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Senate

The Senate met at 12:01 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear God, Sovereign of our beloved Nation, this is a special day. Yesterday we celebrated Citizenship Day in America; this week is Constitution Week; and today is Prisoner-of-War, Missing-in-Action Day when we remember those who paid the supreme price of patriotism. All three of these emphases blend together as we praise You for our country which You have blessed so bountifully.

Forgive us, Lord, for taking for granted the privileges of being citizens of this land. We seldom think about our freedoms of worship, speech, assembly, and freedom to vote. Today, we praise You for our representative democracy. Thank You for the privilege of serving in Government. Help the Senators and all of us who labor with them and for them to work today with a renewed sense of awe and wonder that You have chosen them and us to be part of the political process to make this good Nation great.

May a renewed spirit of patriotism sweep across our land. Help the children to learn that an important aspect of love for You is loyalty to our country. We dedicate ourselves to right wrongs and to shape political programs that assure opportunity and justice for all Americans. So today, as we pledge allegiance to our flag, may our hearts express joy. This is our home, our native land.

Gracious Lord, as a Senate family, we grieve the death of Murray Zweben, retired Parliamentarian of the Senate. Be with his family; comfort and encourage them in this difficult time. Through our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. ROBERTS. I thank the Chair.

SCHEDULE

Mr. ROBERTS. Today, the Senate will be in a period of morning business until 2 p.m., with Senators GRAHAM and THOMAS in control of the time. Following morning business, the Senate will resume consideration of H.R. 4444, the China PNTR legislation. Under the order, there are 6 hours of final debate on the China trade bill with a vote scheduled to occur at 2:15 on Tuesday.

As a reminder, cloture was filed on the motion to proceed to S. 2045, the H-1B visa bill on Friday. That cloture vote has been scheduled to occur immediately following the vote on final passage of the China PNTR legislation. Therefore, the first votes of this week will be two back-to-back votes on Tuesday, at 2:15 p.m.

I thank my colleagues for their attention.

MEASURES PLACED ON CALENDAR

Mr. ROBERTS. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDENT pro tempore. The clerk will read the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 3057) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal

Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

A bill (S. 3058) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

Mr. ROBERTS. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDENT pro tempore. The bills will go to the calendar.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Iowa is recognized.

WEN HO LEE

Mr. GRASSLEY. Mr. President, I am here on the floor at this particular time to ask the President of the United States who "they" are, and I hope the word "they" includes the President of the United States. I hope the President of the United States is the chief "they." I hope we don't get into a position of debating what the definition of the word "they" is. The Constitution is pretty clear—the President of the United States has all the executive power that exists in our Government.

That is the background for my visiting with you about the Wen Ho Lee case, the President's comments last week in regard to the release of Wen Ho Lee, and how the executive branch treated this Chinese American.

This is the latest instance of President Clinton failing to take responsibility and refusing to hold himself accountable for the actions of his administration.

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



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The background of Wen Ho Lee—for those who may not have been following this over the last year—is that the Government has recently agreed to let this former nuclear scientist at Los Alamos Laboratories plead guilty to a relatively minor charge and go home with a slap on the wrist.

I think we all agree that his release is the justifiable thing to do. But it was only a short time ago that the executive branch was claiming that Wen Ho Lee was such a serious threat to American national security that he belonged in solitary confinement and in shackles with practically no ability for Mr. Lee to even contact his family. Now, after this long period of time in confinement, he gets a slap on the wrist and his freedom.

Obviously, the executive branch of Government couldn't back up its allegations with proof or this case would not have settled as it did. Despite the dire pronouncements made to the public about Wen Ho Lee, the fact is the Government didn't even have a case. It had only suspicions. Mr. Lee has, of course, paid a very high price for the suspicions of some in the executive branch.

Maybe because Lee is Asian American, there is not the outcry over the loss of civil liberties that there would be had Lee been a member of some other minority group. The same people who speak up against some minorities being mistreated because of civil liberties evidently don't seem inclined to speak up in the case of an Asian American.

Mr. Lee's treatment has caused widespread public outcry. How can this happen in America where we treasure freedom and where the rule of law has been the basis for our country's law going back to the setting up of the colonies? How could the government damage the reputation of a citizen by labeling him as a spy for the Communist Chinese, lock him away for 9 months of solitary confinement, and then just simply drop the case? Our Government has damaged its reputation by the way it handled the Lee case.

The American people are outraged. Pundits and political observers have raised legitimate questions about the abusive way in which Mr. Lee was treated by the executive branch of Government.

In the midst of this justifiable criticism, President Clinton decided that it was time for him, as President of the United States, to chime in. President Clinton happens to be the Chief Executive Officer of the country. He thinks, like the rest of us, that the executive branch of Government may have abused its power in the way it went after Mr. Lee and kept him confined for such a long period of time.

What troubles me about President Clinton's comments is that he acts as if he, as President of the United States, is just some sideline observer who doesn't have anything to do with the way the laws in this country are enforced.

As every high school student learned in their civics classes, the executive power of the Government is vested in the President of the United States, article II, section I:

The executive power shall be vested in the President of the United States of America.

This is pretty simple language and pretty definitive. These words means the President is in charge of law enforcement. The President is in charge of protecting our national security.

So, even if the President delegated some of his power to the Attorney General, the President is responsible for what happened to Mr. Lee.

I hope the President can just once before he leaves office, and as part of his legacy, say he is responsible for what happened under his watch. I would like to have him say: I and the people I appointed are responsible for what happened to Mr. Lee.

But, no. He said in his news conference "they" did this—"they" held him; "they" had these charges. It was always "they," "they," "they." I happen to think President Clinton is the chief "they." He is above all the rest of the "theys."

It happens that President Clinton seems to think the Justice Department is some agency of government outside of his control. Surely the President knows better than this. The Washington Post certainly does. This past Saturday, the Post editorial page commented on the Wen Ho Lee case:

President Clinton asks us to see him as one more commentator troubled by the case, rather than as the head of the government that brought it.

In other words, I think the Washington Post is saying the President is, in fact, the chief "they;" or he is in charge of all the rest of the "theys." Of course, as far as I am concerned, the Washington Post is right on this point.

The nation is waiting for real leadership, not another evasion or more misdirection. President Clinton may be an "artful dodger," but this is one dodge that just won't work. The American people elected President Clinton to be in that office so he could lead, not blame subordinates.

The Constitution is crystal clear that the President has the ultimate responsibility of leadership and the ultimate power of our executive branch. It is high time for President Clinton to follow the Constitution and take responsibility for the sorry actions that took place in regard to Mr. Wen Ho Lee during this administration.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE AGENDA

Mr. THOMAS. Mr. President, I want to take a couple of minutes to talk a little bit about where we are, where we are going, and what we face this week and the few remaining weeks we have before us. There will be some more Senators to come over to the floor shortly to talk about some of the issues we have before us, particularly debt reduction, which we are committed to undertake this week, and I think is one of the most important things we can do. We will be talking, of course, about many of the things that are left to discuss.

We have done a number of things in this Congress, of course, and we have a number of things yet to do, particularly appropriations. Those appropriations need to be finished by the end of the fiscal year which is the end of September. So we have a very short time to handle these things. We have worked at it for a good long time. We seem to have had a repetition of obstructions to moving forward.

I hope we are now in a position to go ahead and fund those programs that have been authorized, that are out there for the American people, and that we do not find ourselves using this time to begin to insert into these bills all kinds of things that have already been discussed and that are intended more to create an issue than they are to find a solution.

There have been, of course, a number of very important things done this year; we need to recognize that. I guess people have different ideas about how many things and what kinds of things. There is a great difference in the view of the direction this Government should take and what is the role of the Federal Government, whether the Government ought to tell us what to do or whether, in fact, the Government's role is to establish a framework in which we make our own decisions at the local level, as opposed to being dictated to by the Washington bureaucracy.

These are some of the big issues. We passed the marriage tax relief bill here in the Congress. That would have been largely a resolution to an issue of fairness, where two single persons, each earning X amount of dollars and paying X in taxes, when they get married, making the same dollars, pay a larger amount of taxes. Unfair? Of course. Unfortunately, that bill was vetoed by the President, so we will have to take it up at another time. I do not think it will be taken up this year. Obviously, the White House is determined they will not permit tax relief of this kind.

We passed the elimination of the death tax. That is very important. Some indicated it was only for the very wealthy. Of course that is not true. We have very many people in my State of Wyoming in the agriculture business, small businesses, families that have put together—sometimes over generations—a business. That business then has to be disposed of because they have to pay 52 percent taxes. That, of

course, was also vetoed by the President.

We did get some tax relief. Very important was elimination of the Social Security earnings test, which eliminates the tax on earnings by seniors 65 to 69. Previous to that, seniors in that category lost a dollar in Social Security benefits for every \$3 earned. Again, I think it is largely a fairness proposition and we are pleased that did happen.

The digital signatures bill, of course, is very important as we move into a new era in the business activities of our Nation. The digital signatures bill makes it easy for people to have legal protection in contracts of that kind.

On national security, the Iran Non-proliferation Act was very important for free trade. It dealt with free trade in the sub Sahara, Africa, and the Caribbean. It is important those things continue to be done. I come from a State where agriculture is very important. Nearly 40 percent of our agricultural products are sold for export. We find ourselves dealing with unilateral sanctions, which often limit what we can sell to those people. Then they go somewhere else for it. We made some progress in that area, certainly. I hope we will make some more.

We have done a good deal of work on affordable education; education savings accounts. We made available \$500-\$2,000 in tax relief for education. We need to get that forwarded.

Also, with health care, we passed a Patients' Bill of Rights that says you can appeal, but the first appeal goes to a medical professional and not to lawyers. I think that is the better way to go. The opposition, of course, has seen to it that it ultimately not pass, but it has passed here.

We passed bankruptcy reform which provided that if persons were able to repay at least a portion of their debt, that was an appropriate thing to do.

So we have made a substantial amount of progress. We have, I think, many issues we need to discuss that are terribly important. This is a place for decisions on the direction we take, which is what elections are about, and the direction that you and I as voters and as citizens believe the country ought to move. There are legitimate differences. That is really what we deal with. Unfortunately, many times we do not get down to what those real differences are but get tied up in other things.

On education, for example, I do not think there is a Senator in this place who doesn't believe education is one of the most important issues before us. Almost everyone in the country thinks that. The question is not that. The question is, What kind of educational support do we expect from the Federal Government? The amount the Government contributes from the Federal level is about 7 percent, but it is substantial. It deals with certain things such as special education. The real issue has not been that. The real issue

is whether the Federal bureaucracy should tell the school districts what they ought to do with that Federal money or whether, indeed, we send it there and say they may have unique problems and need to spend their money for different things. The needs in Pinedale, WY, are different than they are in Pittsburgh, PA. We believe that. That has been the difference. I think it is a fundamental difference in government.

Social Security—no one would object to the notion we ought to strengthen Social Security. I think everyone would agree with the idea we want Social Security dollars to be safely entrenched. But there are some differences as to how we do that. There is a proposition on the floor that I support—I think it is excellent—that would give a choice to younger people. People over 55 or whatever probably would stay the same, but younger people would have an opportunity to invest or have invested in their behalf a portion of those Social Security dollars in the private sector, in equities. They could choose whether it be in stocks or whether it be in bonds or whether it be in combination. The point being, if we do not do something about Social Security by the time young people who are now beginning to pay in become eligible for benefits, there will not be any, the demographics have changed so much.

We started out with over 20 people working for every 1 drawing benefits. Now we have 3 people working for every 1 who draws benefits; it will soon be 2. We have to do something different than what we have been doing in the past. Obviously, you can raise taxes if you choose. That is not a popular idea. You can lower benefits, again not a popular idea. A third alternative is you can increase the return on those dollars that you have paid in and are in the trust account, and that is the difference.

There is not agreement on that so we have to choose which way we want to go.

I mentioned the Patients' Bill of Rights. Do you want someone in the medical community making a decision instead of your insurance company or do you want to go to court? You get to court, of course, long after the medical decision should have been made.

We ought to be doing something to pay down the debt. We talk about paying down the debt, but we do not seem to do much on that. There is a proposition that I think is great, and that is to set aside, as one would with a house mortgage, money and say we are going to pay down so much of this \$5 trillion every year and it becomes part of the budget. It makes a lot of sense to me. We find opposition to that because people want to spend the money, and if there is a surplus, they think Government ought to grow and get into many other areas. That is a philosophical difference of opinion.

Tax reduction is much the same. When we have a surplus, it seems to me

if after having funded the programs that have been authorized, after having done something to strengthen Medicare and having done something to begin to pay down the debt and strengthen Social Security, there is still surplus left, let that go. If we leave it here, it will be spent. It ought to go back to the people who paid in those dollars.

Again, it is a different view than those who generally on the other side of the aisle want more Government, more expenditures, and do not agree with that idea. Those are legitimate differences. We have to make a decision, and we have to move forward. We haven't much time to do many of those things.

Some of the questions before us are more parochial, more applicable to different parts of the country. I come from a State where 50 percent of the land belongs to the Federal Government, so the management of Federal lands and Federal resources have a great impact on our lives and on our economy.

Everyone wants to preserve our resources. They want to take care of the natural resources. Certainly I do. I am chairman of the Parks Subcommittee. There is nothing I care more about than preserving those resources. At the same time, if we are going to do that, we need to have an opportunity for the owners to have access and to enjoy these resources. We also need to have multiple use so we can have hunting, hiking, grazing, and mineral production.

Those are the kinds of issues with which we need to deal. The question is, How deeply do we want the Federal Government involved in making all the decisions in our lives? It is a legitimate difference.

We are ready to move forward now. Out of 13 appropriations bills, we have completed 2. We have 11 to go. We will be putting together probably one or two bills at a time. I hope we do not come to the end with a huge omnibus package. That is not good governance. I hope we can avoid that.

If, for example, we are considering the Interior appropriations bill, I hope we can get away from talking about the Patients' Bill of Rights or minimum wage. Those issues are great issues. We have already dealt with them. We have already voted on them. I think simply to bring them up as a blockage to moving forward with what we have to do is a mistake in governance. I hope we do not do that.

I expect the chairman of the Budget Committee to come to the floor shortly and talk a little more about the budget, about the surplus, about the prospects of what we are going to do with those dollars; whether we can, indeed, take 90 percent of this surplus and put it into debt reduction and still have about \$27 billion or \$28 billion to deal with those issues that need to be strengthened, such as Medicare and Social Security.

We have an opportunity to do those things. I am hopeful that each of us as

citizens and voters of this country will take a look at how we see the future role of the Federal Government.

We need to deal, obviously, with the military. Defense continues to be a most important item. Most people will agree we have not financially supported the military to the extent it needs to be supported for them to carry out the mission we have assigned. We have made some progress. We have put more money into the military over the last several years, more than the administration has asked for, in fact. We need to continue to do that so we can have a safe United States.

I hope we can move forward. I appreciate the opportunity to discuss a little bit of my view of where we ought to go.

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

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

The Senator is recognized.

PROVIDING PERMANENT NORMAL TRADE RELATIONS TO CHINA

Mr. BUNNING. Mr. President, last week I spoke on the floor about how strongly I feel against providing permanent normal trade relations to China. I touched on a number of subjects, including human rights, China's antagonism toward Taiwan, and the threat that it poses to our own national security.

Unfortunately, over the last 2 weeks I have watched these issues be swept under the rug as the Senate has given away its voice on our trade relations with the most populous nation on the globe.

But while I expect the Senate will pass this PNTR, I do not intend to go down without one final swing. It is too important for our Nation not to sum up why the opponents of PNTR believe it is such a dangerous mistake.

For the last decade, I have been a vocal opponent of providing most favored nation or normal trade relations to China. For me, it all boils down to putting profits over people. I think that is just plain wrong and un-American. But while we were never able to stop Congress from approving MFN, at least we had an open and public debate on the issue every year. But by passing PNTR, we will even lose this right.

For years we have been able to use the annual debate to discuss the wisdom of granting broad trade privileges to Communist China. When the students were massacred in Tiananmen Square, or when the Chinese military threatened democracy in Taiwan, or when the revelations came to light about China spreading weapons of mass destruction to terrorists, we had a chance in the House and in the Senate to shine the spotlight on Communist China.

By passing PNTR, that spotlight will grow dim and the stick we were once able to wield under the most-favored-nation-status law will now be replaced by a rubber stamp bearing the letters, "W-T-O."

My opponents on this issue talk as if the American economy will fail if we do not pass this bill, that it is so important we should sweep aside all of the concerns about China and all of the evidence of wrongdoing because we should not "rock the boat." That is ridiculous.

I say, on something as fundamental as our national security, we should not just say we have to go along to get along. If this is as important an issue as supporters of PNTR make it out to be—that it is one of the most monumental votes in years—then we should have done it right. Instead, we have seen the deliberate process short circuited by blood oaths among Senators to oppose all amendments no matter how worthy. We have watched the supporters of PNTR move Heaven and Earth to avoid a conference with the House.

Remember, the Congress of the United States is supposed to be writing this bill, not the business community, not the U.S. Trade Representative, and especially not the Chinese.

The American people are listening. The cameras are rolling. The pressure is on to do what is right. But in this instance I think we have failed.

But before we hand over the keys of our economic engine, I think it is important that we take one last cold, hard look at who is exactly doing the driving. This is China's record.

China ships weapons of mass destruction to terrorist nations.

China operates one of the most oppressive regimes in the world, brutalizing and slaughtering its own people.

China threatens other free nations such as Taiwan and snubs its nose at the international community by occupying Tibet.

China tried to buy access to our Government through illegal campaign contributions and to influence our own elections.

There it is in black and white. But in the name of expediency and Presidential legacy, we are about to grant this nation full and open trade relations. I do not care how you spin it, that does not make any sense.

For over a decade, the supporters of free trade with China have been making the argument over and over again that China is changing, that things are getting better, and we will soon reap the benefits of free trade with China. All the facts prove them wrong.

It has been over 10 years since Tiananmen Square, and the Chinese are still slaughtering their own people. They are still selling weapons to terrorists. And they are still bullying other nations and threatening the United States. Nothing is any different with China now. In fact, it might be worse. Those who say otherwise are only fooling themselves.

While the annual debates on MFN or PNTR, or whatever you want to call it, might not have turned the tide in China, to now provide even less debate and scrutiny can only make things worse for the Chinese people.

I think the supporters are right about one thing. The final vote on this bill is going to be one of the most pivotal votes in years, one we will look back upon as a fateful moment in our history. I am afraid history is not going to be kind to Congress for passing this legislation, for abdicating our role in overseeing trade relations with China.

Mr. President, it is a sad day in Congress. I am sorry to say we are going to do the wrong thing at the wrong time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, first of all, I appreciate the Presiding Officer's statement with respect to PNTR. We will have a vote on that tomorrow. I share many of the Senator's sentiments with respect to the concerns of the American people about PNTR. My constituents, frankly, from the correspondence I have received, are overwhelmingly opposed to it.

I also share the concerns he expressed about some of the remaining problems we will continue to face with respect to China, not only continuing trade problems but also problems that relate to our national security. I would like to discuss some of these remaining concerns and how I have attempted to resolve those concerns which is why, at the end of the day, I am going to vote to support PNTR notwithstanding those concerns.

But I will continue to urge my colleagues that we be able to address both the continuing trade disputes that will not be resolved by China's accession into the WTO and also the national security concerns that will certainly continue to exist after China's accession into the WTO.

Mr. President, as the Senate's debate about whether to grant China permanent normal trade status comes to a close this week, and a lopsided vote in favor of granting such status is anticipated, it is imperative for the United States to continue to address numerous important issues in our country's relationship with China.

As I outlined last week, the concerns posed by China's aggressive military modernization, threats by its leaders to attack the United States or our ally Taiwan, and its irresponsible proliferation of weapons of mass destruction and ballistic missiles to rogue nations, must command attention and should

not be forgotten after passage of this trade bill. I believe the Senate missed an opportunity to address some of these important concerns last week, when an amendment offered by Senator FRED THOMPSON to impose sanctions on organizations in China that engage in the proliferation of ballistic missiles and nuclear, biological, chemical weapons failed. It is also important to take steps to counter China's military moves that threaten the U.S., such as its targeting of nuclear-tipped missiles on American cities. Here too we missed an opportunity earlier this year, when President Clinton decided to delay deployment of a national missile defense system.

With regard to Taiwan, I believe it is important that the United States support our long-standing, democratic ally. The communist regime in Beijing uses every available opportunity to undermine international support for Taiwan, and this extends to trade issues as well. Despite earlier promises to the United States that it would not block Taiwan's admission to the World Trade Organization, in recent weeks, China has nonetheless sought to do just that. I had originally intended to offer an amendment to the PNTR legislation that would have conditioned the extension of normal trade relations to China on Taiwan entry into the WTO, but agreed to withdraw the amendment after receiving assurances from President Clinton and U.S. Trade Representative Charlene Barshefsky that the U.S. would insist on this result.

I will have more to say about these national security concerns, but I would first point out that China's record on trade compliance must be closely monitored, and the United States must insist on action when China fails to comply with the very set of international trade rules it has agreed to adhere to through the WTO. The United States must also be diligent about efforts to pressure China into drastically changing its record on human rights, religious freedom, forced abortions and the harvesting of baby and adult human organs. It is unfortunate that the Senate did not pass a number of other amendments offered or debated last week that sought to deal with these issues.

Despite unacceptable behavior by the Chinese government on a range of issues, I intend to vote for PNTR for China, because of other benefits this step will bring. Trade with China has become an increasingly important issue for the United States, due to the expansive growth of its economy, and the desire of American firms to compete in the Chinese market. The United States and China has been negotiating a bilateral trade agreement for twelve years. With the passage of PNTR, and China's subsequent admittance to the WTO, this bilateral trade agreement will take effect.

China is the world's fifth largest trading market, and the United States could gain substantially from a lowering of Chinese tariffs on U.S. goods

and services. Under the negotiated trade agreement, overall Chinese tariffs on American industrial goods will fall from 24.6 percent today to 9.4 percent by 2005—May 2000 report, "The U.S. Economy and China's Admission to the WTO, Joint Economic Committee. Arizona, in particular, should benefit. According to the U.S. Department of Commerce, Arizona exported \$243 million in goods and services to China in 1998, up from \$67 million in 1993. Of those exports, 58 percent were in electronics and electric equipment; under the trade agreement tariffs on this type of equipment will be reduced from 13 percent to 0 percent at the time of China's accession to the WTO. Over the next five years, tariffs will be significantly reduced on beef, cotton, fruits, and vegetables, all which represent potential export opportunities for Arizona. As tariffs are reduced in China and demand for U.S. goods and services increases there, significant numbers of jobs should be created in the United States, particularly in Arizona.

It is also possible, though perhaps not yet probable, that increased trade with the United States could also have a liberalizing effect on China itself, exposing its people to free ideas and making the regime improve its dismal human rights record. PNTR for China, and the subsequent U.S.-China trade agreement, may also increase chances for economic improvements in China. Dismantling state-operated enterprises in favor of private sector investment may produce better, higher-paying jobs for its Chinese citizens.

If the United States does not grant PNTR to China and make effective the U.S.-China trade agreement that will benefit U.S. workers and businesses, I am certain other countries will step in and take opportunities away from our U.S. manufacturing and service sectors.

As I outlined briefly in the opening of my statement, however, a number of issues will continue to plague the United States' relationship with China. Trade alone does not define our relationship with China, and as I have stated repeatedly, national security and human rights issues must continue to command the attention of the Administration and the elected representatives of the American people in Congress.

China poses a special challenge for America, not merely because of its growing economy and increasingly capable military, but because the path of its evolution remains unknown. We need to be realistic in our dealings with China and take steps to defend our security when warranted.

Although China has embraced some elements of a free-market economic system, the country is still led by a repressive communist regime that still tries to maintain tight control over its people and their exposure to Western ideas. The Chinese government has also been hostile to the United States in

several areas, despite the efforts of the Clinton Administration to "engage" its leaders.

For example, China has targeted some of its long-range nuclear-tipped missiles on American cities and has threatened to use them if the U.S. came to the aid of Taiwan. As a commentary in the state-owned People's Liberation Army Daily stated in February, "China is neither Iraq or Yugoslavia, but a very special country . . . it is a country that has certain abilities of launching a strategic counter-attack and the capacity of launching a long-distance strike. Probably it is not a wise move to be at war with a country such as China, a point which U.S. policymakers know fairly well also." Another editorial published in March of this year in a different state-owned paper was even more blunt, warning that, "The United States will not sacrifice 200 million Americans for 20 million Taiwanese."

It is important that the United States takes steps to protect ourselves through the deployment of a national missile defense system. We need to deploy such a system as soon as the technology to do so is ready, and we should pursue sea- and space-based defenses that offer tremendous advantages when combined with the ground-based system currently under development.

We also need to send clear signals to China about our intentions behind the deployment of a national missile defense system and our commitment to our long-standing ally Taiwan. For example, I'm disappointed that the Senate did not pass the Taiwan Security Enhancement Act earlier this year. This bill would have increased training for Taiwan's military officers at U.S. military schools, permitted U.S.-flag officers to visit Taiwan, and established a secure communications link between the U.S. and Taiwan militaries. It was a modest piece of legislation that should have been passed to demonstrate our support for Taiwan.

Another area where the U.S. needs to stand by Taiwan is in supporting its admission to the WTO. I thought it was particularly important to address this specific issue during the Senate's consideration of the China PNTR bill in light of recent moves by China to block Taiwan's admission to the trade group.

Taiwan has been negotiating to become a member of the WTO since 1990 and has met the substantive criteria for membership. Furthermore, based on its importance to the world economy, Taiwan should be admitted to the WTO. It has the 19th largest economy and is the 14th largest trading nation in the world. Taiwan's economy is also closely linked to the U.S. It is America's 8th largest trading partner and purchases more American goods than many of our other major trading partners, like mainland China, Australia, and Italy.

On several occasions, Chinese officials had assured the United States that China would not block Taiwan's

entry to the WTO as a separate entity. According to the Wall Street Journal, earlier this month, however, Chinese President Jiang Zemin told President Clinton and a business group in New York that Taiwan could only be admitted to the WTO as a province of China. This statement by President Jiang was particularly concerning since it came on the heels of other troubling moves by China. On September 7, Chinese Foreign Ministry Spokesman Sun Yuxi said that China wanted its claim to sovereignty over Taiwan written into the terms of the WTO's rules, stating, "The Chinese side has a consistent and clear position: Taiwan can join WTO as a separate customs territory of China."

Furthermore, the Wall Street Journal reported in July that:

... as WTO staff members draw up the so-called protocol agreements—the reams of paper that define exactly what concessions China will make in order to gain entry into the organization—China is insisting that its claim over Taiwan be recognized in the legal language ... chief Chinese negotiator Long Yongtu said ... such a stand "is a matter of principle for us" ... That would upset a consensus within the WTO that Taiwan should be allowed to enter the club as a separate economic area—that is, not an independent country, but also not as an explicit part of China. Some WTO members have argued that Taiwan has long since fulfilled its requirements to join the club and its application has been held up only to satisfy China's demand that Taiwan shouldn't win entry to the organization first.

In order to help ensure that China lived up to its promises to the United States, and that Taiwan's entry to the WTO was not unnecessarily impeded, I filed an amendment to H.R. 4444, the bill we are currently debating. The text of H.R. 4444 stated that the extension of permanent normal trade relations to China "shall become effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization." My amendment would have added one additional condition, stating that permanent normal trade relations with China "shall become effective no earlier than the effective date of the accession of the People's Republic of China and Taiwan as separate customs territories to the World Trade Organization."

Late last week, I agreed not to offer this amendment because of the strong assurances I received from President Clinton and U.S. Trade Representative Barshefsky that the United States would insist on Taiwan's entry to the WTO as a separate entity. As the President said in a letter dated September 12:

There should be no question that my Administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in my September 8 meeting with [Chinese] President Jiang Zemin ... Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as "Chinese Taipei"). The United States will not accept any other outcome.

Based on this strong, written assurance from the President of the United

States and others provided privately by Ambassador Barshefsky, I decided not to formally offer my amendment for a vote. It is important that Congress and the Administration stand together in insisting that China live up to its promises and in showing support for Taiwan. In this instance, I am pleased we could work together toward that end.

Finally, I want to discuss an area where I believe the Senate missed an opportunity to address serious concerns about China's proliferation of ballistic missiles and weapons of mass destruction—our failure to adopt the Thompson amendment.

Over the past decade, China has been the world's worst proliferator of the technology used to develop and produce nuclear and chemical weapons and ballistic missiles, narrowly edging Russia and North Korea for this dubious distinction. Beijing has sold ballistic missile technology to Iran, North Korea, Syria, Libya, and Pakistan. It has sold nuclear technology to Iran and Pakistan. And it has aided Iran's chemical weapons program and sold that nation advanced cruise missiles.

Chinese assistance has been vital to the missile and weapons of mass destruction programs in these countries. And because of this assistance, the American people and our forces and friends abroad face a much greater threat.

Sadly, the efforts of the Clinton Administration to end Beijing's proliferation have not succeeded. Since taking office in 1993, the Administration has engaged in numerous discussions with senior Chinese officials concerning their failure to live up to international nonproliferation norms. But it has failed to impose sanctions on Chinese organizations and government entities, as required by several U.S. laws. Time and time again, the Clinton Administration has either refused to follow laws requiring sanctions or has done so in a way deliberately calculated to undermine the intent of the sanctions.

For example, the Administration has not imposed the required sanctions on China for the sale of M-11 missiles to Pakistan. Despite the unanimous judgment of our intelligence agencies that this sale has taken and incriminating evidence such as photographs of M-11 missile canisters in Pakistan and training exercises by Pakistani troops with the missile, the Administration has said the evidence was not strong enough for it to impose sanctions, since it can not be sure the missile transfer actually took place.

Another example of the Administration's failure to act concerns the transfer of anti-ship cruise missiles from China to Iran. I would remind my colleagues of one example of this danger; in 1987, a similar Exocet cruise missile killed 37 sailors on the U.S.S. Stark.

Iran's possession of this missile was first disclosed in January 1996 by Vice Admiral Scott Redd, then-commander of the U.S. Fifth Fleet. Admiral Redd

said the C-802 gave the Iranian military increased firepower and represented a new dimension to the threat faced by the U.S. Navy, stating, "It used to be we just had to worry about land-based cruise missiles. Now they have the potential to have that throughout the Gulf mounted on ships."

According to the Washington Times, in 1995, Defense Department officials recommended declaring that China had violated the Gore-McCain Iran-Iraq Arms Nonproliferation Act of 1992, which requires sanctions for the transfer to either country of "... destabilizing numbers and types and advanced conventional weapons ..." Yet State Department officials opposed involving sanctions to avoid damaging relations with China.

In his Senate testimony in 1997, Assistant Secretary of State Einhorn acknowledged the transaction, stating, "... the question of whether china transferred the C-802 anti-ship cruise missiles to Iran is not in doubt." He noted that, "Such missiles increase China's maritime advantage over other Gulf states, they put commercial shipping at risk, and they pose a new threat to U.S. forces operating in the region." But Mr. Einhorn maintained that the transfer was not "destabilizing" and thus did not meet the legal requirement for sanctions to be imposed.

In September 1997, Assistant Secretary of State for East Asian and Pacific Affairs Stanley Roth further explained the Administration's position, claiming the C-802 sale "... does not have to be destabilizing if you define it as overturning the ability of the United States to operate in the Persian Gulf. It hasn't done that." Mr. Roth added, "... the U.S. Navy tells us that despite the increased threat from the sale of cruise missiles, it can continue to operate and carry out its mission to the Persian Gulf. And so even though [the Navy] is exceedingly unhappy with this new development, it is not, on the face of it, destabilizing at the point."

Such thinking illustrates how the Clinton Administration has refused to implement nonproliferation laws. If the arrival of weapons which directly threaten the U.S. Navy is not "destabilizing," it is hard to imagine what the Administration might find sufficiently destabilizing for sanctions under the Gore-McCain Iran-Iraq Arms Nonproliferation Act.

The Senate has specifically addressed the issue of Chinese cruise missile sales. In June 1997, we passed an amendment offered by Senator BENNETT by a vote of 96 to 0, stating: "The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Nonproliferation Act of 1992. It is the sense of the Senate to urge the Clinton Administration to enforce the provisions

of the [Act] with respect to the acquisition by Iran of C-802 model cruise missiles." Despite this unanimous expression by the Senate of the need to enforce the law, the Administration has refused to take action in this case.

There are many more examples of Chinese proliferation and the Administration's failure to enforce current laws in this area that provide the rationale for the Thompson amendment. In the interest of time, I will not describe them all, but will simply make the point that the Thompson amendment would have helped to combat this deadly trade by making it clear to China that it would have faced economic penalties from the U.S. if it continued to proliferate.

Mr. President, I would just say in conclusion that trade with China is important, and I intend to vote for the PNTR bill. But I believe it is imperative that we not forget these important national security issues once the debate on PNTR is completed. The challenge before us is to deal with China in a way that protects America's national security, promotes free trade, demonstrates our support for our democratic ally Taiwan, and improves human rights in China. This is a tough job, but one that I am sure all Senators agree is too important to ignore.

JUDICIAL NOMINEES

Mr. KYL. Mr. President, I rise to discuss an important matter. As I begin, I am reminded of a statement my mother used to make. Actually, I recall my grandmother making this statement.

The statement is to "cut off your nose to spite your face." I have found out that actually that phrase can be traced back to the late 1700s, when our Constitution was created. It essentially means doing something senseless, frequently out of spite, and which frequently ends up hurting the actor. The idea is that you are not happy with your face so you are going to cut off your nose. We all understand that that doesn't exactly solve the problem and, in the end, creates a bigger problem than the one with which you started.

That phrase is applicable to something our friends of the minority are doing with respect to Federal judges. We have heard and have been subjected to a weekly dose of expressions of disappointment by members of the minority that the Senate has not confirmed more of President Clinton's judicial nominees. The chairman of the Judiciary Committee recently had to respond to that criticism because it had escalated to such a point that it demanded a response.

In fact, not only were members of the Judiciary Committee being critical of the Republican chairman and the Republican Senate for not confirming more judges, but the President and Members of the House of Representatives chimed in with very, as Senator HATCH called it, "reckless and unfounded" accusations.

For example, one Democratic House Member was quoted as saying that the Senate:

... has made the judiciary an exclusive club that closes the door to women and minorities. ... Its determinations have been made on the basis of racism and sexism, plain and simple.

Other Democrats have argued that there is a judicial vacancy crisis and that "scores of vacancies continue to plague our Federal courts." That is a statement of a prominent member of the Senate Judiciary Committee.

In the face of comments such as this, Senator HATCH had to respond, and respond he did. He pointed out that the claims are false, both the claims of the inordinate number of judges being held, allegedly, and also the charge of racism.

The Senate considers judicial nominees on the basis of merit, regardless of race or gender. As Chairman HATCH pointed out, minority and female nominees are confirmed in nearly identical proportion to their white male counterparts. The Republican Senate is confirming nominees at a reasonable rate, about the same rate as has occurred in the past.

From statistics I have from the Judiciary Committee, there are currently 64 vacancies out of the 852-member Federal judiciary, which yields a vacancy rates of about 7.5 percent. A good comparison is the year 1994—by the way, at the end of a Democratically-controlled, the 103rd Congress—when there were 63 judicial vacancies, 1 less, yielding a vacancy rate of 7.4 percent. By comparison, at the end of the Bush administration, when Democrats controlled the Senate, the vacancy rate stood at 12 percent.

It is possible to find statistics to prove about anything, but the fact is, as the chairman of the committee pointed out, this Congress is confirming judges of the Clinton administration at about the same rate as past Congresses, and certainly the vacancy rate is not as bad as it had been at previous times.

The important point is that Democrats, members of the minority, who are critical of Republicans for not confirming the nominees, need to be careful of this charge because it is they who are now refusing to confirm President Clinton's nominees to the Federal district court. There are currently four nominees who are ready to be brought to the full Senate floor for confirmation. Indeed, all four of these nominees were presented to the minority for their approval. There is no objection on the Republican side.

The minority leader, speaking for Members of the Senate minority, objected to the Senate's consideration of confirmation of these four Clinton nominees to the Federal district court, the only four candidates on whom the Senate can vote. None of the other nominees has gone through the committee and is therefore ready for us to act.

These are the four nominees currently on the Executive Calendar: Judge Susan Ritchie Bolton, Mary Murguia, James Teilborg, and Michael Reagan. The first three are nominees from Arizona. They were all nominated on July 21, 2000, by President Clinton. Michael Reagan of Illinois is the other nominee. He was nominated on May 12, 2000.

I chaired the hearing for these four nominees on July 25, 2000. They are all qualified nominees. I recommended them all to my colleagues on the Judiciary Committee for confirmation. Indeed, they were approved by the Judiciary Committee on July 27, 2000, and sent to the floor for consideration. They were supposed to be confirmed before the August recess. When an unrelated negotiation between Leader LOTT and Minority Leader DASCHLE broke down and reached an impasse, floor action on these nominees was postponed until this month, when we returned from the August recess. That is when the minority leader rejected the majority leader's request that these four be considered by the full Senate.

It doesn't matter to me whether they are confirmed by unanimous consent or by a vote, but in any event, these are the four on whom we can act. They ought to be acted on, and I believe all should be approved.

With respect to the three in Arizona in particular, I note that last year Congress created nine new Federal district court judgeships—four for Florida, three for Arizona, and two for Nevada. There was a very specific reason for this action. There is a huge caseload in these three States. The judges are falling further and further behind, primarily in the State of Arizona; I believe also in Florida. This is due to the number of criminal prosecutions for illegal drugs, alien smuggling, and related cases. All of the new judgeships for Nevada have been confirmed, and three of the four judgeships for Florida have been confirmed. None of the judgeships for Arizona has been confirmed.

It is important that these nominees of President Clinton be confirmed by the Senate. They are critical to handling the caseload in the State of Arizona.

Here is where the old phrase of my mother and grandmother comes into play: cutting off your nose to spite your face. Because some of the members of the minority party wish we could confirm even more judges, they are holding up the confirmation of these judges. There is nothing against the qualifications of any of the four. It is just that if they can't have everything their way, then, by golly, nobody is going to get anything.

It is President Clinton who has nominated these four candidates. It is not somebody from Arizona, though Democratic Congressman ED PASTOR and Senator MCCAIN and I strongly support these three nominees.

One, Mary Murguia, is a career Federal prosecutor. She is currently at the

U.S. Department of Justice as the executive director of the Attorneys General Association. She would be, incidentally, the first Latino ever to be confirmed for the U.S. district court from the State of Arizona.

Jim Teilborg is a lifelong trial attorney with enormous experience in courts and would—I think everyone recognizes—make a tremendous Federal judge.

Judge Susan Bolton is one of the most respected members of the Arizona Superior Court, the trial court at the State court level, one of the most respected judges in the entire State. In fact, I have received comments from many lawyers who have said: We think your three nominees from Arizona are fantastic. We just wish Judge Bolton didn't have to leave because she is so important to the judiciary at the State level.

Judge Michael Regan from Illinois, likewise, has very high qualifications. The point is this: These are Clinton administration nominees. They are needed to fill important vacancies in the Federal district court. Members of the minority have complained incessantly all year long that we need more judges and that the Senate needs to confirm the President's nominees, and they complain when the Senate has taken more time than they thought was warranted to confirm these judges. So the Senate Judiciary Committee acts to put these judges before the full Senate, and what happens? Members of the minority object. They won't let the Senate even vote on these four nominees. That is what I call cutting off your nose to spite your face.

It is obstruction tactics; it is dealmaking at its worst. This is what people object to when they look at the Federal Government. It doesn't treat these individuals as human beings whose lives and careers are on hold. Incidentally, it has happened before. This is not the first time members of the minority have held up the nomination of a Democratic nominee by the Democratic President. In 1997, Democrats blocked the nomination of Barry Silverman to the Ninth Circuit Court of Appeals. He had to wait until the following year to be confirmed. Again, there was a dustup over a nominee from Illinois, as I recall, and the point was: If we can't get everything we want, you are not going to get anything you want.

It is not only me and not only the people of Arizona; it is also the will of the President of the United States that is being thwarted. It is not as if partisan politics were involved with respect to the people being nominated because they are Republicans, Democrats, or Independents. In fact, obviously, the majority are Democrats. So you have a Democratic President nominating mostly Democratic candidates for the court, and the Democratic minority is holding them up.

One of our distinguished colleagues on the Judiciary Committee, the dis-

tinguished ranking member, Senator LEAHY, recently said on the floor, "We cannot afford to stop or slow down judicial nominations." I agree with Senator LEAHY on this point. I hope that he and Senator DASCHLE and the other Senators who have an interest in this important subject will continue to support the confirmations of judges as long as we can and at least support the confirmations of those who the Senate can act on because they are the only ones who have been cleared to this point and, in any event, will recognize the irony in their criticism on the Senate floor for not confirming judges, when it is their action and their action alone that is preventing the confirmations of these four nominations to the Federal district bench. It is time for action. I hope my colleagues will quickly clear these four nominees for confirmation.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, my understanding is that we have 10 minutes in morning business.

The PRESIDING OFFICER. Morning business is scheduled to conclude at 2 p.m.

Mr. MURKOWSKI. I ask unanimous consent that I might be allowed 15 minutes as in morning business.

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

COURT OF APPEALS DECISION ON NUCLEAR WASTE

Mr. MURKOWSKI. Mr. President, let me draw your attention to a very significant event that occurred last week which involved the nuclear utilities companies in this country prevailing in the spent fuel claims case. Now, to many, this might not seem to have great significance. Those of us on the Energy Committee have gone through a long and somewhat tedious process to try to address the federal government's obligation to encourage the Congress, specifically the Senate, to reach a decision on how we are going to dispose of our high-level nuclear waste, with a recognition that almost 20 percent of the power generated in this country comes from nuclear power. As a consequence of that, and the inability of the Government to fulfill its contractual commitment to take the waste in 1998, the industry in itself is, you might say, choking on the pileup of nuclear waste that is in temporary sites around reactors throughout the country.

Evidently, the administration does not value the sanctity of a contractual relationship very highly, because the ratepayers, over an extended period of years—several decades—have paid over 17 billion dollars into a fund which the Federal Government has managed, and that fund was specifically designed to permanently take the waste from the utility companies that generate power from nuclear energy.

The August 31, 2000 decision was highlighted in *The Energy Daily*. The

U.S. Court of Appeals for the Federal Circuit ruled that the power companies are free to seek damages against the Energy Department for its failure to take responsibility for spent nuclear fuel. Undoubtedly, this will "prompt dozens of new lawsuits seeking billions of dollars in claims against the Government," industry attorneys indicated last Friday.

Who is the Government? The Government is the taxpayers, Mr. President. As a consequence, the inability of the administration to meet its obligation under a commitment—a binding contract—results in the taxpayers being exposed to billions of dollars in damages.

The article says:

The U.S. Court of Appeals for the Federal Circuit handed the nuclear industry a sweeping victory Thursday when it rejected a government motion to dismiss a suit brought by utility owners of three nuclear power plants. The government claimed the utilities must first exhaust all administrative remedies available through the DOE before seeking monetary damages in the U.S. Court of Federal Claims.

The decision means that nuclear utilities can return to court and will get a chance to prove their damages—to ask the court to determine the amount of damages the government must pay for DOE's failure to begin storing the spent fuel on Jan. 1, 1998.

Congress set that date for the federal government to take responsibility for spent nuclear fuel in the Nuclear Waste Policy Act of 1982, which requires DOE to store the roughly 40,000 metric tons of waste generated and now stored at more than 100 U.S. nuclear plants.

Some of those plants, I might add, are no longer active. They weren't designed for long-term, indefinite storage.

Estimates of the potential damages faced by the government as the result of last week's decision vary widely.

An analysis performed this year for the Nuclear Energy Institute showed the figure could be as high as \$50 billion—costs that will be borne by the taxpayers—but that number is based on a worst-case assumption that the government will never fulfill its obligation, and the utilities' spent fuel will never be stored in a proposed federal level-high waste depository at Yucca Mountain, Nev. [where the Government has already expended over \$6 billion.]

The idea of the facility at Yucca Mountain in Nevada was to act as a permanent repository for the high-level waste.

NEI General Counsel Robert Bishop told *The Energy Daily* Friday that the dozen or so utilities already having filed lawsuits against DOE allege some \$5.4 billion in damages resulting from the government's failure to take the spent fuel.

So we are seeing the suits filed at this early time.

Bishop acknowledged, however, that the figure could be much higher if, as expected, utilities that thus far have been reluctant to sue the government take advantage of the Thursday decision and pursue their claims in court.

"You are going to see a lot of utilities deciding to do whatever they believe is in their and their customers' best interest."

"Some may choose to work with DOE as PECO did. Others may decide that it is in

their best interest to seek relief in federal claims court."

Jerry Stouck, an attorney in the Washington office of Spriggs & Hollingsworth and the lead attorney in the case, represents Maine Yankee Atomic Power Co., Connecticut Yankee Atomic Power Co., and Yankee Atomic Electric Co. He said the government has an easier way to avoid facing dozens of lawsuits from aggrieved utilities.

"The government can mitigate its damages by moving the [spent] fuel," Stouck said. "The government already has indicated it is not going to honor its contract and move the fuel as it is required to do under the law, but they can avoid damages by moving the fuel. They won't avoid all of the damages, but they will mitigate a lot of the damages simply by moving the fuel."

In its ruling, the court concluded that DOE's failure to begin taking used nuclear fuel did not constitute a "delay," as the government had argued, that was resolvable under a standard contract that each utility signed with the department.

It said that utilities are not obligated to seek resolution under the contract for damages caused by DOE's failure to perform its contractual obligation. It also stated unequivocally that DOE has breached its obligations under the contracts. And in a telling rebuke of the government's argument, the court made it clear that its decision extended beyond the specific suits brought by the Yankee plants.

"The breach involved all the utilities that had signed the contract—the entire nuclear industry," the court said in its 14-page order.

The case now returns to the claims court to determine the level of damages DOE must pay.

It is my hope that the majority leader, Senator LOTT, will have an opportunity to bring this matter to the floor again for a vote. I advise my colleagues that we are one vote short of a veto override. With the recent ruling by the court, clearly the Federal Government and the taxpayer bear the responsibility of not taking the nuclear waste as indicated by the court order.

According to the Department of Justice statement:

We remain persuaded that the quickest and most efficient way to get relief to those utilities that are incurring costs as a result in our delay in accepting nuclear fuel is direct negotiation between individual utilities and the department. This is evidenced by the settlement agreement that we entered into last month with PECO.

There you have it. The Department of Justice hopes they can reach some kind of a settlement. But in any event, that settlement is going to cost the taxpayers a substantial sum as a consequence of the Federal Government's unwillingness to honor the terms of a contract made to take that waste in 1998.

It is my hope, as chairman of the Energy Committee, to hold a hearing on this matter because now we have a definitive decision made by the court and that puts the liability on the taxpayer and the Government. As a consequence, I think it is appropriate that we in this body come together and recognize our obligation. Our obligation is to override the President's veto and honor the contractual commitments to take the waste.

This very important environmental issue affects almost every state in this

Nation. On August 31, 2000, the U.S. Court of Appeals for the Federal Circuit decided two cases and held that nuclear utilities could seek millions of dollars in damages for DOE's failure to accept high-level waste by January 1998. The court's decision only confirms what I have said on this floor over and over again—the Federal Government has breached its contract with utilities as a result, the taxpayer is going to pay. Conservative estimates from the utilities with claims pending are upwards of \$5 billion.

In the first case, the U.S. challenged the lower court's finding that Maine Yankee, Connecticut Yankee, and Yankee Rowe (all shutdown reactors with tons of fuel remaining on-site) were entitled to damages. On appeal the court ruled that the utilities have the authority to seek civil damages from the Court of Federal Claims and rejected the government's argument that relief was available through the administrative process.

In the second case, the court found that Northern States Power, now known as Xcel Energy, could also seek damages through the Court of Federal Claims.

Utilities view both decisions as major victories. Not only do they not have to go through the administrative process first, (1) the court rejected the distinction between operating and shut down utilities, and (2) characterized DOE's failure to accept waste as a breach of contract, thus entitling the utilities to proceed directly to the Court of Federal Claims to prove their damages. About a dozen utilities have claims pending that are affected by these rulings.

Before this ruling, DOE had been attempting out-of-court settlements with utilities. Only one, PECO, has made such a statement.

This court ruling only underscores what I have been saying for years—the Federal Government has breached its contract and that will cost tax payers billions. Since 1982, the Federal government has collected over \$17 billion from America's ratepayers in return for a commitment to take nuclear waste from storage sites scattered in 40 states around the country and store it in one, safe central government-run facility, beginning in 1998. Several years ago, the U.S. Court of Appeals ruled that this is a legal, as well as moral, obligation. Now the court has ruled that failure to do so is a breach of contract and the utilities may seek damages.

I have tried to help the Federal Government out of this situation. For several Congresses, I have worked on various pieces of legislation designed to keep our nuclear waste repository program on track. This Congress we took that legislation, S. 1287, further than we ever have before. In February, the Senate passed it by an overwhelming majority—64 to 34. And then in March, the House took up the bill and passed it 253 to 167. From there, this legisla-

tion made it up Pennsylvania Avenue, to the President's desk, where he vetoed it. Why he did that, I don't know. In light of this recent court decision, maybe that doesn't look like such a good decision after all. Unless of course, the President is thinking of politics, and not tax payer liability. In any event, the President sent it back to Congress, where, on May 2, 2000, the Senate failed to override that veto. But we didn't fail by much. The actual vote count of 64-35 doesn't tell the whole story. Two Members, who have always been in the "yes" camp were necessarily absent. And the majority leader, in a procedural maneuver, switched his vote so that if we needed to revisit the issue, that opportunity would be available. So perhaps, we should now avail ourselves of that opportunity.

Senate bill S. 1287 would help to limit the taxpayers liability for DOE's failure to accept waste by permitting the early acceptance of waste at the Yucca Mountain site, once construction is authorized. S. 1287 provides the tools that will allow the Federal government to meet its obligation to provide a safe place to store spent nuclear fuel and nuclear waste as soon as possible, while reaffirming our Nation's commitment to development of a permanent repository for our Nation's nuclear waste.

At the beginning of this session, interim storage legislation, in the form of S. 608, the Nuclear Waste Policy Act of 1999, was introduced. Although the legislation had sufficient support to be favorably reported by the Committee on Energy and Natural Resources, I proposed that the committee consider a new approach to resolving the nuclear waste dilemma that might gain a full consensus and avoid the procedural difficulties encountered by the bill in the past. This approach was supported by the committee, and an original bill, which became S. 1287, was approved by the committee by a bipartisan, 14-6 vote.

During committee consideration of S. 1287, we received many constructive comments on how to improve the bill, and a manager's amendment that reflects many of these were eventually considered and passed on the Senate floor. S. 1287, as passed the House and Senate contained the following major changes:

Adds a savings clause clarifying that nothing in the bill diminishes the authority of any State under other Federal or State laws;

Alters one of the milestones and the acceptance schedule for nuclear waste to make them consistent with the schedules contained in the Department of Energy's Viability Assessment for Yucca Mountain;

Clarifies that the Secretary and a plaintiff may enter into voluntary settlements that are contingent upon new obligations being met, including acceptance of spent fuel under the schedules provided for in S. 1287;

Adds benefits for local governments in Nevada that adjoin the Nevada test site; and

Permits EPA to proceed with the radiation standard setting rule. If NRC, after consulting with the National Academy of Sciences, agrees that the standard will protect public health and safety and the environment and is reasonable and attainable, they may do so prior to June 1, 2001.

I believe that the issues to be addressed by nuclear waste legislation have evolved and this evolution is reflected in S. 1287. This legislation gives DOE the tools it needs to complete the Yucca Mountain program, while providing a mechanism to rectify DOE's failure to perform its obligations under the Nuclear Waste Policy Act of 1982.

Because DOE has failed to find a way to meet its obligation, our citizens will be left with what remedies the court can devise. After the August decision in the Court of Appeals, it is clear that the utilities can now go ahead and prove their damages. What the eventual damages are remains to be seen. This much I can say with some certainty: This remedy is bound to be expensive to the American taxpayer and is unlikely to result in used nuclear fuel being removed from the over 80 sites where it is stored around the country, in facilities that were not intended for long-term storage. If DOE is unable to open the Yucca Mountain repository on schedule, it is estimated that total damages from the Department's failure to meet its obligation will range from \$40 billion to \$80 billion. Clearly, such stop-gap compensation measures would drain money away from this and other Department of Energy programs, stopping all progress on the permanent repository. The American taxpayers would lose tens of billions of dollars, and we would still have no idea how we are going to get the nuclear waste out of 80 sites in 40 States.

I have said it before, and I will say it again. S. 1287 is the most important environmental bill we have considered this Congress. The alternative is to leave waste at 80 sites in 40 States. S. 1287 also gives the Secretary of Energy the ability to settle lawsuits and save the taxpayers from an estimated \$40-\$80 billion liability. The bill would allow early receipt of fuel once the construction is authorized—as early as 2006—assuming DOE can keep the program on schedule. Such early receipt would help mitigate a liability the courts have clearly said the government has.

We have struggled with this problem for many years. The time is now. S. 1287 is the solution. Years of litigation to prove damages will cost money and waste valuable time. Utility consumers have paid over \$17 billion into the Nuclear Waste Fund. We must solve this problem. We cannot continue to jeopardize the health and safety of citizens across this country by leaving spent nuclear fuel in 80 sites in 40 States. We should move it to one remote site in the desert. If we don't, we risk losing nuclear generation altogether—that's 20 percent of our clean generation. We

cannot afford to do that. Our clean air is too important. This issue is too important. Let's not ignore reality. It's dangerous and it's expensive.

Again, I remind my colleagues that in February, this body passed by an overwhelming majority vote of 64-34 to honor the commitments that were made under the contract to proceed by placing the waste at Yucca Mountain. The House took up the bill and passed it 253-167. It went down to the White House, where the President vetoed it. Why he did I don't know. I don't know whether they just disregard contracts down there. But now the burden is on the taxpayer. Now the burden is on the Senate to rise up and generate a couple more votes and override the President's veto.

Again, we will be holding a hearing on this matter in the very near future. I encourage each Member of the Senate to recognize his and her obligation to honor the terms of the contract, proceed to take the waste, and put it where it belongs, at the site at Yucca Mountain in Nevada where the taxpayer has already expended some \$6 billion to put it there.

I see other Senators wishing recognition. As a consequence, I yield the floor.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Parliamentary inquiry: Is there time now remaining to the Republicans to speak?

The PRESIDING OFFICER. Time has expired for morning business.

Mr. DOMENICI. Mr. President, I ask unanimous consent to be permitted to speak for an additional 10 minutes.

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

THE 90/10 SOLUTION

Mr. DOMENICI. Mr. President, in order to complete our legislative agenda in the 106th Congress, our leadership has put forth a very simple concept.

For the upcoming new fiscal year that begins in about 12 days, let's devote 90 percent of the surplus to debt reduction. And the remaining 10 percent can be used for tax cuts and final spending bills.

This is a very reasonable and straightforward proposal, and I compliment our leadership both in the House and the Senate for making the proposal to the President last week.

I don't quite understand why the White House and some Democrats are so negatively excited about this proposal. For some reason, the White House and congressional leaders are having a great deal of difficulty understanding a very simple proposal.

Indeed, our distinguished minority leader, even said he "smelled a rat" in this proposal. Why is it so difficult for the White House and congressional

Democrats to understand this simple proposal.

Maybe it is because they are really not serious about their own rhetoric about debt reduction. Maybe this is consistent with their blocking not once, but six times our efforts to pass the Social Security lock box legislation now on the calendar.

I am hopeful we will do that, with their help perhaps, in a way we can all agree upon. But we will do it, and we will do it under this 90-10 formula.

For my friends at the White House and across the aisle let me take just a minute to explain this proposal.

We first start with the current CBO estimate of the budget surplus for next year—that number today is \$268 billion. We are even using the Democrats favorite definition of the surplus, a definition that assumes that appropriate accounts grow by inflation between 2000 and 2001—the so-called "inflated baseline." This is not my preferred definition, but it is the most liberal one available from the Congressional Budget Office.

To this \$268 billion estimate, we adjust for the net effect of the supplemental that became law after CBO made its summer update. Because the supplemental shifted some spending around, the surplus next year increases slightly to \$273 billion.

Now, we set aside the Social Security and Medicare HI trust fund balances—we fully protect Social Security and Medicare as we promised—those two accounts make up about \$197 billion of our debt reduction next year.

We also set aside \$48 billion of the non-Social Security surplus for debt reduction.

So we set the Social Security and the Medicare surplus aside, and then we set aside \$48 billion more—a rather historic event because that is out of the non-Social Security surplus. Forty-eight billion dollars of that will go to debt reduction.

In total, \$245 billion of next year's surplus is set aside for debt reduction. This represents 90 percent of the total surplus next year—just do the arithmetic—leaving \$28 billion in outlays for the end of the session spending and tax legislation. This \$28 billion should allow us to finish our work expeditiously. It would allow us to finish the appropriated bills that are still pending, fund needed priorities for hospital and health providers, for health research, aid to States and localities that have suffered this summer's fires and droughts, and other important and basic needs.

The \$28 billion should also allow us to provide minimal tax relief to American small business and families. This will be a smaller package than we have done before. We will ask the President of the United States whether there is any tax bill that we can send him that he will sign. We believe this is a winner, one attached essentially to the amendment that cleared the floor when we did our minimum wage bill. It was

my amendment. I offered it along with DON NICKLES and others to spread the minimum wage increase over 3 years and to provide small business and individuals with the kind of tax relief almost everyone agreed we should do.

This is the least we can do for the taxpayers, as I see it, following both a vote of the marriage tax penalty and the death. This will not, as assumed by the administration, cause irreparable damage to the economy. The Secretary of the Treasury came all the way over here to have a press conference because they were terribly concerned about this 90 percent to debt service and 10 percent to finish our work idea—the 90-10 button that is being worn around here. I don't understand how it will cause any kind of damage.

How quickly we forget the words of the Federal Reserve Chairman, who said the first thing we should do with a budget surplus is retire the debt. I can only conclude that the democratic roadblock to this very simple proposition must be, first, they do not want to provide tax cuts when taxes are at the highest level percentage of the American economy since the Second World War; second, they do not want to apply the surplus to debt reduction.

They must have a very large bushel of expenditures they want to make at the end of the year that exceed the \$28 billion, which is the residue of the 90-10 that will be around for tax cuts, for add-ons to appropriations, and for those extreme needs we have in the Medicare area with reference to nursing homes, HMO plus, and the like. Those will fit within the \$28 billion because we are speaking of outlays—I hope everybody understands that—in the year 2001.

Maybe this should not come as a surprise to anyone. The President of the United States has put forward an expansive and expensive set of budget proposals, a budget plan that even the Washington Post called a "lopsided budget." The Financial Times article called it "a masterpiece of central government planning."

Maybe these are the real reasons why my friends across the aisle cannot grasp the simple consent: 90 percent of the total surplus going to retiring the debt, and 10 percent being available to finish our work on appropriations, on the other expenditures, and some tax proposals that should clear.

I am prepared to talk to this issue with anyone, anywhere, and to produce the numbers. This is very close to what will happen if we take it right, watch our step, do what is needed, but not extravagantly spend money. If we try some very simple but needed tax cuts, which should challenge even this President in terms of his veto pen—and obviously we are all aware of fixing some Medicare needs, whether they are nursing homes that need some additional response from the Federal Government, whether it be the HMO plus, whether it be the home care, whether it be rural hospitals. Essentially, in the first year

they do not cost that much money. They do a considerable amount over 5, but actually we believe they will fit within this \$28 billion. That is the 10 percent of the 90-10 formula.

I hope everybody will take a look at it. I think it is a good way to go.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

LIEUTENANT COLONEL THOMAS J. LEE

Mr. THURMOND. Madam President, I rise today to recognize the dedicated efforts and valuable contributions of Lieutenant Colonel Thomas ("Tom") Lee of the National Guard Bureau Counterdrug Directorate.

There are few more insidious domestic challenges to the safety, welfare, and security of the United States than illegal narcotics. Point to any border region of our nation and you will find criminal organizations smuggling every drug imaginable into America. Beyond being a highly addictive and destructive substance, drugs bring crime into every community through which they pass. Stemming the tide of illegal narcotics into the United States must always be a priority of the leaders of our nation.

For a number of years, the National Guard has played a critical and significant role in battling the drug trade in America through a variety of efforts. Whether it has been flying air support, providing translators, operating x-ray machines, doing youth outreach, or any of the seemingly endless other operations they participate in, the soldiers and airmen of the National Guard have been aggressively involved in supporting the counterdrug operations of local, state, and federal law enforcement agencies throughout the United States.

Though commissioned in the Field Artillery when he graduated from college, LTC Lee has significant experience in counterdrug operations. Over the past three-years, he has served as the Special Projects Officer in the Counterdrug Directorate, where he has worked closely with Members of Congress and their staffs on how the National Guard can help stop drug trafficking. As he has done in all his previous assignments, LTC Lee distinguished himself as an individual of selflessness who possesses a strong sense of service and an unflagging dedication to executing his duties to the best of his abilities.

LTC Lee not only demonstrated an intimate knowledge of National Guard Counterdrug policy and operations, but

of the broader efforts of federal and state governments. He always provided clear, concise, and timely information and he has been a true asset to the Guard and to the nation's counterdrug operations.

I am confident that I speak for all my colleagues when I say that we are grateful and appreciative for the hard work of Lieutenant Colonel Lee during his tenure at the National Guard Bureau Counterdrug Directorate. He is a credit to the National Guard and he can be proud of both the record of accomplishment he has created and the high regard in which he is held. We wish him the best of luck in his new assignment and continued success in the years to come.

IN RECOGNITION OF UKRAINIAN INDEPENDENCE

Mr. LEVIN. Madam President, as Ukraine approaches its first decade of independence, since the collapse of the Soviet Union, there are many accomplishments which the people of Ukraine can be proud.

For over a millennium, the Ukrainian people have successfully preserved and maintained their unique culture, language, religion and identity. Such an achievement stands as an inspiration for free people everywhere, and is a testimony to the depth, character and vibrancy of the Ukrainian culture.

The November 14, 1999, re-election of Leonid Kuchma as Ukraine's President is a cause for great optimism. High turnout in this election, and a refusal by the voters to return to a Communist past, speaks to the vibrancy of Ukrainian democracy.

With this election, the Ukrainian people chose to move forward with a program of economic reform. While the transition from a centralized economy to a free-market system has not been easy, Ukraine has been blessed with vast natural resources, a sizeable industrial infrastructure and a hard-working and resourceful people that promise to ensure Ukraine's economic transformation. The decision, this year, by the Supreme Rada to privatize large parts of the Ukrainian economy will further enable this industrious nation to continue with its economic progress.

Ukraine's unique geographical location has given it a vital role in ensuring the peace and stability of not only the region, but of all Europe. Ukraine has shown its commitment to a secure Europe by providing troops to the peacekeeping effort in Kosovo, and by seeking to enhance its partnership with NATO. By entering into the Status of Forces Agreement with NATO, and hosting NATO military exercises in Odessa, Ukraine has reiterated its commitment to the world's most powerful military alliance.

At this time when we honor Ukraine's independence, it is only fitting that we laud the many advances made by the Ukrainian people in the

past decade. The advances Ukraine has made today are built upon the sacrifices and dedication of countless patriots who have struggled to preserve the independence and freedom of the Ukrainian people. I am sure that my Senate colleagues would join me in saluting the Ukrainian people for their tremendous courage in promoting free and fair markets and participatory de-

mocracy during a difficult transition period.

BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Madam President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee

to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	\$600,296,000,000	\$592,773,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	928,083,000,000	934,547,000,000
Adjustments:		
General purpose discretionary	+55,000,000	+36,000,000
Highways		
Mass transit		
Mandatory		
Total	+55,000,000	+36,000,000
Revised Allocation:		
General purpose discretionary	600,351,000,000	592,809,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	928,138,000,000	934,583,000,000

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Surplus
Current Allocation:			
Budget Resolution	\$1,526,401,000,000	1,491,494,000,000	\$11,706,000,000
Adjustments:			
Emergencies	+55,000,000	+36,000,000	-36,000,000
Revised Allocation:			
Budget Resolution	\$1,526,456,000,000	1,491,530,000,000	\$11,670,000,000

MOTOR VEHICLE AND MOTOR VEHICLE EQUIPMENT DEFECT NOTIFICATION IMPROVEMENT ACT

Mr. GORTON. Madam President, I join Senator MCCAIN today as an original cosponsor of the Motor Vehicle Equipment Defect Notification Improvement Act. This measure, aimed at increasing consumer protections, is a great first step in addressing current statutory shortfalls.

The controversy surrounding the ongoing Ford/Firestone recall brought to light several deficiencies regarding the processes that are in place currently. A combination of increasing penalties, upgrading standards, and requiring more stringent disclosure should afford consumers the protections they deserve.

Let me assure my colleagues that this is a work in progress. I look forward to receiving input from all interested parties as I work with Senator MCCAIN to ensure that we learn from our mistakes and move forward to strengthen the safeguards that protect public safety.

SUBMITTING CHANGES TO H. CON. RES. 290 PURSUANT TO SECTION 220

Mr. DOMENICI. Madam President, section 220 of H. Con. Res. 290 (the FY2001 Budget Resolution) permits the Chairman of the Senate Budget Committee to make adjustments to the al-

location of budget authority and outlays to the Senate Committee on Energy and Natural Resources, provided certain conditions are met.

Pursuant to section 220, I hereby submit the following revisions to H. Con. Res. 290:

Current Allocation to Senate Committee on Energy and Natural Resources:	
FY 2001 Budget Authority	\$2,429,000,000
FY 2001 Outlays	2,373,000,000
FY 2001-2005 Budget Authority	11,570,000,000
FY 2001-2005 Outlays	11,364,000,000
Adjustments:	
FY 2001 Budget Authority	200,000,000
FY 2001 Outlays	200,000,000
FY 2001-2005 Budget Authority	1,100,000,000
FY 2001-2006 Outlays	1,100,000,000
Revised Allocation to Senate Committee on Energy and Natural Resources:	
FY 2001 Budget Authority	2,629,000,000
FY 2001 Outlays	2,573,000,000
FY 2001-2005 Budget Authority	12,670,000,000
FY 2001-2005 Outlays	12,464,000,000

RELEASE OF FALN TERRORISTS

Mr. KYL. Madam President, 1 year ago, 11 terrorists dedicated to the violent pursuit of Puerto Rican independence walked out of prison thanks to a

clemency grant by President Clinton. Two more of these terrorists will be released in coming years. They were all members of the Armed Forces of National Liberation (FALN), which has claimed responsibility for 130 bombings in the United States, killing 6 Americans and wounding 84 others.

It is incomprehensible to me that those responsible for such deadly violence are living in freedom today, while their victims and their families are still suffering. As we reflect on the decision of the President 1 year ago to ignore this suffering for his personal gain, I believe it's important to put a human face on the deplorable acts these terrorists committed.

I'd like to quote from the testimony of a few victims who lived through some of the 130 bombings these FALN terrorists committed:

Bill Newhall, FALN victim: On January 24th [1975], I was having lunch with two colleagues, Charlie Murray and Frank Connor and three clients, Jim Gezork, Alex Berger and Dave Urskind. We were seated at a table overlooking Broad Street, about to return to work when a bomb, placed in a doorway next to our table, detonated, destroying our corner with shrapnel and debris. Jim, Alex, and Frank died terrible deaths, barely recognizable to their families. Another man, Harold Sherburne, who was upstairs at the time of the blast, was also killed. Charlie, David and I suffered multiple wounds, many of them from shrapnel. More than fifty other people sustained injuries as well. . . . It is impossible to adequately describe the effects of this savagery on the injured and dead as well as their families.

This bombing, a terrorist act against unarmed and unsuspecting civilians and its lethal results were followed by many more . . .

NYPD Detective Rocco Pascarella, FALN victim: FALN bombs were placed at locations where it was likely that innocent people would be killed or injured.

About two weeks prior to December 31, 1982 I had been assigned to the Police Headquarters security detail. . . . It was 9:30 p.m. when my colleagues and I heard a tremendous explosion. At first we thought it was fireworks. But soon after, we were told a bomb had exploded at 26 Federal Plaza which is two blocks from police headquarters. I was directed by my sergeant to search the perimeter of the headquarters building for anything suspicious that might be a bomb. As I approached the rear unused entrance to the building I noticed a lot of debris. As I turned to search, the bomb went off. . . .

I suffered the loss of one leg below the knee, severe scarring of my other leg, the loss of hearing in one ear, and the loss of my eyesight to the extent that I am no longer able to drive. I was in the hospital for two months. I underwent six operations for my leg and ears and received over 40 stitches to my face, ears and mouth. I spent a year going through rehabilitation to learn to walk again with my artificial leg and injured right leg. Because of my injuries I have been unable to return to active duty in the police force. I am on an extended medical leave. The pain and trauma of these disabling injuries were multiplied by the suffering it caused my family.

Special Agent (Ret.) Donald R. Wofford, FBI: [O]n Wednesday, 12/11/74 . . . an anonymous Hispanic female notified the NYPD that a dead body was located in a building at 336 East 110th Street, Manhattan. A radio car was dispatched and when the investigating patrolman pushed upon an outside door to an abandoned five story tenement located at this address, the explosion occurred, seriously injuring the officer, and ultimately resulting in the loss of his eye.

Special Agent (Ret.) Richard S. Hahn, FBI: Between June, 1975 and November, 1979, the FALN claimed credit for nineteen bombing and six incendiary attacks in the Chicago area. These included bomb targets such as the woman's washroom in a hotel restaurant, (9/76), the bombing of the city-county building, (6/77), and Sears Tower (10/75).

Madam President, I don't know how the President of the United States can just ignore the pain and suffering of these innocent Americans. I can't comprehend how we can say that America is tough on terrorism, and will not tolerate such violence, while our nation's leader grants clemency to those who commit these horrendous acts. And I don't understand how his Vice-President can remain silent on this grievous decision as he attempts to earn the trust of the American people. It's been a year since President Clinton granted clemency to convicted terrorists and the Senate and the American people are still searching for the answers to these questions.

JAMES H. QUILLEN UNITED STATES COURTHOUSE

Mr. THOMPSON. Madam President, I would like to take a moment to recognize the many achievements of former Tennessee Congressman Jim Quillen, and express my support for H.R. 4608 which would designate the new United

States courthouse in Greeneville, as the "James H. Quillen United States Courthouse." As some of my colleagues may know, Jim Quillen was Tennessee's longest serving Member of Congress and represented his constituents with distinction at both the state and federal level of government for 50 years. In 1963, Congressman Quillen was elected to the United States House of Representatives to represent the First Congressional District of Tennessee. After serving for thirty-four years, Congressman Quillen retired in January 1997. Congressman Quillen worked very hard for the citizens of Tennessee throughout his legislative career, and played a major role in securing funding to build the new courthouse in Greeneville.

Over the years, Congressman Quillen developed a reputation as a hard working legislator devoted to the concerns of his constituents. He served 17 terms in the House of Representatives, and in many ways lived the American dream. Born into poverty near Kingsport, he knew the hardships that many of his constituents faced, and promised that his door would always be open to hear their views. Congressman Quillen rarely accepted that something could not be done, and distinguished himself early on as a man who could get results. Congressman Quillen fought hard to establish a medical school at East Tennessee State University, which is now one of Tennessee's leading medical teaching institutions. He was also instrumental in expanding services at the Veterans Administration Medical Center in Johnson City.

Congressman Quillen's tireless efforts in the House of Representatives benefitted the entire nation, and his leadership as Ranking Member on the House Committee on Rules helped pave the way for critical legislation. During his service on the House Committee on Rules, Congressman Quillen shaped the course of national policy by acting as a "legislative gatekeeper" and working with other Members to ensure that America's needs were addressed. Congressman Quillen never lost sight of the people he was fighting for, and we should all be proud of his many accomplishments.

It is with appreciation for Congressman Quillen's dedication to public service over the past fifty years that we approve H.R. 4608 to designate the new federal courthouse in Greeneville, which he helped to build, as the "James H. Quillen United States Courthouse."

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

Mr. CLELAND. Madam President, on April 11, 2000 the Senate Commerce Committee held a hearing regarding the impact of China's accession to the World Trade Organization, WTO, on the American economy. This was a fascinating meeting that covered a wide range of topics from trade deficits and

tariff barriers to national security and human rights. After participating in this hearing, and after months of meetings and speaking with Georgia farmers, small business owners, and workers, as well as conferring with national security experts, I have concluded that, on balance, establishing Permanent Normal Trade Relations (PNTR) with China—which is necessary for the U.S. to obtain the trade concessions made by China in order to gain entry into the WTO—is in the best interest of both our national security and our economic security. Therefore, I plan to support the PNTR legislation that passed the House in May.

In the April hearing, General Brent Scowcroft, the former National Security Advisor to President Bush, stated that granting PNTR to China would be, "very much in the interest of the United States. This, in my judgement goes far beyond American business and economic interests, important as these are, to key political and security issues." Mr. President, I have just returned from a trip to Japan and Korea where the issue of China PNTR as it pertains to our national security, while not the purpose of my trip, was an important topic of discussion with some of our key allies in the region as well as some of the U.S. military's finest leaders including Admiral Dennis Blair and General Thomas Schwartz—the Commander in Chief of U.S. Pacific Command and the Commander in Chief of the U.S. Forces in Korea respectively. After these discussions, I am even more convinced that the Senate should approve PNTR as an important national security measure. Admiral Fargo, the Commanding Officer of the CINCPAC Fleet echoed these sentiments when he mentioned that the "right answer" to many of the difficult questions facing us with regard to our strategic interest in the region, including PNTR, "is to engage China."

While in Japan, I met with Japanese Foreign Minister, Yohei Kono. When asked, Minister Kono stated that he believes PNTR for China and its upcoming membership in the WTO, will help China become a member of the international community and, in so doing, will help stabilize not only the Sino-Japanese relationship—which is a part of our national security since we are treaty-bound to defend Japan and because we have 46,000 troops stationed on Japanese soil—but will further stabilize the entire Asia-Pacific region. I find Foreign Minister Kono's sentiments especially significant given the historically difficult relations between these two nations and given the fact that Japan would be a primary beneficiary of trade with China should the U.S. Congress not approve PNTR.

Regarding the economic security of the U.S., granting Permanent Normal Trade Relations will open up China's market to countless Georgia goods and services, especially for Georgia's emerging high-tech and communications sector as well as for our largest

industry—agriculture. Earlier this year, Tommy Irvin, Georgia's Commissioner for Agriculture, wrote to me that, "Normalizing trade relations with China will surely aid our farmers and agribusinesses' lagging export economy, which . . . has slowed over the past two years due to the economic crisis in Southeast Asia." Similarly, Governor Roy Barnes has signaled his support for PNTR and its benefits for Georgia.

Let me be clear that I do believe that U.S. trade with China, which under our current trade rules accounts for our single largest bilateral trade deficit, has had—and will continue to have, whether or not we approve PNTR—a negative effect on some American industries and workers, including some in my state in such areas as textiles and manufacturing. And I would certainly concur that China's labor, environmental and political rights standards fall far short of those we enjoy in the United States.

However, it is my belief that the annual vote currently required regarding China's Most Favored Nation status has not been an effective tool in forcing China to expand political rights or to observe international rules of free and fair trade. It seems obvious to me that both the Chinese and American leaderships have viewed the threat of not passing MFN as just that, a threat, which has never been carried out—not even after the Tiananmen Square massacre. It is important to note that while some Chinese dissidents in the United States have indicated their strong opposition to PNTR, most human rights advocates who have remained in China, the Hong Kong democratic opposition lead by Martin Lee and the government of democratic Taiwan all support PNTR for China. They believe that China's acceptance of the multilateral WTO as the arbiter of its international trade policies will, in time, produce a significant opening up of the Chinese economic, legal and, ultimately, even political systems.

Again, let's be clear on one point. China's membership in the WTO will happen with or without the support of the U.S. Congress. Should Congress not pass PNTR, then businesses in the European Union, Japan and other nations will gain the benefits of Chinese trade concessions plus fair trade enforcement by the WTO, while U.S. exporters will be left behind.

Each trade agreement is different and I am not one who believes that so-called free trade is always and necessarily a good thing for America. Several months ago, I voted against the Caribbean Basin Initiative and the Sub-Saharan African Trade bill because I thought the net effect on the U.S. economy was not going to be positive. In contrast, the trade agreement signed with China in November of 1999—which is contingent on our approval of PNTR for China—would slash Chinese tariffs on U.S. goods and services with no concessions by the United States.

While increased trade with China will likely result in a net benefit for the American economy, we must not ignore the possible impact upon industries, such as textiles and auto manufacturing, that have been adversely impacted under previous trade agreements such as NAFTA or indeed under our current trade policies—including annual MFN review—toward China. Nor should we ignore China's performance on the whole range of issues important to our bilateral relationship, including its labor and environmental standards, its respect for the human rights of its own citizens, its involvement in the proliferation of weapons of mass destruction and their delivery systems, its relationship with Taiwan, and its efforts to promote stability in such key regions as the Korean Peninsula and the Indian Subcontinent. We can, and should, vigorously defend our national interests in these matters through diplomacy, targeted sanctions, and other appropriate means.

However, in my opinion, none of our legitimate concerns about China will be effectively pursued via a continuation of our current annual review of trade relations with that country. There is little evidence to suggest that this current policy has produced any appreciable modification of Chinese behavior on trade, human rights or the other issues. On the other hand, a vote for permanent normal trade relations for China will, while relinquishing what I regard as an ineffective policy tool, secure greater access to the Chinese market for American companies, and will make the U.S. a full party to international efforts to enforce China's compliance with the terms of the WTO accession agreement. And approval of PNTR will in no way prevent the United States from considering other, more effective responses to the actions of the Chinese government. Therefore, I intend to vote for PNTR for China.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, September 15, 2000, the Federal debt stood at \$5,649,458,049,076.86, five trillion, six hundred forty-nine billion, four hundred fifty-eight million, forty-nine thousand, seventy-six dollars and eighty-six cents.

One year ago, September 15, 1999, the Federal debt stood at \$5,622,781,000,000, five trillion, six hundred twenty-two billion, seven hundred eighty-one million.

Five years ago, September 15, 1995, the Federal debt stood at \$4,962,990,000,000, four trillion, nine hundred sixty-two billion, nine hundred ninety million.

Twenty-five years ago, September 15, 1975, the Federal debt stood at \$549,526,000,000, five hundred forty-nine billion, five hundred twenty-six million which reflects a debt increase of more than \$5 trillion—\$5,099,932,049,076.86, five trillion, ninety-nine billion, nine

hundred thirty-two million, forty-nine thousand, seventy-six dollars and eighty-six cents during the past 25 years.

ADDITIONAL STATEMENTS

INSTALLATION OF WILLIAM F. HOFMANN III, AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

• Mr. KENNEDY. Madam President, it is a privilege to take this opportunity to commend a fellow Massachusetts resident, William F. Hofmann of Belmont, who will be installed as President of the nation's largest insurance association—the Independent Insurance Agents of America—next month in Orlando, Florida. Bill is a partner in Provider Insurance Group, which has offices in Belmont, Brookline and Needham.

Bill's impressive career as an independent insurance agent has been marked by outstanding dedication to his clients and his community. He began his service in the insurance industry with the Independent Insurance Agents of Massachusetts, where he served as president. He also represented Massachusetts on the IIAA's National Board of State Directors. In 1980, he was honored with the Mr. Chairman's Award by the American Association of Managing General Agents for his distinguished service as chairman of its Education Committee.

Bill was elected to IIAA's Executive Committee in September 1995 and was honored by his peers when they named him President-Elect of the Association last fall. He will be inaugurated as President next month during the annual meeting in Orlando.

As a member of the Executive Committee leadership panel, Bill has worked to strengthen the competitive standing of independent insurance agents by helping to provide the tools they need to operate more successful businesses.

Before joining the IIAA's national leadership team, Bill was active on several of its committees. He served as chairman of the Education Committee for four years, and in 1994 he received a Presidential Citation for his work in this area.

Bill also has distinguished himself as an active and concerned member of his community. He served as president and on the Board of Directors of the Boston Children's Service. He also has been active in the Belmont Youth Basketball program, the Chamber of Commerce, and the Boosters Club. He has served as chairman of the Belmont Red Cross and as treasurer of the Belmont Religious Council. Bill is also an elected town meeting member, finance committee member, and registrar of voters in Belmont.

I am proud of Bill's accomplishments, and I know that he will have a successful year as president of the

Independent Insurance Agents of America. As his past accomplishments demonstrate, Bill will serve his fellow insurance agents with distinction, and provide them with strong leadership. I extend my warmest congratulations to Bill and his wife Marilyn as the incoming President and First Lady of this distinguished organization.●

HONORING ALLEN MEMORIAL HOSPITAL AND THE NURSING EDUCATION PROGRAM OF ALLEN HEALTH SYSTEM

● Mr. GRASSLEY. Madam President, on the occasion of the 75th birthday of Allen Memorial Hospital and the nursing education program of Allen Health System, I would like to congratulate this fine organization. For 75 years Allen Health System has diligently carried out its mission of commitment to healing, teaching, caring, and improving the health of the people and communities it serves.

Established in 1925, this organization has, over the years, positively impacted the lives of friends and family in Waterloo/Cedar Falls and surrounding communities of Northeast Iowa. Allen Health System has contributed to the development of healthcare within the community with its high quality of healthcare, professionalism, service and outreach.

The contribution of Allen Memorial Hospital and the nursing education program of Allen Health System over the past 75 years is immeasurable and Allen is to be commended for its unwavering commitment to providing healthcare to those it serves.

This September 2000, Allen Health System associates and students come together to commemorate the organization's 75th birthday and to further enhance their knowledge and skills related to healthcare, I salute them. The community has been strengthened and enhanced by the work of this organization and the men and women who are part of it.●

HONORING THURMAN "FUM" MCGRAW AND FAMILY

● Mr. ALLARD. Madam President, I rise today to pay tribute to my friend, Thurman "Fum" McGraw, a man whose legend at Colorado State University, my alma mater, is among the greatest in the University's history. "Fum," the school's first All-American, died Wednesday at age 73 of complications from a stroke this summer.

"Fum," who was large in stature at nearly 6-foot-5 and more than 200 pounds, was considered Colorado State University's greatest athlete, and as a "gentle giant" by his wife, Brownie. McGraw became synonymous with the school's athletic department. In addition to his superior college football career, a two time All-American defensive lineman in 1948 and 1949 who led the Rams to their first Bowl game, he was also an All-American in wrestling

and competed in the national track and field championships. As a senior in 1949-1950 he was the university's student body president. He graduated with a degree in forest management in 1950 and spent five years in the National Football League. After an amazing college career he starred with the National Football League's Detroit Lions, helping them to win two championships and earning All-Pro honors three times as a defensive lineman.

"Fum" returned to CSU in 1955 as the wrestling coach, also assisting with the football and track teams. He was an assistant coach with the Pittsburgh Steelers from 1958-62, returned to CSU as an administrator in 1962, then returned to the NFL as a scout in 1970. Finally in 1976 he was back to stay at CSU as the athletic director until 1986. Throughout his career at Colorado State University McGraw tirelessly raised money for the CSU athletic department. He spearheaded the resumption of the football series with the University of Colorado and helped initiate the construction of Moby Arena in 1966 and Hughes Stadium in 1968. His work ultimately led to the school's acceptance into the Western Athletic Conference in 1968. But it wasn't just what he did in athletics that made him so special.

Thurman McGraw was the recipient of numerous honors, including induction into the National Football Foundation Hall of Fame and the Colorado Sports Hall of Fame. In 1997 he and his wife received the Citizen of the West Award given annually by the National Western Stock Show. "Fum" also led the effort to name the university track for his former teammate and friend Jack Christiansen. Last year to honor McGraw, CSU officials commemorated his lifetime of support by dedicating the Thurman "Fum" McGraw Center. The Thurman "Fum" McGraw Center which includes the school's locker rooms, weight training and injury rehabilitation facilities, and coaches and staff offices for the athletic department. Two weeks ago, while "Fum" was laid up in the hospital, the football team dedicated its game against in state rival University of Colorado to McGraw. The Rams upset Colorado 28 to 24.

McGraw would do anything to help the school he adored, the friends he cared so much for, and the family he loved so dearly. Thurman "Fum" McGraw was and always will remain the essence of Colorado State University. He was a hero on and off the field, and a genuine role model for today's athletes. He will be missed throughout the community, but he will not be forgotten. I offer my thoughts and prayers to those close to Mr. McGraw in this difficult time.●

LIEUTENANT COLONEL WILLIAM R. CORSON

● Mr. HAGEL. Madam President, I would like to make a brief statement

about a man who in every way embodied the spirit and reality of an American patriot. Seldom does one have an opportunity to bump into someone during life's journey who has affected events of our time. Such a man was retired Marine Corps Colonel Bill Corson who passed away in July.

His passing reminds us all of our own mortality and destiny and how important it is to live our lives with honor and dignity. That is how Bill Corson lived his. It was a privilege to know him. I will miss his wise counsel and friendship.

I first met Bill in 1981 when I was serving as the Deputy Administrator of the Veterans Administration. He was a man who was deeply and unselfishly devoted to his country. Bill left college and enlisted in the Marine Corps during World War II. He served in Korea and Vietnam. His decorations included the Navy Commendation Medal with Combat "V." He spent most of his career on special assignment with the CIA, the White House, the Marine Corps, and the State Department. Bill went on to teach at the U.S. Naval Academy and write several books on national security issues.

Bill was relentless in the pursuit of meeting the challenges faced by the country he loved so much. He was a man of immense integrity, a man of knowledge, a man of ability, a man of compassion, a man of faith, who always gave his country his best. And America is stronger today because of this remarkable man.

He was a friend of mine, and I extend heartfelt condolences to his wife Judy and his family.

Madam President, I ask that the attached obituary from The Washington Post on Bill Corson be printed in the RECORD.

[From the Washington Post, July 19, 2000]

WILLIAM R. CORSON, 74, AUTHOR AND RETIRED MARINE OFFICER, DIES

(By J.Y. Smith)

William R. Corson, 74, a retired lieutenant colonel in the Marine Corps and expert on counterinsurgency warfare who was almost court-martialed for publishing a book that was high critical of U.S. policy in Vietnam, died July 17 at Surburban Hospital. He had lung cancer.

For much of his career, Col. Corson was an intelligence officer on special assignment with the CIA and the Marine Corps. He spoke Chinese and specialized in Asian affairs.

In 1962, after four years as a liaison officer in Hong Kong, he was assigned to the office of the secretary of defense. This put him in touch with decision-making at the highest level as U.S. involvement in Southeast Asia deepened.

He began studying Vietnam in the early 1950s, when France was still trying to hold on to its colonial possession. In 1966, he was ordered there as commanding officer of a Marine tank battalion.

Early in 1967, he was named director of the Combined Action Program, in which small detachments of Marines served with South Vietnamese militia in villages throughout the country. The purpose of the program was to provide security from the communists and win the loyalty of the people to the Saigon government.

According to an official Marine Corps history, the program was highly successful. Col. Corson was praised by his superiors for his ability to relate to Vietnamese villagers and win their confidence.

In 1967, when he returned to the United States, he received another sensitive assignment in Washington, becoming deputy director of the Southeast Asia Intelligence Force in the office of the assistant secretary of defense.

But by that time he was convinced that U.S. policies in Vietnam were doomed and he decided to write a book.

The book, "The Betrayal," argued that the Saigon government supported by Washington was corrupt and incompetent and that it was perceived by ordinary Vietnamese as being as much of a threat to their well-being as the communists. Unless the United States devised policies to take this into account, the book said, the war would be lost and American servicemen would have died in vain.

Publication was set for July 1, 1968, by W.W. Norton and Co. Inc., a month after Col. Corson was scheduled to retire from the service.

This brought into play Marine Corps regulation that required officers on active duty to submit statements on public policy to review before making them public. Col. Corson claimed that this did not apply to him because the book would not go on sale until after he had become a civilian.

Marine Corps officials responded by having his retirement held up and by taking steps to convene a general court-martial. These plans were dropped on the grounds that they would only serve to draw attention to the book. Col. Corson's retirement went through a month later than originally scheduled.

Col. Corson later taught history at Howard University for a year and then wrote several books on national security issues, including "Promise or Peril," "Consequences of Failure," "The Armies of Ignorance" and "The New KGB" with Robert T. Crowley.

He also wrote a column on veterans affairs for Penthouse magazine for several years and was the publication's Washington editor.

William Raymond Corson was born in Chicago on Sept. 25, 1925. He attended the University of Chicago, but left in 1943 to enlist in the Marine Corps during World War II. After the war, he graduated from the University of Miami, where he also received a master's degree in business and economics. He later received a doctorate in economics at American University.

In 1949, Col. Corson was commissioned in the Marine Corps. He served in the Korean War in 1952. From 1953 to 1955, he was a student in the Chinese language course at the Naval Intelligence School in Washington. From 1964 to 1966, he taught a course on communism and revolutionary war at the U.S. Naval Academy.

His military decorations included the Navy Commendation Medal with combat "V".

Col. Corson, a resident of Potomac, was an elder and clerk of session at Harmon Presbyterian Church in Bethesda.

His marriage to Charlotte Corson ended in divorce.

Survivors include his wife, Judith C. Corson, and their three children, Adam, Zachary and Andrew, all of Potomac; two children from his first marriage, Christopher Corson of Silver Spring and David Corson of Greenville, S.C.; and five grandchildren.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

S. 3057. A bill to amend the Public Health Service Act, the Employee Retirement In-

come Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 3058. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 18, 2000, he presented to the President of the United States the following enrolled bill:

S. 2869. An act to protect religious liberty, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10750. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-10751. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on September 12, 2000; to the Committee on Governmental Affairs.

EC-10752. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of the D.C. Act 13-398, entitled "Sacred Heart Way, N.W., Designation Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10753. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of the D.C. Act 13-434, entitled "Uniform Commercial Code Secured Transactions Revision Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10754. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of the D.C. Act 13-435, entitled "Approval of the Application for Transfer of Control of District Cablevision Limited Partnership from Tele-Communications, Inc., to AT&T Corp. Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10755. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of the D.C. Act 13-398, entitled "Securities Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10756. A communication from the Director of the Office of Equal Rights, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN3067-AC71) received on September 5, 2000; to the Committee on Environment and Public Works.

EC-10757. A communication from the Inland Waterways Users Board Chairman,

transmitting, pursuant to law, the 2000 Annual Report of the Inland Waterways Users Board; to the Committee on Environment and Public Works.

EC-10758. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to state truck weight limits; to the Committee on Environment and Public Works.

EC-10759. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6870-1) and "Stay of the Eight-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport" (FRL #6869-8) received on September 12, 2000; to the Committee on Environment and Public Works.

EC-10760. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report of lease prospectuses relative to the Capital Investment Leasing Program for fiscal year 2001; to the Committee on Environment and Public Works.

EC-10761. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Approval and Promulgation of Implementation Plans: Revision to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program" (FRL #6872-4), "Approval and Promulgation of the Implementation Plan for the Shelby County, Tennessee Lead Nonattainment Area" (FRL #6872-2), and "Technical Assistance Grant Program" (FRL #6872-1) received on September 14, 2000; to the Committee on Environment and Public Works.

EC-10762. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of two items; to the Committee on Environment and Public Works.

EC-10763. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the endocrine disruptor screening program; to the Committee on Health, Education, Labor, and Pensions.

EC-10764. A communication from the Secretary of Health and Human Services and the Secretary of Labor, transmitting jointly, pursuant to law, the report entitled "Twenty-One Million Children's Health: Our Shared Responsibility"; to the Committee on Health, Education, Labor, and Pensions.

EC-10765. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the operations of the office of workers' compensation programs for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-10766. A communication from the General Counsel of the Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" received on September 14, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10767. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Crime Control Items: Revisions to the Commerce Control List" received on September 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-10768. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Releasing Information; Electronic Freedom of Information Act Amendment" (RIN2550-AA09) received on September 12, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-10769. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Homeownership Program" (RIN2577-AB90) (FR-4427-F-02) received on September 12, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-10770. A communication from the Deputy Secretary of the Division of Investment Management, Office of Investment Adviser Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing by Investment Advisers; Amendment to Form ADV" (RIN3235-AD21) received on September 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-10771. A communication from the Under Secretary of Food, Nutrition and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Requirements for and Evaluation of WIC Program Bid Solicitation for Infant Formula Rebate Contracts" (RIN0584-AB52) received on September 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10772. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Myclobutanol; Extension of Tolerance for Emergency Exemptions" (FRL #6742-6) and "Difenoconazole; Pesticide Tolerance" (FRL #6589-3) received on September 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10773. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwi fruit Grown in California and Imported Kiwi fruit; Relaxation of the Minimum Maturity Requirement" (Docket Number: FV00-920-2 FR) received on September 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10774. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Extension of Tolerance for Emergency Exemptions" (FRL #6744-5) received on September 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10775. A communication from the Under Secretary of Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of WIC Mandates of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (RIN0584-AC51) received on September 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10776. A communication from the General Counsel of the Presidio Trust, transmitting, pursuant to law, the report of a rule entitled "Final Regulations of the Presidio

Trust Management of the Presidio: Environmental Quality" (RIN3212-AA02) received on September 12, 2000; to the Committee on Energy and Natural Resources.

EC-10777. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN3245-AE19) received on September 14, 2000; to the Committee on Small Business.

EC-10778. A communication from the Office of the Chief Financial Officer, Government of the District of Columbia, transmitting, pursuant to law, the report of a potential violation of the Anti-Deficiency Act; to the Committee on Appropriations.

EC-10779. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, a draft of proposed legislation to amend the State Department Basic Authorities Act of 1956; to the Committee on Foreign Relations.

EC-10780. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Canada, Germany, and France; to the Committee on Foreign Relations.

EC-10781. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the report entitled "Development Assistance and Child Survival/Diseases Program Allocations for fiscal year 2000; to the Committee on Foreign Relations.

EC-10782. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to emergency appropriations; to the Committee on Banking, Housing, and Urban Affairs.

EC-10783. A communication from the Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN1190-AA28) received on September 11, 2000; to the Committee on the Judiciary.

EC-10784. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement Eighteen-Month Publication of Patent Applications" (RIN0651-AB05) received on September 12, 2000; to the Committee on the Judiciary.

EC-10785. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to building a better criminal justice system fiscal year 1999; to the Committee on the Judiciary.

EC-10786. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "National interest waivers for second preference employment-based immigrant physicians serving in medically underserved areas or at Department of Veterans' Affairs facilities" (RIN1115-AF75) received on September 14, 2000; to the Committee on the Judiciary.

EC-10787. A communication from the Director of the Office of Regulations Management, Office of Resolution Management, Department of Veterans' Affairs, transmitting,

pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN2900-AJ11) received on September 12, 2000; to the Committee on Veterans' Affairs.

EC-10788. A communication from the Director of the Office of Regulations Management, Office of Resolution Management, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Cash Values for National Service Life Insurance (NSLI) and Veterans Special Life Insurance Term-Capped Policies" (RIN2900-AJ35) received on September 12, 2000; to the Committee on Veterans' Affairs.

EC-10789. A communication from the Director of the Office of Regulations Management, Office of Resolution Management, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Increase in Rates Payable Under the Montgomery GI Bill—Active Duty" (RIN2900-AJ89) received on September 12, 2000; to the Committee on Veterans' Affairs.

EC-10790. A communication from the Acting Secretary of Veterans Affairs, transmitting, a summary of the VA's Hammer Awards Program; to the Committee on Veterans' Affairs.

EC-10791. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a notification relative to the system-level Live Fire Test and Evaluation; to the Committee on Armed Services.

EC-10792. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the cost comparison to reduce the cost of the Base Operating Support (BOS) functions; to the Committee on Armed Services.

EC-10793. A communication from the Secretary of Defense, transmitting, pursuant to law, a notice relative to a retirement; to the Committee on Armed Services.

EC-10794. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to the cooperative threat reduction (CTR) multi-year program plan for fiscal year 2001; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. VOINOVICH (for himself and Mr. DURBIN):

S. 3062. A bill to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SCHUMER:

S. 3063. A bill to amend the Fair Credit Reporting Act to provide for disclosure of credit-scoring information by creditors and consumer reporting agencies; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 358. A resolution relative to the Death of Murray Zweben, Parliamentarian

Emeritus of the United States Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. VOINOVICH (for himself and Mr. DURBIN):

S. 3062. A bill to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes; to the Committee on Governmental Affairs.

DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN AMENDMENTS ACT OF 2000

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation to improve upon the District of Columbia's process for measuring and reporting on its performance. This legislation derives directly from a letter sent to me by the Mayor of the District of Columbia, in which he requested that Congress consider making minor changes to the District's reporting requirements so that the city can take one step closer to establishing a system of performance budgeting, in which the city's budget can be linked directly to the performance goals set by the city's agencies. I am pleased that Senator DURBIN joins me as an original cosponsor of this bill.

Similar to the intent of Congress in passing the Government Performance and Results Act of 1993, which re-engineered the management practices at federal agencies, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (DCFRMA) mandates that the District begin submitting performance accountability plans to Congress preceding each fiscal year. These plans are to establish objective, measurable performance goals for all agencies and departments within the government of the District of Columbia. The legislation also requires the District to submit to Congress a performance accountability report, following each fiscal year, that evaluates the city's ability to meet the performance goals it laid out in the performance accountability plan for that fiscal year.

For the past three fiscal years since the DCFRMA legislation took effect, the performance plans and reports have provided the District with a valuable tool to establish a system of accountability in its operations. The Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, which I chair, has held two oversight hearings on the District's progress in improving performance, and we are scheduled to hold another hearing in the coming weeks to evaluate the District's progress in accomplishing the goals it set out in its FY2000 performance accountability plan.

Although the performance accountability plan legislation has provided the District with an effective framework for establishing a system of performance budgeting, our bill proposes

minor changes to the law to improve the utility and relevance of this strategic planning exercise. First, current law provides that the performance accountability plan is due no later than March 1st preceding each fiscal year. However, in order to tie together the city's budget with the performance goals for each year, the Mayor requested that we consider harmonizing the submission deadline for the performance plan with the city's budget to Congress. In order to align the submission requirements, this legislation we are introducing today would change the submission deadline for the performance accountability plan from its current March 1st deadline, to a deadline that is concurrent with the submission of the District of Columbia budget to Congress. By making this change, we hope to align the budget and the performance measures more closely, and help guide the city toward a system of performance budgeting.

The second change made by this legislation is to streamline the performance goal requirements that were initially established in the DCFRMA. The current law mandates that, for every goal, the District must establish both an acceptable level of performance and a superior level of performance. Our bill proposes that the multiple levels of performance goals be replaced by one set of ambitious performance targets. This would clarify the goals District managers are expected to meet and align congressional mandates on the District with what is required of federal agencies.

Senator DURBIN and I hope these technical amendments to the performance plan requirements will allow the District to reform its management system more efficiently, and the subcommittee intends to actively monitor the city's progress in this regard.

Mr. President, I ask unanimous consent that a copy 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. 3062

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

SECTION 1. DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN.

Section 456 of the District of Columbia Home Rule Act (section 47-231 et seq. of the District of Columbia Code) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "Not later than March 1 of each year (beginning with 1998)" and inserting "Concurrent with the submission of the District of Columbia budget to Congress each year (beginning with 2001)"; and

(B) in paragraph (2)(A) by striking "that describe an acceptable level of performance by the government and a superior level of performance by the government"; and

(2) in subsection (b)—

(A) in paragraph (1) by striking "1999" and inserting "2001"; and

(B) in paragraph (2)(A) by striking "for an acceptable level of performance by the government and a superior level of performance by the government".

ADDITIONAL COSPONSORS

S. 178

At the request of Mr. INOUE, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 178, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 876

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 876, a bill to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1391

At the request of Mr. INOUE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1391, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 2725

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

S. 3020

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

S. 3028

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3028, a bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system

for hospital outpatient department services.

S. 3049

At the request of Mr. FITZGERALD, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 3049, a bill to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 2000 crop year.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

S. RES. 332

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 332, a resolution expressing the sense of the Senate with respect to the peace process in Northern Ireland.

S. RES. 343

At the request of Mr. FITZGERALD, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Nevada (Mr. REID), the Senator from New York (Mr. SCHUMER), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

SENATE RESOLUTION 358—RELATIVE TO THE DEATH OF MURRAY ZWEBEN, PARLIAMENTARIAN EMERITUS OF THE UNITED STATES SENATE

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

S. RES. 358

Whereas Murray Zweben served the Senate with honor and distinction as its third Parliamentarian from 1974 to 1981;

Whereas Murray Zweben was Assistant Senate Parliamentarian from 1963 to 1974;

Whereas Murray Zweben served the Senate for more than 20 years;

Whereas Murray Zweben performed his Senate duties in an impartial and professional manner;

Whereas Murray Zweben was honored by the Senate with the title Parliamentarian Emeritus;

Whereas Murray Zweben served his country as an officer in the United States Navy from 1953 to 1956; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Murray Zweben, Parliamentarian Emeritus of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Murray Zweben.

NOTICE OF HEARING

SUBCOMMITTEE ON FORESTRY AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, September 26, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 3052, a bill to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes and S. 3044 a bill to establish the Las Cienegas National Conservation Area in the State of Arizona.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. SPECTER. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet today, September 18, 2000, from 1:30 p.m.-4:00 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

ORDER OF BUSINESS

Mr. SPECTER. Madam President, I have been asked to make certain requests on behalf of the leader.

THE CALENDAR

Mr. SPECTER. Madam President, I ask unanimous consent that the Senate now proceed en bloc to the following two bills: Calendar No. 681, H.R. 940, and Calendar No. 680, S. 2247.

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

Mr. SPECTER. Madam President, I ask unanimous consent that any committee amendments be agreed to where appropriate, the bills be read the third time and passed, any title amendments be agreed to, as necessary, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

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

LACKAWANNA VALLEY NATIONAL HERITAGE AREA ACT OF 1999

The Senate proceeded to consider the bill (H.R. 940) to designate the Lackawanna Valley National Heritage Area, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

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

TITLE I—LACKAWANNA VALLEY NATIONAL HERITAGE AREA

SECTION 101. SHORT TITLE.

This title may be cited as the "Lackawanna Valley National Heritage Area Act of 2000".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;

(2) the industries referred to in paragraph (1) include anthracite mining, ironmaking, textiles, and rail transportation;

(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the region described in paragraph (1) includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including—

(A) the formation of many major unions such as the United Mine Workers of America; and

(B) crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes;

(5)(A) the Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States; and

(B) there are significant examples of those resources within the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and

(6) the Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1).

(b) PURPOSES.—The purposes of the Lackawanna Valley National Heritage Area are—

(1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region described in subsection (a)(1).

SEC. 103. DEFINITIONS.

(1) HERITAGE AREA.—The term "Heritage Area" means the Lackawanna Valley Historical Heritage Area established by section 4.

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area specified in section 4(c).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 6(b).

(4) PARTNER.—The term "partner" means—
(A) a Federal, State, or local governmental entity; and

(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

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

SEC. 104. LACKAWANNA VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Lackawanna Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, Pennsylvania, determined in accordance with the compact under section 5.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.

SEC. 105. COMPACT.

(a) IN GENERAL.—To carry out this Title, the Secretary shall enter into a compact with the management entity.

(b) CONTENTS OF COMPACT.—The compact shall include information relating to the objectives and management of the area, including—

(1) a delineation of the boundaries of the Heritage Area; and

(2) a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.

SEC. 106. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity may, for the purposes of preparing and implementing the management plan, use funds made available under this Title to hire and compensate staff.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(A) take into consideration State, county, and local plans;

(B) involve residents, public agencies, and private organizations working in the Heritage Area; and

(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.

(3) SPECIFICATION OF FUNDING SOURCES.—The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.

(4) OTHER REQUIRED ELEMENTS.—The management plan shall include the following:

(A) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its historical, cultural, natural, recreational, or scenic significance.

(B) A recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan by the management entity, including—

(i) plans for restoration and construction; and

(ii) specific commitments of the partners for the first 5 years of operation.

(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.

(E) An interpretation plan for the Heritage Area.

(5) SUBMISSION TO SECRETARY FOR APPROVAL.—

(A) IN GENERAL.—Not later than the last day of the 3-year period beginning on the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(B) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the day referred to in subparagraph (A), the Secretary shall not, after that day, provide any grant or other assistance under this Title with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(3) encourage economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(5) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;

(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(7) conduct public meetings not less often than quarterly concerning the implementation of the management plan;

(8) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; and

(9) for each year in which Federal funds have been received under this Title—

(A) submit a report to the Secretary that specifies—

(i) the accomplishments of the management entity; and

(ii) the expenses and income of the management entity;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(d) USE OF FEDERAL FUNDS.—

(1) FUNDS MADE AVAILABLE UNDER THIS TITLE.—The management entity shall not use Federal funds received under this Title to acquire real property or any interest in real property.

(2) FUNDS FROM OTHER SOURCES.—Nothing in this Title precludes the management entity from using Federal funds obtained through law other than this Title for any purpose for which the funds are authorized to be used.

SEC. 107. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) PROVISION OF ASSISTANCE.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.

(2) PRIORITY IN ASSISTANCE.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this Title not later than 90 days after receipt of the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—The Secretary shall approve or disapprove a proposed revision within 90 days after the date on which the revision is submitted to the Secretary.

(c) APPROVAL OF AMENDMENTS.—

(1) REVIEW.—The Secretary shall review substantial amendments (as determined under section 6(c)(8)) to the management plan for the Heritage Area.

(2) REQUIREMENT OF APPROVAL.—Funds made available under this Title shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.

SEC. 108. SUNSET PROVISION.

The Secretary shall not provide any grant or other assistance under this Title after September 30, 2012.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Title \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this Title for any fiscal year.

(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this Title shall not exceed 50 percent.

TITLE II—SCHUYLKILL RIVER VALLEY NATIONAL HERITAGE AREA

SEC. 201. SHORT TITLE.

This title may be cited as the “Schuylkill River Valley National Heritage Area Act.”

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Schuylkill River Valley made a unique contribution to the cultural, political, and industrial development of the United States;

(2) the Schuylkill River is distinctive as the first spine of modern industrial development in Pennsylvania and 1 of the first in the United States;

(3) the Schuylkill River Valley played a significant role in the struggle for nationhood;

(4) the Schuylkill River Valley developed a prosperous and productive agricultural economy that survives today;

(5) the Schuylkill River Valley developed a charcoal iron industry that made Pennsylvania the center of the iron industry within the North American colonies;

(6) the Schuylkill River Valley developed into a significant anthracite mining region that continues to thrive today;

(7) the Schuylkill River Valley developed early transportation systems, including the Schuylkill Canal and the Reading Railroad;

(8) the Schuylkill River Valley developed a significant industrial base, including textile mills and iron works;

(9) there is a longstanding commitment to—

(A) repairing the environmental damage to the river and its surrounding caused by the largely unregulated industrial activity; and

(B) completing the Schuylkill River Trail along the 128-mile corridor of the Schuylkill Valley;

(10) there is a need to provide assistance for the preservation and promotion of the significance of the Schuylkill River as a system for transportation, agriculture, industry, commerce, and immigration; and

(11)(A) the Department of the Interior is responsible for protecting the Nation's cultural and historical resources; and

(B) there are significant examples of such resources within the Schuylkill River Valley to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Schuylkill River Greenway Association, the State of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) **PURPOSES.**—The purposes of this title are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the Schuylkill River Valley of southeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Schuylkill River Valley of southeastern Pennsylvania.

SEC. 203. DEFINITIONS.

In this title:

(1) **COOPERATIVE AGREEMENT.**—The term “cooperative agreement” means the cooperative agreement entered into under section 204(d).

(2) **HERITAGE AREA.**—The term “Heritage Area” means the Schuylkill River Valley National Heritage Area established by section 204.

(3) **MANAGEMENT ENTITY.**—The term “management entity” means the management entity of the Heritage Area appointed under section 204(c).

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 205.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Pennsylvania.

SEC. 204. ESTABLISHMENT.

(a) **IN GENERAL.**—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain land and structures with unique and significant historical and cultural value associated with the early development of the Schuylkill River Valley, there is established the Schuylkill River Valley National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall be comprised of the Schuylkill River watershed within the counties of Schuylkill, Berks, Montgomery, Chester, and Philadelphia, Pennsylvania, as delineated by the Secretary.

(c) **MANAGEMENT ENTITY.**—The management entity for the Heritage Area shall be the Schuylkill River Greenway Association.

(d) **COOPERATIVE AGREEMENT.**—

(1) **IN GENERAL.**—To carry out this title, the Secretary shall enter into a cooperative agreement with the management entity.

(2) **CONTENTS.**—The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including—

(A) a description of the goals and objectives of the Heritage Area, including a description of the approach to conservation and interpretation of the Heritage Area;

(B) an identification and description of the management entity that will administer the Heritage Area; and

(C) a description of the role of the State.

SEC. 205. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this title, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(b) **REQUIREMENTS.**—The management plan shall—

(1) take into consideration State, county, and local plans;

(2) involve residents, public agencies, and private organizations working in the Heritage Area;

(3) specify, as of the date of the plan, existing and potential sources of funding to protect, manage, and develop the Heritage Area; and

(4) include—

(A) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historical, recreational, or scenic significance;

(C) a recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan by the management entity;

(E) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and

(F) an interpretation plan for the Heritage Area.

(c) **DISQUALIFICATION FROM FUNDING.**—If a management plan is not submitted to the Secretary on or before the date that is 3 years after the date of enactment of this title, the Heritage Area shall be ineligible to receive Federal funding under this title until the date on which the Secretary receives the management plan.

(d) **UPDATE OF PLAN.**—In lieu of developing an original management plan, the management entity may update and submit to the Secretary the Schuylkill Heritage Corridor Management Action Plan that was approved by the State in March, 1995, to meet the requirements of this section.

SEC. 206. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITY.**—For purposes of preparing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and

(2) hire and compensate staff.

(b) **DUTIES OF THE MANAGEMENT ENTITY.**—The management entity shall—

(1) develop and submit the management plan under section 205;

(2) give priority to implementing actions set forth in the cooperative agreement and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) preserving the Heritage Area;

(ii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iii) developing recreational resources in the Heritage Area;

(iv) increasing public awareness of and, appreciation for, the natural, historical, and architectural resources and sites in the Heritage Area;

(v) restoring historic buildings relating to the themes of the Heritage Area; and

(vi) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are installed throughout the Heritage Area;

(B) encourage economic viability in the Heritage Area consistent with the goals of the management plan; and

(C) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings at least quarterly regarding the implementation of the management plan;

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the approval of the Secretary; and

(6) for any fiscal year in which Federal funds are received under this title—

(A) submit to the Secretary a report describing—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which the management entity made any grant during the fiscal year;

(B) make available for audit all records pertaining to the expenditure of Federal funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds; and

(C) require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of Federal funds.

(c) **USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(2) **OTHER SOURCES.**—Nothing in this title precludes the management entity from using Federal funds from other sources for their permittee purposes.

(d) **SPENDING FOR NON-FEDERALLY OWNED PROPERTY.**—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

SEC. 207. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—At the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area to develop and implement the management plan.

(2) **PRIORITIES.**—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historical, and cultural resources that support the themes of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) **APPROVAL AND DISAPPROVAL OF COOPERATIVE AGREEMENTS AND MANAGEMENT PLANS.**—

(1) **IN GENERAL.**—Not later than 90 days after receiving a cooperative agreement or management plan submitted under this title, the Secretary, in consultation with the Governor of the State, shall approve or disapprove the cooperative agreement or management plan.

(2) **MANAGEMENT PLAN CONTENTS.**—In reviewing the plan, the Secretary shall consider whether the composition of the management entity and the plan adequately reflect diverse interest of the region, including those of—

- (A) local elected officials,
- (B) the State,
- (C) business and industry groups,
- (D) organizations interested in the protection of natural and cultural resources, and
- (E) other community organizations and individual stakeholders.

(3) **ACTION FOLLOWING DISAPPROVAL.**—

(A) **IN GENERAL.**—If the Secretary disapproves a cooperative agreement or management plan, the Secretary shall—

- (i) advise the management entity in writing of the reasons for the disapproval; and
- (ii) make recommendations for revisions in the cooperative agreement of plan.

(B) **TIME PERIOD FOR DISAPPROVAL.**—Not later than 90 days after the date on which a revision described under subparagraph (A)(ii) is submitted, the Secretary shall approve or disapprove the proposed revision.

(c) **APPROVAL OF AMENDMENTS.**—

(1) **IN GENERAL.**—The Secretary shall review and approve substantial amendments to the management plan.

(2) **FUNDING EXPENDITURE LIMITATION.**—Funds appropriated under this title may not be expended to implement any substantial amendment until the Secretary approves the amendment.

SEC. 208. CULTURE AND HERITAGE OF ANTHRACITE COAL REGION.

(a) **IN GENERAL.**—The management entities of heritage areas (other than the Heritage Area) in the anthracite coal region in the State shall cooperate in the management of the Heritage Area.

(b) **FUNDING.**—Management entities described in subsection (a) may use funds appropriated for management of the Heritage Area to carry out this section.

SEC. 209. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after the date that is 15 years after the date of enactment of this title.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title not more than \$10,000,000, of which not more than \$1,000,000 is authorized to be appropriated for any 1 fiscal year.

(b) **FEDERAL SHARE.**—Federal funding provided under this title may not exceed 50 percent of the total cost of any project or activity funded under this title.

The committee amendment was agreed to.

The bill (H.R. 940), as amended, was read the third time and passed.

The title was amended so as to read: "To designate the Lackawanna Valley and the Schuylkill River National Heritage Areas, and for other purposes."

WHEELING NATIONAL HERITAGE AREA ACT OF 2000

The Senate proceeded to consider the bill (S. 2247) to establish the Wheeling

National Heritage Area in the State of West Virginia, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(Omit the parts in black brackets and insert the parts printed in italic.)

S. 2247

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 "Wheeling National Heritage Area Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds that—

(1) the area in and around Wheeling, West Virginia, possesses important historical, cultural, and natural resources, representing major heritage themes of transportation, commerce and industry, and Victorian culture in the United States;

(2) the City of Wheeling has played an important part in the settlement of this country by serving as—

(A) the western terminus of the National Road of the early 1800's;

(B) the "Crossroads of America" throughout the nineteenth century;

(C) one of the few major inland ports in the nineteenth century; and

(D) the site for the establishment of the Restored State of Virginia, and later the State of West Virginia, during the Civil War and as the first capital of the new State of West Virginia;

(3) the City of Wheeling has also played an important role in the industrial and commercial heritage of the United States, through the development and maintenance of many industries crucial to the Nation's expansion, including iron and steel, textile manufacturing, boat building, glass manufacturing, and stogie and chewing tobacco manufacturing facilities, many of which are industries that continue to play an important role in the national economy;

(4) the city of Wheeling has retained its national heritage themes with the designations of the old custom house (now Independence Hall) and the historic suspension bridge as National Historic Landmarks; with five historic districts; and many individual properties in the Wheeling area listed or eligible for nomination to the National Register of Historic Places;

(5) the heritage themes and number and diversity of Wheeling's remaining resources should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States; and

(6) in 1992 a comprehensive plan for the development and administration of the Wheeling National Heritage Area was completed for the National Park Service, the City of Wheeling, and the Wheeling National Task Force, including—

(A) an inventory of the national and cultural resources in the City of Wheeling;

(B) criteria for preserving and interpreting significant natural and historic resources;

(C) a strategy for the conservation, preservation, and reuse of the historical and cultural resources in the City of Wheeling and the surrounding region; and

(D) an implementation agenda by which the State of West Virginia and local governments can coordinate their resources as well as a complete description of the management entity responsible for implementing the comprehensive plan.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to recognize the special importance of the history and development of the Wheeling area in the cultural heritage of the Nation;

(2) to provide a framework to assist the City of Wheeling and other public and private entities and individuals in the appropriate preservation, enhancement, and interpretation of significant resources in the Wheeling area emblematic of Wheeling's contributions to the Nation's cultural heritage;

(3) to allow for limited Federal, State and local capital contributions for planning and infrastructure investments to complete the Wheeling National Heritage Area, in partnership with the State of West Virginia, the City of Wheeling, and other appropriate public and private entities; and

(4) to provide for an economically self-sustaining National Heritage Area not dependent on Federal financial assistance beyond the initial years necessary to establish the heritage area.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "city" means the City of Wheeling;

(2) the term "heritage area" means the Wheeling National Heritage Area established in section 4;

(3) the term "plan" means the "Plan for the Wheeling National Heritage Area" dated August, 1992;

(4) the term "Secretary" means the Secretary of the Interior; and

(5) the term "State" means the State of West Virginia.

SEC. 4. WHEELING NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—In furtherance of the purposes of this Act, there is established in the State of West Virginia the Wheeling National Heritage Area, as generally depicted on the map entitled "Boundary Map, Wheeling National Heritage Area, Wheeling, West Virginia" and dated March, 1994. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) **MANAGEMENT ENTITY.**—(1) The management entity for the heritage area shall be the Wheeling National Heritage Corporation, a non-profit corporation chartered in the State of West Virginia.

(2) To the extent consistent with this Act, the management entity shall manage the heritage area in accordance with the plan.

SEC. 5. DUTIES OF THE MANAGEMENT ENTITY.

(a) **MISSION.**—The primary mission of the management entity shall be—

(A) to implement and coordinate the recommendations contained in the plan;

(B) ensure integrated operation of the heritage area; and

(C) conserve and interpret the historic and cultural resources of the heritage area.

(2) The management entity shall also direct and coordinate the diverse conservation, development, programming, educational, and interpretive activities within the heritage area.

(b) **RECOGNITION OF PLAN.**—The management entity shall work with the State of West Virginia and local governments to ensure that the plan is formally adopted by the City and recognized by the State.

(c) **IMPLEMENTATION.**—To the extent practicable, the management entity shall—

(1) implement the recommendations contained in the plan in a timely manner pursuant to the schedule identified in the plan—

(2) coordinate its activities with the City, the State, and the Secretary;

(3) ensure the conservation and interpretation of the heritage area's historical, cultural, and natural resources, including—

(A) assisting the City and the State in [a] the preservation of sites, buildings, and objects within the heritage area which are listed or eligible for listing on the National Register of Historic Places;

(B) assisting the City, the State, or a non-profit organization in the restoration of any historic building in the heritage area;

(C) increasing public awareness of and appreciation for the natural, cultural, and historic resources of the heritage area;

(D) assisting the State or City in designing, establishing, and maintaining appropriate interpretive facilities and exhibits in the heritage area;

(E) assisting in the enhancement of public awareness and appreciation for the historical, archaeological, and geologic resources and sites in the heritage area; and

(F) encouraging the City and other local governments to adopt land use policies consistent with the goals of the plan, and to take actions to implement those policies;

(4) encourage intergovernmental cooperation in the achievement of these objectives;

(5) develop recommendations for design standards within the heritage area; and

(6) seek to create public-private partnerships to finance projects and initiatives within the heritage area.

(d) **AUTHORITIES.**—The management entity may, for the purposes of implementing the plan, use Federal funds made available by this Act to—

(1) make [loans or] grants to the State, City, or other appropriate public or private organizations, entities, or persons;

(2) enter into cooperative agreements with, or provide technical assistance to Federal agencies, the State, City or other appropriate public or private organizations, entities, or persons;

(3) hire and compensate such staff as the management entity deems necessary;

(4) obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money;

(5) spend funds on promotion and marketing consistent with the resources and associated values of the heritage area in order to promote increased visitation; and

(6) [to] contract for goods and services.

(e) **ACQUISITION OF REAL PROPERTY.**—(1) Except as provided in paragraph (2), the management entity may not acquire any real property or interest therein within the heritage area, other than the leasing of facilities.

(2)(A) Subject to subparagraph (B), the management entity may acquire real property, or an interest therein, within the heritage area by gift or devise, or by purchase from a willing seller with money which was donated, bequeathed, appropriated, or otherwise made available to the management entity on the condition that such money be used to purchase real property, or interest therein, within the heritage area.

(B) Any real property or interest therein acquired by the management entity pursuant to this paragraph shall be conveyed in perpetuity by the management entity to an appropriate public or private entity, as determined by the management entity. Any such conveyance shall be made as soon as practicable after acquisition, without consideration, and on the condition that the real property or interest therein so conveyed shall be used for public purposes.

(f) **REVISION OF PLAN.**—*Within 18 months after the date of enactment, the management entity shall submit to the Secretary a revised plan. Such revision shall include, but not be limited to—*

(1) a review of the implementation agenda for the heritage area;

(2) projected capital costs; and

(3) plans for partnership initiatives and expansion of community support.

SEC. 6. DUTIES OF THE SECRETARY.

(a) **INTERPRETIVE SUPPORT.**—The Secretary may, upon request of the management entity,

provide appropriate interpretive, planning, educational, staffing, exhibits, and other material or support for the heritage area, consistent with the plan and as appropriate to the resources and associated values of the heritage area.

(b) **TECHNICAL ASSISTANCE.**—The Secretary [shall,] may upon request of the management entity and consistent with the plan, provide technical assistance to the management entity.

(c) **COOPERATIVE AGREEMENTS[, LOANS] AND GRANTS.**—The Secretary may, in consultation with the management entity and consistent with the management plan, make [loans and] grants to, and enter into cooperative agreements with the management entity, the State, City, non-profit organization or any person.

(d) **PLAN AMENDMENTS.**—No amendments to the plan may be made unless approved by the Secretary. The Secretary shall consult with the management entity in reviewing any proposed amendments.

SEC. 7. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal department, agency, or other entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the management entity with respect to such activities.

(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act, and to the extent practicable, coordinate such activities directly with the duties of the Secretary and the management entity.

(3) to the extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the heritage area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated such sums as may be necessary to carry out this Act.]

(a) **IN GENERAL.**—*There is authorized to be appropriated to carry out this Act \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this Act for any fiscal year.*

(b) **MATCHING FUNDS.**—*Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.*

SEC. 9. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after September 30, 2015.

The committee amendments were agreed to.

The bill (S. 2247), as amended, was read the third time and passed.

MURRAY ZWEBEN, PARLIAMENTARIAN EMERITUS

Mr. SPECTER. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 358, submitted by Senator LOTT and Senator DASCHLE.

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

The legislative clerk read as follows:

A resolution (S. Res. 358) relative to the death of Murray Zweben, Parliamentarian Emeritus of the United States Senate.

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

Mr. LOTT. Madam President, I rise today to inform the Senate of a sad loss for our Senate family. Yesterday, Murray Zweben, former Parliamen-

tarian Emeritus, passed away at Suburban Hospital from a bout with pneumonia.

Murray served the Senate for 24 years over the span of four decades. He began this long and distinguished Senate career during the late 1950's serving as Secretary to the Parliamentarian while attending law school. After clerking for a Federal judge, he returned to the Senate in 1963 to fill the vacated position of Second Assistant Parliamentarian. Murray was promoted to the position of Assistant Parliamentarian in 1964, where he served under the legendary Dr. Floyd Ridick for 10 years. In 1975, Murray ascended to the rank of Senate Parliamentarian, a position that he held until 1981. Two years later, he was honored with the prestigious title Parliamentarian Emeritus. Although I never had the honor of working with Murray, I am well aware of his enormous contributions to this body.

A native of New Jersey, Murray graduated from Clarkson College of Technology, and later received his masters degree in education from the State University of New York in Albany. After serving his country for 4 years in the Navy, Murray moved to the Washington, DC, area in 1956. In 1959, he graduated from George Washington University law school, where he served on the law review. After his tenure in the Senate, Murray opened a successful private law practice here in DC.

Murray is survived by his wife Anne; his five children Suzanne, Lisa, Marc, John, and Harry; and five grandchildren. I along with the rest of my colleagues send our deepest condolences to the Zweben family over their loss.

Mr. SPECTER. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 358) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 358

Whereas Murray Zweben served the Senate with honor and distinction as its third Parliamentarian from 1974 to 1981;

Whereas Murray Zweben was Assistant Senate Parliamentarian from 1963 to 1974;

Whereas Murray Zweben served the Senate for more than 20 years;

Whereas Murray Zweben performed his Senate duties in an impartial and professional manner;

Whereas Murray Zweben was honored by the Senate with the title Parliamentarian Emeritus;

Whereas Murray Zweben served his country as an officer in the United States Navy from 1953 to 1956; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Murray Zweben, Parliamentarian Emeritus of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House

of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Murray Zweben.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 106-81, appoints the following individuals to serve as members of the National Commission to Ensure Consumer Information and Choice in the Airline Industry: Ann B. Mitchell, of Mississippi, and Joyce Rogge, of New York.

PROGRAM

Mr. SPECTER. Madam President, on behalf of the leader, I announce, for the information of all Senators, the Senate will reconvene tomorrow at 9:30 a.m. At that time, the Senate will resume consideration of the China permanent normal trade relations bill, with 90 minutes of debate under the control of each leader.

The Senate will recess under the order from 12:30 to 2:15 for the weekly policy luncheons to meet. By a previous consent, at 2:15 the Senate will proceed to the vote on passage of the China permanent normal trade relations bill, to be immediately followed by a vote on invoking cloture on the motion to proceed to the H-1B legislation. Therefore, there will be two stacked votes at 2:15 tomorrow.

It is hoped that during Tuesday's session the Senate can begin consideration of the H-1B legislation, the Water Resources Development Act, any appropriations conference report, or any other legislative or executive matter that can be cleared for action.

ORDER FOR ADJOURNMENT

Mr. SPECTER. Madam President, if there is no further business to come before the Senate—and I note there are no other Senators on the floor—I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 358, following the remarks of Senator ROBB.

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

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

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

The Senator from Virginia.

PNTR WITH CHINA

Mr. ROBB. Madam President, the suspense regarding this particular vote

is long over, but the date on the effect and implications of PNTR in China is really just beginning.

My rationale for supporting PNTR differs in some respects from my colleagues, who have mostly emphasized the positive impact on our economy and exports, and it relates to our ability to change the face of China—not just economically, but in terms of improving human rights, labor standards, and environmental protections, and in ensuring the rule of law.

My genuine, and I think realistic, hope is that WTO accession becomes a means for improving the most repressive aspects of Chinese society, eventually permitting our two nations to embrace, in a sincere way, the same cause of global security and peace.

It will take a concentrated effort by the next President, however, to institute a policy that uses WTO as a cudgel to aid those who have been repressed, incarcerated, and persecuted in China.

I would submit that we need to keep the faith with those brave Chinese who have risked their lives in the name of freedom—at Tiananmen and elsewhere—as China adapts its economy to the rules required of every WTO member.

Like the President, I believe the choice between economic rights and human rights, between economic security and national security, is a false choice.

But I do not believe that the emphasis of American foreign policy should be on engaging and partnering with any Chinese leaders whose sole aim is to maintain and promote the power of a bankrupt Communist party.

Looking back on the last 30 years, I think it would be fair to say that the current administration has dedicated an extraordinary amount of effort and attention toward building a lasting cooperative relationship with China.

That is not inconsistent with the policies of Presidents Nixon, Ford, Carter, Reagan, and Bush, who appreciated the significance of integrating all aspects of Chinese society into the world community.

In this regard I believe that achieving WTO accession is likely to be considered one of the President's single most important achievements during his time in office.

The groundwork was laid during previous administrations, but this President demonstrated the instinct and diplomatic skill and judgment to close the deal.

He understood the urgency and necessity of bringing the world's third largest economy into compliance with trading rules that nearly all other nations enforce and respect.

It is a considerable achievement.

The opportunity for foreign equity ownership in China will rise dramatically.

Many states subsidies will end.

China will have to meet international trade norms.

If they break the rules, a WTO panel can intervene with punitive measures.

Meanwhile, the United States is not required to change a single tariff, lower a particular subsidy, or alter any of our own invisible barriers to trade.

This is a win-win prospect for American businesses.

China's leader, Jiang Zemin, while visiting the U.N. a few days ago, had some interesting things to say about the future of his country, and it relates in part to WTO accession.

His calculation, clearly, is that one party rule in China can thrive side by side with the economic freedom required by China's membership in the WTO.

He believes the two are mutually exclusive.

Madam President, that seems paradoxical to me.

I don't believe it is tenable to argue that, over the long term, economic capitalism and political communism can coexist, let alone prosper, in the same sovereign country.

And it is my fervent hope that in China the former weakens and dissolves the latter.

WTO accession for China gets us started in that direction.

The legendary Deng Xiao Ping was fond of saying that you should "cross the river by feeling the stones." I think his successors approach WTO with some trepidation, not knowing exactly where those stones are.

I would assert that we have a key role to play as WTO rules and regulations penetrate Chinese society, specifically in assisting and supporting and working with newly economically empowered Chinese businessmen, entrepreneurs, farmers, and ordinary citizens.

With their profits and financial gain they will be in a position to create the right circumstances for political reform and change inside China.

We have a responsibility to do our part in pressuring the regime from outside.

Our actions and rhetoric matter on everything from human rights to Tibet to the rule of law.

The consequences of failing to ratify PNTR have to be considered as well, and in this case that is why I pledged ahead of time to oppose any and all amendments, even though some clearly had merit. As a practical matter, at this late date in the 106th Congress if the Senate failed to pass a clean version of PNTR it would risk, at least procedurally, getting a measure passed into law by the end of the congressional session.

Moreover, I have no doubt that China would misunderstand the reasons for our inability to pass PNTR, and that would, almost inevitably, ratchet up tensions between us even further, and it would create serious national security problems for us and our Asian allies at a minimum. In a larger sense, WTO is about changing the face of China.

The economic change will come first, to be sure, but it will lead inexorably

to changes in these other areas—and in my judgment, it will lead to positive changes, from our point of view, sooner than if we were to reject PNTR.

And to re-emphasize the consequences of failure to ratify, it will also avoid the certain deterioration in our relationship with China that would take place if we rejected PNTR, which, again, would have serious and long lasting consequences in our national security relationships among all of the Pacific nations.

It has been my position that we ought to seek to maintain and promote, on a cooperative basis, our relations with China which represent a slight nuance of difference from admin-

istration policy designed to engage China strategically as a partner.

We share common ground with Beijing on a broad range of subjects, and it makes absolute sense to work together to solve problems on the Korean Peninsula and the like.

But that should not prevent us from recognizing that our values and principles are so starkly different.

Implying somehow that we're partners, or wishing that it were so, does not speak truth to power.

WTO represents an opportunity for the world community to join with a newly empowered economic class in China, and it ought to be treated as a means for strengthening their hand.

The focal point for U.S. policymakers should be to promote, sustain, and en-

force broad economic freedoms within China.

Only then can we make a difference with our overall national security policies, not just through implementation of the WTO that will eventually lead to the political freedom and liberty that the Chinese people deserve.

With that, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under to the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 4:16 p.m., adjourned until Tuesday, September 19, 2000, at 9:30 a.m.