to take immediate action in condemning the recent bloodshed in Cambodia caused by soldiers and police loyal to Hun Sen. Over the past few days, many protestors have been injured and Buddhist monks killed as these forces have tried to silence the Cambodian people. We ask you what kind of government murders Buddhist monks?

We do not recognize the results of the July election. The Cambodian People's Party's (CPP) domination of the Constitutional Council and the National Election Committee have created a grossly uneven playing field. Our appeals and complaints of vote fraud and counting irregularities have been dismissed out of hand and in violation of law. Make no mistake, Cambodia is a country ruled by a single man intent on destroying any and all political opposition. Since last year's coup d'etat, scores of our supporters have been murdered, beaten, and intimidated by Hun Sen's loyalists.

It is imperative that the United States continue to take a principled stand in Cambodia. To this end, we ask that the U.S. Congress continue to suspend official assistance to the current government—formed by a coup—until the current crisis is resolved. More than anything, if Hun Sen were to succeed in securing international legitimacy and the resumption of aid, it would be nothing less than a reward for his lawless and repressive ways. We ask that the U.S. Congress and Administration condemn the use of violence in the strongest of terms. Too many people have died in the hands of reckless Cambodian leaders, like Hun Sen and Pol Pot. Finally we urge you not to replace Ambassador Kenneth Quinn after his term expires in Phnom Penh, and certainly not with Kent Wiederman who we believe may be less than supportive of the cause of democracy in Cambodia. The position should be left vacant as a message to Hun Sen that there are no rewards for corruption, manipulation of elections, and violence. We know a precedent exist for such action in neighboring Burma.

We thank you for your consideration of our views, and we remain committed to bringing about peaceful, democratic change in Cambodia.

Yours Sincerely,

PRINCE NORODOM RANARIDDH,
President, FUNCINPEC.
SAM RAINSY,
President, The Sam Rainsy Party.

REMARKS BY SAM RAINSY, PRESIDENT, SAM RAINSY PARTY, CAMBODIA—SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS, SENATE COMMITTEE ON FOREIGN RELATIONS, OCTOBER 2, 1998

Mr. Chairman, it is a distinct and unique pleasure for me to appear before you today. I am honored to inform this Subcommittee of the political situation in Cambodia following the July parliamentary elections and to highlight the important role the United States can play in bringing democracy, the rule of law, and lasting peace to my country.

The last few months, weeks, and days have been among the most difficult of my life, and it has been equally trying for all Cambodians who support democracy. I know this Subcommittee is familiar with the brutal crackdown of pro-democracy demonstrators in Phnom Penh by forces of the Cambodian People's Party (CPP). Buddhist monks and students have been found tortured and murdered, and many continue to be missing. I know you are familiar with the illegal and unconstitutional travel ban that prevented me and all opposition members from leaving Cambodia one week ago—a ban that was personally instituted by Hun Sen. And I know that you are aware of the CPP-biased election machinery that denied opposition parties due process in the counting of ballots and resolution of election complaints.

There is no one more disappointed and saddened by the total failure of the July elections than myself. However, the opposition in Cambodia warned from the very beginning that democracy cannot be built on an undemocratic foundation that lacks the rule of law. Throughout the electoral process—even before we returned to Phnom Penh from exile in Bangkok—we pointed out to the international community many serious flaws in the political environment and in election preparations. For example, our party structures and property had been totally destroyed or looted during Hun Sen's July 1997 coup d'etat, and our membership was traumatized. I could not agree more with the characterization of the pre-election period as ''fundamentally flawed.''

Mr. Chairman, we were reluctant participants in this election and at one point even withdrew from the process. But under heavy pressure, we accepted the assurances of the international community that the elections would be assessed fairly. We were wrong in accepting these assurances, and today Cambodia is on the brink of affirming the rule of man, not instituting the rule of law. I know this to be true, as I spent ten days under the protection of the United Nations in Phnom Penh because of Hun Sen's pointed threats.

The United Nations and many other sponsors and observers of the election did not effectively challenge the conditions that made a fair election impossible. Throughout the campaign, our activists were harassed, threatened, and killed with complete impunity. While the United Nations has done a commendable job in documenting the abuses of the Cambodian government, not one human rights violator has been prosecuted. And the killings and torture continue.

Other shortfalls in the elections included limited and unequal access to state controlled media, an election framework that was biased and that lacked transparency, a recounting process that failed to conduct recounts, a reluctance to reconcile all ballots, and an illegal change in the method for seat allocation that gave the ruling party a majority of seats with only 41 per cent of the official vote.

The burden of proof that this election was legitimate no longer lies with the opposition—as some asserted immediately after the polls closed—it is now the responsibility of Hun Sen and the CPP.

The Cambodian people are confused, frustrated and angry. They don't understand why many in the international community are supporting the announced election results and pressuring the opposition to join a coalition. Why isn't the Cambodian government pressured into obeying Cambodian laws and its Constitution?

If the opposition is forced into a coalition without being able to resolve underlying problems, Cambodia will continue to be under the complete control of Hun Sen. History has shown that he will do whatever it takes to stay in power. Over the past five years, under Hun Sen's leadership, Cambodia has had unrestrained corruption, human rights violations, and environmental destruction. He kept his political opposition in check while building up his own political and military machine, in part, by making deals with some of the worst Khmer Rouge leaders and incorporating them into the government. Anyone who thought Hun Sen was the solution to Cambodia's problems or that he offered ''stability'' should know better by now.

I understand all of Cambodia's problem cannot be solved at once, and the opposition has demonstrated its willingness to compromise. However, there are some issues where compromise is impossible, such as the resolution of election related disputes before a coalition government is formed and the development of an independent judiciary that enforces and protects the rights of all citizens, not only members of the CPP.

Without proper and full resolution of election complaints, the elections will have no credibility among the Cambodian people. For better or for worse, the Cambodian people look to the United States as the standard-bearer of democracy and the conscience of the world. It was the United States that took Hun Sen's coup seriously last year and the U.S. Congress that acted so swiftly to restrict official foreign assistance to Cambodia. The reaction of Congress was one of the few times that Hun Sen has received a message from the international community other than one of accommodation.

Hun Sen expect that the world will legitimize his rule through these elections and cloak his dictatorial behavior in the mantle democracy. Cambodian democrats are asking the United States to be the standard-bearer again while there is still a chance to get Cambodia back on the road to democracy. We call upon the United States to: make it clear that it will refuse to recognize any Cambodian government that is formed prior to the resolution of election-related complaints filed by opposition parties, or any government formed under duress; strongly condemn the Cambodian government for its human rights abuses and ongoing intimidation of opposition activists; continue to withhold official aid, as it is currently doing, and to oppose IMF and other multilateral lending. Let me make clear that humanitarian and demining assistance should continue; vote to keep Cambodia's UN seat vacant and to oppose other international recognition; leave the U.S. ambassador's post vacant after the departure of Ambassador Kenneth Quinn until a credible government is formed and to ensure that next U.S. ambassador is someone with strong credentials as a supporter of democrats; intensify efforts to deter the Cambodian government's role in illegal logging, drug-trafficking, money-laundering and acts of terrorism such as the grenade attack on march 30, 1997 that killed at least 16 people; and, make public the Federal Bureau of Investigation's report into the March 1997 grenade attack.

Mr. Chairman, as a target of assassination in 1997 and again just a few weeks ago outside of the Ministry of Interior, I know how dangerous Cambodian politics can be. The United States has an opportunity to make an historic contribution to Cambodia's future by demonstrating its leadership and supporting democracy and human rights. Today, I look to you for hope and assistance.

Thank you for the opportunity to testify.●

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

PATIENT'S BILL OF RIGHTS

● Mr. HOLLINGS. Mr. President, because of my schedule I was unable to attend the vote to table the Patients' Bill of Rights. The tabling of this legislation was wrong. We are telling the American people that the insurance industry is more important than the patients. We must not let the insurance companies take the place of family physicians in deciding what is appropriate care for patients.

Let me share with my colleagues a situation that occurred in South Carolina. Ms. Lisa Baughman lives in Charleston. She has a type of cancer called ''multiple myeloma.'' Her doctors at the Medical University of South Carolina are the best in the country at treating her particular condition, and they gave her chemotherapy in preparation for a bone marrow transplant.

That is not a light matter, Mr. President. Anyone who has ever watched a friend or relative fight cancer knows it is serious and takes courage, prayer, and all the support you can find to go through that.

Her doctors did what doctors have to do now. They called the insurance company and got ''pre-approval'' that the bone marrow transplant would be covered.

But the day before the operation, the insurance company said she could not have the operation in her home town with her expert doctors. She would have to fly to another state because the insurer had a contract with a different hospital that was cheaper. This was literally the day before the operation. Can you imagine the mental anguish of going through chemotherapy, coming to the day before a bone marrow transplant, and then being told ''not now, not with your doctor, not in your state, not in your home town, who knows when''—all with your life hanging in the balance?

Her doctors protested that she was too weak and needed immediate treatment. The hospital in Charleston offered to do the operation for equal or less payment than the out-of-state hospital. But the insurer would not yield and tried to fly her alone, holding her medical files in her wheelchair, to the other hospital. She got them to approve a relative to accompany her.

When she arrived, there was no one to meet her at the airplane with a wheelchair, no hotel room reservation, indeed, no ''room at the inn.'' These things had been promised.

So she eventually showed up at an appointment with the new doctor chosen by the insurance company to learn about her case. He said he couldn't do the operation for another three weeks, but that she should be getting her care in Charleston, South Carolina at the Medical University because they had the best people. In fact, he had been taught by the surgeon in Charleston.

She had no choice but to fly home. She contracted pneumonia in her weakened condition and is in the hospital right now, trying to recover. Because of the delay, she has to go through chemotherapy again before she can have the operation.

That should not happen in America. No one should be forced to go through chemotherapy twice because an insurance company overrides an expert surgeon's orders and delays critical medical treatment. It should not happen, and there is no one in this world who can do anything about it except the United States Congress.

Because of a Federal statute insurers cannot be sued for making injurious medical decisions and are not accountable to many state requirements. I do not know what we tell someone like Lisa Baughman if we go home this year without fixing this problem we created.

Congress has stood by and watched while ''managed'' health care has taken over. Perhaps that was the wisest course for a while, because we do not have all the solutions. But if we do not agree on basic groundrules for fairness, patients have no protection and it is a race to the bottom. We cannot blame HMO's, insurance, or anything else if the Congress continues to refuse to act.

Let me list some of the groundrules that we should enact with the Patients' Bill of Rights:

People trained in medicine, not accountants should make life and death medical decisions. Every patient should know their doctor is free to give his or her best advice and decide the best course of treatment, without restriction from the insurance company.

Every patient should know that specialty care is available if needed.

Citizens should know when they go to the emergency room, that their insurance will pay instead of haggling over the bill and denying payment afterwards. The last thing someone needs while rushing a sick child to the emergency room is a gnawing worry about payment.

Women should be able to visit their OB/Gyn without going through a gatekeeper.

People with longterm illnesses also should be able to see their specialists without getting a referral every time. People pay premiums to get health care, not a runaround.

Some people say this is radical socialized medicine, but I think people see through that. This argument is an old red herring and it is starting to smell.

What we are talking about with this Patients Bill of Rights is just the health care we always thought we had, but now it is being taken away. I have spent decades pushing medical research and building the medical research base in South Carolina. I was trying to build expertise in life-saving treatments in my home state so my constituents could be cared for, not so they could be denied and sent somewhere else on a day's notice.●

BEST WISHES TO DR. DAVID A. SPENCER

● Mr. ABRAHAM. Mr. President, I rise today to congratulate Dr. David A. Spencer, President and CEO of Walsh College, on his new appointment as president of the newly formed Michigan Virtual University.

Dr. Spencer has brought new ideas, enthusiasm, and a love for innovative learning to Walsh College. His vision of the future of Walsh College had no limits. And while he helped make Walsh College a world-class business institution, he made sure to showcase the brilliance and innovation of the students and faculty. This is a man who is not only creative and thoughtful, but willing to share credit that he deserves with many, many others.

I, personally, will hate to see David leave Walsh College. He has been an invaluable partner to me and my office in our efforts to reach out to and learn more about the Michigan business community. We worked hand-in-hand on an annual small business conference through which I have gathered extremely valuable information about the needs of the business community. On many occasions, I have been able to use the information I gathered at these conferences as examples during legislative debates. These conferences have also helped illustrate to me the most important legislative priorities of the business community. David Spencer was invaluable in putting together these innovative, informative conferences.

David is one of those people who believes anything is possible through technology. I am confident that he is the right person to lead the Michigan Virtual University. Walsh College will surely miss him. My staff and I will miss having him here, but I am hopeful that his new position as president of the Michigan Virtual University we will have many new opportunities to work together.

I wish Dr. David Spencer much continued success.●

CONCERN OVER RECENT DEVELOPMENTS IN IRAQ

● Mr. LEVIN. Mr. President, today, along with Senators MCCAIN, LIEBERMAN, HUTCHISON and twenty-three other Senators, I am sending a letter to the President to express our concern over Iraq's actions and urging the President ''after consulting with Congress, and consistent with the U.S. Constitution and laws, to take necessary actions (including, if appropriate, air and missile strikes on suspect Iraqi sites) to respond effectively to the threat posed by Iraq's refusal to end its weapons of mass destruction programs.''

At the outset, I believe it would be useful to review the events that led up to the requirement for the destruction of Iraq's weapons of mass destruction programs. At the time that Iraq unlawfully invaded and occupied its neighbor Kuwait, the UN Security Council imposed economic and weapons sanctions on Iraq.

After Iraqi forces had been ousted from Kuwait by the U.S.-led coalition and active hostilities had ended, but while coalition forces were still occupying Iraqi territory, the UN Security Council, acting under Chapter VII of the UN Charter, conducted a review of Iraq's history with weapons of mass destruction and made a number of decisions in April 1991 to achieve its goals, including a formal cease fire.

With respect to Iraq's history, the Security Council noted Iraq's threat during the Gulf War to use chemical weapons in violation of its treaty obligations, Iraq's prior use of chemical weapons, Iraq's use of ballistic missiles in unprovoked attacks, and reports that Iraq attempted to acquire materials for a nuclear weapons program contrary to its treaty obligations.

After reviewing Iraq's history, the Security Council decided that ''Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision'' of its weapons of mass destruction programs and all ballistic missiles with a range greater than 150 kilometers and conditioned the lifting of the economic and weapons sanctions on Iraq's meeting its obligations, including those relating to its weapons of mass destruction programs.

To implement those decisions, the Security Council authorized the formation of a Special Commission, which has come to be known as UNSCOM, to ''carry out immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself'' and requested the Director General of the International Atomic Energy Agency (IAEA) to carry out similar responsibilities for Iraq's nuclear program. Additionally, the UN Security Council decided that Iraq shall unconditionally undertake not to use, develop, construct or acquire weapons of mass destruction and called for UNSCOM to conduct ongoing monitoring and verification of Iraq's compliance. The detailed modalities for these actions were agreed upon by an exchange of letters in May 1991 that were signed by the UN Secretary General, the Executive Chairman of UNSCOM and the Minister of Foreign Affairs of Iraq.

Thus, Iraq unconditionally accepted the UN Security Council's demands and thereby achieved a formal cease-fire and the withdrawal of coalition forces from its territory.

Mr. President, UNSCOM has sought to carry out its responsibilities in as expeditious and effective way as possible. UNSCOM Executive Chairman Richard Butler and his teams, however, have been confronted with Iraqi obstacles, lack of cooperation and lies. As UNSCOM has noted in its own document entitled ''UNSCOM Main Achievements'': ''UNSCOM has uncovered significant undeclared proscribed weapons programmes, destroyed elements of those programmes so far identified, including equipment, facilities and materials, and has been attempting to map out and verify the full extent of these programmes in the face of serious efforts to deceive and conceal. UNSCOM also continues to try to verify Iraq's illegal unilateral destruction activities. The investigation of such undeclared activities is crucial to the verification of Iraq's declarations on its proscribed weapons programmes.''

Mr. President, I will not dwell on the numerous instances of Iraq's failure to comply with its obligations. I would note, however, that in accepting the February 23, 1998 Memorandum of Understanding that was signed by the UN Secretary General and Iraq's Deputy Foreign Minister, that ended Iraq's prior refusal to allow UNSCOM and the IAEA to perform their missions, the UN Security Council warned Iraq that it will face the ''severest consequences'' if it fails to adhere to the commitments it reaffirmed in the MOU. Suffice it to say that on August 5, 1998, Iraq declared that it was suspending all cooperation with UNSCOM and the IAEA, except some limited monitoring activities.

In response, on September 9, 1998, a unanimous UN Security Council condemned Iraq's action and suspended its sanctions' reviews until UNSCOM and the IAEA report that they are satisfied that they have been able to exercise their full range of activities. Within the last week, Iraq's Deputy Foreign Minister refused to rescind Iraq's decision. Throughout this process and despite the unanimity in the UN Security Council, Iraq has depicted the United States and Britain as preventing UNSCOM and the IAEA from certifying Iraqi compliance with its obligations.

To review, Iraq unlawfully invaded and occupied Kuwait, it's armed forces were ejected from Kuwait by the U.S.-led coalition forces, active hostilities ceased, and the UN Security Council demanded and Iraq accepted, as a condition of a cease-fire, that its weapons of mass destruction programs be destroyed and that such destruction be accomplished under international supervision and permanent monitoring, and that economic and weapons sanctions remain in effect until those conditions are satisfied.

Mr. President, by invading Kuwait, Iraq threatened international peace and security in the Persian Gulf region. By its failure to comply with the conditions it accepted as the international community's requirements for a cease-fire, Iraq continues to threaten international peace and security. By its refusal to abandon its quest for weapons of mass destruction and the means to deliver them, Iraq is directly defying and challenging the international community and directly violating the terms of the cease fire between itself and the United States-led coalition.

Mr. President, it is vitally important for the international community to respond effectively to the threat posed by Iraq's refusal to allow UNSCOM and the IAEA to carry out their missions. To date, the response has been to suspend sanctions' reviews and to seek to reverse Iraq's decision through diplomacy.

Mr. President, as UN Secretary General Kofi Annan noted when he successfully negotiated the memorandum of agreement with Saddam Hussein in February, ''You can do a lot with diplomacy, but of course you can do a lot more with diplomacy backed up by fairness and force.'' It is my sincere hope that Saddam Hussein, when faced with the credible threat of the use of force, will comply with the relevant UN Security Council Resolutions. But, I believe that we must carefully consider other actions, including, if necessary, the use of force to destroy suspect sites if compliance is not achieved.

Mr. President, the Iraqi people are suffering because of Saddam Hussein's noncompliance. The United States has no quarrel with the Iraqi people. It is most unfortunate that they have been subjected to economic sanctions for more than seven years. If Saddam Hussein had cooperated with UNSCOM and the IAEA from the start and had met the other requirements of the UN Security Council resolutions, including the accounting for more than 600 Kuwaitis and third-country nationals who disappeared at the hands of Iraqi authorities during the occupation of Kuwait, those sanctions could have been lifted a number of years ago. I support the UN's oil-for-food program and regret that Saddam Hussein took more than five years to accept it. In the final analysis, as the Foreign Ministers of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, comprising the Gulf Cooperation Council stated at the time of the February crisis: ''responsibility for the result of this crisis falls on the Iraqi regime itself.''

I ask that the letter to the President be printed in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, October 9, 1998.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our concern over recent developments in Iraq.

Last February, the Senate was working on a resolution supporting military action if diplomacy did not succeed in convincing Saddam Hussein to comply with the United Nations Security Council resolutions concerning the disclosure and destruction of Iraq's weapons of mass destruction. This effort was discontinued when the Iraqi government reaffirmed its acceptance of all relevant Security Council resolutions and reiterated its willingness to cooperate with the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA) in a Memorandum of Understanding signed by its Deputy Prime Minister and the United Nations Secretary General.

Despite a brief interval of cooperation, however, Saddam Hussein has failed to live up to his commitments. On August 5, Iraq suspended all cooperation with UNSCOM and the IAEA, except some limited monitoring activity.

As UNSCOM Executive Chairman Richard Butler told us in a briefing for all Senators in March, the fundamental historic reality is that Iraq has consistently sought to limit, mitigate, reduce and, in some cases, defeat the Security Council's resolutions by a variety of devices.

We were gratified by the Security Council's action in unanimously passing Resolution 1194 on September 9. By condemning Iraq's decision to suspend cooperation with UNSCOM and the IAEA, by demanding that Iraq rescind that decision and cooperate fully with UNSCOM and the IAEA, by deciding not to conduct the sanctions' review scheduled for October 1998 and not to conduct any future such reviews until UNSCOM and the IAEA, report that they are satisfied that they have been able to exercise the full range of activities provided for in their mandates, and by acting under Chapter VII of the United Nations Charter, the Security Council has sent an unambiguous message to Saddam Hussein.

We are skeptical, however, that Saddam Hussein will take heed of this message even though it is from a unanimous Security Council. Moreover, we are deeply concerned that without the intrusive inspections and monitoring by UNSCOM and the IAEA, Iraq will be able, over time, to reconstitute its weapons of mass destruction programs.

In light of these developments, we urge you, after consulting with Congress, and consistent with the U.S. Constitution and laws, to take necessary actions (including, if appropriate, air and missile strikes on suspect Iraq sites) to respond effectively to the threat posed by Iraq's refusal to end its weapons of mass destruction programs.

Sincrely,

Carl Levin, Joe Lieberman, Frank R. Lautenberg, Dick Lugar, Kit Bond, Jon Kyl, Chris Dodd, John McCain, Kay Bailey Hutchison, Alfonse D'Amato, Bob Kerrey, Pete V. Domenici, Dianne Feinstein, Barbara A. Mikulski.

Thomas Daschle, John Breaux, Tim Johnson, Daniel K. Inouye, Arlen Specter, James Inhofe, Strom Thurmond, Mary L. Landrieu, Wendell Ford, John F. Kerry, Chuck Grassley, Jesse Helms, Rick Santorum.●

TRIBUTE TO NORTEL NETWORKS

● Mr. FAIRCLOTH. Mr. President, I rise today to congratulate one of North Carolina's good corporate citizens for receiving two prestigious international awards this week. Nortel Networks is a global supplier of telecom and data networking solutions and has been an employer in North Carolina since 1974. They employ over 9,000 people in the Raleigh-Durham area, over 32,000 employees across the United States and approximately 80,000 people in over 150 countries. Over 40 percent of Nortel Networks' worldwide revenues are generated from their facilities in Raleigh-Durham.

Nortel Networks' CEO John Roth received ''The Emerging Markets CEO of the Year Award,'' which acknowledges companies whose expansion into emerging markets has contributed significantly to the corporation and has benefitted the countries involved. This award was presented at a special event during the IMF/World Bank annual meeting this week in Washington.

Nortel Networks was also recognized this week as ''The World's Most Global Company'' in the electricals sector, by the editors of Global Finance, a magazine known for its reporting of world financial matters. Other companies who have received this award in the past include IBM, Citibank, Reuters, and Avon.

These awards are well deserved. A country's communications structures, capabilities and services—its ''infostructure''—is directly linked to its standard of living. The network technologies Nortel Networks has brought to emerging markets has helped improve the standard of living for the citizens of these countries, providing them a much faster ascent into the 21st Century. Advanced network technologies promise greater opportunities to improve their education and health care, as well as expand business and employment.

I hope my colleagues will join me in congratulating this world leader which also happens to be a stellar North Carolina corporation.●

MISS MICHIGAN SHANNON GRACE CLARK

● Mr. ABRAHAM. Mr. President, I rise today to honor Shannon Grace Clark, who was crowned as Miss Michigan USA 1999 on Sunday, May 24, 1998.

I am very proud to have her represent the State of Michigan, for Shannon is a shining example of service above self. Through her dedication to family, church and local community, she has made a tremendous impact on helping those who are less fortunate in society, enabling them opportunities of self-sufficiency.

Her role has enabled her many opportunities, however, Shannon has shared them with homeless women and children throughout the State of Michigan. She has tirelessly dedicated herself to directly assisting those in need and to heightening public awareness to the importance of helping people facing unfortunate circumstances.

Shannon's platform ''People Helping People,'' comes to her naturally because she comes from a family dedicated to the importance of family, church and local community. Her parents, the Reverend and Dr. Pam Clark run the Pontiac Rescue Mission, a homeless and rehabilitation center in Pontiac, Michigan, which helps reclaim and rehabilitate the downtrodden of society.

Through the program, Reverend and Doctor Clark designed and implemented, many individuals have reclaimed their lives, strength, pride, character, their children and themselves. They have developed into productive members of society, and loving families, free from the chains of addiction and destructive lifestyles.

To build upon the accomplishments of her parents, she has formed a committee to raise additional financial support for the women and children program at the Pontiac Rescue Mission. Her efforts indeed are a fine model of leadership and selfless dedication that will help those in need as well as serving as an example for those to follow.

I want to express my congratulations to Shannon Grace Clark and wish her luck in the Miss USA pageant in February. Most importantly, I would like to thank her for her commitment to those who are less fortunate in society.●

TRIBUTE TO WALTER SONDHEIM, JR.

● Mr. SARBANES. Mr. President, this past July Walter Sondheim, Jr., one of Maryland's most distinguished citizens, celebrated his 90th birthday with family and friends in Baltimore. It is an accomplishment for anyone to reach this chronological milestone, but in this instance, Walter's nine decades have marked an extraordinary record of unparalleled public service to Baltimore and the State of Maryland.

As a successful business executive, Walter Sondheim has served in ''volunteer'' public service positions on important state and local boards and commissions and as an advisor to Mayors and Governors for the last half century. His grace, good humor, extraordinary intelligence, and dedication have been powerful and good influences for progress and unity in Maryland.

Achieving 90 years of age for most ''normal'' individuals, with rare exception, implies retirement or reduced activity. But among the several articles I am inserting in today's CONGRESSIONAL RECORD is an announcement in the July 30 edition of the Washington Post that Walter was unanimously elected to become the new President of the Maryland Board of Education. This public demonstration of confidence is a continuing vindication of his effectiveness in undertaking difficult tasks.

I am also including an article from the July 25 Baltimore Sun which describes Walter's exceptional and inspiring life of service. I know I express the deep appreciation of his fellow Marylanders for his many decades of commitment and their best wishes in his latest and most significant assignment. I ask that these articles be inserted at this point in the RECORD, and I yield the floor.

The article follows:

[From the Baltimore Sun, July 25, 1998]

NOT THE RETIRING TYPE

(By M. Dion Thompson)

Walter Sondheim is on the phone, trying to get out of being interviewed. He can't understand why the city's newspaper is coming around, yet again, to get the tale of his life. Who cares, he says.

Yes, he is turning 90, and that is worth remarking on. But all this fuss, the parties, the inquiring journalist. Is it really necessary? Still, after only the slightest bit of nudging, he relents, which is to be expected because, after all, Walter Sondheim is a nice guy.

On the scheduled day, he takes a seat behind the desk of his 15th floor office at Baltimore's Legg Mason Tower and makes one last halfhearted try.

''Why waste the time? It really is embarrassing, because I think my friends who know me well figure. 'There he goes again,'' he says, then gets down to business. ''Now, what do you want? . . . What's on your mind? I feel sorry for you.''

He is painfully modest, sometimes excruciatingly so. For 50 years he has been the consummate citizen, advisor to mayors and governors, a steady presence in his city's decades-long resurgence. He led the school board during desegregation. He was chairman of Charles Center-Inner Harbor Management, the organization that oversaw the renewal of downtown.

If he were a different kind of man, he could walk you down Charles Street, tug at your sleeve and say, ''See, I made that happen. And over there, Me. again.'' He could stand at the Inner Harbor and go on about how he, Jim Rouse and others turned this town around. He is not that kind of man, not one to revel in yesterday's glory to seek accolades for past successes. There is too much to be done today.

Every workday he's up early, dressed in a suit and tie and out the door as he has been for nearly 70 years. These days is senior adviser to the Greater Baltimore Committee. He used to be president.

He could be anywhere. He has the money. He career with Hochschild, Kohn & Co. ended with his retirement at senior vice president and treasurer. Soon after, investor Warren Buffet brought the department store company.

Money doesn't bring him to this downtown office with its view of the towering NationsBank building, the one old-timers remembers as Maryland National. It isn't a yearning for fame that has him fielding calls, hustling to meetings, offering his considered judgment on public policy.

Then why is he here, when he could be in Aruba, Martha's Vineyard, the Cape?

''Well, you know, you touch on a real issue there, I'd get restless if I weren't doing anything,'' he says. ''I think about it every now and then because I have no reason not to retire. I'm not doing anything that obviously someone else couldn't do. But waking up in the morning and not having a job just doesn't appeal to me.''

Bring up the Golden Years, and Sondheim likely turns a deaf ear. There's this crazy idea about retirement, as if people can easily walk away from what has sustained them. Retire, and do what? Sometimes there is a consuming hobby or passion waiting. Sometimes, the work is its own passion.

Sally Michel, a longtime friend, notes how work can fuel a person's life. Think of the great pianist Artur Rubinstein, practically blind and giving recitals at 89; or jazz trumpeter Adolphus ''Doc'' Cheatham swinging at 91; or George Burns at 100 with his cigars and wisecracks. Now, think of Walter Sondheim.

''You see that when people have a purpose, a real serious purpose to their lives, that they stay alive a lot longer. Retirement is not a good thing,'' says Michel.

Yet Sondheim knows longevity has its downside. He says he can remember looking down the table in many board rooms and seeing three or four emeritus members sitting there, ''every one of them sure that he could do the job better than I could, and they were probably right.''

Now, he's Mr. Emeritus. The position doesn't sit well with him. ''You can't vote, and an emeritus means you're not a participant anymore,'' he says.

He wonders if he has stayed too long. Maybe he's in the way. If his wife were alive, she would tell him.

But Janet dies six years ago come September. They were married 58 years. He still wears his wedding ring.

''We never had a fight in 58 years. My daughter said it was because we were both too lazy,'' he says and smiles a bit, then talks about his loss. ''To me it has been one continuous period. I don't mean a continuous period of mourning, but I think about her often. . . . Missing her is institutionalized in me.''

Without her, he turned to his closets friends, asking them to send him an anonymous letter if they thought he was slipping.

''I thought it was incredible, an incredible thing to do, to make that suggestion,'' says Michel, who received one of the letters. ''I was just very moved by it.''

Abell Foundation President Robert C. Embry, Jr., whose friendship with Sondheim goes back nearly 30 years, also received one.

''I know that he worries and has expressed this publicly. 'Has he overstayed his welcome? Is he losing his acuity? Are people humoring him?'' says Embry. ''But the opposite is true.''

Sondheim is on 24 boards and foundations. That sounds impressive, overwhelming, but some meet once a year, some once a month, he says. When officials from elsewhere call the GBC about Baltimore and its redevelopment, they get Walter. He still talks to the mayor, the governor. He was chairman of the ad hoc committee that picked the Hippodrome for an expanded center of performing arts.

''Walter is the quintessential public servant,'' says Mayor Kurt L. Schmoke. ''He remains an important adviser in business and political activities in this community. I just met with him as recently as this week to talk about downtown development.''

It all started long before he was appointed to the ''Jewish slot'' on the city school board in 1948. It started July 25, 1908, in the front room, second floor of 1621 Bolton St. That's where he was born. He graduated from Park School in 1925, then went on to Haverford College. There were 81 graduates in the class of '29. A dozen remain.

On his yearbook page, the editors wrote: ''By simultaneously preserving his pride and refusing to take himself seriously, he has practically forced us to consider him seriously as one of the prides of the class.''

Not much has changed in 70 years. In the mid-1950s, his calm approach made Baltimore the first school district south of the Mason-Dixon Line to respond to the Supreme Court's landmark ruling outlawing ''separate but equal'' education. Some one burned a cross on the lawn of his Windsor Hills home, but it didn't stop him.

During the 1960s Mayor Thomas D'Alesandro III sought his help.

''His calling card is integrity and, as I said before, he has no hidden agenda,'' says D'Alesandro. ''My whole concept of Walter was that he was a cut above.''

He does not have a ''typical'' day. It depends on where he is needed. Just the other day, he showed up for the Maryland Art Place's dedication of its miniature golf course at Rash Field. He called himself ''Tiger Wouldn't.''

''Me, who's opposed to all exercise,'' he says, of what turned into an awful day. He tripped and fell on the 17th hole. ''I ripped my suit beyond repair. I went to get my car, it had a $20 ticket on it.''

He still drives his black Acura Legend, and walks when there is a purpose. Not too long ago he walked from his Harborview apartment to a dinner party on Federal Hill. The hosts were very concerned.

''You know, you shock people if you drive. You shock people if you walk,'' he says.

At 90, he goes where he wants, when he wants. He does acrostics for fun, and surprises himself by still being able to recite the Keats he learned at Haverford.

''I've had a lucky life,'' he says, pale blue eyes shining behind his glasses. ''It's not because of me. I've been lucky to be in places.''

Now there are rumors that he's the odds-on favorite to be the next state school board president. He says he doesn't want the job. Yes, he has been involved with education for 50 years, but he doesn't consider himself an expert.

''I don't think it would be wise for them to pick me,'' he says, wondering aloud how it would look, a 90-year-old man.

So often in the past people have come to him, seeking his perspective, his gift of compromise. He has said ''yes'' probably more times than he can remember. His resume lists 78 committees, boards and foundations he once served.

''My wife, who used to chastise me for saying 'Yes,' said, 'It's your curiosity,''' he says. ''The truth is, I'm a little bit of a sissy. I don't like to say 'No.' . . . That's not a strength, you known. That's a weakness.''

[From the Washington Post, July 30, 1998]

SONDHEIM TO HEAD MARYLAND SCHOOL BOARD

(By Ellen Nakashima)

At 90, Walter Sondheim Jr. protested that he was too old to head the influential board that sets education policy in Maryland. Just Friday he insisted, ''You don't get wiser with age.''

But other members of the Maryland Board of Education would not hear of it. Yesterday, they unanimously elected the self-deprecating Baltimorean—the godfather of the state's school reform efforts—as their new president.

A man who has urged friends to write him anonymously when they felt it was time for him to ''hang up the spikes,'' Sondheim is now the oldest person in the country to lead a statewide education board.

''I'm very grateful to all of you,'' he told his colleagues yesterday. ''It's a nice thing to do to an old man.''

Although it's a part-time job with no pay, heading the state board requires an ability to smooth out the ripples created by 12 strong personalities. In the past months, board members have clashed over such issues as whether to require teachers-in-training to take reading courses and how to institute new high school exams for graduation. And Sondheim, a consensus-maker par excellence, was the best candidate to keep the board on a fast track to education reform, board members said. He replaces Rose LaPlaca, whose term has expired.

''This is a man who's a cut above everyone,'' said State Superintendent Nancy S. Grasmick, herself a recognized leader in school reform. ''Very few people have intelligence coupled with integrity. He is as intellectually sharp as someone half his age. Most people have lost more gray matter in their thirties than he has in his lifetime.''

Sondheim has a wry sense of humor that is almost always directed at himself. (A Navy lieutenant in World War II, he never served overseas—''It could possibly be why we won the war.'' What did he do in the Navy? ''I didn't interfere.'')

He was appointed president of the Baltimore City school board in 1954 on the same day the U.S. Supreme Court handed down the landmark *Brown vs. Board of Education* desegregation decision. He has headed the state's Higher Education Commission. And in 1987, then-Gov. William Donald Schaefer tapped him to head to Governor's Commission on School Performance, which in 1989 released what has come to be known as the Sondheim Report—or the blueprint for school reform in Maryland.

They are all posts he says he did not seek.

''I've just lived a long time,'' he said, shrugging off his achievements. ''You will find that the older you get, the nicer people are to you.''

Sondheim, born and bred in Baltimore, serves on 24 boards and foundations and works full time as a consultant to the Greater Baltimore Committee, a booster group he once headed. He chaired Charles Center-Inner Harbor Management, which sparked the revival of downtown Baltimore. Today, he works on the 15th floor of the Legg Mason Tower, a few blocks from the state board office. His dress is impeccable, from button-down shirt to wingtip shoes.

''I don't know anything about his genes, except his remarkable physical ability,'' said Schaefer, 76, who declares himself ''just a child beside Walter.'' Said Schaefer: ''He's got the stamina of a man 55 years old. He's amazing. He can outwork guys in their fifties, sixties.'' And he doesn't exercise.

''Oh, God forbid!'' Sondheim exclaimed. ''I'm opposed to it. I don't believe in exercise. It's partly because I've never done any form of athletics very well. I'm not an athletic type. I get kidded about that a lot.''

He stood for two hours Tuesday night at a birthday party in his honor despite having fallen and hurt his leg. About 100 of his closest friends served him up a three-foot-long cake with 15-inch-high candles. According to Schaefer, he blew them out with one puff and declared: ''No presents. No speeches. No exceptions.''

Sondheim, whose wife, Janet, died six years ago and who has two children and two grandchildren, gets asked all the time when he'll retire.

''I have no idea,'' he said. ''Somebody may tell me it's time to do it. I keep a watchful eye out for being past my time. And I have some friends I expect to tell me when my time has come.''

But Schaefer believes Sondheim will never hang up his spikes. ''He'd be bored to death,'' Schaefer said. ''He couldn't retire. He just couldn't. Besides, nobody wants him to.''

Sondheim's agenda for the coming year is simple.

''I think what I hope to do in the next year,'' he said, ''is wake up every morning.''●

TRIBUTE TO THE SCHUYLKILL TRAINING & TECHNOLOGY CENTER PRACTICAL NURSING PROGRAM

● Mr. SANTORUM. Mr. President, I rise today to congratulate the Schuylkill Training & Technology Center on celebrating its 30th year of graduates in their Licensed Practical Nursing (LPN) Program.

In June, the program marked 30 years of graduations with its 62nd daytime class and ninth part-time evening class commencement. Since its start, the program's class size has increased from 33 graduates in 1968 to 55 graduates this year. To mark the 30th anniversary of the program the Schuylkill Training & Technology Center will hold a celebration of the program and the success of its graduates on October 18.

Over the past 30 years, acceptance of LPNs by other health-care professionals has increased dramatically. Today students are enrolling in the LPN Program because of multiple job opportunities, and I am proud to say that a large percentage of all graduates find job opportunities in Pennsylvania.

Mr. President, I commend the Schuylkill Training & Technology Center for its excellence in job training, and I ask my colleagues to join me in congratulating them on their 30th year of graduates.●

MEMORIAL FOR FRANK HORAN OF ALBUQUERQUE, NM

● Mr. BINGAMAN. Mr. President, I rise to honor the memory of one of the finest public servants ever to have served the citizens of New Mexico, Mr. Frank Horan. Mr. Horan, who served a quarter of a century as the city attorney of Albuquerque, passed away last Saturday, October 3, 1998. His loss will be deeply felt by countless friends and family—-two sons, a daughter, and seven grandchildren—-who will always remember his dedication to public service, his deep affection for his community, his abiding love for his family, and his legendary sense of humor.

Frank Horan was in a sense one of the founding fathers of modern Albuquerque, moving to the city during the early 1940s, and serving as city attorney during the first years of the city's

mayor-council form of government. He played a key role in designing the city's governmental structure and establishing its relationship to other jurisdictions within the state. His early professional investment in city government serves as a foundation of today's Albuquerque, a model of good government under the current leadership of Mayor Jim Baca, a longtime schoolmate of Mr. Horan's son, Tom. Tom Horan, following in his father's footsteps, currently practices law in Albuquerque and works with the state legislature.

Following his years in service to the citizens of Albuquerque, Frank Horan served in the House of Representatives in the State of New Mexico from which he retired in 1982. His dedication to public service, however, did not stop when he retired. In recent years, he devoted his life to volunteer causes, including Meals on Wheels and Encino House, a retirement center located in Albuquerque. Tom Horan reports that his father pursued those activities because, in Frank Horan's words, he was ''building his resume.'' I am certain that Frank's ''resume'' will abide favorably in the hereafter. I also know that his spirit and contributions will live on among the citizens of Albuquerque and New Mexico. The people of New Mexico will miss him very much. And so will I. Thank you Mr. President.●

CFA 6TH ANNUAL DINNER

● Mr. ABRAHAM. Mr. President, I rise today to recognize a very important organization in the state of Michigan. The Chaldean Federation of America (CFA) is an umbrella association of Chaldean Civic Organizations in Metropolitan Detroit. The CFA has been in existence since 1980 and represents more than 100,000 Chaldean-Americans. Its primary goal is to assist Chaldean youth in their pursuit of academic success. It is also involved in other community programs such as race relations, youth and senior citizen programs, and social services.

The CFA will be celebrating its 6th Annual Dinner Awards Banquet on Tuesday, October 27, 1998. Dr. Jacoub Mansour, CFA Chairman, and co-chairs Rosemary Bannon and Kays Zair have a wonderful evening planned. It will undoubtedly be a great success.

I extend my congratulations and best wishes to all of this year's award recipients, and everyone who has contributed to making this organization so strong. I congratulate my good friends at the CFA on their sincere dedication to improving the lives of those around them and wish them many more years of success.●

CALLING FOR CONCERTED ACTION BY NATO TO STOP ONGOING ATROCITIES IN KOSOVO

● Mr. DODD. Mr. President, I rise today to speak about the tragedy that continues to unfold in the Province of Kosovo. I cannot stress to my colleagues enough how serious I believe the Kosovo situation has become. What we are witnessing in Kosovo now is potentially the most dangerous conflict in the Balkans since 1991. For more than seven months, President Milosevic and his Serb police forces have been engaged in an offensive against ethnic Albanians in Kosovo that can only be characterized as ''ethnic cleansing''.

The Congress must put aside election year politics and speak with one voice in support of the United States utilizing all necessary means to put an end to these atrocities that threaten a wider war in the Balkans. For that reason, I hope that the Republican leadership will allow a vote in the Senate to signal our strong support for the use of air power against Serbian targets in the coming days.

Clearly no one on the other side of the aisle can assert that the new escalation of fighting in Kosovo has not been very destabilizing to the region. The evidence clearly indicates that it has—over a quarter of a million of Kosovans have been displaced, many of whom have fled beyond the borders of Kosovo and Serbia to Albania and the Former Yugoslav Republic of Macedonia.

Similarly the Kosovo Liberation Army (KLA) has sought refuge and material support from Albanian populations in other countries—such actions could draw others into an ever widening civil conflict.

But it is not only the conflict's disastrous potential that cries out for action. The status quo in Kosovo is a human catastrophe. According to some estimates, already more than 1,000 people have been killed since the end of February, when Serbian paramilitary police began their crackdown on villages in Kosovo believed to be strongholds of the Kosovo Liberation Army. Many more have been driven from their homes.

Fearful women and children are hiding from the Serb police and other Serb armed forces in the hills around Kosovo without adequate food, water, or shelter. Nightly temperatures are already falling near freezing at night and it is clear that with the advent of winter their fate is doomed. Mr. President, we cannot let this humanitarian and human rights catastrophe continue.

The deep concern about the current crisis is a shared one—it is bipartisan. Many of the members of this body have recently had an opportunity to hear from a former colleague and Majority Leader Senator Bob Dole who at the behest of President Clinton traveled to Kosovo and Belgrade to make a first hand assessment of the situation. He was accompanied on that visit by Assistant Secretary of State for Democracy, Human Rights and Labor, John Shattuck.

Senator Dole and Assistant Secretary Shattuck returned to Washington with a shared assessment of what has been transpiring in Kosovo in recent weeks.

They have both spoken of atrocities being perpetrated against the civilian population—ninety percent of whom are ethnic Albanians. Senator Dole again confirmed what many of us in this body have been saying over the last seven months, namely that ''Milosevic is again on the warpath. . . . and, there should be no doubt that Serbia is engaged in major, systematic attacks on the people and territory of Kosovo.''

The United States has been assertive in condemning Serbian aggression. The Clinton administration has spoken out repeatedly against Serb human rights abuses in Kosovo, and has stated that it will not let Serbs follow through with their ethnic cleansing. The Congress too has felt it extremely important to go on record to denounce Yugoslav President Milosevic and the Serbian military and security forces under his direction. We in the Senate also called upon the international community to act forcefully if Serbian armed aggression continued. Sadly Serbian aggression has continued. Innocent Kosovans have lost mothers and fathers, sisters and brothers, aunts and uncles.

There is a time for words and a time for force. Ambassador Richard Holbrooke has been trying as I speak to convince Milosevic to alter course. The latest information indicates that these efforts are unlikely to produce positive results. To my mind, that means that the time for words is over. Our entreaties to Milosevic to do the right thing have fallen on deaf ears. Milosevic and his Serbian forces have been mocking the international community by declaring one thing and doing another.

The time has come for the international community to confront the obvious contradictions between the words and deeds of Milosevic and the Serbian security forces under his command—saying on the one hand that a unilateral cease fire has been established and continuing on the other hand with his attacks on ethnic Albanian villages. The Serbian September 26, cease-fire declaration was pure theater. Frankly so was last weekend's ''withdrawal'' of Serbian forces. At the very moment that Serbian Prime Minister Mirko Marjanovic publicly declared that the seven-month offensive against the militant separatists was over, fighting continued in southern Kosovo.

Let us not repeat the mistakes of the past and give Milosevic another chance to mislead the international community. Russian objections to the use of force by NATO should carry no weight at this juncture. NATO has given Milosevic its final ultimatum—to comply immediately with all UN and NATO demands to end the crackdown in Kosovo, withdraw government forces and open meaningful political negotiations with the ethnic Albanians.

NATO's military options both to stop fighting and to enforce a possible peace settlement have been planned in detail over the past months. NATO's military staff is prepared to act. All that is needed is the political will upon the part of NATO governments to give the green light. We can no longer afford to show any more patience for the indecision of our Allies. In my view the internationally community has already waited too long to put an end to the human suffering that is being inflicted on innocent men, women and children. After seven years of watching Milosevic play cat and mouse games with United States and European leaders, I believe that the only language this individual will respond to is the sound of missiles hitting and crushing strategic targets in his proverbial backyard.

Mr. President, yesterday NATO Foreign Ministers met in Brussels. In reporting on the outcome of that meeting, Secretary of State Madeleine Albright reported that NATO was united and ready to authorize bombing in Serbia. Earlier this week, President Clinton assured members of the Senate that any air strikes conducted by NATO against Serbia would not be ''pinprick'' strikes but would ''send a very clear signal'' that we mean business.

We in the United States need to lead by example. We cannot wait any longer—for humanitarian reasons, for human rights reasons, and for geo-political reasons. If the international community fails to respond to Milosevic's continued assaults on Kosovo with force if necessary, then shortly there will be few if any ethnic Albanians left to protect in Kosovo and stability in the greater Balkans will be at risk.

Mr. President, I know that many of my colleagues share my views. I believe the American people as well.●

TRIBUTE TO THE 1968 AND 1998 BASEBALL SEASONS

● Mr. KERREY. Mr. President, I rise to make a few remarks about a fellow Nebraskan and to celebrate the 30th anniversary of his legendary baseball season.

''Let us go forth a while and get better air in our lungs. Let us leave our close rooms. The game of ball is glorious.''—Walt Whitman.

Indeed, this year baseball has been ''glorious.''

The highlight of my job is traveling our state and going into communities to listen and learn. These learning discussions reflect the diverse and varied needs of our state, but this summer there has been one constant in all of my meetings. From Omaha to Ogallala, from Bellevue to Beatrice, everywhere throughout the State, Nebraskans have been talking baseball—specifically, the heroics of Mark McGwire and Sammy Sosa.

This year's heroics have left me reminiscing about the 30th anniversary of another magical summer, this one in 1968, when the eyes of the world were trained on a native Nebraskan—the great Bob Gibson. The St. Louis Cardinal unleashed onto the baseball world quit possibly the best season a pitcher has ever thrown.

Nebraskans have come together to watch McGwire and Sosa pursue the number 61 in a way no one thought possible. It was as if these two hitting giants entered a zone unknown to us mortals. Before this season, it seemed unheard of to even mention the numbers 70 and 66. Allowing us to follow in their chase was like joining two explorers on the verge of discovering a new world.

The highlight of many a long day this season was to watch the nightly edition of ESPN's Sportcenter and see which man was setting history that day. At a time when divisions were tugging at the seams of our political system, baseball brought us together. Every American—Republican or Democrat, right, left or center—found common ground in watching these baseball pioneers explore a new sports frontier.

For me, only Bob Gibson's 1968 heroics match up with this season's, 1998 was as enjoyable as 1968 because of the tremendous season Bob Gibson had. As a New York Yankee fan, I have earlier, unhappier memories of Gibson. It was the 1964 World Series and the Cardinals were facing a tough Yankees lineup featuring Roger Maris, Mickey Mantle, and Whitey Ford. I was convinced the Bronx Bombers would win out. It was not to be. The determined Gibson won twice and finished off the series with a victory in the seventh and final game, earning the Most Valuable Player award.

In 1968, Gibson was coming off another World Series MVP award as the Cardinals defeated Carl Yastrzemski's Red Sox the previous year. Gibson started that season with some hard luck losses and did not get going until late spring. But once he got going, there was no stopping this train.

That summer I was in SEAL Team training in San Diego. A lot of people there were snarling, but none of them could match the menace Gibson wore on his face when he ascended the mound. When Gibson came to the mound, everyone in the park could feel his intensity. As his catcher, Tim McCarver, would say, he had the ''Look.'' It seemed as though Gibson could ''Look'' a strikeout before he even began his pitching motion. He was a command pitcher who mastered the edge he needed for each batter who dared to engage him in combat. His renowned discipline, his pure intimidation and his intellect for the game created a master craftsman in the art of pitching. Whether it be his blazing fastball or his snapping slider, the sight of Gibson with his right leg ominously moving from beginning to end, while unraveling his cannon of a right arm, exploding the unhittable white ball into the leather of the catcher's paws was a sight for all.

In the beginning of June of 1968, Gibson began to unveil a performance so dominating, so powerful, it seemed as though the mystery of pitching had finally been solved and only Gibson had the blueprints, hand-delivered from the creators of the game. Starting in early June and finishing in early August, Gibson had thrown an astounding 10 shutouts. If not for one earned run against the Dodgers, Gibson would have finished with 71 straight scoreless innings, easily surpassing the record of 59 Orel Hershiser set in 1988. At one point, Gibson had pitched 95 innings, which is almost a half season for today's pitchers, and allowed only 2 earned runs, for an unheard-of ERA of 0.19.

This season, Randy Johnson led baseball with six shutouts. In 1968, Gibson had 13, shutting out every team but the Dodgers. The end of Cal Ripken's streak this year reminded us of the value of baseball's work ethic. In 1968, Gibson was also a dominating workhorse, completing 28 of his 34 starts and going into the eighth inning in all but two. Led by his fastball and slider, Gibson was the league champion in strikeouts with 268.

Recounting Gibson's 1968 season, Chicago Cubs Hall of Famer Billy Williams would say many right-handed batters suffered ''Gibbyitis''—a mysterious malady that would somehow take batters ill on the day their team faced Gibson.

Gibson finished the 1968 season with a 1.12 ERA—which is the record for over 300 innings pitched, besting Walter Johnson's 1.14 in 1913. He won both the Cy Young Award and the MVP of the 1968 season, while also earning another Golden Glove Award for his strong fielding. His recordsetting exploits did not end in the regular season, as he set another Herculean record when he mercilessly fanned 17 Detroit Tigers in the World Series.

Bob Gibson dominated 1968. While doing so, he marveled America with a performance so strong, so masterful, so historic, that it should be remembered at a time 30 years later when two others stunned the country with their mythical skills. Nebraskans should be proud that one of us could produce such a season. I want to thank baseball for 1968 and 1998, both 'glorious' years.●

APPRECIATION FOR DEDICATED STAFF OF THE CONGRESSIONAL RESEARCH SERVICE

● Mr. SMITH of Oregon. Mr. President. In these closing days of the 105th Congress, I would be remiss if I did not pay tribute to those who toil everyday behind the scenes to make our lives easier. I am speaking of the very dedicated and professional group of public servants who comprise the Congressional Research Service. Access to reliable information—and the ability to get it quickly—is critical to the effective functioning of the Senate, and I am particularly grateful to the Congressional Research Service employees for

their professional and timely responses to the many requests for information they receive from Senators and their staffs.

It is difficult for me to imagine this institution's functioning without access to reliable information, and it is with deep appreciation that I commend researchers of the Congressional Research Service for responding quickly, pleasantly, professionally and with attention to detail to the many requests received from my office. It is this type of dedicated service that government employees all too often perform, and no one hears anything about it. This is a group of people who take their commitment to the Congress and the American people very seriously. And they deliver.

Mr. President, the Congressional Research Service provides a truly unique and indispensable service to the Congress. It has certainly made my first term as a U.S. Senator easier and more productive. I congratulate all of the workers there on their fine work and extend to them my heartfelt thanks.●

BIRMINGHAM ROTARY CLUB 75TH ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I rise today to honor the Birmingham Rotary Club on the occasion of their 75th Anniversary of service to the community.

The Birmingham Rotary Club was organized on March 19, 1924, by fifteen of the community, business and professional leaders. The club has an illustrious past with many local activities attributed to or begun by the Rotary Club including The Halloween Parade. At Seaholm High School, they dedicated the Rotary Memorial in 1950 to those who have died in service to our country, sculpted by Marshall Fredericks, also a Birmingham Rotarian and in 1992, a baseball scoreboard. The J.B. Howarth City Park was dedicated and named for a Birmingham Rotarian. Kenning Park is named for Bob Kenning (Retired City Manager of Birmingham), also a Birmingham Rotarian and past club president.

The Club has made numerous contributions to the community from furnishing the Rotary Room at the Baldwin Library and computer system at the Community House to the elevator and picnic shelter at Springdale Park. In addition, they support numerous schools, community groups and those who are less fortunate during Thanksgiving and the holiday season. Rotary has hosted international exchange students and has sponsored local students to go abroad through the International Rotary Scholarship Foundation.

Currently, the Birmingham Rotary Club is helping establish an Interact Club at Seaholm High School to involve high school age students in ''Service Above Self''. They are also supporting Polio Plus, to eradicate Polio worldwide by the year 2000, with a sizeable donation from all of the membership.

Over the past 75 years, the Birmingham Rotary Club has had a positive influence in the community and around the world. Through the tireless dedication and leadership of their 140 person membership, the Club's influence will only continue to grow and benefit those in the community and those who are less fortunate.

As one of Michigan's finest examples of volunteerism, I want to express my congratulations to all members of the Birmingham Rotary Club in recognition of their 75th Anniversary.●

RETIREMENT OF ROBERT MARTIN

● Mr. JOHNSON. Mr. President, I want to take the opportunity today to honor Robert (Bob) Martin for his years of hard work and commitment to the people of South Dakota. I would also like to extend my warmest wishes and congratulate Bob on his upcoming retirement.

Bob, a native of Estelline, South Dakota, graduated from high school in 1952. After his graduation Bob joined the United States Navy and proudly served from 1952–1956. Following his military service, he attended Dakota State University in Madison, South Dakota receiving a bachelors degree in 1960. With a degree in hand, Bob became a welcomed addition to the faculty in the Madison School System where I am certain he inspired many students to pursue their dreams.

In 1965, Bob joined KEM Electric Cooperative, in Linton, North Dakota, serving as Public and Member Relations and Power Use Director. Coming back to his South Dakota roots, Bob returned to Madison in 1970 to become Member Service Director for East River Electric Power Cooperative and eventually Assistant to the General Manager at East River, a position he held until 1983. Ultimately, Bob became Manager of the Member Services and Public Affairs Division and remained in this position until 1990. In 1990, Bob left East River Electric to become General Manager of Rushmore Electric Power Cooperative located in Rapid City, South Dakota.

Bob's lifetime of service to rural electric cooperatives is impressive and reflects his commitment to public power and the critically important role rural electric cooperatives play in rural America. Bob has been a leader on many different issues important to public power and rural electrics, from preventing the privatization of the Power Marketing Administrations to helping further rural water efforts in South Dakota. Rural electric cooperatives are an important factor in the economic development of their communities and in many cases, they are the best equipped to work to ensure small communities remain viable and continue to keep medical facilities, schools and other services available. I am convinced the importance of rural cooperatives will continue to grow, but it will require the dedication of more individuals like Bob Martin to ensure the future of public power.

Today, Bob is a member of the South Dakota School of Mines and Technology Citizens Advisory Committee; a Director on the Board of the Mid-West Electric Consumers Association; chairs the Rapid City Chamber of Commerce Agriculture Committee; and is Chairman of the Pennington County Extension Board.

In addition to his military, scholastic, and professional achievements Bob and his wife, Kay have four grown children and five grandchildren. Again, I would like to thank Bob for all he has done to better South Dakota and I would like to wish him best of luck in his retirement. Although I imagine that keeping up with five grandchildren is not exactly retirement.●

TRIBUTE TO MICELL TECHNOLOGIES

● Mr. FAIRCLOTH. Mr. President, I would like to commend a rising company in the Tarheel State and use its positive example to encourage my colleagues to recognize and support the role environmental technologies are playing in our economy.

Micell Technologies of Raleigh has made great strides in improving carbon dioxide cleaning methods which may soon revolutionize the dry cleaning, metal finishing and textile industries. This company's environmentally friendly and energy efficient innovation, which is the result of research by a prominent professor and students at the University of North Carolina at Chapel Hill, has recently earned recognition by R&D magazine as one of the top 100 innovations of 1998.

I would also like to share a column authored by Anna Vondrak that appeared recently in the Greensboro News & Record calling for the federal government to provide more research and development funding to stimulate environmental discoveries as well as tax and other incentives for polluting, less energy efficient companies to seek alternative manufacturing processes.

I respectfully request that this statement and accompanying article by Ms. Vondrak by printed in the Record.

[From the Greensboro News & Record, Sept. 27, 1998]

N.C. FIRM SHOWS THE POWER OF ''GREEN'' RESEARCH; GOVERNMENT SHOULD ENCOURAGE MORE ENVIRONMENTAL RESEARCH AND DEVELOPMENT.

(By Anna Vondrak)

Congress is notorious for its tendency to divert money for research and development to well-larded pork projects.

The federal government is spending $74 billion on R&D this year. But more than half of that goes to defense. A third of the rest goes to medical research, which consumes a rising share of federal research dollars.

In today's rapidly changing world, however, technological innovation by small firms will become increasingly important in ensuring economic success and environmental protection. Improved technologies can help industries move from dirty, energy-

guzzling manufacturing processes to clean, energy-efficient ones.

An example of seemingly mundane but significant environmental innovation comes from Micell Technologies, a start-up firm based in North Carolina, in the heart of the famed Research Triangle.

Formed in 1995 by three scientists—Joseph DeSimone, Timothy Romack and James McClain—Micell employs just 26 people. This small team is on the verge of solving one of this nations' most pervasive environmental problems.

Today, most dry cleaners rely on toxic solvents, such as percholoroethylene, or PERC, which can contaminate ground water and may cause cancer in humans after long-term exposure. While liquid carbon dioxide has long been seen as an environmentally positive alternative, it has not fared well in the marketplace because it simply cannot clean garments to acceptable standards by itself.

Led by DeSimone, a soft-spoken chemistry professor who co-invented the process with his students, scientists at UNC-Chapel Hill, developed new detergents that dissolve in liquid CO2.

Not only is the toxic substance PERC removed from the dry cleaning equation, but Micell's two new cleaning systems, Micare and Miclean, separate and recover the CO2 and detergents they use. Those waste products can then be recycled—an important factor in preventing run-off pollution from reaching sensitive waterways.

Just as important, Micell's innovation also will play a major role in protecting the health of tens of thousands employees in America's dry cleaning industry—and quite likely millions of their customers as well.

The firm's accomplishment caught the eye of R&D Magazine, which named it a winner of its annual R&D 100 Awards, long regarded as the ''Oscars of Invention.''

Thus, a humble dry cleaner joins the fax machines, antilock brakes, and the ubiquitous ATM created by far larger corporations as a leader in cutting-edge technology.

Micell's experience shows that academic research and small company entrepreneurship may be the fastest—and greenest—path to the marketplace.

Congress should speed the discovery process by establishing new R&D tax credits and low-interest loans to encourage small businesses and universities to expand research activities.

The House and Senate Appropriations Committees recently pledged to double funding for the National Institutes of Health over five years—for starters—increasing NIH funding by $2 billion this year. Experts in the medical community believe the funding increase will pay huge public health dividends.

Similarly, significant increases in federal funding that supports research for new environmental technologies also will produce big benefits for Americans—less pollution-driven disease, a greener planet and new industries that create jobs and enhance prosperity.

Continuing technological innovation is the key to America's economic and environmental health as it enters the 21st century. Congress should move quickly to bolster R&D and tax incentives in this key area. The time to act is now, while the U.S. still enjoys global economic dominance.●

RECOGNITION FOR RID-REMOVE INTOXICATED DRIVERS

● Mr. D'AMATO. Mr. President, 1998 marks the 20th anniversary of RID-Remove Intoxicated Drivers. Formed in 1978 by Doris Aiken in New York, the organization has focused its efforts on educating the public on the impact of abusive alcohol use, offering support for the victims of drunk drivers and advocating for stricter laws on DWI.

RID has lobbied for the enactment of laws that will eliminate plea bargains for repeat offenders and funds for anti-DWI enforcement. With all their hard work, RID is able to claim credit for high safety ratings experienced in New York State. RID has also advocated for the lowering of the blood alcohol content from .1% to .08% as well as enhanced penalties for drunk drivers whose passengers are minors.

The National Highway Traffic Safety recognized the accomplishments of RID and awarded them the 1998 Public Service Award for their effective campaign to deter drunk driving. Their efforts contributed to New York being selected as having one of the safest records against drunk driving in the Nation for the fifth year.

In 1996, over 17,000 people died in drunk driving accidents, accounting for 41% of the total traffic fatalities of that year. While there was a 29% reduction from the alcohol related fatalities in 1986, it is still high—17,126 people too high. The senseless death of these individuals, the pain and anguish experienced by the family and friends and the hundreds of thousands who were injured can never truly be expressed through statistics. RID's accomplishments are for these victims and for potential victims of alcohol-related accidents.

I would like to add my congratulations to the many that RID has already received—on being recognized for their achievements in curbing drunk driving and on their 20 years of public service.●

COMMENDING THE BAY COUNTY WOMEN'S CENTER

● Mr. ABRAHAM Mr. President, I rise today to recognize an important event in my home state of Michigan. In conjunction with National Domestic Violence Awareness Month, the Bay County Women's Center has planned a Candlelight Vigil and Speakout. The vigil recognizes survivors, family members, and those who have lost their lives to domestic violence, in addition to educating the community about the resources available to the victims of domestic violence.

The Bay County Women's Center reaches out to survivors of physical, emotional, and sexual abuse. It provides a safe, supportive, nonjudgmental environment for survivors to make decisions about their lives and families. In addition to offering extensive counseling, the Center goes so far as to assist with job search skills, housing options, and child care services.

The Vigil and Speakout draw attention to a problem that is all too common in hopes that we can work together toward a solution. It will join citizens, groups of professionals, and community leaders in an effort to stress to the Bay community that violence is inexcusable and will not be tolerated. Because the tragedy of domestic violence affects far too many American families, I commend the tireless work of the Bay County Women's Center in helping reverse domestic violence statistics and assist the victims of violence. The Center is truly an invaluable asset to Michigan's families.●

RECOGNITION OF PHILIP AND MARGE ODEEN

● Mr. JOHNSON. Mr. President, I want to take this opportunity to recognize Philip and Marge Odeen of Virginia. These two natives of Yankton, South Dakota have been selected by the Northern Virginia Community Foundation to receive the 1998 Northern Virginia Community Founder's Award. The Founder's Award is presented each year to those citizens who have consistently demonstrated a commitment to both civic and humanitarian concerns, while making a substantial contribution to improving the quality of life in Northern Virginia. The Founder's Award is a tribute to the Odeens' leadership in all of these areas.

From the time they moved east in 1960, the Odeens made an immediate impact in the areas of commerce, public affairs, the arts, and community improvement. Phil distinguished himself in the public sector at the National Security Council, later as a co-founder of the World Affairs Council, and most recently in his work with BDM International and TRW. Marge's endeavors on behalf of Northern Virginia Community College and the Women's Center have also been noted for their success.

Throughout their professional careers Phil and Marge have always found a way to donate time and effort to worthy causes such as the Salvation Army, Childhelp USA, the Heart Association, and the Wolf Trap Foundation. They have given freely to non-profit organizations in terms of time and money, have consistently taken the lead in getting others involved, and most importantly have positively affected the lives of numerous men, women, and children in the Washington area.

I would like to commend the Odeens for their numerous contributions to the Northern Virginia Community; their community leadership serves as a model for the citizens of both Virginia and South Dakota to emulate.●

THE CHARTER SCHOOL EXPANSION ACT OF 1998

● Mr. COATS. Mr. President, I am pleased with the passage by UC of the bipartisan substitute amendment to HR 2616, the Charter School Expansion Act. Senator LIEBERMAN and I introduced this bill last November to help further expand the charter school movement which is so successfully providing new educational opportunities

for children all around this country. This bill passed unanimously out of the Labor Committee and was unanimously approved by the Senate last night.

This important bill builds upon the great success of the original charter school legislation which Senator LIEBERMAN and former Senator Durenberger introduced in 1994. The Federal Charter School Grant Program provides seed money to charter school operators to help them pay for the planning, design and initial implementation of a charter school. Since this program's inception, the number of charter schools has tripled, with over 1100 charter schools now operating in 33 States and the District of Columbia.

Charter schools are independent public schools that have been freed from onerous bureaucratic and regulatory burdens in order to pursue clear objectives and goals aimed at increasing student achievement. To increase student achievement, charter schools are able to design and deliver educational programs tailored to meet the needs of their students and their communities.

It is the individualized education available to students through charter schools that makes this a desirable educational alternative for many families. Charter schools give families an opportunity to choose the educational setting that best meet their child's needs. For many low-income families in particular, charter schools provide their first opportunity to select an educational setting which is best suited for their child.

Parents and educators have, in turn, given these programs overwhelmingly high marks. Broad-based studies conducted by the Department of Education and the Hudson Institute show that charters are effectively serving diverse populations, particularly disadvantaged and at-risk children, that traditional public schools have struggled to educate.

With results like these, it is no wonder that some of the strongest support for charter legislation comes from low-income families. Not only do these parents now have real educational choices, but they are actually needed in the charter school environment for everything from volunteering to coaching, fundraising, and even teaching. This direct involvement of families is helping to build small communities centered around the school.

Charter schools can be started by anyone interested in providing a quality education: Parents, teachers, school administrators, community groups, businesses and colleges can all apply for a charter. And, importantly, if these schools fail to deliver a high-quality education, they will be closed—either through a district or State's accountability measures or from lack of students. Accountability is literally built into the charter school process—the school must comply with the provisions in its charter, and unhappy parents and students can leave if they are not satisfied.

Additionally, a survey conducted last fall by the National School Boards Association (NSBA) found that the charter movement is already having a positive ripple effect that is being felt in many local public school districts. The NSBA report cites evidence that traditional public schools are working harder to please local families so they won't abandon them to competing charter schools, and that central administrators often see charters as ''a powerful tool'' to develop new ideas and programs without fearing regulatory roadblocks.

Several other studies have recently been released highlighting the success of charter schools around the country. Among other things, these studies have shown that charter schools have successfully met and surpassed the standards outlined in their charters, attracted significant proportions of minority and low-income students, and have higher parental approval rates than public schools.

The results of these studies point to important ways to improve and reinvent public education as a whole. The implications from the success of charter schools indicate that public schools should be consumer-oriented, diverse, results-oriented, and professional places that also function as mediating institutions in their communities.

The purpose of this bill is to further encourage the growth of high-quality charter schools around the country. This bill provides incentives to encourage States to increase the number of high quality charter schools in their State. To qualify for funding under this bill, States must satisfy two criteria. First, they must provide for review and evaluation of their charter schools by the public chartering agency at least once every five years to ensure that the charter school is meeting the terms of its charter and meeting its academic performance requirements. And second, States meet at least one of three priority criteria:

The State has demonstrated progress in increasing the number of high quality charter schools that meet clear and measurable objectives for the educational progress of their students;

The State provides an alternative to the local educational agency as the public chartering agency through either another authorized public chartering agency or an appeals process; or

The State ensure that each charter school has a high degree of automony over the charter school's budgets and expenditures.

These priority criteria were included to encourage States to develop charter school laws that promote diversified educational opportunities balanced with high expectations, clear objectives, and strong accountability measures.

This bill continues the primary focus of charter school grants for the planning, design and implementation costs of new charter schools. This bill adds another purpose for which grants can be used by States—States may now reserve up to 10 percent of their grant funds to support the dissemination activities of successful charter schools. These dissemination grants can go to charter school operators to help encourage education reform by spreading the lessons learned by successful charter schools and assist in the creation of new charters and the reform and reinvigoration of other public schools.

To help ensure that the amount of the federal grants are proportional to the level of charter school activity in the State, this bill directs the Secretary to take into consideration the number of charter schools in operation, or that have been approved to open.

During drafting of this bill, the single greatest concern I heard from charter school operators related to their ability to access their fair share of federal education funding. And so, to ensure that charter schools have enough funding to continue once their doors are opened, this bill provides that charter schools get their fair share of federal programs for which they are eligible, such as Title 1 and IDEA. The bill also directs States to inform their charter schools of any Federal funds to which they are entitled.

This bill also increases the financing options available to charter schools and allows them to utilize funds from the Title VI block grant program for start-up costs.

Because it is so important that charter schools are held accountable in return for the flexibility they are given from Federal, state and local laws and regulations, this amendment includes several significant provisions which strengthen accountability. First, under the priority criteria, States must review and evaluate their charter schools at least once every five years to ensure that they are meeting the terms of their charter and their academic performance requirements. They are rewarded for increasing the number of high quality charter schools that are ''held accountable in their charter for meeting clear and measurable objectives for the educational progress of their students.''

The definitions section of the bill also stresses accountability by requiring a written performance contract with the authorized chartering agency in the State. These written performance contracts include clearly defined objectives for the charter school to meet in return for the autonomy they are given. The performance objectives in the contract are to be measured by State assessments and other assessments the charter wishes to use.

I am confident that this amendment will build on and contribute to the success of the charter school movement. This bill stresses the need for high quality, accountable schools which are given autonomy they need to provide the best educational opportunity for their students.

With the passage of this bill, a strong signal will be sent to parents and

teachers all across this country that they are not alone in their struggle to improve education. We hope to ease their struggle by enabling new charter schools to be developed. More charter schools will result in greater accountability, broader flexibility for classroom innovation, and ultimately more choice in public education. I urge my colleagues to increase educational opportunities for all children by supporting this bill.

Mr. President, I would like to thank Senator LIEBERMAN for his tremendous leadership in the area of educational reform. He and I have worked closely on a number of issues over the last several years, and I want to commend him, in particular, for his strong support and leadership on issues concerning increasing educational opportunities for low-income children. He understands so clearly the fundamental importance of providing a high quality education in a safe environment to our neediest children. In addition to this charter schools bill, which will help to increase educational opportunities for low-income children, Senator LIEBERMAN and I have worked closely for the last 4 years to gain support for publicly-funded scholarships for low-income children. I want to thank him for his unwavering commitment to this issue and his vitally important leadership. His efforts have done much to win bipartisan support for both charter schools and low-income scholarships and I thank him for his strong commitment to our country's neediest children. With the passage of this charter schools bill, Senator LIEBERMAN and I have the pleasure of seeing the first of our joint educational reform initiatives move closer to becoming law.

Mr. President, I ask that a summary of the study results to which I referred be printed in the RECORD.

The summary follows:

FINDINGS FROM KEY STUDIES ON CHARTER SCHOOLS

The Department of Education released its first formal report on its study of charter schools in May 1998. Key first-year findings include:

The two most common reasons for starting public charter schools are flexibility from bureaucratic laws and regulations, and the chance to realize an educational vision.

In most states, charter schools have a racial composition similar to statewide averages or have a higher proportion of minority students.

Charter schools enroll roughly the same proportion of low-income students, on average, as other public schools.

The Hudson Institute has also undertaken its own two-year study of charter schools, entitled ''Charter Schools in Action.'' Their research team traveled to 14 states, visited 60 schools, and surveyed thousands of parents, teachers, and students. Some of this study's key findings include:

Three-fifths of charter school students report that their charter school teachers are better than their previous school's teacher.

Over two-thirds of parents say their charter school is better than their child's previous schools with respect to class size, school size, and individual attention.

Over 90 percent of teachers are satisfied with their charter school's educational philosophy, size, fellow teachers, and students.

Among students who said they were failing at their previous school, more than half are now doing ''excellent'' or ''good'' work. These gains were dramatic for minority and low-income youngsters and were confirmed by their parents.

Most of the top charter schools are not only meeting the high standards they have set for themselves, but surpassing them.●

● Mr. LIEBERMAN. Mr. President, last night the Senate unanimously approved H.R. 2616, the Charter School Expansion Act, a piece of legislation that Senator COATS and I, along with many others, have been working on for the better part of the past two years. the House is expected to pass this bill today under suspension and send on to the President, who has pledged to sign it into law.

I rise today to express my deep appreciation to our colleagues for their strong bipartisan support of this bill, and to add a few brief words about the significance of its passage, which I am afraid may get lost amidst the last-minute flurry of activity this week before Congress adjourns.

It would not be too difficult to overlook this legislation. Compared to some of the high-profile education bills we have considered recently, this is a modest and largely anonymous proposal, which will strengthen our support for charter schools and encourage states to create more of these innovative, independent programs. It will not fix all or even much of what ails our public education system. It will not singlehandedly sate the demands of parents for safer schools, better teachers, smaller classes, and smarter students. Nor will it settle the longstanding and often inflammatory debate over education reform that has divided the parties and effectively stymied the efforts of this Congress to respond to the public's growing concerns.

But nevertheless, I believe that this may turn out to be one of the most important and constructive bills that we enact into law during this season. What we have agreed to do today will help take the charter school model from novelty to the norm in this country, and thereby bolster the most promising engine of education reform at work in America today. The Charter School Expansion Act will spur the growth of hundreds of high-quality and highly-accountable schools of choice, which in the next few years will expand the educational opportunities available to thousands of American children, and could over the long haul help to reshape the public school for the 21st Century.

Perhaps just as noteworthy as what this legislation will do, though, is the simple fact that we agreed to do it. As my colleagues are well aware, we have struggled throughout this Congress to reach a consensus on how to improve our schools, fighting a series of pitched partisan battles that have bogged down several thoughtful proposals from both sides, and leaving the public to question our ability to address these critical issues. By adopting this bill with unanimous support, I think we have made an important statement that we can get things done, that we can find common ground to strengthen the common school. And I am hopeful, despite the deep policy differences still dividing many of us, that this bill will lay the groundwork for more bipartisan cooperation next year as we prepare to reauthorize the massive Elementary and Secondary Education Act and proceed with what may be the most consequential education debate of our lifetime.

In marking this accomplishment, I want to thank Senator COATS, who I have had the great pleasure of working on many education reform initiatives over the last few years, and our fellow cosponsors, Senators KERREY of Nebraska, D'AMATO, and LANDRIEU, who made this a bipartisan effort from the start. I will sorely miss Senator COATS' partnership next year as this great education debate continues, but I am glad that, after many years of frustratingly close votes we have endured together, he can leave on a resounding note of success.

I particularly want to thank the chairman and ranking member of the Labor Committee, Senators JEFFORDS and KENNEDY, for their leadership in shepherding this bill to the floor. I know there were some difficult issues that had to be resolved to bring our proposal out of committee, and I am grateful to my colleagues from Vermont and Massachusetts for the time and energy they devoted to getting that done. We simply could not have beat the legislative clock were it not for their persistence and skilled bridge-building.

I also want to pay tribute to our former colleague, Senator Durenberger, whose vision and creativity made this legislation possible in the first place. In 1992 and 1993, a band of pioneering teachers and parents in Minnesota founded the nation's first charter schools, and their efforts inspired Senator Durenberger to propose a national pilot program to help other communities around the country experiment with this progressive reform model. I was proud to join with Senator Durenberger four years ago in cosponsoring the bill authorizing this pilot program, now known as the Federal Charter School Grant Program. Congress approved this initiative with strong bipartisan majorities, and in the years since it has provided $75 million to help new charters to defray the burdensome cost of starting a school from scratch.

Today, thanks in part to this Federal seed money, the charter school movement has quickly spread throughout the nation. As of this fall, more than 1,100 charters are operating in 26 states, including my home state of Connecticut, as well as the District of Columbia, quadrupling the number that were in business just four years ago. In the past nine months alone, four additional states passed new charter laws, and more than a half dozen

others strengthened their laws and significantly expanded their programs. In California, for example, the state legislature broadly supported a move to raise the state cap on charters from 100 to 250 of this year and allow the creation of 100 additional schools each succeeding year. And just last month in Texas, the state board of education approved the creation of 85 new schools, more than doubling the existing number.

This is truly a grass-roots revolution, led by parents and teachers and community activists, which is seeking to reinvent the public school and take it back to the future, reconnecting public education to some of our oldest, most basic values—ingenuity, responsibility, accountability—and refocusing its mission on doing what's best for the child instead of what's best for the system.

The results so far have been quite encouring. Parents of charter school students overwhelmingly give their programs high marks, particularly for their responsiveness and the sense of community they foster. Also, broad-based studies done by the Hudson Institute and the Education Department show that charters are effectively serving diverse populations, especially many of the disadvantaged and at-risk children that traditional public schools have struggled to educate. And while it's too soon to determine what impact charter schools are having on overall academic performance, the early returns suggest that charters are succeeding where it matters most, in the classroom.

A survey done last fall by the National School Boards Association found that the charter movement is already having a positive ripple effect that is being felt in many local public school districts. The NSBA report cites evidence that traditional public schools are working harder to please local families so they won't abandon them to competing charter schools, and that central administrators often see charters as a ''a powerful tool'' to develop new ideas and programs without fearing regulatory roadblocks.

The most remarkable aspect of the charter movement may be that it has managed to bring together citizens, educators, business leaders and politicians from across the political spectrum in support of a mutual goal to better educate our children through more choice, more flexibility and more accountablity in our public schools. In these grass-roots, as I suggested above, may lie the roots of a consensus for renewing the promise of public education and ending the left-right stalemate that has too often impeded the reform debate.

We want to build on that broad agreement at the local and state level and do what we can at the Federal level to support and encourage the growth of this movement, which is just what the legislation we approved today will do. It starts by revamping the charter grant program to focus it more on helping states and local groups create new schools and meet the President's goal of creating 3,000 charters by the year 2000.

Specifically, it calls for gradually increasing the grant funding over the next several years, and then better targeting those additional dollars to the states that are serious about expanding their charter program. It would do so by establishng several ''priority'' criteria that would give preference in awarding start-up grants to those states that show real progress in creating high-quality, highly-accountable charters. Our hope is that these changes will give states that have been slow to embrace the charter movement an incentive to get on board. The intent is not to punish those states that are moving cautiously, but instead to reward the ones that are prepared to harness this progressive force for change and encourage others to do the same.

The CSEA would also tighten some unintended loopholes in the original statute that have hampered the effectiveness of the program, ensure that charter schools receive their fair share of funding from the major Federal categorical grant programs, and take some initial steps to widen the pool of funding sources for those charters that are struggling to stay alive. And to enhance the potential for all children to benefit from charter successes, this legislation directs the Secretary of Education to work with the states to in effect establish an ''innovation pipeline'' that would share information about what is working in charter schools to public school districts around the country.

That, in the end, is really what this bill and the charter school movement in general are all about, which is improving the whole of our public education system. As Norman Atkin, a founder and director of the North Star Academy Charter School in Newark, has said, charter schools have the potential to serve as the ''R&D arm'' of public education, incubating new ideas that could benefit millions of students. And in time hopefully every public school will put into practice the principles undergirding the charter model, and every public school will be liberated from some of the top-heavy bureaucracy that too often suffocates them and in turn pledge to meet high standards of achievement for which they will be held strictly accountable, and every public school will benefit from the positive forces of choice and competition.

For now, we have taken an important step toward that goal today, and passed a piece of legislation that I am confident will make a real and immediate difference in the lives of many children in this country. I again want to thank my colleagues for their broad vote of confidence in the charter movement, and I look forward to working with them next year on new blueprint for education reform that will incorporate the substance and spirit of what we have achieved today.●

UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION CONTINUING GOVERNMENT FUNDING

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate receives from the House the House joint resolution that will continue Government funding until midnight Monday, October 12, 1998, with no amendments, it be considered agreed to and the motion to reconsider be laid upon the table.

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

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate Delegation to the North Atlantic Assembly during the Second Session of the 105th Congress, to be held in Edinburgh, United Kingdom, November 9–14, 1998:

The Senator from Utah (Mr. HATCH);

The Senator from Virginia (Mr. WARNER);

The Senator from Iowa (Mr. GRASSLEY);

The Senator from Pennsylvania (Mr. SPECTER);

The Senator from Arkansas (Mr. HUTCHINSON);

The Senator from Alabama (Mr. SESSIONS);

The Senator from Oregon (Mr. SMITH);

The Senator from Tennessee (Mr. THOMPSON);

The Senator from Arkansas (Mr. BUMPERS);

The Senator from Maryland (Ms. MIKULSKI); and

The Senator from Hawaii (Mr. AKAKA).

EXPRESSING SENSE OF SENATE ON COMPLETION OF CONSTRUCTION OF WORLD WAR II MEMORIAL

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 296 submitted earlier today by Senator KERREY.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 296) expressing the sense of the Senate that, on completion of construction of a World War II Memorial in Area 1 of the District of Columbia and its environs, Congress should provide funding for the maintenance, security, and custodial and long-term care of the memorial by the National Park Service.

The Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 296) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 296

World War II is the defining event of the 20th century;

Whereas in World War II, over 16,000,000 American men and women served the Nation, of which nearly 300,000 were killed and over 670,000 were wounded;

Whereas in Public Law 103–422 (108 Stat. 4356), Congress approved the location of a memorial to this epic event in Area I of the District of Columbia and its environs, as described in the Act entitled ''An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes'', approved November 14, 1986 (40 U.S.C. 1001 et seq.); and

Whereas Congress has traditionally provided funding for the memorials commemorating President Thomas Jefferson and President Abraham Lincoln, the monument to President George Washington, and the Korean War Veterans Memorial: Now, therefore, be it

Resolved,

SECTION 1. FUNDING OF A WORLD WAR II MEMORIAL.

It is the sense of the Senate that, on completion of construction of a World War II Memorial in Area I of the District of Columbia and its environs, as described in that Act, Congress should provide funding for the maintenance, security, and custodial and long-term care of the memorial by the National Park Service.

Mr. KERREY. Mr. President, I am pleased that the Senate has agreed to this Sense of the Senate Resolution which would provide funding for the maintenance, security, custodial and long-term care of the memorial by the National Park Service. This is a significant step forward in bringing the World War II Memorial to fruition. What this resolution does is put the Senate on record as supporting public funding of some sort for the World War II Memorial which will be placed on the National Mall—our nation's front yard.

I felt this resolution necessary because of the continued structural problems confronting the Korean War Veterans Memorial, which lies in the same flood plain that the World War II Memorial will call home. I felt it necessary that the Senate take on some precautionary responsibility for the maintenance and upkeep of what will be the most prominent memorial on the Mall.

Next year, I intend to introduce legislation to fund not only maintenance, security, custodial and long-term care, but also construction costs to assist the Honorable Bob Dole in his fundraising endeavor.

I would again like to thank my colleagues, especially Senators MURKOWSKI and BUMPERS for their support and assistance.

EXPRESSING SENSE OF SENATE RELATIVE TO LOUISVILLE FESTIVAL OF FAITHS

Mr. COATS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 274 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 274) to express the sense of the Senate that the Louisville Festival of Faiths should be commended and should serve as a model for similar festivals in other communities throughout the United States.

The Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, and that the motion to reconsider be laid upon the table, without intervening action.

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

The resolution (S. Res. 274) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 274

Whereas a Festival of Faiths celebrating the diversity of religion has been held in Louisville, Kentucky, in the month of November of each of the last 3 years;

Whereas the Louisville Festival of Faiths has provided an opportunity for representatives of different faiths to communicate with each other and learn about each other's heritage, experiences, and beliefs,

Whereas more than 60 faiths have participated in the Louisville Festival of Faiths over the past 3 years;

Whereas the freedom to practice religion in diverse ways is a principle that the United States was founded on and one that the United States has embraced throughout its history;

Whereas religious diversity, in addition to its other benefits, expands the perspectives and experiences available to this Nation as a whole;

Whereas the communication of diverse perspectives and experiences between representatives of different religions can enrich the lives of such individuals and can assist such individuals in developing an appreciation of the commonality between different religions;

Whereas such communication can also diminish the potential for conflict between religious groups at a time when the dangers of religious conflict pose increasingly serious problems throughout the world; and

Whereas the Louisville Festival of Faiths experience can be replicated without great difficulty in other communities: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Louisville Festival of Faiths—

(1) should be commended for its concept and its achievements to date; and

(2) should serve as a model for similar festivals in other communities throughout the United States.

EXPRESSING SENSE OF SENATE ON DESIGNATING NATIONAL CHILDREN'S DAY

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 260.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 260) expressing the sense of the Senate that October 11, 1998, should be designated as ''National Children's Day''.

The Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 260) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 260

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth and to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family and society;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas children are the responsibility of all Americans and everyone should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that October 11, 1998, should be designated as ''National Children's Day''; and

(2) the President is requested to issue a proclamation calling upon the people of the United States to observe ''National Children's Day'' with appropriate ceremonies and activities.

EXPRESSING SENSE OF SENATE RELATIVE TO NATIONAL INHALANT ABUSE AWARENESS DAY

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 257.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 257) expressing the sense of the Senate that October 15, 1998, should be designated as ''National Inhalant Abuse Awareness Day''.

The Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 257

Whereas inhalant abuse is nearing epidemic proportions with over 20 percent of all students admitting to experimenting with inhalants by the time they graduate from high school and only 4 percent of parents suspecting their children of inhalant use;

Whereas according to the National Institute on Drug Abuse, inhalant use ranks third behind use of alcohol and tobacco for all youths through the eighth grade;

Whereas the over 1,000 products that are being inhaled to get high are legal, inexpensive, and found in nearly every home and every corner market;

Whereas using inhalants even once can lead to kidney failure, brain damage, and even death;

Whereas inhalants are considered a gateway drug, one that leads to the use of harder, more deadly drugs; and

Whereas because inhalant use is difficult to detect, the products used are accessible and affordable, and abuse is so common, increased education of young people and their parents regarding the dangers of inhalants is an important step in our battle against drug abuse: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that October 15, 1998, should be designated as ''National Inhalant Abuse Awareness Day'', to be observed with appropriate activities; and

(2) the Senate requests that the President issue a proclamation designating October 15, 1998, as ''National Inhalant Abuse Awareness Day''.

EXPRESSING SENSE OF SENATE WITH RESPECT TO DIPLOMATIC RELATIONS WITH PACIFIC ISLAND NATIONS

Mr. COATS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 277, submitted by Senator INOUYE, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 277) expressing the sense of the Senate with respect to the importance of diplomatic relations with the Pacific Island nations.

The Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 277) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 277

Whereas the South Pacific region covers an immense area of the earth, approximately 3 times the size of the contiguous United States;

Whereas the United States seeks to maintain strong and enduring economic, political, and strategic ties with the Pacific island countries of the region, despite the reduced diplomatic presence of the United States in the region since World War II;

Whereas Pacific island nations wield control over vast tracts of the ocean, including seabed minerals, fishing rights, and other marine resources which will play a major role in the future of the global economy;

Whereas access to these valuable resources will be vital in maintaining the position of the United States as the leading world power in the new millennium;

Whereas Asian countries have already recognized the important role that these Pacific island nations will play in the future of the global economy, as evidenced by the Tokyo summit meeting in October 1997 with various Pacific island heads of state;

Whereas the Pacific has long been regarded as one of the ''last frontiers'', with an enormous wealth of uncultivated resources; and

Whereas direct United States participation in the human and natural resource development of the South Pacific region would promote beneficial ties with these Pacific island nations and increase the possibilities of access to the region's valuable resources: Now, therefore, be it

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

(1) it is in the national interest of the United States to remain actively engaged in the South Pacific region as a means of supporting important United States commercial and strategic interests, and to encourage the consolidation of democratic values;

(2) a Pacific island summit, hosted by the President of the United States with the Pacific island heads of government, would be an excellent opportunity for the United States to foster and improve diplomatic relations with the Pacific island nations;

(3) through diplomacy and participation in the human and natural resource development of the Pacific region, the United States will increase the possibility of gaining access to valuable resources, thus strengthening the position of the United States as a world power economically and strategically in the new millennium; and

(4) the United States should fulfill its longstanding commitment to the democratization and economic prosperity of the Pacific island nations by promoting their earliest integration in the mainstream of bilateral, regional, and global commerce and trade.

NATIONAL MAMMOGRAPHY DAY

Mr. COATS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 271 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 271) designating October 16, 1998, as ''National Mammography Day.''

The Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 271

Whereas according to the American Cancer Society, in 1998, 178,700 women will be diagnosed with breast cancer and 43,500 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more

before a regular clinical breast examination or breast self-examination (BSE), reducing mortality by more than 30 percent; and

Whereas 47 States and the District of Columbia have passed legislation requiring health insurance companies to cover mammograms in accordance with recognized screening guidelines: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 16, 1998, as ''National Mammography Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

REMEMBERING THE LIFE OF GEORGE WASHINGTON AND HIS CONTRIBUTIONS TO THE NATION

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 83.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res 83) remembering the life of George Washington and his contributions to the Nation.

The Senate proceeded to consider the concurrent resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The concurrent resolution (S. Con. Res. 83) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. CON. RES. 83

Whereas December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation and the protector of our liberties;

Whereas the standards established by George Washington's steadfast character and devotion to duty continue to inspire all men and women in the service of their country and in the conduct of their private lives;

Whereas the Mount Vernon Ladies' Association of the Union, which maintains the Mount Vernon estate and directs research and education programs relating to George Washington's contribution to our national life, has requested all Americans to participate in the observance of this anniversary;

Whereas bells should be caused to toll at places of worship and institutions of learning for the duration of 1 minute commencing at 12 o'clock noon, central standard time, throughout the Nation, on the 200th anniversary of the death of George Washington;

Whereas the flag of the United States should be lowered to half staff on the 200th anniversary of the death of George Washington; and

Whereas the example set by George Washington is of the utmost importance to the future of the Nation, and it is the responsibility of private and government institutions to prepare for the observation of the 200th anniversary of the death of George Washington: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls upon the Nation to remember the life of George Washington and his contributions to the Nation; and

(2) requests and authorizes the President of the United States—

(A) to issue a proclamation calling upon the people of the United States—

(i) to commemorate the death of George Washington with appropriate ceremonies and activities; and

(ii) to cause and encourage patriotic and civic associations, veterans and labor organizations, schools, universities, and communities of study and worship, together with citizens everywhere, to develop programs and research projects that concentrate upon the life and character of George Washington as it relates to the future of the Nation and to the development and welfare of the lives of free people everywhere; and

(B) to notify the governments of all Nations with which the United States enjoys relations that our Nation continues to cherish the memory of George Washington with affection and gratitude by furnishing a copy of this resolution to those governments.

DESIGNATING THE 30TH DAY OF APRIL OF 1999, AS ''DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS''

Mr. COATS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 278, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 278) designating the 30th day of April of 1999, as ''Dia de los Ninos: Celebrating Young Americans'', and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. COATS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 278) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 278

Whereas many of the nations throughout the world, and especially within the Western hemisphere, celebrate ''Día de los Niños'' on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the citizens of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Latinos in the United States, the youngest and fastest growing ethnic community in the nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas one in four Americans is projected to be of Hispanic descent by the year 2050, and there are now 10.5 million Latino children;

Whereas traditional Latino family life centers largely on its children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition of children of the United States will provide an opportunity to children to reflect on their future, to articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as ''Día de los Niños: Celebrating Young Americans''—a day to bring together Latinos and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its citizens, and citizens should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate designates the 30th of April of 1999, as ''Día de los Niños: Celebrating Young Americans'' and requests that the President issue a proclamation calling on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, beginning April 30, 1999, that include—

(1) activities that center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our citizens;

(2) activities that are positive, uplifting, and that help children express their hopes and dreams;

(3) activities that provide opportunities for children of all backgrounds to learn about one another's cultures and share ideas;

(4) activities that include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(5) activities that provide opportunities for families within a community to get acquainted; and

(6) activities that provide children with the support they need to develop skills and confidence, and find the inner strength—the will and fire of the human spirit—to make their dreams come true.

WAIVING CERTAIN ENROLLMENT REQUIREMENTS

Mr. COATS. Mr. President, I ask unanimous consent that the Senate now proceed to House Joint Resolution 131 received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 131) waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be considered read a third time and passed, and the motion to reconsider be laid upon the table.

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

The joint resolution (H.J. Res. 131) was considered read the third time and passed.

AUTHORIZING TESTIMONY AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 297 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 297) to authorize testimony and representation of former and current Senate employees and representation of Senator CRAIG in *Student Loan Fund of Idaho, Inc.* v. *Riley, et al.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a civil action set for trial in the U.S. District Court for District of Idaho. This case arises out of a dispute between the plaintiff, a private corporation, and the Department of Education concerning the status of certain student loan guaranty reserve funds. Counsel for the plaintiff wishes to question a former member of Senator CRAIG's staff about her recollection of meetings with representatives from the Department of Education during a time period in which she served as a legislative aid to the Senator.

This resolution would authorize testimony by the former staff member, and any other former or current employees of the Senate, except where a privilege should be asserted, with representation by the Senate Legal Counsel. The resolution would also authorize the Senate Legal Counsel to represent Senator CRAIG and his employees in connection with this matter in order to protect the Senator's privileges.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 297) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 297

Whereas, in the case of *Student Loan Fund of Idaho, Inc.* v. *Riley, et al.*, Case No. CV 94–0413–S–LMB, pending in the United States District Court for the District of Idaho, testimony has been requested from Elizabeth Criner, a former employee of Senator Larry Craig;

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

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

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

Resolved, That Elizabeth Criner, and any other former or current Senate employee from whom testimony may be required, are authorized to testify in the case of *Student Loan Fund of Idaho, Inc.* v. *Riley, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Larry Craig, Elizabeth Criner, and any other Member or employee of the Senate in connection with the testimony authorized in section one of this resolution.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO PROVIDE FINANCIAL ASSISTANCE TO THE STATE OF MARYLAND

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4337 received from the House.

The PRESIDING OFFICER. The clerk will report.

A bill (H.R. 4337) to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. SARBANES. Mr. President, this legislation authorizes the Secretary of Interior to provide assistance to the State of Maryland in controlling a nonnative rodent—nutria—which is destroying wetlands and valuable habitat at and around Blackwater National Wildlife Refuge on the Eastern Shore of Maryland. Sponsored by my colleague Representative GILCHREST, the legislation establishes a three year demonstration program of methods of manage nutria populations and to restore marshlands damaged by the destructive creature.

Mr. President, Blackwater National Wildlife Refuge is one of the real treasures and showplaces of our National Wildlife Refuge system. Established in the early 1930s to help preserve migratory waterfowl, the 20,000 acre refuge has become one of the chief wintering areas for Canada geese along the Atlantic Flyway. It is also home for the endangered Delmarva Fox Squirrel and more than 200 species of birds. As all who visit the refuge quickly discover, Blackwater is a very special place: a haven for fish and wildlife , a land of exceptional beauty, and a vital part of the natural heritage and quality of life that we enjoy in Maryland.

Unfortunately the Refuge and surrounding wetlands are being threatened by the prolific and highly invasive nonindigenous species nutria which are destroying the tidal marshes and even displacing other native species. Over the past three decades, the population of nutria in Maryland has grow exponentially from about 150 to as many as 150,000—a thousand fold increase. During that same period, Blackwater National Wildlife Refuge has lost more than 40 percent of its marshes—approximately 7,000 of 17,000 acres—due, in large part, to nutria. As nutria population densities continue to increase, so does the range of the creature and its associated ecological damage.

In order to respond to this threat, the Maryland Department of Natural Resources, the U.S. Fish and Wildlife Service, the USDA Animal and Plant Health Inspection Service, the University of Maryland and more than a dozen other partners have joined together to develop a plan to address march loss and control of nutria. The goal of this three year pilot program is to develop methods for intensive control of the nutria populations and to restore damaged marsh habitats. This legislation authorizes the Federal funds necessary to carry out the program. I urge adoption of the legislation.

Mr. COATS. I ask unanimous consent that the bill be considered read a third

time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 4337) was considered read the third time and passed.

ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY EXTENSION ACT OF 1998

Mr. COATS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 595, H.R. 3069.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3069) to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment; as follows:

(The part of the bill intended to be inserted is shown in italic.)

H.R. 3069

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 ''Advisory Council on California Indian Policy Extension Act of 1998''.

SEC. 2. FINDING AND PURPOSE.

(a) FINDING.—Congress finds that the Advisory Council on California Indian Policy, pursuant to the Advisory Council on California Indian Policy Act of 1992 (Public Law 102–416; 25 U.S.C. 651 note), submitted its proposals and recommendations regarding remedial measures to address the special status of California's terminated and unacknowledged Indian tribes and the needs of California Indians relating to economic self-sufficiency, health, and education.

(b) PURPOSE.—The purpose of this Act is to allow the Advisory Council on California Indian Policy to advise Congress on the implementation of such proposals and recommendations.

SEC. 3. DUTIES OF ADVISORY COUNCIL REGARDING IMPLEMENTATION OF PROPOSALS AND RECOMMENDATIONS.

(a) IN GENERAL.—Section 5 of the Advisory Council on California Indian Policy Act of 1992 (106 Stat. 2133) is amended by striking ''and'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; and'', and by adding at the end the following new paragraph:

''(8) work with Congress, the Secretary, the Secretary of Health and Human Services, and the California Indian tribes, to implement the Council's proposals and recommendations contained in the report submitted under paragraph (6), including—

''(A) consulting with Federal departments and agencies to identify those recommendations that can be implemented immediately, or in the very near future, and those which will require long-term changes in law, regulations, or policy;

''(B) working with Federal departments and agencies to expedite to the greatest extent possible the implementation of the Council's recommendations;

''(C) presenting draft legislation to Congress for implementation of the recommendations requiring legislative changes;

''(D) initiating discussions with the State of California and its agencies to identify specific areas where State actions or tribal-State cooperation can complement actions by the Federal Government to implement specific recommendations;

''(E) providing timely information to and consulting with California Indian tribes on discussions between the Council and Federal and State agencies regarding implementation of the recommendations; and

''(F) providing annual progress reports to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the status of the implementation of the recommendations.''.

(b) TERMINATION.—The first sentence of section 8 of the Advisory Council on California Indian Policy Act of 1992 (106 Stat. 2136) is amended to read as follows: ''The Council shall cease to exist on March 31, 2000.''.

SEC. 4. HEALTH OR SOCIAL SERVICES FACILITY.

Section 1004(a) of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3956) is amended by striking ''use other than for a facility for the provision of health programs funded by the Indian Health Service (not including any such programs operated by Ketchikan Indian Corporation prior to 1993)'' and inserting ''use as a health or social services facility''.

Mr. COATS. Mr. President, I ask unanimous consent that the committee amendment not be agreed to.

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

The committee amendment was rejected.

Mr. COATS. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 3069), as amended, was considered read the third time and passed.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT

Mr. COATS. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 1274, and further, that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 3810

(Purpose: To amend the Technology Administration Act of 1998)

Mr. COATS. Mr. President, Senator FRIST has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for Mr. FRIST and Mr. ROCKEFELLER, proposes an amendment numbered 3810.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. COATS. Mr. President, I ask unanimous consent that the substitute amendment be agreed to, 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 appear in the RECORD.

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

The amendment (No. 3810) was agreed to.

The bill (H.R. 1274), as amended, was read the third time and passed.

WORKFORCE IMPROVEMENT AND PROTECTION ACT OF 1998

Mr. COATS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 3736, a bill to amend the Immigration and Nationality Act to make changes relating to H–1B nonimmigrants.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. COATS. Mr. President, I regret that this objection is being made. The bill is vital to the technology industry, and this objection makes it impossible to pass the bill this year.

Mr. HARKIN. Will the Senator yield for about 3 minutes?

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

Mr. HARKIN. I appreciate the Senator from Indiana yielding to me to explain why I object to this.

Before I get into that, let me say that I was here for part of his speech. He thanked his staff. I thought it was a very gracious and wonderful thing the Senator did. It was really nice.

I must say, I will miss you here in the Senate, DAN. As I said before, you have been a wonderful person to work with. I hate to end it on this note, where I am objecting to something that you are bringing up. You have been a great Senator. You have been a great human being to work with. We will miss you. I will miss you, personally. All of my friends who have left said there is a life beyond the Senate. Quite frankly, it is probably a lot better, considering we are here at 7:30 on a Friday night.

Mr. President, I just want to explain why I object to this bill. This is the bill

that would have increased the number of H–1B visas from 65,000 per year to 115,000 for next year and the year after, then drop down to 107,500 in 2001 and back down to 65,000 thereafter.

Now, ostensibly, the reason for doing this, and why this came up in the last couple of years, is that there was projected to be a big shortage in computer programmers. Thus, there was this big push to increase the number of H–1B visas, to get these computer programmers.

It turns out that has, indeed, not happened. In fact, I have three recent articles. One is from the San Jose Mercury News dated October 6, 1998. It says:

High-tech Layoffs are Accelerating.

They pointed out in the article:

Computers ranked second in total job-cut announcements, with 44,000. That represented nearly three times the number from last year.

The article goes on to say:

The changing job market can be seen at the Career Action Center, a career resource center in Cupertino, where counselors are seeing more people come in. Job searches are taking more time, companies are taking longer to make their hiring decision, and some businesses have even enacted hiring freezes, said Betsy Collard, the center's strategic development director.

While the center posted 10,000 jobs in August, that was down from 13,500 it posted a year earlier.

I ask unanimous consent the article be printed in the RECORD.

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

[From the San Jose Mercury News, Oct. 6, 1998]

HIGH-TECH LAYOFFS ARE ACCELERATING

(By Jonathan Rabinovitz)

High-technology industries have cut four times as many jobs nationally in 1998 as they did in the same period last year, imposing more layoffs than almost every other sector of the economy, according to a report released Tuesday by an international outplacement firm.

The survey of job-cut announcements was yet another signal of the slowing of economic growth both in Silicon Valley and nationally. It attributed many of the reductions to the global financial crisis, particularly the recession that has gripped much of Asia.

And while the labor market in the San Jose area remains tight—the 3.4 percent unemployment rate in August was down from last year—one of the authors of the study said that this year's downsizing tend has already dimmed the rampant optimism that once pervaded Silicon Valley.

''People used to say that you don't have anything to worry about, but that's not the case any more,'' said John A. Challenger, chief executive of Challenger, Gray & Christmas Inc., the Chicago-based company that compiles the monthly survey. ''The ice seems a little bit thinner right now.''

Still, Silicon Valley and the state continue to add thousands of jobs, at a pace that outstrips the rate of layoffs, though job growth has slowed both here and nationally.

The layoffs in high-tech companies come against a backdrop of increased job-cut announcements across the country. The September figure for job-cut announcements was the highest reported by the survey since January 1996. The amount has generally increased each month this year.

And the total number of job cuts for all industries was up 53 percent—about 150,000 job-cut announcements—from the amount for the first nine months of 1997.

But perhaps the most striking change was in the high-tech industries. While electronics, computers and telecommunications were not among the top five industries in job-cut announcements last year at this time, all three industries were now in that category.

Electronics, which includes chip manufacturing, had more announcements than any other industry. The number had increased to nearly 70,000, eight times more than the first nine months of last year, according to the Challenger survey.

Computers ranked second in total job-cut announcements, with 44,000. That represented nearly three times the number from last year.

Telecommunications was placed fifth. It increased to nearly 29,000, four times the amount in 1997.

The changing job market can be seen at the Career Action Center, a career resource center in Cupertino, where counselors are seeing more people come in. Job searches are taking more time, companies are taking longer to make their hiring decision and some businesses have even enacted hiring freezes, said Betsy Collard, the center's strategic development director.

While the center posted 10,000 jobs in August, that was down from the 13,500 it posted a year earlier.

But, Collard stressed, ''It is still a very good job market.''

Indeed, the Challenger survey should not inspire panic in Silicon Valley. Its findings reveal only a small and recent dent in an economic miracle that has included phenomenal job growth.

Another report, issued this week by the American Electronics Association, showed how Silicon Valley extended its reach throughout California from 1990 to 1996.

While Santa Clara County added almost 25,000 high-tech jobs during that period to reach a total of 221,000 technology jobs—a 12 percent increase—other California metropolitan areas had substantial employment growth in the tech industries.

The Sacramento area, for instance, had 30,000 high-tech jobs by 1996, a 56 percent jump from six years earlier. San Mateo, San Francisco and Marin Counties had a total of about 49,000 high-tech jobs, up 37 percent over the same period. And Alameda and Contra Costa Counties had 53,000, a 14 percent increase from 1990.

Still, the continued growth had a new facet this year, it was accompanied by a spate of down-sizing efforts that approach the scope of the deepest cuts of the decade in 1993, Challenger said.

Over the last year, many of Silicon Valley's most revered companies have announced layoffs. Santa Clara-based Applied Materials has eliminated almost one out of every four positions. Scotts Valley-based Seagate said in January it would reduce its work force by 10,000 employees worldwide. And San Jose-based Adobe Systems said it would cut anywhere between 240 to 300 jobs.

The Challenger Survey has been conducted since 1993. It is based entirely on public reports of job cuts and calculates all reductions announced by U.S.-based companies.

Mr. HARKIN. Another recent article from Computer World, dated October 5, 1998, talked about the same subject:

The year 2000 retention drama is playing out differently from what was expected. The widely anticipated programmer shortage never quite materialized, but another shortage has proved far more dangerous.

''We'd always heard the industry speak of demand for programmers, but the more critical and unexpected demand is for project managers,'' says Irene Dec, vice president of information systems at the Prudential Insurance Company of America in Newark, NJ.

The article pointed out, quite frankly, that the programmers are in fine shape. What they are really looking for are program managers. I understand the H–1B visa does not in any way address that problem at all.

I ask unanimous consent this article also be printed in the RECORD.

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

[From Computerworld, Oct. 5, 1998]

THE MILLENNIUM'S SUPERSTARS

YEAR 2000 PROJECT MANAGERS ARE WORTH THEIR WEIGHT IN GOLD. HOW DO YOU KEEP THEM?

(By Kathleen Melymuka)

The year 2000 retention drama is playing out differently from what was expected. The widely anticipated programmer shortage never quite materialized, but another shortage has proved far more dangerous.

''We'd always heard the industry speak of demand for programmers, but the more critical and unexpected demand is for project managers,'' says Irene Dec, vice president of information systems at The Prudential Insurance Company of America in Newark, N.J.

''Those are the people that make the different between success and failure,'' says Chas Snyder, who heads the year 2000 project at Levi Strauss & Co. in San Francisco. ''If somebody is experienced at running an effort like this for a large company, the knowledge they develop is invaluable.''

Keeping programmers ''has not been as big a problem as people thought it was going to be,'' says Jim Jones, managing director of the year 2000 group at the Information Management Forum in Atlanta. ''It's not the worker-bee folks they're hurting for; it's project managers.''

An August survey of 100 contracting and consulting firms by the Information Technology Association of America (ITAA) showed that the ''overwhelming majority'' have more programmers than they can use. The ITAA called the anticipated programmer shortage ''a marketplace failing to live up to its prior billing.''

The supply of year 2000 programmers has been bigger than expected because many corporations outsourced coding to offshore companies, vendors developed year 2000 tools that automated much of the coding process, and schools and training facilities graduated a bumper crop of programmers geared to the job.

With programmers available, companies realized where the real crunch would be. ''Even the best programmers in the world can't make it happen if no one is managing,'' Dec says.

Depending on the organization, year 2000 project managers may be found at every level—and every salary—from corporate vice presidents through division managers, business functional team leaders and department honchos. There may be one project manager, or there may be a pyramid of project managers—from each division or business unit, for example—reporting to a chief. But wherever they are found, they are hard to keep. ''We know that our people are being called [by headhunters] because they tell us,'' says

Gael Hanover, senior director of human resources for information systems at Sears. Roebuck and Co. in Hoffman Estates, Ill. ''Consulting firms can dangle pretty big salaries, and we can't.''

In fact, some consulting firms are so desperate for project managers that they are willing to pay them at the rate they bill customers for their services. ''The projects can't get done without project managers, so if they bill [companies] at $125 an hour, they're willing to give [project managers] $125 an hour,'' Jones says. ''No corporation can do that.''

But corporations have come up with other strategies to keep their year 2000 project managers on the job through the millennium. Some strategies rely on the lure of money and perks, but most are based on the understanding that retention has to be a long-term effort because the need for project managers won't go away after 2000.

RECOGNITION AND ROTATION

At Kraft Foods, Inc. in Northfield, Ill., where the overall IS turnover rate is 5%, Chief Information Officer Jim Kinney has been very careful to make year 2000 a high-profile, high-recognition temporary job. ''We've chosen very good people for project teams,'' he says. Most work only on the application set for which they're normally responsible. ''Once that's finished, they rotate back to their regular assignment,'' Kinney explains.

Smart companies are making sure their year 2000 project managers don't stagnate during the project. ''Folks focused on year 2000 are being sent to appropriate training and conferences and classes so they can stay up with technology,'' Dec says. She has lost only five of the 60 to 80 people in her year 2000 program management team.

Keane, Inc. in Boston, a provider of year 2000 services, has established an internal organization to look after the career development of its project managers, says David Pollard, Keane's director of recruiting.

''Rather than simply throw cash at the issue, we tapped into meeting their development objectives and getting [them] the right training so they can be successful in the long haul,'' he says. Turnover has declined 30% since the development organization was founded last year.

MONEY

There's nothing wrong with money judiciously deployed, and bonuses of 20% of salary aren't uncommon. Sears is offering year 2000 project managers and selected other periodic cash bonuses through April 2000.

''If we lost one of these folks, we would be hurting more than if we lost 10 other people. So rather than spread [the money] to everyone, we do more for some,'' Hanauer says.

BE PREPARED

Nothing can guarantee that you will retain the people crucial to your year 2000 effort. Knowing that, Snyder planned for the worst. ''My biggest fear was to lose people in high leverage points,'' he says. ''So for my core four or five managers, I designed responsibilities to be shared. That way, if I lost one, we could cover the responsibility easily.''

He did lose one, he says, ''but we were able to pick up the slack running.''

THE BIG PICTURE

Unlike year 2000 programmers, who know their peak earning time is limited, project managers have the luxury of a long view. If your company's view is the same, you have an advantage. ''Year 2000 is a short-term brass ring,'' Snyder says. ''There might be enough in a year or two to make it worthwhile for some people to leave, but if you're thinking long term, it's not enough. The people I have are long-term Levi's employees, and they plan on staying here.''●

Mr. HARKIN. Mr. President, I think this bill, at the time it came up, was probably well intentioned.

Another article I want to have printed in the RECORD is an article from Labor Relations Week, dated September 30, 1998:

The latest data from the Challenger report showed that so far this year, electronics industry job reductions announcements have totaled 60,845, and those in the computer industry totaled 40,642.

I ask unanimous consent this article be printed in the RECORD.

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

[From Labor Relations Week, Sept. 30, 1998]

LAYOFF REPORTS OUTPACING LEVEL SEEN LAST YEAR; HIGH-TECH HIT HARD

With high-technology industries particularly hard hit, the pace at which U.S. corporations are announcing workforce reductions remained brisk through August, according to the latest figures from the international outplacement firm Challenger, Gray & Christmas.

In August, U.S. companies announced that they plan to make job cuts totaling 37,717, the Challenger report, released Sept. 8, said. That figure, while it was smaller than reported in July, put the total for the first eight months of this year at 358,394—which is 37 percent higher than the total for the comparable period of 1997.

In fact, the January-to-August total for this year is only 11 percent lower than the total reported by Challenger for the same period in 1993, the year that the firm began its layoff survey.

''There have been a significant number of downsizing announcements in 1998, reflecting a number of factors that include the global situation, especially in Asia.'' John Challenger, executive vice president of the firm, told BNA. He said that given the increased pressure on some U.S. industries due to the Asian economic crisis, there are likely to be more layoff announcements in the industries most affected.

The latest data from the Challenger report showed that so far this year, electronics industry job reductions announcements have totaled 60,845, and those in the computer industry totaled 40,642.

''We've seen the 10 largest mergers in [U.S.] history all announced since last fall,'' Challenger said, citing another indication of labor market flux. In many cases, companies are reducing their workforces in one area at the same time that they are adding employees in other areas, he said.

While Challenger said that he does not expect 1998 to surpass 1993 in total layoff announcements, he said that the fact that the total for the first eight months of this year is so close to 1993 total indicates that ''companies are quicker to respond to changes in the marketplace.''

Layoff announcements tracked by the Challenger firm are based on publicly released estimates of planned workforce reductions that could take place immediately or over an extended period of time, the firm said. Announcements of job reduction plans are verified by the Challenger firm, and the tallies are revised only if companies announce that they have changed their plans, the firm said.

Mr. HARKIN. Mr. President, I object because I think while this maybe had some legitimacy at some time because of the projected shortage in computer programmers, every indication is that has not happened.

Obviously, we don't need to pass this bill right now. I think we can take another look at it next year to see if, in fact, there is any problem. We can always come back and look at this again next year, but right now it does not appear that the demand is there that they anticipated a couple of years ago.

Mr. COATS. Mr. President, first of all, I thank the Senator from Iowa for his kind comments. We have served together in the Labor Committee for a 10-year period of time. While we have had our disagreements, we have also agreed on a number of things. I have enjoyed working with him.

I understand, but regret, the objection of this unanimous consent request. There obviously is a difference of opinion as to the need for support in the technology industry, the computer industry, particularly with the Y2K problem. That issue will have to be resolved. There is honest disagreement here. We will pick the issue up in the next Congress.

Mr. ABRAHAM. Mr. President, I would like to turn my attention briefly to the issue which was discussed by the Senator from Iowa in raising objection to proceeding with the legislation aimed at trying to expand the number of H–1B entries as permitted on an annual basis to be employed by American businesses.

The Senator focused on a very narrow issue in raising his objection—specifically, the argument based on several newspaper stories that there is not a shortage of skilled workers in the high-tech industries.

Virtually every study that I have seen—and as the principal sponsor of the legislation when it was in the Senate, I made most of those available as part of the RECORD—indicates that, indeed, we have a very severe shortage in these high-tech worker job slots. Virginia Tech University conducted a recent study which indicated over 340,000 vacancies in information technology positions that exist today in this country. Our Department of Commerce conducted a study which revealed it is anticipated that in each of the next 10 years we will generate over 130,000 new information technology jobs and yet the combined resources of our colleges, universities, and job training programs and high schools is only likely to fill a fraction of those every year. This is a severe problem, and it is especially severe at this time.

The Senator from Iowa talks about moving us to next year. Well, next year just happens to be the last few months prior to the year 2000. By the time this legislation might be brought back before us, we will be in a situation where the Federal Government as well as the companies from one end of America to the other are going to be confronted with the final crisis stages of trying to prepare our high-tech systems for the Year 2K problems that we have all been raving so much about.

If we do not pass this legislation, it is going to be Senators such as the Senator who raised this objection and others who have impeded the progress in this legislation who are going to have to explain to all of those whose systems break down why it is that happened, because one of the problems we are having confronting the Year 2K problems is an inadequate number of people to perform all of the various information technology jobs required to be conducted for those problems to be fixed. That is just one aspect of it. It is late in the evening so I am not going to go into all of the many others, but I think that any study that has been conducted by serious researchers reveals that there not only exists, but will continue to be, an ever larger number of vacancies in this area.

This legislation that was stopped tonight not only covers increasing the number of high-tech workers, it also is a very important piece of legislation to our academic institutions—in two respects. First, regarding many of the high-tech jobs, many of the H–1B visa users are in fact employed on our campuses teaching American kids how to perform these high-technology jobs so we can meet the demand in this area in the future. If we do not have these scientists, these educators, we are going to continue to fail to meet the challenge.

In addition, our academic institutions were relying on the passage of this legislation to address a very serious problem created by the Hathaway decision with regard to the prevailing wage they must pay people who come in under the H–1B Program. So this does not just affect the private sector, it affects our academic institutions as well.

In addition, the Senator from Iowa and others who question the problem do not need to just listen to people on our side of the aisle. They can listen to the President of the United States who, I believe just 2 weeks ago this evening, was in Silicon Valley in California before a group of executives from the high-tech industries there talking about this issue. The day after his staff and my staff and I reached agreement on the legislation that has been blocked this evening, he took credit for the ability, that we were then apparently going to have, to move forward to it and acknowledged the need for the legislation in taking credit for the settlement and agreement we had reached.

Obviously, whether it is the White House, the Department of Commerce, Virginia Tech University, or any one of a number of other sources, there is an acknowledged existence of a problem here that has to be addressed. I am extremely disappointed at what has transpired this evening.

I would just say, in conclusion, we have not, obviously, reached the end of this session. There is still some time, hopefully, for reconsideration by the Senator from Iowa and any others who may have concerns. I hope they will rethink this. I hope they will realize, in undermining this legislation, in stopping it at this time, they are going to be hurting not just the business sector and the information technology sector, but the academic sector. They are also going to prevent us from instituting a whole new array of job training programs and scholarship programs that were going to be launched by this legislation. So I hope they will take a look at that, reconsider, and if they look at the numbers a little more closely, I think they will reach the same conclusions we have.

Mr. President, I close by saying I hope the Senator from Iowa, and others who might share his position, again will look closely at the statistics I have talked about tonight, examine all the other aspects of this legislation and what it will mean if it does not move forward in all the different contexts I have outlined and the many others I have not had time for, rethink whether or not it is appropriate to put this off to some future date, and think about the consequences, whether it is in the context of the Y2K problems or the current economic conditions we have in the world marketplace where America's high-tech industries' growth is essential to the maintenance of our economic strength, and reconsider their position.

I yield the floor.

PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT OF 1998

Mr. COATS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of calendar No. 587, H.R. 3494.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3494) to amend Title 18 United States Code with respect to violent sex crimes against children, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protection of Children From Sexual Predators Act of 1998''.

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

TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

SEC. 101. USE OF INTERSTATE FACILITIES TO TRANSMIT IDENTIFYING INFORMATION ABOUT A MINOR FOR CRIMINAL SEXUAL PURPOSES.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§ 2425. Use of interstate facilities to transmit information about a minor

''Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

''2425. Use of interstate facilities to transmit information about a minor.''.

SEC. 102. COERCION AND ENTICEMENT.

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''or attempts to do so,'' before ''shall be fined''; and

(B) by striking ''five'' and inserting ''10''; and

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

''(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.''.

SEC. 103. INCREASED PENALTIES FOR TRANSPORTATION OF MINORS OR ASSUMED MINORS FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.

Section 2423 of title 18, United States Code, is amended—

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

''(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.''; and

(2) in subsection (b), by striking ''10 years'' and inserting ''15 years''.

SEC. 104. REPEAT OFFENDERS IN TRANSPORTATION OFFENSE.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§ 2426. Repeat offenders

''(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided by this chapter.

''(b) DEFINITIONS.—In this section—

''(1) the term 'prior sex offense conviction' means a conviction for an offense—

''(A) under this chapter, chapter 109A, or chapter 110; or

''(B) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States; and

''(2) STATE.—the term 'State' means a State of the United States, the District of Columbia, any commonwealth, possession, or territory of the United States.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

''2426. Repeat offenders.''.

SEC. 105. INCLUSION OF OFFENSES RELATING TO CHILD PORNOGRAPHY IN DEFINITION OF SEXUAL ACTIVITY FOR WHICH ANY PERSON CAN BE CHARGED WITH A CRIMINAL OFFENSE.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§ 2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense

''In this chapter, the term 'sexual activity for which any person can be charged with a criminal offense' includes the production of child pornography, as defined in section 2256(8).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

''2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.''.

SEC. 106. TRANSPORTATION GENERALLY.

Section 2421 of title 18, United States Code, is amended—

(1) by inserting ''or attempts to do so,'' before ''shall be fined''; and

(2) by striking ''five years'' and inserting ''10 years''.

TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY

SEC. 201. ADDITIONAL JURISDICTIONAL BASE FOR PROSECUTION OF PRODUCTION OF CHILD PORNOGRAPHY.

(a) USE OF A CHILD.—Section 2251(a) of title 18, United States Code, is amended by inserting ''if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer,'' before ''or if''.

(b) ALLOWING USE OF A CHILD.—Section 2251(b) of title 18, United States Code, is amended by inserting '', if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer,'' before ''or if''.

(c) INCREASED PENALTIES IN SECTION 2251(d).—Section 2251(d) of title 18, United States Code, is amended by striking ''or chapter 109A'' each place it appears and inserting '', chapter 109A, or chapter 117''.

SEC. 202. INCREASED PENALTIES FOR CHILD PORNOGRAPHY OFFENSES.

(a) INCREASED PENALTIES IN SECTION 2252.—Section 2252(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking ''or chapter 109A'' and inserting '', chapter 109A, or chapter 117''; and

(2) in paragraph (2), by striking ''the possession of child pornography'' and inserting ''aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography''.

(b) INCREASED PENALTIES IN SECTION 2252A.—Section 2252A(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking ''or chapter 109A'' and inserting '', chapter 109A, or chapter 117''; and

(2) in paragraph (2), by striking ''the possession of child pornography'' and inserting ''aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography''.

TITLE III—SEXUAL ABUSE PREVENTION

SEC. 301. ELIMINATION OF REDUNDANCY AND AMBIGUITIES.

(a) MAKING CONSISTENT LANGUAGE ON AGE DIFFERENTIAL.—Section 2241(c) of title 18, United States Code, is amended by striking ''younger than that person'' and inserting ''younger than the person so engaging''.

(b) REDUNDANCY.—Section 2243(a) of title 18, United States Code, is amended by striking ''crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or''.

(c) STATE DEFINED.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(6) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.''.

SEC. 302. INCREASED PENALTIES FOR ABUSIVE SEXUAL CONTACT.

Section 2244 of title 18, United States Code, is amended by adding at the end the following:

''(c) OFFENSES INVOLVING YOUNG CHILDREN.—If the sexual contact that violates this section is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.''.

SEC. 303. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.

Section 2247 of title 18, United States Code, is amended to read as follows:

"§ 2247. Repeat offenders

''(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

''(b) PRIOR SEX OFFENSE CONVICTION DEFINED.—In this section, the term 'prior sex offense conviction' has the meaning given that term in section 2426(b).''.

TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS

SEC. 401. TRANSFER OF OBSCENE MATERIAL TO MINORS.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"§ 1470. Transfer of obscene material to minors

''Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 71 of title 18, United States Code, is amended by adding at the end the following:

''1470. Transfer of obscene material to minors.''.

TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS

SEC. 501. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

''(d) DEATH OR IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—

''(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2422, 2423, or 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if—

''(A) the victim of the offense has not attained the age of 14 years;

''(B) the victim dies as a result of the offense; and

''(C) the defendant, in the course of the offense, engages in conduct described in section 3591(a)(2).

''(2) EXCEPTION.—With respect to a person convicted of a Federal offense described in paragraph (1), the court may impose any lesser sentence that is authorized by law to take into account any substantial assistance provided by the defendant in the investigation or prosecution of another person who has committed an offense, in accordance with the Federal Sentencing Guidelines and the policy statements of the Federal Sentencing Commission pursuant to section 994(p) of title 28, or for other good cause.''.

SEC. 502. SENTENCING ENHANCEMENT FOR CHAPTER 117 OFFENSES.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines to provide a sentencing enhancement for offenses under chapter 117 of title 18, United States Code.

(b) INSTRUCTION TO COMMISSION.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in subsection (a) are appropriately severe and reasonably consistent with other relevant directives and with other Federal Sentencing Guidelines.

SEC. 503. INCREASED PENALTIES FOR USE OF A COMPUTER IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines for—

(A) aggravated sexual abuse under section 2241 of title 18, United States Code;

(B) sexual abuse under section 2242 of title 18, United States Code;

(C) sexual abuse of a minor or ward under section 2243 of title 18, United States Code; and

(D) coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant used a computer with the intent to persuade, induce, entice, coerce, or facilitate the transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in any prohibited sexual activity.

SEC. 504. INCREASED PENALTIES FOR KNOWING MISREPRESENTATION IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant knowingly misrepresented the actual identity of the defendant with the intent to persuade, induce, entice, coerce, or facilitate the transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in a prohibited sexual activity.

SEC. 505. INCREASED PENALTIES FOR PATTERN OF ACTIVITY OF SEXUAL EXPLOITATION OF CHILDREN.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties applicable to the offenses referred to in paragraph (1) in any case in which the defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.

SEC. 506. CLARIFICATION OF DEFINITION OF DISTRIBUTION OF PORNOGRAPHY.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines relating to the distribution of pornography covered under chapter 110 of title 18, United States Code, relating to the sexual exploitation and other abuse of children; and

(2) upon completion of the review under paragraph (1), promulgate such amendments to the Federal Sentencing Guidelines as are necessary to clarify that the term ''distribution of pornography'' applies to the distribution of pornography—

(A) for monetary remuneration; or

(B) for a nonpecuniary interest.

SEC. 507. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

In carrying out this title, the United States Sentencing Commission shall—

(1) with respect to any action relating to the Federal Sentencing Guidelines subject to this title, ensure reasonable consistency with other guidelines of the Federal Sentencing Guidelines; and

(2) with respect to an offense subject to the Federal Sentencing Guidelines, avoid duplicative punishment under the Federal Sentencing Guidelines for substantially the same offense.

TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS

SEC. 601. PRETRIAL DETENTION OF SEXUAL PREDATORS.

Section 3156(a)(4) of title 18, United States Code, is amended by striking subparagraph (C) and inserting the following:

''(C) any felony under chapter 109A, 110, or 117; and''.

SEC. 602. CRIMINAL FORFEITURE FOR OFFENSES AGAINST MINORS.

Section 2253 of title 18, United States Code, is amended by striking ''or 2252 of this chapter'' and inserting ''2252, 2252A, or 2260 of this chapter, or who is convicted of an offense under section 2421, 2422, or 2423 of chapter 117,''.

SEC. 603. CIVIL FORFEITURE FOR OFFENSES AGAINST MINORS.

Section 2254(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or 2252 of this chapter'' and inserting ''2252, 2252A, or 2260 of this chapter, or used or intended to be used to commit or to promote the commission of an offense under section 2421, 2422, or 2423 of chapter 117,''; and

(2) in paragraph (3), by striking ''or 2252 of this chapter'' and inserting ''2252, 2252A, or 2260 of this chapter, or obtained from a violation of section 2421, 2422, or 2423 of chapter 117,''.

SEC. 604. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) IN GENERAL.—The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended by inserting after section 226 the following:

''SEC. 227. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'electronic communication service' has the meaning given the term in section 2510 of title 18, United States Code; and

''(2) the term 'remote computing service' has the meaning given the term in section 2711 of title 18, United States Code.

''(b) REQUIREMENTS.—

''(1) DUTY TO REPORT.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, obtains knowledge of facts or circumstances that provide probable cause to believe that a violation of section 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, involving child pornography (as defined in section 2256 of that title), has occurred shall, as soon as reasonably possible, make a report of such facts or circumstances to a law enforcement agency or agencies designated by the Attorney General.

''(2) DESIGNATION OF AGENCIES.—Not later than 180 days after the date of enactment of this section, the Attorney General shall designate the law enforcement agency or agencies to which a report shall be made under paragraph (1).

''(3) FAILURE TO REPORT.—A provider of electronic communication services or remote computing services described in paragraph (1) who knowingly and willfully fails to make a report under that paragraph shall be fined—

''(A) in the case of an initial failure to make a report, not more than $50,000; and

''(B) in the case of any second or subsequent failure to make a report, not more than $100,000.

''(c) CIVIL LIABILITY.—No provider or user of an electronic communication service or a remote computing service to the public shall be held liable on account of any action taken in good faith to comply with this section.

''(d) LIMITATION OF INFORMATION OR MATERIAL REQUIRED IN REPORT.—A report under subsection (b)(1) may include additional information or material developed by an electronic communication service or remote computing service, except that the Federal Government may not require the production of such information or material in that report.

''(e) MONITORING NOT REQUIRED.—Nothing in this section may be construed to require a provider of electronic communication services or remote computing services to engage in the monitoring of any user, subscriber, or customer of that provider, or the content of any communication of any such person.

''(f) CONDITIONS OF DISCLOSURE OF INFORMATION CONTAINED WITHIN REPORT.—

''(1) IN GENERAL.—No law enforcement agency that receives a report under subsection (b)(1) shall disclose any information contained in that report, except that disclosure of such information may be made—

''(A) to an attorney for the government for use in the performance of the official duties of the attorney;

''(B) to such officers and employees of the law enforcement agency, as may be necessary in the performance of their investigative and record-keeping functions;

''(C) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law; or

''(D) as permitted by a court at the request of an attorney for the government, upon a showing that such information may disclose a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.

''(2) DEFINITIONS.—In this subsection, the terms 'attorney for the government' and 'State' have the meanings given those terms in Rule 54 of the Federal Rules of Criminal Procedure.''.

(b) EXCEPTION TO PROHIBITION ON DISCLOSURE.—Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

''(6) to a law enforcement agency—

''(A) if the contents—

''(i) were inadvertently obtained by the service provider; and

''(ii) appear to pertain to the commission of a crime; or

''(B) if required by section 227 of the Crime Control Act of 1990.''.

SEC. 605. CIVIL REMEDY FOR PERSONAL INJURIES RESULTING FROM CERTAIN SEX CRIMES AGAINST CHILDREN.

Section 2255(a) of title 18, United States Code, is amended by striking ''2251 or 2252'' and inserting ''2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423''.

SEC. 606. ADMINISTRATIVE SUBPOENAS.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended—

(1) in section 3486, by striking the section designation and heading and inserting the following:

''§3486. Administrative subpoenas in Federal health care investigations''; and

(2) by adding at the end the following:

''§3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—In any investigation relating to any act or activity involving a violation of section 1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title in which the victim is an individual who has not attained the age of 18 years, the Attorney General, or the designee of the Attorney General, may issue in writing and cause to be served a subpoena—

''(A) requiring a provider of electronic communication service or remote computing service to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, which may be relevant to an authorized law enforcement inquiry; or

''(B) requiring a custodian of records to give testimony concerning the production and authentication of such records or information.

''(2) ATTENDANCE OF WITNESSES.—Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

''(b) PROCEDURES APPLICABLE.—The same procedures for service and enforcement as are provided with respect to investigative demands in section 3486 apply with respect to a subpoena issued under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3486 and inserting the following:

''3486. Administrative subpoenas in Federal health care investigations.

''3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation.''.

SEC. 607. GRANTS TO STATES TO OFFSET COSTS ASSOCIATED WITH SEXUALLY VIOLENT OFFENDER REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended—

(1) by redesignating the second subsection designated as subsection (g) as subsection (h); and

(2) by adding at the end the following:

''(i) GRANTS TO STATES FOR COSTS OF COMPLIANCE.—

''(1) PROGRAM AUTHORIZED.—

''(A) IN GENERAL.—The Director of the Bureau of Justice Assistance (in this subsection referred to as the 'Director') shall carry out a program, which shall be known as the 'Sex Offender Management Assistance Program' (in this subsection referred to as the 'SOMA program'), under which the Director shall award a grant to each eligible State to offset costs directly associated with complying with this section.

''(B) USES OF FUNDS.—Each grant awarded under this subsection shall be—

''(i) distributed directly to the State for distribution to State and local entities; and

''(ii) used for training, salaries, equipment, materials, and other costs directly associated with complying with this section.

''(2) ELIGIBILITY.—

''(A) APPLICATION.—To be eligible to receive a grant under this subsection, the chief executive of a State shall, on an annual basis, submit to the Director an application (in such form and containing such information as the Director may reasonably require) assuring that—

''(i) the State complies with (or made a good faith effort to comply with) this section; and

''(ii) where applicable, the State has penalties comparable to or greater than Federal penalties for crimes listed in this section, except that the Director may waive the requirement of this clause if a State demonstrates an overriding need for assistance under this subsection.

''(B) REGULATIONS.—

''(i) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Director shall promulgate regulations to implement this subsection (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this subsection. In allocating funds under this subsection, the Director may consider the annual number of sex offenders registered in each eligible State's monitoring and notification programs.

''(ii) CERTAIN TRAINING PROGRAMS.—Prior to implementing this subsection, the Director shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of this Act. In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Director shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program prior to implementing the SOMA program.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for each of fiscal years 1999 and 2000.''.

(b) STUDY.—Not later than March 1, 2000, the Director shall conduct a study to assess the efficacy of the Sex Offender Management Assistance Program under section 170101(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(i)), as added by this section, and submit recommendations to Congress.

TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS

SEC. 701. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.

(a) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

''§540B. Investigation of serial killings

''(a) IN GENERAL.—The Attorney General and the Director of the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, if such investigation is requested by the head of a law enforcement agency with investigative or prosecutorial jurisdiction over the offense.

''(b) DEFINITIONS.—In this section:

''(1) KILLING.—The term 'killing' means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed.

''(2) SERIAL KILLINGS.—The term 'serial killings' means a series of 3 or more killings, not less than 1 of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors.

''(3) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by adding at end the following:

''540B. Investigation of serial killings.''.

SEC. 702. KIDNAPPING.

(a) CLARIFICATION OF ELEMENT OF OFFENSE.—Section 1201(a)(1) of title 18, United States Code, is amended by inserting '', regardless of whether the person was alive when transported across a State boundary if the person was alive when the transportation began'' before the semicolon.

(b) TECHNICAL AMENDMENT.—Section 1201(a)(5) of title 18, United States Code, is amended by striking ''designated'' and inserting ''described''.

(c) 24-HOUR RULE.—Section 1201(b) of title 18, United States Code, is amended by adding at the end the following: ''Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.''.

SEC. 703. MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish within the Federal Bureau of Investigation a Child Abduction and Serial Murder Investigative Resources Center to be known as the ''Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center'' (in this section referred to as the ''CASMIRC'').

(b) PURPOSE.—The CASMIRC shall be managed by National Center for the Analysis of Violent Crime of the Critical Incident Response Group of the Federal Bureau of Investigation (in this section referred to as the ''NCAVC''), and by multidisciplinary resource teams in Federal Bureau of Investigation field offices, in order to provide investigative support through the coordination and provision of Federal law enforcement resources, training, and application of other multidisciplinary expertise, to assist Federal, State, and local authorities in matters

involving child abductions, mysterious disappearance of children, child homicide, and serial murder across the country. The CASMIRC shall be co-located with the NCAVC.

(c) DUTIES OF THE CASMIRC.—The CASMIRC shall perform such duties as the Attorney General determines appropriate to carry out the purposes of the CASMIRC, including—

(1) identifying, developing, researching, acquiring, and refining multidisciplinary information and specialities to provide for the most current expertise available to advance investigative knowledge and practices used in child abduction, mysterious disappearance of children, child homicide, and serial murder investigations;

(2) providing advice and coordinating the application of current and emerging technical, forensic, and other Federal assistance to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(3) providing investigative support, research findings, and violent crime analysis to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(4) providing, if requested by a Federal, State, or local law enforcement agency, on site consultation and advice in child abduction, mysterious disappearances of children, child homicide and serial murder investigations;

(5) coordinating the application of resources of pertinent Federal law enforcement agencies, and other Federal entities including, but not limited to, the United States Customs Service, the Secret Service, the Postal Inspection Service, and the United States Marshals Service, as appropriate, and with the concurrence of the agency head to support Federal, State, and local law enforcement involved in child abduction, mysterious disappearance of a child, child homicide, and serial murder investigations;

(6) conducting ongoing research related to child abductions, mysterious disappearances of children, child homicides, and serial murder, including identification and investigative application of current and emerging technologies, identification of investigative searching technologies and methods for physically locating abducted children, investigative use of offender behavioral assessment and analysis concepts, gathering statistics and information necessary for case identification, trend analysis, and case linkages to advance the investigative effectiveness of outstanding abducted children cases, develop investigative systems to identify and track serious serial offenders that repeatedly victimize children for comparison to unsolved cases, and other investigative research pertinent to child abduction, mysterious disappearance of a child, child homicide, and serial murder covered in this section;

(7) working under the NCAVC in coordination with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to provide appropriate training to Federal, State, and local law enforcement in matters regarding child abductions, mysterious disappearances of children, child homicides; and

(8) establishing a centralized repository based upon case data reflecting child abductions, mysterious disappearances of children, child homicides and serial murder submitted by State and local agencies, and an automated system for the efficient collection, retrieval, analysis, and reporting of information regarding CASMIRC investigative resources, research, and requests for and provision of investigative support services.

(d) APPOINTMENT OF PERSONNEL TO THE CASMIRC.—

(1) SELECTION OF MEMBERS OF THE CASMIRC AND PARTICIPATING STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.—The Director of the Federal Bureau of Investigation shall appoint the members of the CASMIRC. The CASMIRC shall be staffed with Federal Bureau of Investigation personnel and other necessary personnel selected for their expertise that would enable them to assist in the research, data collection, and analysis, and provision of investigative support in child abduction, mysterious disappearance of children, child homicide and serial murder investigations. The Director may, with concurrence of the appropriate State or local agency, also appoint State and local law enforcement personnel to work with the CASMIRC.

(2) STATUS.—Each member of the CASMIRC (and each individual from any State or local law enforcement agency appointed to work with the CASMIRC) shall remain as an employee of that member's or individual's respective agency for all purposes (including the purpose of performance review), and service with the CASMIRC shall be without interruption or loss of civil service privilege or status and shall be on a nonreimbursable basis, except if appropriate to reimburse State and local law enforcement for overtime costs for an individual appointed to work with the resource team. Additionally, reimbursement of travel and per diem expenses will occur for State and local law enforcement participation in resident fellowship programs at the NCAVC when offered.

(3) TRAINING.—CASMIRC personnel, under the guidance of the Federal Bureau of Investigation's National Center for the Analysis of Violent Crime and in consultation with the National Center For Missing and Exploited Children, shall develop a specialized course of instruction devoted to training members of the CASMIRC consistent with the purpose of this section. The CASMIRC shall also work with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to develop a course of instruction for State and local law enforcement personnel to facilitate the dissemination of the most current multidisciplinary expertise in the investigation of child abductions, mysterious disappearances of children, child homicides, and serial murder of children.

(e) REPORT TO CONGRESS.—One year after the establishment of the CASMIRC, the Attorney General shall submit to Congress a report, which shall include—

(1) a description of the goals and activities of the CASMIRC; and

(2) information regarding—

(A) the number and qualifications of the members appointed to the CASMIRC;

(B) the provision of equipment, administrative support, and office space for the CASMIRC; and

(C) the projected resource needs for the CASMIRC.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 1999, 2000, and 2001.

(g) CONFORMING AMENDMENT.—Subtitle C of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 5776a et seq.) is repealed.

TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES

SEC. 801. PRISONER ACCESS.

Notwithstanding any other provision of law, no agency, officer, or employee of the United States shall implement, or provide any financial assistance to, any Federal program or Federal activity in which a Federal prisoner is allowed access to any electronic communication service or remote computing service without the supervision of an official of the Federal Government.

SEC. 802. RECOMMENDED PROHIBITION.

(a) FINDINGS.—Congress finds that—

(1) a Minnesota State prisoner, serving 23 years for molesting teenage girls, worked for a nonprofit work and education program inside the prison, through which the prisoner had unsupervised access to the Internet;

(2) the prisoner, through his unsupervised access to the Internet, trafficked in child pornography over the Internet;

(3) Federal law enforcement authorities caught the prisoner with a computer disk containing 280 pictures of juveniles engaged in sexually explicit conduct;

(4) a jury found the prisoner guilty of conspiring to trade in child pornography and possessing child pornography;

(5) the United States District Court for the District of Minnesota sentenced the prisoner to 87 months in Federal prison, to be served upon the completion of his 23-year State prison term; and

(6) there has been an explosion in the use of the Internet in the United States, further placing our Nation's children at risk of harm and exploitation at the hands of predators on the Internet and increasing the ease of trafficking in child pornography.

(b) SENSE OF CONGRESS.—It is the sense of Congress that State Governors, State legislators, and State prison administrators should prohibit unsupervised access to the Internet by State prisoners.

SEC. 803. SURVEY.

(a) SURVEY.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall conduct a survey of the States to determine to what extent each State allows prisoners access to any interactive computer service and whether such access is supervised by a prison official.

(b) REPORT.—The Attorney General shall submit a report to Congress of the findings of the survey conducted pursuant to subsection (a).

(c) STATE DEFINED.—In this section, the term ''State'' means each of the 50 States and the District of Columbia.

TITLE IX—STUDIES

SEC. 901. STUDY ON LIMITING THE AVAILABILITY OF PORNOGRAPHY ON THE INTERNET.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall request that the National Academy of Sciences, acting through its National Research Council, enter into a contract to conduct a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet, in order to develop possible amendments to Federal criminal law and other law enforcement techniques to respond to the problem.

(b) CONTENTS OF STUDY.—The study under this section shall address each of the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) Any inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(c) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a final report of the study under this section, which report shall—

(1) set forth the findings, conclusions, and recommendations of the Council; and

(2) be submitted by the Committees on the Judiciary of the House of Representatives and the Senate to relevant Government agencies and committees of Congress.

SEC. 902. STUDY OF HOTLINES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall conduct a study in accordance with subsection (b) and submit to Congress a report on the results of that study.

(b) CONTENTS OF STUDY.—The study under this section shall include an examination of—

(1) existing State programs for informing the public about the presence of sexual predators released from prison, as required in section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), including the use of CD-ROMs, Internet databases, and Sexual Offender Identification Hotlines, such as those used in the State of California; and

(2) the feasibility of establishing a national hotline for parents to access a Federal Bureau of Investigation database that tracks the location of convicted sexual predators established under section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072) and, in determining that feasibility, the Attorney General shall examine issues including the cost, necessary changes to Federal and State laws necessitated by the creation of such a hotline, consistency with Federal and State case law pertaining to community notification, and the need for, and accuracy and reliability of, the information available through such a hotline.

AMENDMENT NO. 3811

(Purpose: To make technical and conforming amendments)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for Mr. HATCH, Mr. LEAHY, and Mr. DEWINE, proposes an amendment numbered 3811.

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

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

The amendment is as follows:

On page 116, lines 22 and 23, strike ''territory'' and insert ''commonwealth, territory,''.

On page 118, strike lines 1 through 3, and insert the following:

''(2) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United''.

On page 132, lines 9 and 10, strike ''that provide probable cause to believe that'' and insert ''from which''.

On page 132, line 13, strike ''has occurred'' and insert ''is apparent,''.

Mr. COATS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The amendment (No. 3811) was agreed to.

AMENDMENT NO. 3812

(Purpose: To amend chapter 110 of title 18, United States Code, to provide for ''zero tolerance'' for possession of child pornography)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for Mr. HATCH, proposes an amendment numbered 3812.

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

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

The amendment is as follows:

On page 121, between lines 6 and 7, insert the following:

SEC. 203. ''ZERO TOLERANCE'' FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by striking ''3 or more'' each place that term appears and inserting ''1 or more''; and

(2) by adding at the end the following:

''(c) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating paragraph (4) of subsection (a) that the defendant—

''(1) possessed less than 3 matters containing any visual depiction proscribed by that paragraph; and

''(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof—

''(A) took reasonable steps to destroy each such visual depiction; or

''(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.''.

(b) MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)(5), by striking ''3 or more images'' each place that term appears and inserting ''an image''; and

(2) by adding at the end the following:

''(d) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (a)(5) that the defendant—

''(1) possessed less than 3 images of child pornography; and

''(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

''(A) took reasonable steps to destroy each such image; or

''(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.''.

Mr. COATS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, the bill considered read the third time and passed, as amended, the amendment to the title be agreed to, and the title, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The amendment (No. 3812) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (H.R. 3494), as amended, was considered read the third time, and passed.

The title amendment was agreed to.

The title amendment, as amended, was agreed to.

The title was amended so as to read: ''To amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes.''

Mr. HATCH. Mr. President, I am pleased to note the passage of H.R. 3494, the Hatch-Leahy-DeWine ''Protection of Children from Sexual Predators Act of 1998.'' I want to thank Senators LEAHY and DEWINE for their cooperation in drafting and advocating the passage of this important piece of legislation. I also want to commend Congressman MCCOLLUM for his determined efforts in marshaling H.R. 3494 through the House.

Although it was necessary to make some changes to the House version in an effort to achieve bipartisan support in the Senate, the final product is a strong bill which goes a long way toward improving the ability of law enforcement and the courts to respond to high-tech sexual predators of children. Pedophiles who roam the Internet, purveyors of child pornography, and serial child molesters are specifically targeted.

The Internet is a wonderful creation. By allowing for instant communication around the globe, it has made the world a smaller place, a place in which people can express their thoughts and ideas without limitation. It has released the creative energies of a new generation of entrepreneurs and it is an unparalleled source of information.

While we should encourage people to take full advantage of the opportunities the Internet has to offer, we must also be vigilant in seeking to ensure that the Internet is not perverted into a hunting ground for pedophiles and other sexual predators, and a drive-through library and post office for purveyors of child pornography. Our children must be protected from those who would choose to sexually abuse and exploit them. And those who take the path of predation should know that the consequences of their actions will be severe and unforgiving.

How does this bill provide additional protection for our children? By prohibiting the libidinous dissemination on the Internet of information related to minors and the sending of obscene material to minors, we make it more difficult for sexual predators to gather information on, and lower the sexual inhibitions of, potential targets. By prohibiting to possession of even one item or image containing child pornography, we are stating in no uncertain terms that we have ''zero tolerance'' for the sexual exploitation of children. And by requiring electronic communication service providers to report the commission of child pornography offenses to authorities, we mandate accountability and responsibility on the Internet.

Additionally, law enforcement is given effective tools to pursue sexual predators. The Attorney General is provided with authority to issue administrative subpoenas in child pornography cases. Proceeds derived from these offenses, and the facilities and instrumentalities used to perpetuate these offenses, will be subject to forfeiture. And prosecutors will not have the power to seek pretrial detention of sexual predators prior to trial.

Federal law enforcement will be given increased statutory authority to assist the States in kidnapping and serial murder investigations, which often involve children. In that vein, H.R. 3494 calls for the creation of the Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center.

That center will gather information, expertise and resources that our nation's law enforcement agencies can draw upon to help combat these heinous crimes.

Sentences for child abuse and exploitation offenses will be made tougher. In addition to increasing the maximum penalties available for many crimes against children and mandating tough sentences for repeat offenders, the bill will also recommend that the Sentencing Commission reevaluate the guidelines applicable to these offenses, and increase them where appropriate to address the egregiousness of these crimes. And H.R. 3494 calls for life imprisonment in appropriate cases where certain crimes result in the death of children.

Protection of our children is not a partisan issue. We have drawn upon the collective wisdom of the House as well as from Senators on both sides of the aisle to draft a bill which includes strong, effective legislation protecting children. Once again, I urge the House to act quickly to pass this bill so that we can get it to the President for his signature this session. Protection for our children delayed is protection denied.

Mr. LEAHY. Mr. President, I am glad that we have been able to achieve passage of a bill that will help protect children from sexual predators.

As the leaders of the Senate Judiciary Committee, it is the responsibility of Chairman HATCH and myself to schedule legislation for consideration by the Committee and to draft changes, if warranted. Many bills never are scheduled for committee votes, and as the legislative session draws to a close, it becomes increasingly important that any bills brought to the Senate Floor adequately address concerns raised, to improve their chances for enactment. At this stage of the legislative process, even one senator can prevent passage of an ill-considered or controversial bill. Passage today of the Hatch-Leahy-DeWine substitute to H.R. 3494 is due to the efforts of those members who have worked to resolve the legitimate concerns raised by the original bill we received from the House.

In the case of H.R. 3494, the Chairman and I, joined by Senator DEWINE. worked hard to bring forward a bill that was both strong and sensible and that would have a chance to win enactment in the short time remaining in the legislative session.

Unlike some who may just want to score political points, we actually want to enact this bill to protect children, something that I worked hard to do as a prosecutor, when I convicted child molesters in the state of Vermont. We wanted to bring forward a bill that could pass.

The problem area is the original House bill as it reached the Committee centered on its unintended consequences for law enforcement, regulation of the Internet, and important privacy rights that have nothing to do with child pornography.

As I have said before, the whole world watches when the United States regulates the Internet, and we have a special obligation to do it right.

The goal of H.R. 3494, and of the Hatch-Leahy-DeWine substitute, is to provide stronger protections for children from those who would prey upon them. Concerns over protecting our children have only intensified in recent years with the growing popularity of the Internet and the World Wide Web. Cyberspace gives users access to a wealth of information; it connects people from around the world. But is also creates new opportunities for sexual predators and child pornographers to ply their trade.

The challenge is to protect children from exploitation in cyberspace while ensuring that the vast democratic forum of the Internet remains an engine for the free exchange of ideas and information.

The Hatch-Leahy-DeWine version of the bill meets this challenge. While neither version is a cure-all for the scourge of child pornography, the substitute is a useful step toward limiting the ability of cyber-pornographers and predators from harming children.

The bill has come a long way since it was passed by the House last June. Significant objections were raised by civil liberties organizations and others to provisions in the original H.R. 3494, and we worked hard on a bipartisan basis to ensure that this bill would pass in the short time remaining in this Congress.

I thank the Chairman and Senator DEWINE, and other members of the Committee, for working together to address the legitimate concerns about certain provisions in the House-passed bill, and to make this substitute more focused and measured. Briefly, I would like to highlight and explain some of the changes we made, and why we made them.

As passed by the House, H.R. 3494 would make it a crime, punishable by up to 5 years' imprisonment, to do nothing more than ''contact'' a minor, or even just attempt to ''contact'' a minor, for the purpose of engaging in sexual activity. This provision, which would be extremely difficult to enforce and would invite court challenges, does not appear in the Hatch-Leahy-DeWine substitute. In criminal law terms, the act of making contact is not very far along the spectrum of an overt criminal act. Targeting ''attempts'' to make contact would be even more like prosecuting a thought crime. It is difficult to see how such a provision would be enforced without inviting significant litigation.

Another new crime created by the House bill prohibited the transmittal of identifying information about any person under 18 for the purpose of encouraging unlawful sexual activity. In its original incarnation, this provision would have had the absurd result of prohibiting a person under the age of consent from e-mailing her own address or telephone number to her boyfriend. The Hatch-Leahy-DeWine substitute fixes this problem by making it clear that a violation must involve the transmission of someone else's identifying information. In addition, to eliminate any notice problem arising from the variations in state statutory rape laws, the Senate bill conforms the bill to the federal age of consent—16—in provisions regarding the age of the identified minor. The Senate bill also clarifies that the defendant must know that the person about whom he was transmitting identifying information was, in fact, under 16. This change was particularly important because, in the anonymous world of cyberspace, a person may have no way of knowing the age of the faceless person with whom he is communicating.

Another provision of the House bill, which makes it a crime to transfer obscene material to a minor, raised similar concerns. Again, the Hatch-Leahy-DeWine bill lowers the age of minority from 18 to 16—the federal age of majority—and provides that the defendant must know he is dealing with someone so young. This provision of the Senate bill, like the House bill, applies only to ''obscene'' material—that is, material that enjoys no First Amendment protection whatever—material that is patently offensive to the average adult. The bill does not purport to proscribe the transferral of constitutionally protected material.

The original House bill would also have criminalized certain conduct directed at a person who had been ''represented '' to be a minor, even if that person was, in fact, an adult. The evident purpose was to make clear that the targets of sting operations are not relieved of criminal liability merely because their intended victim turned out to be an undercover agent and not a child. The new ''sting'' provisions addressed a problem that simply does not currently exist: No court has ever endorsed an impossibility defense along the lines anticipated by the House bill. The creation of special ''sting'' provisions in this one area could unintentionally harm law enforcement interests by lending credence to impossibility defenses raised in other sting and undercover situations. At the same time, these provisions would have criminalized conduct that was otherwise lawful: It is not a crime for adults to communicate with each other about sex, even if one of the adults pretends to be a child. Given these significant concerns, the ''sting'' provisions have been stricken from the House Leahy-DeWine substitute.

Another concern with the House bill was its modification of the child pornography possession laws. Current law requires possession of three or more pornographic images in order for there to be criminal liability. Congress wrote this requirement into the law as a way of protecting against government overreaching. By eliminating this numeric

requirement, the House bill put at risk the unsuspecting Internet user who, by inadvertence or mistake, downleaded a single pornographic image of a child. While we support the concept of zero tolerance for child pornography, the inevitable result of the House language in overriding the earlier congressional definition would be to chill the free exchange of information over the Web by making users fearful that, if they download illegal material by mistake, they could go to jail.

More importantly, this provision could also inadvertently harm law enforcement interests by chilling those who inadvertently or mistakenly come upon child pornography from bringing the material to the attention of law enforcement officers. Technically, under the House-passed bill, these law-abiding citizens would be subject to criminal liabiilty.

Efforts to avoid these unintended consequences, while promoting zero tolerance of child pornography, could not be resolved in the time constraints facing the Committee. However, our bipartisan efforts to draft workable language have borne fruit. The Hatch-Leahy-DeWine-Sessions amendment accommodates the objective of ''zero balance'' for child pornography, but permits a narrow affirmative defense for certain defendants who, in good faith, destroyed the prohibited material or reported it to law enforcement authorities. With this amendment, we have achieved zero tolerance without unintended consequences for innocent Internet users and for law enforcement.

The House bill would have given the Attorney General sweeping administrative authority to subpoena records and witnesses investigations involving crimes against children. This proposed authority to issue administrative subpoenas would have given federal agents the power to compel disclosures without any oversight by a judge, prosecutor, or grand jury, and without any of the grand jury secrecy requirements. We appreciate that such secretary requirements may pose obstacles to full and efficient cooperation of federal/state task forces in their joint efforts to reduce the steadily increasing use of the Internet to perpetrate crimes against children, including crimes involving the distribution of child pornography. In addition, we understand that some U.S. Attorneys' Offices are reluctant to open grand jury investigations when the only goal is to identify individuals who have not yet, and may never, commit a federal (as opposed to state or local) offense.

The Hatch-Leahy-DeWine substitute accommodates these competing interests by granting the Department a narrowly drawn authority to subpoena the information that it most needs: Routine subscriber account information from Internet Service Providers (ISPS), which may provide appropriate notice to subscribers.

The new reporting requirement established by H.R. 3494 would also create new problems. Under current law, ISPs are generally free to report suspicious communications to law enforcement authorities. Under H.R. 3494, ISPs would be required to report such communications when they involve child pornography; failure to do so would be punishable by a substantial fine.

In addressing this issue, the Chairman, Senator DEWINE and I are committed to eradicating the market of child pornography, believing that child pornography is inherently harmful to children. ISPs that come across such material should report it, and, in most cases, they already do. We must tread cautiously, however, before we compel private citizens to act as good Samaritans or to assume duties and responsibilities that are better left to law enforcement following statutory defined procedures to safeguard privacy and ensure due process.

The ISPs have cooperated in refining this provision of the House bill to make it more workable. Particular consideration was given to the appropriate standard for triggering a duty to report. We wanted to make the bar sufficiently high to discourage ISPs from erring on the side of over-reporting every questionable image. Over-reporting would overwhelm law enforcement agencies with worthless investigative leads and make it more difficult for them to isolate the leads worth pursuing. Over-reporting would also jeopardize the First Amendment rights of Internet users, while needlessly magnifying the administrative burden of the ISPs.

Under H.R. 3494, ISPs have a duty to make a report to law enforcement authorities only when they obtain knowledge of material from which a violation of the federal child pornography laws ''is apparent.'' While the committee-reported bill required ISPs to make a report only when they had ''probable cause'' to believe that the child pornography laws were being violated, the substitute passed today adopts an ''is apparent'' standard. The latter standard is stricter than the ''probable cause'' standard and so will reduce any incentive for over-reporting. I ask unanimous consent that a letter from America Online regarding the ''is apparent'' standard be included in the record.

If the ''is apparent'' standard is met, an ISP must expeditiously file a report with law enforcement authorities. This report is to include the ''facts or circumstances'' from which a violation of the law is apparent, so that law enforcement agencies can determine whether or not further investigation or prosecution is called for. Information in the ISP's files identifying the name of a subscriber does not fall within this description, since child pornography offenses will either be apparent or not, without regard to the name of a party to an image transmission or other violative act. If law enforcement determines that further investigation is warranted, it may subpoena, the ISP for any identifying information that the ISP may possess. The new administrative subpoena power should expedite this process.

The substitute also refines the reporting requirement in other ways:

First, by providing that there is no liability for failing to make a report unless the ISP knew both of the existence of child pornography and of the duty to report it (if it rises to the level of probable cause).

Second, by making clear that we are not imposing a monitoring requirement of any kind: ISPs must report child pornography when they come across it or it is brought to their attention, but they are not obligated to go out looking for it, which raises significant privacy concerns and conflicts with other laws.

Third, by adding privacy protections for any information reported under the bill.

Fourth, to protect smaller ISPs who could be put out of business for a first offense, by lowering the maximum fine for first offenders to $50,000; a second or subsequent failure to report, however, may still result in a fine of up to $100,000.

Thus, improved, the reporting requirement will accomplish its objectives without violating the privacy rights of Internet users, unduly burdening the ISPs, or inundating law enforcement with a lot of worthless information.

In conclusion, I commend Senators HATCH and DEWINE for their efforts to address the terrible problem of child predators and pornographers. I am glad that we were able to join forces to construct a substitute that goes a long way toward achieving our common goals.

AMERICA ONLINE INC.,
Washington, DC, September 25, 1998.

Hon. PATRICK LEAHY,
Ranking Member, Judiciary Committee, US Senate, Washington, DC.

DEAR SENATOR LEAHY: I am writing to follow up on the letter of September 18 on the ISP reporting provisions of H.R. 3494, to which America Online was a signatory.

In discussions preceding markup, there was an ISP request for a tighter standard for the duty-to-report screening test, to avoid unnecessary and counter-productive reporting. In response, the committee used a ''probable cause'' standard. While we are grateful for your intent, there has remained some uncertainty about the effect of the original ''is apparent'' standard and, thus, about which standard is actually more limiting of the material covered, and thus more workable for ISP's. Subsequently, a number of ISP's have analyzed and discussed the question, and it is our collective judgment that the ''is apparent'' standard is preferable. This is the basis for our request that the language be changed.

To elaborate: under proposed 227(b)(1) of the Victims of Child Abuse Act, as added by Sec. 604 of H.R. 3494, Internet and online service providers (ISP's) would have a duty to report to a law enforcement authority any child pornography of which it gains knowledge in the provision of its service. In each case the ISP must judge whether material is covered under this duty or not. The test it

uses in this process of analysis is the subject of our request. Based on our review of the history of the ''is apparent'' standard, we believe it to result in a narrower reporting scope than ''probably cause,'' which at best calls for an uncertain ''more likely than not'' judgment.

A more workable approach is to trigger the duty when the ISP receives knowledge of ''facts or circumstances from which a violation of [applicable law] is apparent****'' While the ISP has no duty to monitor its users, in essence this language creates a ''red flag:'' if the ISP in the operation of its service obtains knowledge of material which is clearly child pornography, a red flag should be raised. Such material must be reported to the authorities. It is not, the ISP may be heavily fined—it ignores the red flag at its peril.

As you are aware, this standard originated in Title II of the Digital Millennium Copyright Act, developed in the Judiciary Committee and passed 99–0 by the Senate earlier this summer. For material present on ISPs' servers or material to which ISP's link on the Internet, committee desired to create a standard of liability triggered by disregard of any ''red flags''. It sought a test falling between the familiar ''should have known, could have known'' standard, which was deemed too broad in its coverage, and absolute certainty of infringement, which was deemed too narrow. ''Apparent'' has more the meaning of ''clear on its face,'' and is a higher standard of evidence of illegality than ''probable cause'', which implies ''more likely than not, based on all the circumstances.''. As the bill's extensively-negotiated ''Section by Section'' written analysis states: ''Under this standard, a service provider would have no obligation to seek out copyright infringement, but it would not qualify for the safe habor if it had turned a blind eye to 'red flags' of obvious infringement.''

Again, given this history and understanding of the ''is apparent'' standard, we believe it will be a significant improvement over ''probable cause'' in H.R. 3494's duty-to-report provisions.

In conclusion, thank you for your willingness to continue working with us on this point. Your sensitivity, and that of the Chairman, have once again been crucial in laying down a workable legislative road map for the Internet/online medium.

Very truly yours,

JILL A. LESSER,
Director, Law & Public Policy,
Assistant General Counsel.

Mr. LAUTENBERG. Mr. President, we live in a world where it is increasingly difficult to protect our children. The advent of sophisticated computer technology has made it too easy for depraved criminals to gather information about children and prey upon them. And nothing is more heinous and reprehensible than the brutalization of a child. We cannot be too vigilant in the battle against child predators.

I am pleased that today, with the passage of the Child Protection and Sexual Predator Punishment Act, the Senate is marching forward in this fight. This legislation will provide tough punishment for those who would sexually abuse the youth of our Nation.

This measure contains an important provision, the Joan's Law Act, that Senator TORRICELLI and I originally introduced as a separate bill. This measure is based on a New Jersey law, which was named after a 7-year-old-girl, Joan D'Alessandro. Tragically, Joan was raped and killed in 1973. Although her murderer was convicted of the crime and sentenced to 20 years in State prison, he has become eligible for parole and continues to seek his release.

Joan's family has repeatedly had to fight against parole for this vicious killer. They have been forced to relive this tragedy again and again, as they try to ensure that others are protected from the terrible horror they have suffered.

Joan's law will spare other families from these battles. It provides that, unless the death sentenced is imposed, any criminal convicted of a sexual offense that results in the death of a minor under the age of 14 will be sentenced to life imprisonment. With this effort, we will ensure that cold-blooded murderers who abuse our children will be kept behind bars for the rest of their lives.

Mr. President, I wish that we could do more to alleviate the pain and trauma suffered by the D'Alessandro family. With profound courage and dignity, they have endured so much for so long. Their relentless battle for justice, and their tireless efforts to protect others is an inspiration to us all. I am deeply heartened that Congress has passed this legislative memorial to Joan.

Mr. CONRAD. Mr. President, I would like to say a few words about my strong support of the Mississippi Sioux Tribes Judgment Fund Distribution Act.

In 1967, the Indian Claims Commission rendered a judgment in favor of the Sisseton-Wahpeton Sioux Tribe, the Devils Lake Sioux Tribe (now the Spirit Lake Nation), and the Assiniboine and Sioux Tribe of Fort Peck, to satisfy land compensation claims. In 1968, Congress appropriated $5.9 million for this settlement.

In 1972, Congress passed legislation to provide for the distribution of this award to the three Tribes. Twenty-five percent ($1.5 million) was set aside for lineal descendants who are not tribal members. Funds were distributed to the Devils Lake Sioux and the Sisseton-Wahpeton Sioux in 1974, and a partial distribution was made to the Assiniboine and Sioux Tribe in 1979. However, because the original judgment did not include shares for the lineal descendants, the issue has been tied up in litigation and the lineal descendants' share of the funds has remained undistributed since the passage of distribution legislation in 1972. Since that time, the interest on the fund has grown to nearly $15 million. The bill we have approved today will distribute 71.6005 percent of these funds to the lineal descendants, and 28.3995 percent to the Tribes.

I say again, as I have said on numerous occasions, this situation has gone on long enough. Neither the Tribes nor the lineal descendants benefit from these funds being tied up in court. The Indian Affairs Committee has worked with the Tribes, the Department of the Interior, and representatives of the lineal descendants to craft the compromise embodied in this legislation.

Mr. President, I am pleased by the passage of this legislation, which helps finalize a judgment made three decades ago. This legislation is a fair compromise, one that will help break the stalemate that has prevented the distribution of these judgment funds. I thank my colleagues for their support and assistance.

AMENDING THE ARMORED CAR INDUSTRY RECIPROCITY ACT OF 1993

Mr. COATS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 538, H.R. 624.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 624) to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. COATS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 624) was considered read the third time, and passed.

ANTI-MICROBIAL REGULATION TECHNICAL CORRECTIONS ACT OF 1998

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4679, which was received from the House.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4679) to amend the Federal Food, Drug and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. COATS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 4679) was considered read the third time, and passed.

MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1998

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 708, S. 391.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 391) to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED INDIAN TRIBE.—The term ''covered Indian tribe'' means an Indian tribe listed in section 4(a).

(2) FUND ACCOUNT.—The term ''Fund Account'' means the consolidated account for tribal trust funds in the Treasury of the United States that is managed by the Secretary—

(A) through the Office of Trust Fund Management of the Department of the Interior; and

(B) in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

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

(4) TRIBAL GOVERNING BODY.—The term ''tribal governing body'' means the duly elected governing body of a covered Indian tribe.

SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY, THE SISSETON AND WAHPETON TRIBES OF SIOUX INDIANS.

Notwithstanding any other provision of law, including Public Law 92–555 (25 U.S.C. 1300d et seq.), any funds made available by appropriations under chapter II of Public Law 90–352 (82 Stat. 239) to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of those Indian tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, that, as of the date of enactment of this Act, have not been distributed, shall be distributed and used in accordance with this Act.

SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.

(a) IN GENERAL.—

(1) AMOUNT DISTRIBUTED.—

(A) IN GENERAL.—Subject to section 8(e) and if no action is filed in a timely manner (as determined under section 8(d)) raising any claim identified in section 8(a), not earlier than 365 days after the date of enactment of this Act and not later than 415 days after the date of enactment of this Act, the Secretary shall transfer to the Fund Account to be credited to accounts established in the Fund Account for the benefit of the applicable governing bodies under paragraph (2) an aggregate amount determined under subparagraph (B).

(B) AGGREGATE AMOUNT.—The aggregate amount referred to in subparagraph (A) is an amount equal to the remainder of—

(i) the funds described in section 3; minus

(ii) an amount equal to 71.6005 percent of the funds described in section 3.

(2) DISTRIBUTION OF FUNDS TO ACCOUNTS IN THE FUND ACCOUNT.—The Secretary shall ensure that the aggregate amount transferred under paragraph (1) is allocated to the accounts established in the Fund Account as follows:

(A) 28.9276 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Spirit Lake Tribe of North Dakota.

(B) 57.3145 percent of that amount, after payment of any applicable attorneys' fees and expenses by the Secretary under the contract numbered A00C14202991, approved by the Secretary on August 16, 1988, shall be allocated to the account established for the benefit of the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(C) 13.7579 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (c).

(b) USE.—Amounts distributed under this section to accounts referred to in subsection (d) for the benefit of a tribal governing body shall be distributed and used in a manner consistent with section 5.

(c) TRIBAL GOVERNING BODY OF ASSINIBOINE AND SIOUX TRIBES OF FORT PECK RESERVATION.—For purposes of making distributions of funds pursuant to this Act, the Sisseton and Wahpeton Sioux Council of the Assiniboine and Sioux Tribes shall act as the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

(d) TRIBAL TRUST FUND ACCOUNTS.—The Secretary of the Treasury, in cooperation with the Secretary of the Interior, acting through the Office of Trust Fund Management of the Department of the Interior, shall ensure that such accounts as are necessary are established in the Fund Account to provide for the distribution of funds under subsection (a)(2).

SEC. 5. USE OF DISTRIBUTED FUNDS.

(a) PROHIBITION.—No funds allocated for a covered Indian tribe under section 4 may be used to make per capita payments to members of the covered Indian tribe.

(b) PURPOSES.—The funds allocated under section 4 may be used, administered, and managed by a tribal governing body referred to in section 4(a)(2) only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

(1) economic development that is beneficial to the covered Indian tribe;

(2) the development of resources of the covered Indian tribe;

(3) the development of programs that are beneficial to members of the covered Indian tribe, including educational and social welfare programs;

(4) the payment of any existing obligation or debt (existing as of the date of the distribution of the funds) arising out of any activity referred to in paragraph (1), (2), or (3);

(5)(A) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in subparagraph (A) or (C) of section 4(a)(2) for litigation or other representation for matters arising out of the enactment of Public Law 92–555 (25 U.S.C. 1300d et seq.); except that

(B) the amount of attorneys' fees paid by a covered Indian tribe under this paragraph with funds distributed under section 4 shall not exceed 10 percent of the amount distributed to that Indian tribe under that section;

(6) the payment of attorneys' fees or expenses of the covered Indian tribe referred to in section 4(a)(2)(B) for litigation and other representation for matters arising out of the enactment of Public Law 92–555 (25 U.S.C. 1300d et seq.), in accordance, as applicable, with the contracts numbered A00C14203382 and A00C14202991, that the Secretary approved on February 10, 1978 and August 16, 1988, respectively; or

(7) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in section 4(a)(2) for litigation or other representation with respect to matters arising out of this Act.

(c) MANAGEMENT.—Subject to subsections (a), (b), and (d), any funds distributed to a covered Indian tribe pursuant to sections 4 and 7 may be managed and invested by that Indian tribe pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) WITHDRAWAL OF FUNDS BY COVERED TRIBES.—

(1) IN GENERAL.—Subject to paragraph (2), each covered Indian tribe may, at the discretion of that Indian tribe, withdraw all or any portion of the funds distributed to the Indian tribe under sections 4 and 7 in accordance with the American Indian Trust Fund Management Reform Act (25 U.S.C. 4001 et seq.).

(2) EXEMPTION.—For purposes of paragraph (1), the requirements under subsections (a) and (b) of section 202 of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4022 (a) and (b)) and section 203 of such Act (25 U.S.C. 4023) shall not apply to a covered Indian tribe or the Secretary.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) may be construed to limit the applicability of section 202(c) of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4022(c)).

SEC. 6. EFFECT OF PAYMENTS TO COVERED INDIAN TRIBES ON BENEFITS.

(a) IN GENERAL.—A payment made to a covered Indian tribe or an individual under this Act shall not—

(1) for purposes of determining the eligibility for a Federal service or program of a covered Indian tribe, household, or individual, be treated as income or resources; or

(2) otherwise result in the reduction or denial of any service or program to which, pursuant to Federal law (including the Social Security Act (42 U.S.C. 301 et seq.)), the covered Indian tribe, household, or individual would otherwise be entitled.

(b) APPLICABILITY.—Section 304 of Public Law 92–555 (25 U.S.C. 1300d–8) shall apply to any funds distributed under this Act.

SEC. 7. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

(a) IN GENERAL.—Subject to section 8(e), the Secretary shall, in the manner prescribed in section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)), distribute to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians an amount equal to 71.6005 percent of the funds described in section 3, subject to any reduction determined under subsection (b).

(b) ADJUSTMENTS.—

(1) IN GENERAL.—Subject to section 8(e), if the number of individuals on the final roll of lineal descendants certified by the Secretary under section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is less than 2,588, the Secretary shall distribute a reduced aggregate amount to the lineal descendants referred to in subsection (a), determined by decreasing—

(A) the percentage specified in section 4(a)(B)(ii) by a percentage amount equal to—

(i) .0277; multiplied by

(ii) the difference between 2,588 and the number of lineal descendants on the final roll of lineal descendants, but not to exceed 600; and

(B) the percentage specified in subsection (a) by the percentage amount determined under subparagraph (A).

(2) DISTRIBUTION.—If a reduction in the amount that otherwise would be distributed under subsection (a) is made under paragraph (1), an amount equal to that reduction shall be added to the amount available for distribution under section 4(a)(1), for distribution in accordance with section 4(a)(2).

(c) VERIFICATION OF ANCESTRY.—In seeking to verify the Sisseton and Wahpeton Mississippi Sioux Tribe ancestry of any person applying for enrollment on the roll of lineal descendants after January 1, 1998, the Secretary shall certify that each individual enrolled as a lineal descendant can trace ancestry to a specific Sisseton or Wahpeton Mississippi Sioux Tribe lineal ancestor who was listed on—

(1) the 1909 Sisseton and Wahpeton annuity roll;

(2) the list of Sisseton and Wahpeton Sioux prisoners convicted for participating in the outbreak referred to as the ''1862 Minnesota Outbreak'';

(3) the list of Sioux scouts, soldiers, and heirs identified as Sisseton and Wahpeton Sioux on the roll prepared pursuant to the Act of March 3, 1891 (26 Stat. 989 et seq., chapter 543); or

(4) any other Sisseton or Wahpeton payment or census roll that preceded a roll referred to in paragraph (1), (2), or (3).

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 202(a) of Public Law 92–555 (25 U.S.C. 1300d–4(a)) is amended—

(A) in the matter preceding the table—

(i) by striking '', plus accrued interest,''; and

(ii) by inserting ''plus interest received (other than funds otherwise distributed to the Sisseton and Wahpeton Tribes of Sioux Indians in accordance with the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998),'' after ''docket numbered 359,''; and

(B) in the table contained in that subsection, by striking the item relating to ''All other Sisseton and Wahpeton Sioux''.

(2) ROLL.—Section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is amended by striking ''The Secretary'' and inserting ''Subject to the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998, the Secretary''.

SEC. 8. JURISDICTION; PROCEDURE.

(a) ACTIONS AUTHORIZED.—In any action brought by or on behalf of a lineal descendant or any group or combination of those lineal descendants to challenge the constitutionality or validity of distributions under this Act to any covered Indian tribe, any covered Indian tribe, separately, or jointly with another covered Indian tribe, shall have the right to intervene in that action to—

(1) defend the validity of those distributions; or

(2) assert any constitutional or other claim challenging the distributions made to lineal descendants under this Act.

(b) JURISDICTION AND VENUE.—

(1) EXCLUSIVE ORIGINAL JURISDICTION.—Subject to paragraph (2), only the United States District Court for the District of Columbia, and for the districts in North Dakota and South Dakota, shall have original jurisdiction over any action brought to contest the constitutionality or validity under law of the distributions authorized under this Act.

(2) CONSOLIDATION OF ACTIONS.—After the filing of a first action under subsection (a), all other actions subsequently filed under that subsection shall be consolidated with that first action.

(3) JURISDICTION BY THE UNITED STATES COURT OF FEDERAL CLAIMS.—If appropriate, the United States Court of Federal Claims shall have jurisdiction over an action referred to in subsection (a).

(c) NOTICE TO COVERED TRIBES.—In an action brought under this section, not later than 30 days after the service of a summons and complaint on the Secretary that raises a claim identified in subsection (a), the Secretary shall send a copy of that summons and complaint, together with any responsive pleading, to each covered Indian tribe by certified mail with return receipt requested.

(d) STATUTE OF LIMITATIONS.—No action raising a claim referred to in subsection (a) may be filed after the date that is 365 days after the date of enactment of this Act.

(e) SPECIAL RULE.—

(1) FINAL JUDGMENT FOR LINEAL DESCENDANTS.—

(A) IN GENERAL.—If an action that raises a claim referred to in subsection (a) is brought, and a final judgment is entered in favor of 1 or more lineal descendants referred to in that subsection, section 4(a) and subsections (a) and (b) of section 7 shall not apply to the distribution of the funds described in subparagraph (B).

(B) DISTRIBUTION OF FUNDS.—Upon the issuance of a final judgment referred to in subparagraph (A) the Secretary shall distribute 100 percent of the funds described in section 3 to the lineal descendants in a manner consistent with—

(i) section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)); and

(ii) section 202(a) of Public Law 92–555, as in effect on the day before the date of enactment of this Act.

(2) FINAL JUDGMENT FOR COVERED INDIAN TRIBES.—

(A) IN GENERAL.—If an action that raises a claim referred to in subsection (a) is brought, and a final judgment is entered in favor of 1 or more covered Indian tribes that invalidates the distributions made under this Act to lineal descendants, section 4(a), other than the percentages under section 4(a)(2), and subsections (a) and (b) of section 7 shall not apply.

(B) DISTRIBUTION OF FUNDS.—Not later than 180 days after the date of the issuance of a final judgment referred to in subparagraph (A), the Secretary shall distribute 100 percent of the funds described in section 3 to each covered Indian tribe in accordance with the judgment and the percentages for distribution contained in section 4(a)(2).

(f) LIMITATION ON CLAIMS BY A COVERED INDIAN TRIBE.—

(1) IN GENERAL.—If any covered Indian tribe receives any portion of the aggregate amounts transferred by the Secretary to a Fund Account or any other account under section 4, no action may be brought by that covered Indian tribe in any court for a claim arising from the distribution of funds under Public Law 92–555 (25 U.S.C. 1300–d et seq.).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the right of a covered Indian tribe to—

(A) intervene in an action that raises a claim referred to in subsection (a); or

(B) limit the jurisdiction of any court referred to in subsection (b), to hear and determine any such claims.

Mr. DORGAN. Mr. President, S. 391, the Mississippi Sioux Judgment Fund Distribution Act is a bill intended to resolve a longstanding problem with respect to a judgment fund distribution to Sisseton and Wahpeton tribes in the Dakotas and Montana. The bill would distribute an additional 7.1 percent of the funds, plus accrued interest, awarded by the Indian Claims Commission in 1967 to the Sisseton and Wahpeton Mississippi Sioux Tribes. This legislation is cosponsored by Senators BAUCUS, BURNS, CONRAD, DASCHLE, and Johnson.

In 1972, Congress enacted legislation that authorized the Secretary of the Interior to distribute 75 percent of the $5.9 million judgment award to the Devils Lake Sioux Tribe of North Dakota (now known as the Spirit Lake Tribe), the Sisseton-Wahpeton Sioux Tribe of North and South Dakota, and the Sisseton-Wahpeton Sioux Council of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana. The remaining 25 percent was to be distributed to individuals who could trace their lineal ancestry to a member of the aboriginal Sisseton and Wahpeton Mississippi Sioux, the predecessor to the three modern-day tribal entities. The judgment was compensation for the 27 million acres of land taken from this aboriginal tribe in the 19th century.

Congress made the decision to allocate 25 percent of the original judgment to the lineal descendants at the urging of the Department of the Interior. The Department, in 1972, felt that historical events warranted a departure from precedent which was to make awards to tribes and not to individuals. In fact, the 1967 Indian Claims Commission judgment awarded compensation only to the successor tribes to the aboriginal Sisseton and Wahpeton Mississippi Sioux tribe, not to individual lineal descendants.

The three Sisseton and Wahpeton tribes received their respective shares of the judgment award by the mid-1970's. To date, though, the funds allocated for the lineal descendants have not been distributed. This has resulted in a situation where the accrued interest on the original principle of approximately $1.5 million has now grown to more than $15 million.

If the 1,988 lineal descendants identified to date by the Department of the Interior receive the $15 million in per capita payments, they would receive more than 18 times what the 11,829 enrolled members received in the 1970's. Moreover, since these identified lineal descendants comprise only 14 percent of the total number of tribal and nontribal member descendants, the 25 percent allocated for lineal descendants in the 1972 act would permit each lineal descendant to receive almost twice as much as did the enrolled tribal members who were compensated in the 1970's, not counting interest.

In 1987, the three Sisseton and Wahpeton tribes filed suit in federal court to challenge the constitutionality of the lineal descendancy provisions of the 1972 Act. When this legislation failed, in 1997 the tribes filed a new suit in federal court challenging these provision on constitutional grounds. This second suit is currently on appeal. In 1992, Congress enacted legislation which authorized the Attorney-General to settle these cases on any terms agreed to by the parties involved. However, the Department of Justice has refused to proceed with any settlement negotiations and has taken the position that the 1992 law did not authorize the Department to settle these cases on any terms other than those laid out in the original 1972 act. While I believe that this interpretation flies in the face of congressional intent, the Department has been unwilling to pursue the issue.

S. 391 represents a reasonable solution to this matter and a substantial compromise on the part of the tribes. In the past, the tribes have sought complete repeal of the lineal descendancy provisions of the 1972 act.

In 1986, a bill was reported out by the Select Committee on Indian Affairs which would have achieved this goal. The Department of the Interior supported this bill, explaining in a letter to the then Chairman of the Select Committee: ''As a general rule, we believe that each distribution of the Indian judgment funds should benefit the aggrieved historic tribe for which the award was made. If the historic tribe is no longer in existence, we believe that judgment funds should be programmed, to the greatest extent possible, to the present-day successor tribe(s) to the historic tribe.''

In this Congress, the tribes supported legislation that would have retained the undistributed principal for the lineal descendants and distributed the accrued interest to the three tribes. S. 391, as originally introduced, adopted this approach. H.R. 976, an identical bill introduced in the House, passed last year.

After the House acted on this legislation, the Senate Committee on Indian Affairs held a hearing last October on H.R. 976 and another hearing last July on an S. 391 substitute. The bill before us today is the product of exhaustive negotiations between the parties involved and the subject of frequent consultations between congressional staff and representatives of the Departments of Interior and Justice that occurred in the past 12 months. Every effort has been made to consider and accommodate the concerns of these Departments while making sure that the tribes receive an additional distribution of at least 7.1 percent of the judgment award.

While I believe that this legislation is a fundamentally fair solution to a problem that has remained unsolved for 30 years and that would persist for many more years without congressional intervention, none of the parties is entirely satisfied with the legislation. The tribes accept the legislation for what it provides but continue to maintain that they have a constitutional right to all of the undistributed funds. Certain persons seeking lineal descendant status have alleged that this legislation deprives them of their property.

Because it is in the best interests of the United States and the other parties to bring an end to this problem, the bill provides that if the lineal descendants do not challenge the constitutionality of the bill's distribution to the tribes within one year following enactment, they are barred from bringing such a challenge in the future. On the other hand, if the lineal descendants do bring a timely challenge to the tribal distribution, the bill provides that the tribes have a right to intervene to challenge the constitutionality of the distribution made to lineal descendants. This provision would enable a federal court to finally and conclusively determine on the merits the respective constitutional claims of these parties and permanently put to rest what has been an endless legal dispute.

Even after these legal disputes are settled, the Department of the Interior will continue, pursuant to a federal court order, to identify new lineal descendants who did not receive adequate notice in the 1970's of their right to participate in the judgment distribution. I am concerned about the determination of eligibility to participate of any newly identified lineal descendants. The 1972 act requires that eligibility be based on an individual's ability to trace ancestry to a lineal ancestor who was a member of the Sisseton and Wahpeton Mississippi Sioux Tribe. In their litigation the tribes alleged that only 65 of the 1,988 identified lineal descendants met this requirement. The government did not contradict this allegation but argued that the issue was irrelevant because the 1972 act allows the Secretary to identify ancestors on 20th century rolls. S. 391 changes this provision of the 1972 act to require the use of rolls as contemporaneous as possible to the existence of the aboriginal Sisseton and Wahpeton Mississippi Sioux Tribe in order to assure, consistent with the 1972 act, that a specific lineal ancestor from that tribe can be identified. Finally, it bears reemphasizing that the reason for this legislation is to correct an injustice suffered by the three tribes as a result of the 1972 act. The tribes, not individuals, were wronged by the taking of 27 million acres of treaty-protected lands owned by their aboriginal predecessor. In my view, in 1972 no amount of the judgment awarded for the taking of these lands should have been allocated to lineal descendants. Allocations to lineal descendants from Indian Claims Commission judgments long ago became a discredited policy and were generally abandoned. However, since 26 years have passed since the enactment of the 1972 act, I believe that the lineal descendants should receive a portion of the judgment. S. 391 would distribute about 30% of the undistributed funds to the tribes and about 70% to the unaffiliated lineal descendants.

This split of the undistributed funds would equalize the distribution between tribal lineal descendants and the non-tribal member class of lineal descendants. Capping the non-tribal member class at 600 persons more than the 1,988 already identified lineal descendants was the method the Committee adopted for calculating the percent of the undistributed funds to be allocated to lineal descendants regardless of the final identified number. The split is not an attempt to achieve perfect parity among all lineal descendants, both tribal members and non-tribal members. I recognize that there is some chance that the final identified number of lineal descendants may exceed 2,588. Whatever the final number may be, those lineal descendants will equally share the 70% allocation.

However, the distribution split is justified because the tribes should be the primary beneficiaries of the judgment they won after 17 years of litigation before the Indian Claims Commission. They were under compensated in the 1972 act based on their numbers and it is important that these judgment funds, to the greatest extent possible, be used to support tribal government programs and services. Moreover, the split is based on actual identified lineal descendants plus a reasonable additional number who may be identified in the future and represents a reasonable and long overdue resolution of this issue.

Finally, I want to clarify the intent of a portion of subsection (f) of section 8, a subsection added to S. 391 in the last few days. The reference in subparagraph (2)(B) of that subsection to ''any such claims'' includes any claim that may be brought in intervention by a covered Indian tribe.

I urge my colleagues to adopt S. 391.

Mr. COATS. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, bill as amended be considered read the third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill appear at this point in the RECORD.

The committee amendment was agreed to.

The bill (S. 391), as amended, was considered read the third time, and passed.

RECOGNIZING THE 50TH ANNIVERSARY OF THE AMERICAN RED CROSS BLOOD SERVICES

Mr. COATS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 119, and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 119) recognizing the 50th anniversary of the American Red Cross Blood Services.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I rise today to recognize the 50th anniversary of the American Red Cross Blood Services. The Red Cross Blood Services has been saving lives since its inception during World War II. Today, in a rapidly changing health care environment, with ever increasing challenges, the Red Cross continues to serve patients throughout our country.

The Red Cross is America's first nationwide, volunteer blood collection and distribution system. During World War II, the Red Cross saved soldiers' lives by collecting and distributing blood. This led to the first National Civilian Blood Program, with the opening

of the first blood center in 1948. Today, the Red Cross serves over 3,000 hospitals nationwide by supplying almost half of the nation's blood for transfusion. This life-giving service is made possible by volunteers who generously donate nearly six million units of blood each year.

In 1991, the Red Cross began a comprehensive technology and systems review, to ensure the organization entered the next century with state-of-the-art programs, systems, and facilities. This program, entitled, ''Transformation,'' is a $287 million modernization of every aspect of blood collection, processing, and distributing. According to Red Cross President Elizabeth Dole, it is the most ambitious project that the Red Cross has ever undertaken. Transformation's goals included the creation of a new centralized management structure, a new information system, and a program of the highest quality. Without objection, I'd like to submit a copy of Mrs. Dole's remarks at the 50th Anniversary Bicentennial Celebration of the Red Cross, which includes comments on Transformation, for the record.

Transformation successfully consolidated 50 individual, non-standardized labs operated by local Blood Regions into eight state-of-the-art National Testing Laboratories that perform 70 million laboratory tests each year. These new labs serve the Red Cross as well as several non-Red Cross blood centers. As part of this Transformation, the American Red Cross has undertaken a Manufacturing and Computer Standardization initiative. This program has integrated 28 different computer systems into one national system, linking Red Cross Blood Regions across the nation to the world's largest information database for transfusion medical research.

In addition, Transformation has led to standardized manufacturing processes throughout the Red Cross system, thereby promoting a consistent standard of high quality blood services. A centrally managed blood inventory system operated by the Red Cross was designed to facilitate consistent availability of blood in every region of the country. Transformation has also created the Quality Assurance Program and a new Charles Drew Biomedical Institute which provides training and other education to personnel, using state of the art technology which does not require staff and volunteers to travel for training. Instructors can now train personnel in a wide range of fields across the country.

Through the American Red Cross Jerome H. Holland Laboratory, a premiere blood research facility, significant progress has been made in improving transfusion safety, and fostering the development of new blood products. Red Cross has shared the knowledge and expertise gained through studies conducted by Holland Laboratory scientists and physicians with the transfusion services of countries throughout the world. The Red Cross translates research into life-saving products for patients because of its tremendous investment in research and development. Let me just note that the risk of becoming infected with HIV through a blood transfusion has been reduced from one in 220,000 in 1991, to one in 676,000 today—a tremendous improvement in the safety of the blood supply.

I congratulate the 32,000 paid staff and 1.3 million volunteers on their first fifty years of providing blood services, and especially want to recognize Mrs. Elizabeth Dole and her tremendous management team for their vision in the implementation of the Transformation program.

In recognition of their accomplishments, I am introducing the following bill, with ten of my colleagues, Mr. JEFFORDS, Mr. LOTT, Ms. MIKULSKI, Mr. COATS, Ms. MURRAY, Mr. MCCONNELL, Mr. HARKIN, Ms. COLLINS, Mr. GREGG, and Mr. BINGAMAN, to commemorate the 50th anniversary of the American Red Cross Blood Services.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the resolution appear in the RECORD.

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

The concurrent resolution (S. Con. Res. 119) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 119

Whereas the American Red Cross is a nonprofit humanitarian organization of 32,000 paid staff, 1,300,000 volunteers, and 4,300,000 blood donors which considers its role in the provision of blood services to be a public trust;

Whereas the American Red Cross Blood Services began by collecting and distributing blood to help save the lives of soldiers on the battlefields of World War II, and has evolved to become a leader in the healthcare industry;

Whereas following World War II the American Red Cross created the first national civilian blood program, opening its first blood center in 1948;

Whereas through the generosity of over 4,300,000 voluntary blood donors the American Red Cross is able to provide half the Nation's blood supply, and everyday, in communities throughout this country, many thousands of people receive lifesaving blood in the 3,000 hospitals served by the 38 American Red Cross Blood Regions;

Whereas in May 1991, the American Red Cross announced its ambitious ''Transformation'' program, a 7-year, $287,000,000 comprehensive modernization of every aspect of the American Red Cross Blood Services blood collection, testing, processing, and distribution systems;

Whereas one of the most massive undertakings of Transformation was the Manufacturing and Computer Standardization (MACS) initiative which integrated 28 different computer systems into a single, national system linking American Red Cross Blood Regions nationwide to the world's largest blood information database for transfusion medicine research, and standardized manufacturing processes;

Whereas under Transformation the more than 50 individual, nonstandardized laboratories operated by local American Red Cross Blood Regions were replaced by 8 state-of-the-art National Testing Laboratories, which effectively implement the latest medical technology to perform the testing of approximately 6,000,000 units of blood annually, serving both American Red Cross blood centers and several non-American Red Cross blood centers as well, and are located in Atlanta, Georgia; Charlotte, North Carolina; Dedham, Massachusetts; Detroit, Michigan; Philadelphia, Pennsylvania; Portland, Oregon; St. Louis, Missouri; and St. Paul, Minnesota;

Whereas the American Red Cross Blood Services has created a Quality Assurance program recognized throughout the world as a leader in assuring quality in the manufacture of blood products;

Whereas the creation of the Charles Drew Biomedical Institute has allowed the American Red Cross to provide training and other educational resources to American Red Cross Blood Services' personnel through ''One Touch'' which is an interactive, distance learning system that allows instructors to train personnel across the country from the institute's location at American Red Cross Biomedical Headquarters in Rosslyn, Virginia;

Whereas Transformation saw the development of a centrally managed blood inventory system to ensure the consistent availability of blood and blood components in every American Red Cross Blood Services Region throughout the country, and the creation of the new centralized organizational structure within American Red Cross Blood Services;

Whereas the American Red Cross Jerome H. Holland Laboratory in Rockville, Maryland, is the world's premiere blood research facility, consistently contributing to the progress of biomedical science, especially transfusion safety and new blood products, and shares its expertise with a number of countries around the world;

Whereas the American Red Cross manages an almost $30,000,000 investment in research and development, which includes $8,000,000 in Federal research grants, and is committed to working with others in the biotechnology field to ensure that this pioneering research is translated into lifesaving products available for patient use as quickly as possible;

Whereas the American Red Cross is investigating and implementing the newest technologies to ensure blood safety, including Genome Amplification Technology to test for the human immunodeficiency virus (HIV) and for hepatitis C virus (HCV), solvent detergent treated fresh frozen plasma, virus inactivated plasma for transfusion, use of iodine in plasma filtration, and inactivation of viruses in cellular products (such as red blood cells) through a light-activated dye called 491;

Whereas the American Red Cross is in the constant process of modernization and improvement and at the forefront of new product development, and is prepared to enter the 21st century as a cutting-edge organization providing safe, high quality blood and blood products to the hundreds of thousands of patients in need;

Whereas Congress and the American Red Cross join in celebrating the phenomenal success in the reduction of HIV infection through the use of blood and blood products as evidenced by the fact that in 1991 an American's risk of HIV transmission through a blood transfusion was 1 in 220,000 and today the risk is 1 in 676,000, nearly nonexistent; and

Whereas Congress and the American Red Cross encourage healthy Americans to donate blood by calling the American Red Cross: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) joins with the American Red Cross in celebration of the 50th anniversary of American Red Cross Blood Services and the impact of their efforts on modern medicine; and

(2) looks forward to the tremendous possibilities and potential for discovery and innovation as the American Red Cross Blood Services enters the next 50 years of providing the Nation with a safe blood supply.

ORDERS FOR SATURDAY, OCTOBER 10, 1998

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 noon on Saturday, October 10. I further ask that the time for the two leaders be reserved.

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

Mr. COATS. Mr. President, I further ask unanimous consent that there be a period for the transaction of morning business until 12:30 p.m. with Senators permitted to speak for up to 5 minutes each.

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

SCHEDULE

Mr. COATS. Mr. President, for the information of all Senators, on Saturday there will be a period of morning business until 12:30 p.m. Following morning business, the Senate will await an update in relation to the omnibus appropriations bill, and may consider any legislative or executive items cleared for action.

ORDER FOR RECESS

Mr. COATS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that, following the remarks of Senator ABRAHAM from Michigan, the Senate stand in recess under the previous order.

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

Mr. ABRAHAM. Mr. President, I ask to be recognized to speak as if in morning business.

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

TRIBUTE TO SENATOR DAN COATS

Mr. ABRAHAM. Before he leaves the floor, I would like to pay tribute, as several of our colleagues have, to our distinguished friend, the Senator from the State of Indiana, Dan COATS.

Obviously, his career in the Senate is coming nearly to the end here, but those of us who have had the chance to serve with him and who are friends of his will miss him greatly in this body.

When I came to the Senate 4 years ago, I thought about the kinds of people whose advice and counsel I wanted to have. And the first name on the list as I was planning my first trip to the Senate after the election was DAN COATS. From that point on, he has been a friend, a mentor, somebody whose judgment and advice I have respected as highly as anyone's in this Chamber.

He has served his State with great distinction, but those of us who live in Michigan have a special fondness for him because, of course, he is a native of our State. He grew up in Jackson, MI, so although he represents Indiana in the Senate, to many Michiganites and many of my constituents when I am in the southern portion of my State, they look at DAN COATS as their third Senator.

So he has not only been a great friend to Michigan as a native but also as a Senator who has worked closely with us. I wish to say to him before he leaves the floor how much I value his friendship, how much I look forward to working with him in the future on other causes, and how much I hope that, at whatever point I bring my career in the Senate to an end, I will be thought of even half as fondly and with half as much respect as he has, because I think all of us who serve here hold him in the very highest of esteem.

Mr. COATS. I thank the Senator.

RECESS UNTIL TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until noon tomorrow, Saturday, October 10, 1998.

Thereupon, the Senate, at 7:50 p.m, recessed until Saturday, October 10, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 9, 1998:

DEPARTMENT OF STATE

Jack J. Spitzer, of Washington, to be an Alternate Representative of the United States of America to the Fifty-second Session of the General Assembly of the United Nations.

Frank J. Guarini, of New Jersey, to be a Representative of the United States of America to the Fifty-second Session of the General Assembly of the United Nations.

CENTRAL INTELLIGENCE

James M. Simon, Jr., of Alabama, to be Assistant Director of Central Intelligence for Administration. (New Position)

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Arthur J. Naparstek, of Ohio, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2003. (Reappointment)